

September 22, 2020.

From:

Tim Slade, [REDACTED]

To:

Secretary of the LegCo Select Committee

TWT LegCo

Parliament House

Hobart

7000

Dear LegCo Members of the TasWater parliamentary inquiry committee, **Tania Rattray, Ivan Dean, Sarah Lovell and Jo Palmer.**

I wish to appear in person before the committee, please, in relation Pioneer's drinking water.

My forthcoming book is *TasWater: Looking Through a Lens of Lead (Pb)*. Please find my book on full with this submission today. These articles are also publically available at the following link: www.tasmaniantimes.com/guest-author/tim-slade

As a resident of Pioneer since 2009, I have worked 2013-2020 voluntarily as an advocate and a freelance writer to cover this story at Pioneer. Pioneer's story is ongoing.

In 2020 my information to The Examiner journalist, Francis Vinall, after the discovery of twelve heavy-metal contaminated water supplies at Pioneer in 2019, led to her 1st prize at the Tasmanian State Media Awards in 2020. This TasCoss-sponsored award underlined Pioneer's plight against TasWater's cover-up and negligence spanning nearly a decade.

As such, I am intimately aware of the key documents 2012-2020, which are unique to my submission, unavailable to you via other sources, and essential for your consideration during this inquiry.

Letters, parliamentary Hansard, public statements, etc. all of which are discussed at length in my published articles and my forthcoming book.

The key documents include letters from all of the key stakeholders, overseers and players, to me, Mr Slade, or between one another, including:

DHHS' Dr Veitch;

Premier Hodgman;
CEO Brewster;
Chairman Gumley;
the responsible Minister for drinking water, Mr Gutwein;
Presidents of the ORG, Mr Downie, Mr Chipman;
Mr Ferguson;
Ms Hickey;
Ms Mercer and others.

I present these in reverse chronological order, beginning in 2020 and ending in 2012, a total of 45 documents.

The most telling document of all is Dr Veitch's letter to overrule CEO Brewster on 3 (three) counts, December 7, 2018 (included with this submission as DOCUMENT No. 20). It took CEO Brewster a further 5 (five) months to write to Pioneer's residents to invite us to participate in the first-ever whole-town testing program. This testing did not begin until late 2019, nearly an entire year after Dr Veitch's letter of overrule to CEO Brewster. Dr Veitch did not suggest sanctions, nor did any other group – not the ORG owners, nor the State, nor the ER, nor Dorset Council.

The key documents of my submission to you today relate to TasWater's gross and wilful negligence over years, and to TasWater's unwillingness to act openly and transparently, to this day, with regard to Pioneer's drinking water, 2012 – 2020, ongoing.

The following is my submission to the LegCo's parliamentary inquiry into TasWater, 2020...

Key Documents by Title and Date

(these are the most critical documents, and I could have included many others):

2020

- 1) *All Roads Lead to Lead: The Fight For Clean Water In A Tasmanian Town*, May, 2020, Chain Reaction. **A neat summary in one page of the current state of play.**

2019

- 2) Mr Johnson to CEO Brewster, 19 December, 2019.
- 3) TasWater to Mr Slade, Compensation for Defective Repair, 2 December, 2019 – 8 Moore St, Pioneer. For my own property, TasWater assessed in 2019 their works as ‘defective works’, and provided a quote to me for repairs. However, I have waited to receive a reply from Chairman Gumley to my major submission of November 29, 2019, before I proceed with the repairs to TasWater’s defective works. I have waited ten months, with no reply whatsoever from Chairman Gumley or CEO Brewster. As such, my defective works have not been repaired to this day, some five years after my rainwater tank was installed (it took TasWater three years to install my rainwater tank in the first place).
- 4) **Tim Slade to Chairman Gumley, et. al. 29 November, 2019 – NO REPLY – Major detailed submission, 23-pages. This was a submission on behalf of Pioneer, covering a vast range of issues in detail, and with supporting documentation .** The most recent comprehensive document, my major submission of 23-pages to Chairman Gumley and CEO Brewster, November 29, 2019, has **NOT** been replied to [with the exception if item 3, brass taps and lead (Pb), through separate correspondence], notwithstanding numerous reminders and requests by me in writing in the months directly following my submission. This submission on November 29, 2019 was sent to the Premier, but with no reply. It was also sent CC to Dr Veitch, DHHS, and to Mr Doug Chipman, ORG, but with no reply. A telephone call nearly 3 weeks ago, September 4, 2020, to TasWater’s senior program manager for Pioneer, raising once again this shortfall of Mr Gumley’s failure to replay, has borne no written or verbal reply either, not from any person at TasWater, as of today’s posted submission to the LegCo, September 22, 2020.
- 5) Francis Vinall, Winner of 2020 State Media Awards, 17 November, 2019, *The Examiner* – *Residents are still at risk*, and 19 November, 2019 – *Pioneer Resident Slams DHHS*.

- 6) Hansard, 14 November, 2019 – Pioneer – Ms O’Byrne and Premier Hodgman.
- 7) Chairman Gumley to Tim Slade, 4 November, 2019.
- 8) Tim Slade to CEO Brewster, Dr Veitch and Premier Hodgman, 8 October, 2019.
- 9) Dr Veitch to Tim Slade, 25 September, 2019.
- 10) Tim Slade to Dr Veitch, 5 September, 2019.
- 11) Ms Hickey, Speaker of the House of Assembly, to Tim Slade, 1 July, 2019.
- 12) Slade to Ms Hickey, Speaker of the House of Assembly, 24 June, 2019.
- 13) Tim Slade, North-Eastern Advertiser, letter to the editor, 5 June, 2019.
- 14) Mr Ferguson to Ms Rattray, 23 May, 2019.
- 15) Mr Slade To Mayor of Hobart, Ms Reynolds, 23 May.
- 16) Ms Rattray to Dr Veitch, 24 April, 2019.
- 17) Dr Veitch to CEO Brewster, 2 April, 2019.
- 18) CEO Brewster to Mr Johnson, 4 March 2019, confirming historic 2014 lead-paint results, previously not disclosed by TasWater, at five times the legal limit, 0.503%, where the limit is 0.1%. CEO Brewster in this case suggests: ‘We misinterpreted this data when the results were first advised to you’.
- 19) Mr Brewster to Mr Hart, 1 March, 2019.

2018

- 20) **Dr Veitch to CEO Brewster, 7 December, 2018 – Dr Veitch overrules CEO Brewster on 3 counts.**
- 21) Photos of lead-painted roofs at Pioneer.

- 22) CEO Brewster to Mr Johnson, 17 December, 2018, refusing assistance or to replace lead-painted roof, notwithstanding Dr Veitch's letter of overruling to CEO Brewster only ten days before, on 7 December, 2019.
- 23) CEO Brewster LegCo GBE Committee, 4 December, 2018 – Tim Slade's corrections of misrepresentations by CEO Brewster.
- 24) LegCo GBE Hansard, 4 December, 2018 – Pioneer.
- 25) Letter to Mr Hanks from TasWater, 17 September, 2018, confirming historic 2014 lead-paint results, previously not disclosed by TasWater, at seven times the legal limit, 0.67%, where the limit is 0.1%.
- 26) Chairman of ORG, Mr Downie – Mr Slade, 21 September and 3 October, 2018.
- 27) Premier Hodgman to Tim Slade, 10 September 2018.
- 28) Tim Slade to Premier Hodgman, 24 August, 2018.
- 29) Tim Slade to Governor Kate Warner, 20 August, 2018.
- 30) GM Watson, Dorset Council, 20 August, 22 August, 21 September, 3 October, 2018 – Mr Slade.
- 31) Tim Slade to CEO Brewster and the Board of TasWater, 14 August, 2018.
- 32) Mr Hanks, Mr Johnson, Ms Perry and Mr Weynberg to Ombudsman, 23 July, 2018.
- 33) Slade to Mr Gutwein, 2018 – 18 July, 14 August, 31 August, 6 September. **No reply.**
- 34) Tim Slade to CEO Brewster and the Board of TasWater, 17 July, 2018.
- 35) Mr Hanks' water tank results, 2018. Small tank lead (pb) at 280 (two-hundred and eighty) times the health guideline value, plus elevated cadmium, arsenic and manganese, above health guidelines values. Main tank was 1.5 times greater in lead (pb) than the health guideline value. This main tank was refilled shortly before testing, so this value is not valid, and will have been much higher if the refill had not occurred. TasWater were advised of this refill, but did not record it on the formal results letter to Mr Hanks. Repeated advice to the CEO failed to illicit a response. In fact, in the first round of

testing in 2018 by Pitt and Sherry, no resident was asked the fundamental question in relation to their tanks: Has your tank been refilled with fresh water recently?

36) Mr Chipman to Tim Slade, 28 May, 2018.

37) Dr Veitch to CEO Brewster, 16 January, 2018 – Online drinking water quality data.

2017

38) Chairman Hampton, Statutory Declaration, 15 March, 2017.

2015

39) Hansard, House of Assembly, Estimates Committee, 9 June, 2015 – Pioneer.

40) Tim Slade's reply to Minister Ferguson and Mayor Jarvis, 25 March, 2015, North-Eastern Advertiser, letter to the editor.

41) Macquarie University's study at Pioneer. *Identification of the sources of metal (lead) contamination in drinking waters in north-eastern Tasmania using lead isotopic compositions*. Professor Taylor, Mr Harvey and Mr Handley. 9 March 2015. Published in Environmental Science Pollution Research.

42) Pioneer Water 'Worst in the Nation', 29 April, 2015, The North-Eastern Advertiser.

2013

43) Hansard, LegCo, 26 June, 2013 – Pioneer – Ms Rattray.

44) Contracts for Pioneer's 2013 Service Replacement Scheme:

- a) Service Reply Contract
- b) Irrigation Supply Contract

2012

45) Graph of lead (pb) results in Pioneer's reticulated supply, Ben Lomond Water, 8 November, 2012.

Thank you for your sincere review of the aforementioned documents relating to Pioneer's drinking water, 2012 – 2020, ongoing...

Yours sincerely,

A handwritten signature in black ink, appearing to read "Tim Slade". The signature is written in a cursive, flowing style with a period at the end.

Tim Slade (B.Ed.)

All roads lead to lead: the fight for clean water in a Tasmanian town

Leg 1^{CO}

Tim Slade

TasWater has announced a new plan to pipe treated water to the Tasmanian town of Pioneer within three years. This comes after seven long years where residents have lived with the risk of lead-contaminated drinking water, first from the reticulated supply, and then from lead-painted roofs servicing rainwater tanks installed by TasWater.

The news came during the State parliament's Government Business Enterprise (GBE) committee on 4 December 2019. There was no discussion during this meeting of the facts outlined in a letter from the Tasmanian Director of Public Health, Dr Veitch, to TasWater's CEO Brewster, on 7 December 2018, one year earlier. In this letter Dr Veitch cited the following: TasWater's failure to acknowledge 'foreseeable risk' in relation to lead-painted roofs; TasWater's failure to apply Environmental Health Guidelines; and TasWater's breach of agreement with the residents of Pioneer.

It took TasWater five years to complete the installation of rainwater tanks for thirty-five properties. We now know that in addition to a slow and unreasonable timeline, the work was performed negligently. TasWater were aware from their own tests in 2014 that at least three roofs were lead-painted. Only a handful of roofs were tested at this time.

It was not until late 2019 that TasWater tested every roof at Pioneer for lead paint, following intervention from the Department of Health and Human Services (DHHS) in December 2018.

Inexplicably, CEO Brewster waited five months, following the letter of overrule by Tasmania's Director of Public Health, Dr Veitch, before he wrote to the residents of Pioneer, to invite them to participate in the first-ever complete testing program. Sixteen months on from Dr Veitch's letter of overrule to CEO Brewster, not a single roof has been replaced at Pioneer.

Approximately one-third of the TasWater-installed rainwater tanks, the twelve newly discovered to be contaminated with heavy metals, have in recent months been disconnected from roofs, cleaned and refilled with fresh treated water.

CEO Brewster said during the GBE on December 4 that the new plan for Pioneer will cost approximately \$3.5 million. This is a similar cost to the mini-treatment plants built recently in the neighbouring towns of Gladstone and Herrick.

Prior to the December 4 meeting, all members, including parliamentarians, received a detailed, written briefing from me, consisting of my twenty-three-page letter of reply to Chairman Gumley. Not one member of the government asked a question about Pioneer. The announcement of the proposed mini-treatment plant was made only after sustained questioning by non-government member.

At this annual meeting held on December 4, Mr Doug Chipman - president of the Owners' Representatives Group, representing the twenty-nine council-owners - made no comment whatsoever about Pioneer, nor did he protest the early termination of the meeting.

Mr Peter Gutwein, the state government minister with responsibilities for drinking water, and now Premier of Tasmania, failed to attend the GBE meeting. The new plan announced by TasWater for a mini-treatment plant is in contrast to the previous offer to twelve residents in the months preceding the GBE meeting. This offer was for roof replacements, on the condition that structural repairs be paid by the customer. This unworkable solution, whereby some residents were required by TasWater to pay for structural repairs, is contrary to the 2013 agreement with Pioneer.

It would be surprising if anywhere else in Tasmania, an existing customer is required to contribute thousands of dollars in order to continue to participate as a TasWater customer. Yet this was the plan of TasWater's CEO Brewster, and his Board, until now, after seven years of crisis.

Over years the residents of Pioneer have asked the local council of Dorset to assist, but at all times Mayor Howard has refused to write to the ORG; nor would he agree to conduct a community survey in relation to the question of a mini-treatment plant. At the last, Mayor Howard agreed to a community survey, in October, 2019.

There have been no sanctions whatsoever, neither suggested nor directed, to any person at TasWater, DHHS, the twenty-nine owner-councils, the Economic Regulator, nor to the Tasmanian state government. This is notwithstanding Pioneer's seven years at risk of heavy-metal contamination, first from the reticulated supply, and then from lead-painted roofs servicing rainwater tanks installed by TasWater.

This story has been documented by me in my 23 published articles for *Tasmanian Times* (online) since 2013.

TasWater's announcement of its plan to pipe treated water to Pioneer was welcomed by the weary community of approximately seventy residents. However there are some residents who will have mixed feelings, those who were on the brink of having their 2014 contracts with TasWater activated for a roof replacement.

Following TasWater's new announcement in December 2019, the seven-year, four-month-long question continues to be: *When will TasWater deliver safe drinking water to their customers at Pioneer?*

Tim Slade lives in the north-eastern town of Pioneer.

Articles: <https://tasmaniantimes.com/guest-author/tim-slade/>

Facebook: www.facebook.com/tim.slade.50

A longer version of this article is posted at

<https://tasmaniantimes.com/2019/12/all-roads-lead-pb-to-rome/>



Tim Slade <cricketgalah@gmail.com>

Mr Johnston of Pioneer...

1 message

Tim Slade <cricketgalah@gmail.com>

19 December 2019 at 11:38

To: Juliet Mercer <juliet.mercer@taswater.com.au>, Michael Brewster <michael.brewster@taswater.com.au>, "Public Health (Health)" <public.health@health.tas.gov.au>, "The Premier (DPaC)" <premier@dpac.tas.gov.au>, Nicole Sommer <nicole.sommer@edotas.org.au>, paul.j.hunt@health.tas.gov.au, alison bleaney <alibleaney@hotmail.com>
Cc: April McLennan <mclennan.april@abc.net.au>, Frances Vinall <frances.vinall@examiner.com.au>

To TasWater,

Mr Johnston, who has been carting water by hand for seven years from the Fire Station, and who only in recent months has received his first bottled water deliveries, requires a rainwater tank to be installed at his property immediately so that he can receive treated water deliveries like every other heavy-metal-contaminated property at Pioneer. This will need to be plumbed into his house. If a treatment plant is potentially three years away, Mr Johnston requires a rainwater tank to be installed immediately so that he may be treated equally to others at Pioneer in relation to safe drinking water. The levels of stress and concern for Mr Johnston at present are high, and he has indicated to me that if TasWater are not forthcoming with this installation of a rainwater tank within thirty days, he will be proceeding to legal action via our barrister Ms Sommer.

This is non-negotiable.

Sincerely,

Tim Slade.

Tim Slade (B.Ed.)

Telephone: (03) 6354 2200

E-mail: cricketgalah@gmail.com

Postal address: 8 Moore Street, Pioneer, TAS, Australia, 7264.

Published poems: <https://www.austlit.edu.au/austlit/page/A138946?mainTabTemplate=agentAwards>Published articles: <https://tasmaniantimes.com/guest-author/tim-slade/>Facebook: <https://www.facebook.com/tim.slade.50>



TW HPE ref: 19/138783

2 December 2019

Mr Tim Slade
8 Moore Street
Pioneer, TAS 7264

Dear Mr Slade,

Defects arising from the Pioneer Service Replacement Program

We are writing to offer you financial assistance to repair defective works undertaken at your property at 8 Moore Street, Pioneer during the Pioneer Service Replacement Program that concluded in 2017 (**Defective Works**).

We engaged contractors to estimate the cost and scope of work required to rectify the Defective Works (**Rectification Work**). Quotes for the Rectification Work is provided as attachments to this letter.

Offer of financial assistance

We offer a lump sum amount of \$4,145.59, on an ex gratia basis, to cover the cost of engaging a contractor to undertake the Rectification Work. The funds will be paid within five business days of TasWater's receipt of your signed copy of this letter. Funds will be paid by EFT to your nominated bank account, details of which must be provided to TasWater in writing below.

Your acknowledgements

By signing this letter below, you acknowledge and agree:

- That you are the owner of 8 Moore Street, Pioneer, Tasmania 7264
- To complete the Rectification Work outlined in the quote attached to this letter
- To use a suitably qualified, licensed and competent contractor to carry out and complete the Rectification Work
- To provide evidence to our Community Engagement Officer, Doug Fingland, of the Rectification Work being completed (photographic and/or other documentation)
- That TasWater does not provide any warranty or guarantee or accept any liability in respect of the Rectification Work or the workmanship of the contractor engaged by you
- The funds are the full and final amount that you may receive from TasWater in respect of the Defective Works and the Rectification Work and any cost directly arising from such works.

For the avoidance of doubt however, your acknowledgements as set out above do not affect any existing or future claims you or any other person may have against TasWater for personal injuries.

Tasmanian Water & Sewerage Corporation Pty Ltd
GPO Box 1393 Hobart Tas 7001
Email: enquiries@taswater.com.au
Tel: 13 6992

ABN: 47 162 220 653



Tim Slade <cricketgalah@gmail.com>

URGENT: In reply to Chairman Gumley, November 4, 2019, Tim Slade's letter of November 29, 2019.

Tim Slade <cricketgalah@gmail.com>

29 November 2019 at 13:39

To: "The Premier (DPaC)" <premier@dpac.tas.gov.au>, Michael Brewster <michael.brewster@taswater.com.au>, "Public Health (Health)" <public.health@health.tas.gov.au>, Nicole Sommer <nicole.sommer@edotas.org.au>, paul.j.hunt@health.tas.gov.au, Michelle Obyrne <Michelle.obyrne@parliament.tas.gov.au>, "Tania. Rattray" <tania.rattray@parliament.tas.gov.au>, Juliet Mercer <juliet.mercer@taswater.com.au>, Cassy O'Connor <cassy.o'connor@parliament.tas.gov.au>, Doug Chipman <doug.chipman@bigpond.com>
 Bcc: alison bleaney <alibleaney@hotmail.com>, Paul Harvey <paul.harvey@environmentalsciencesolutions.com>

* As of September 27, 2020, Chairman Gumley has NOT replied to this major submission by me on behalf of Pioneer, notwithstanding numerous written reminders by me.
 Friday, November 29, 2019.

Tim Slade
 8 Moore St, Pioneer, TAS, 7264
 03 6354 2200

Urgent to:

Chairman Gumley, TasWater

Also for the urgent attention of:

Mr Hodgman, Premier of Tasmania,
 Mr Gumley, Chairman of TasWater
 Mr Brewster, CEO of TasWater
 Dr Veitch, Tasmanian Director of Public Health
 Nicole Sommer, Environmental Defenders Office
 Mr Chipman, President of Owners' Representatives Group (ORG)
 Mr Hunt, DHHS
 Mr Dalgleish, DHHS
 Tania Rattray MLC, McIntyre
 Michelle O'Byrne, Tasmanian Labor, Bass
 Cassy O'Connor, Leader of the Tasmanian Greens
 Ms Mercer, TasWater

To Chairman Gumley, et. al.,

With the GBE upcoming on Wednesday next week, December 4, 2019, I provide the following critical responses to your letter and table of answers to me, November 4, 2019, which was in reply to my letter to you and others on October 8, 2019.

Chairman Gumley: If you wish to pursue your allegations regarding Mr Brewster's integrity, you should direct your views to the Integrity Commission. However it is The Board's view that those allegations are entirely unfounded.

Thank you, if I direct my information to the Integrity Commission, this will in addition, necessarily, be with regard to The Board. I hope that the additional information I provide to you today will meet with a revised view from The Board in relation to all matters.

Chairman Gumley: It is of course a matter for any Board to determine whether and how it engages directly with an individual customer or stakeholder.

Repeated verbal and written requests by me to TasWater to make a representation to The Board were denied, notwithstanding the seriousness of problems at Pioneer to this day, and for the past seven years, since 2012.

Chairman Gumley: The TasWater Board is of the view that it has been, and continues to be, fully and accurately briefed regarding water quality issues in Pioneer. This includes updates on correspondence with key stakeholders and property owners such as yourself.

It is my view that my response to you today in this letter, and in my letter of October 8, 2019, will prove otherwise, and that The Board's engagement has been grossly unsatisfactory.

Chairman Gumley: 'It is not appropriate for TasWater to be involved in blood testing. If people raise concerns about their health with us, we advise them to see their doctor.'

In this case, where TW did not actively advise people of the twelve properties affected by heavy metal contamination, whose responsibility was it to do so? Could you have the good grace to tell us? Should it have been DHHS? Why did this not occur? For what reasons were residents not actively given this advice? Why have you not asked this question of DHHS? DHHS' Dr Veitch has not acknowledged this question in my letters to all of you.

Chairman Gumley: 'Pitt and Sherry sought information from residents about the likelihood of carted water in their tanks in various ways during the initial visit (albeit not always by directly asking 'When was your last tanker refill?')

I repeat, if residents were not actively asked this question, or a question very similar to it, please tell me directly of 'the various ways', as you say, that you determined if carted water had recently been delivered to the tanks. Your wording to my question here is simply sophistry. Please explain... Any later knowledge coming to you was as a result of my persistent representations to P & S and to TW. The fact is the methodology was a failure.

Chairman Gumley: 'Information ancillary to the water quality and paint tests results is only included in P & S.... [text missing] case of most properties, water refill from a tanker is not relevant, however it was entirely appropriate that the information was added to the reports for the two properties referred to above to ensure that the relevant context was provided.'

My view is that it was critical to first ask the question, so that when results when water results were forthcoming, the resident could then be actively referred to a doctor within the crucial early window of time whereby blood tests will accurately show body lead. Because TW did not actively ask about recent refills until many, many weeks later, due to my involvement, then people's results were not accurately read by TW, and the correct advice was not given to them.

Chairman Gumley: It is important to note that the key evidence used to determine the scope of remediation is not the water test but the roof inspection. In this regard the issue of whether or when a refill occurred is irrelevant to whether a roof needs replacing

This answer by you Dr Gumley really underlines your incorrect priorities. You do not mention the status of the health safety of the resident, or any goal to determine this status of health of the resident. You talk only about roof replacement. What did you do to determine the status of the person's health? You did not actively recommend blood tests at the presentation of results to the residents. Furthermore, you did not ask about refills at the time of testing. If DHHS are 'aware' of this methodology, as you state that they are, then in our view DHHS are also completely of the wrong view and practice in partnership with TW.

Chairman Gumley: 'Based on the information provided to P & S during their visit, they considered it reasonable to assume that a tanker refill had not occurred recently at 58 Main Rd. '

Again – sophistry. If TW did not actively ask Mr Hanks and other residents about recent refill, please unpack in detail what you mean by 'based on the information provided to P & S during their visit they considered it reasonable to assume that a tanker refill had not occurred...' How could TW have reasonably expected to ascertain this key information without asking for it actively and directly? And as history shows, TW's were incorrect in their view, as you state, 'they considered it reasonable to assume'. TW's assumption was incorrect.

Chairman Gumley: Subsequent discussion revealed that a tanker refill had taken place [at 58 Main Rd] approximately three months prior to P & S's water quality tests. This was confirmed by water carter records. The P & S report was subsequently updated to include the refill information. Nonetheless, the refill information did not affect the outcome of the report.

It was my repeated advocacy that caused TW to follow-up on this. How can TW know if this affected the report or not? 280x lead in the small tank, versus 1.5x lead in the large tank. How does TW explain this astronomical contrast in lead levels between the two tanks, if it is not directly because of the tanker refill?

Chairman Gumley: Tests completed in 2018 were not negotiated with the Ombudsman. These tests were undertaken solely as a result of a decision by TasWater.

TW repeatedly ignored representations for Mr Hanks until I helped Mr Hanks through the Ombudsman, for example my letter to CEO Brewster, Chairman Hampton and Premier on July 17, 2018, wherein I included photos of at least five lead-painted, ancient roofs, all of which have now been proven to be contaminated properties. TW then delayed further until such time as our communications via the Ombudsman led to discussions on Mr Hanks behalf with TasWater. So the 2018 tests would not have occurred at all if it were not for the necessarily difficult representations to the Ombudsman with the goal of getting TW to reengage. Thus it is once again sophistry and hair-splitting, contrary to the spirit of the issue being discussed, to say that these tests 'were not negotiated with the Ombudsman'.

Chairman Gumley: Further, the advice about Mr Hanks' tanker refill [in 2018] was not ignored. Tests were [text missing] levels of metals and we have assisted Mr Hanks in refilling his tank and disconnecting the roof.

You are conflating testing in 2018 with testing in 2019. Our written and verbal advice to CEO Brewster about the 2018 was indeed ignored. The dates of our representations to you are as follows:

1) On August 30, 2018, the day of the ombudsman-negotiated test at Mr Hanks house, both I and Mr Hanks advised the representative (a lady in her first week on the job) and also the laboratory person. We advised them that the tank had only recently been refilled, and that it would not be a valid sample. We also asked why they were not doing a paint test, but both the lab person and the TasWater representative said they knew nothing of that, and anyway they did not have any equipment to do a paint test. We asked for the small tank to be tested also, but in the first instance this was refused. We required that a phone call be made back to TasWater for permission to test this small tank. We persisted, and the TasWater representative eventually rang back, where she spoke to Sophie Rowlands. On the basis that the large tank would not provide a valid sample, this permission was granted by Sophie Rowlands to the Taswater representative at Mr Hanks home. So, on this day, August 30, 2018, three separate people were made aware that the large rainwater tanks had only recently been filled, and the sample would not be valid – Sophie Rowlands, the visiting representative from TasWater, and the visiting laboratory worker.

2) On August 31, the next day after the tests at Mr Hanks's home, I sent a signed letter, via e-mail, from Mr Hanks to the Ombudsman, to notify in writing of the invalidity of the water tests because of a recent refill with fresh water. We also raised concerns in writing that the sampling method used for the small tank, scooping water from the top of the tank only, was potentially an incorrect method. At this time the Ombudsman was in close communication with CEO Brewster directly over Mr Hanks, as well as Mr Johnston and Ms Perry.

3) On September 17, 2018, TasWater's Sophie Rowlands sent a letter to Mr Hanks, stating: '...a report for tests taken in 2014 for lead in the paint on your roof at 58 Main Rd as requested in your correspondence dated 31 August, 2018. These tests were taken prior to TasWater installing the tank at your property in 2016'.

Ms Rowlands continues: 'The report shows that there is 6650mg/kg of lead in the paint. This, as a percentage of weight, is 0.67%. The current recommended amount in domestic paint is 0.1%, so the sample is almost seven times the limit set out in 1997'.

Ms Rowlands continues: 'Also attached are the test results of water samples taken from the two rainwater tanks at your property on 30 August, 2018... The results all measured below the current Australian Drinking Water Guidelines... and therefore do not represent any risk to health and do not warrant further immediate action by TasWater. With permission we would like to re-visit your property in six months to take further samples from your water tanks for lead testing as a precautionary measure.'

The fundamental point is that in this letter from Ms Rowlands to Mr Hanks, there is no mention whatsoever of Mr Hanks' and my advice to TasWater and to the laboratory worker that a recent refill to the tank has occurred prior to the test, and the sample will be thus invalid. Ms Murpy also fails to mention our concern about the sampling method in the small tank, scooping from the top. When this tank was tested in 2019, it was 280x the limit in lead, and over the limit in arsenic, cadmium and manganese.

4) We wrote again by e-mail to CEO Brewster on October 22, 2018 to restate our concerns for Mr Hanks property and the invalidity of the tests by TasWater negotiated through the Ombudsman's office.

5) We wrote again to CEO Brewster on November 5, 2018 to restate our concerns for Mr Hanks property and the invalidity of the tests by TasWater negotiated through the Ombudsman's office.

6) We wrote again to TasWater on December 9/10, 2018.

7) We wrote to TasWater again on February 13, 2019.

At no time in 2018 did you disconnect his roof from the tank, as you state in your answer here.

You are incorrect, or are being misleading. It was not until the P & S tests in 2019 that Mr Hanks' roof was disconnected. This was approximately one entire year following the 2018 Ombudsman-negotiated tests, where we advised you verbally and in writing that the sample was not valid due to a refill.

Please explain why you have conflated these two tests and actions from two entirely different years? Please explain why Mr Hanks' repeated written and verbal advise to TasWater was ignored? Please explain why you write to me without properly investigating this history, as I advised you?

Chairman Gumley: TW acknowledges that paint tests completed in 2014 at 58 Main Rd were misinterpreted at the time. Upon discovery of this error in 2018, we notified the property owner.

Should we believe that TW misinterpreted these paint test results? And in addition to this, should we believe that TW also misinterpreted paint test results for Mr Weynberg? In addition to this should we also believe that TW also misinterpreted results for Mr Johnston? And who else did TW misinterpret results for, given that the majority of homes did not receive tests for paint in those early years. I put it to you that is totally unbelievable for TW to in 2019 say that they 'misinterpreted'.

When you notified the property owner, Mr Hanks, as you say, why did you not then immediately replace / repair his roof?

TW's policy for years, until the letter of December 7, 2018 by Dr Veitch, was to ignore leaded roofs at Pioneer, and to not replace them.

Chairman Gumley: The Board is fully briefed on water issues in Pioneer including the paint test results which were inadvertently misinterpreted by one of our staff.

Were you briefed that of Mr Hanks, Mr Weynberg and Mr Johnston. Where there other residents whose asked for paint tests for lead at this time? Were their results misinterpreted? Was The Board briefed of these people too?

How exactly does a misinterpretation, or at least three separate misinterpretations at different times and for different residents, occur by a scientist employed by TW? Who was this employee? Mr Stapleton? Has he / she been sanctioned / sacked? What is the detail of explanation as to how a misinterpretation occurred, given that the laboratory result must have stated that the result was exceeding ADWG in each of three (or more) cases?

Chairman Gumley: The error first came to light in August 2018 following an internally requested review of the test results. The CEO was subsequently briefed and approved a plan (which I have personally sighted) to contact the four impacted owners and let them know of the error and offer water sampling to determine whether there was lead in their tanks above ADWG standards.

You state it was 'an internally requested review of [paint] test results', but the truth is that this 'review' occurred only after I assisted several residents to make representations to the Ombudsman after they had failed to receive assistance from TW without the intervention of the Ombudsman's office. Mr Hanks, Mr Johnston, Ms Perry lodged submissions to the Ombudsman's office. Mr Weynberg was too fearful to do so, because he felt TW may retract their belated offer of roofing materials, by which TW wrote a new contract for him to agree, but offering no labour assistance to install the roofing materials. This contract with Mr Weynberg and TW was ignored by TasWater for 18 months (eighteen) after Mr Weynberg signed it. Ms Perry's submission to the Ombudsman was dismissed on the basis of Buyer Beware, as she had bought her home after TW installed the tanks. TW failed to offer her any good will to assist her during this time in 2018. Mr Perry was abandoned. It was not until the recent 2019 tests that she has been offered some remediation.

If the error 'came to light in August 2018', then this is direct contradiction to Mr Hanks' account of events before the installation of his tank many years ago. Mr Hanks states that TW visited him at his home for approximately 5-10 minutes to tell him of his positive lead paint test, but he was not given any paperwork, nor was he offered any assistance. TW subsequently installed a rainwater tank.

Chairman Gumley: The Board is confident that the CEO has acted honestly and with due care and consideration.

Given the information I am providing to TW again today, and to you despite your assertion other wise in your letter of November 4, 2019, do you now have a different view? Do you continue to be confident that 'the CEO acted honestly and with due care and consideration'? As Chairman, based on this information today, do you continue to hold this view, along with The Board?

To provide a further example, just ten days after Dr Veitch had written to CEO Brewster, December 7, 2019, to overrule him on three counts in relation to Pioneer, CEO Brewster in a new letter to Mr Johnston on December 17, 2018, explains that that Mr Johnston has no further rights to help from TasWater. CEO Brewster writes:

'TasWater is unable to accede to your request for a roof replacement.'

At this time Mr Johnston had been writing to TasWater and to the Ombudsman requesting a written copy of his historic paint test result of 2014, which he had never received. Mr Johnston was also requesting that his roof be replaced.

Notwithstanding repeated polite letters to CEO Brewster for Mr Johnston's historic paint test results, the CEO ignored and did not provide this for at least six months. The CEO's letter to Mr Johnston of December 17, ten days after Dr Veitch had overruled the CEO, is a breathtaking case of willful punishment, and even in this letter, which Mr Johnston waited over fifty days for from the CEO, Mr Brewster once again fails to provide Mr Johnston's historic 2014 paint results, nor does the CEO even mention in this letter that we have repeatedly requested them, privately and also through the Ombudsman. It was not until March 4, 2019, that CEO Brewster writes to Mr Johnston to provide him with a written copy of his historic 2014 paint tests, which confirm a lead paint composition at over five times the allowable limit: 'The content of lead in the paint was 5030 milligrams per kilogram (0.503%). The content of lead in the paint is above the current limit of 0.1 percent lead in domestic paint as per the Australian Government.'

So this is another example of CEO wilfully, for reasons best known to himself, denying assistance to a customer with a known lead-painted roof, and indeed, refusing to even provide test results, for years, and then again for a further sustained period, notwithstanding communications over six months, privately and through the Ombudsman.

If this is not bad enough, keep in mind that this is all occurring at the time that CEO Brewster had already received written advice from Dr Veitch that his policies were incorrect on three counts.

To this day, Mr Johnston does not have his roof replaced or repaired, nor does he have a rainwater tank. Mr Johnston has carted water by hand for seven years from the fire station tank, and it is only via my representation for Mr Johnston that he has received his first emergency bottled water deliveries, which began only in the past two months.

Chairman Gumley: We do not have a record of a paint test for Mr Weynberg in 2014. Results from a paint test in 2017 have been provided to Mr Weynberg.

Mr Weynberg, when he requested a paint test in 2014, did not receive his results from TW. Mr Weynberg allowed this to slide for a considerable period of time, before contacting TW again about a year later to find out what had happened to his results. Mr Weynberg was advised by TW that they had lost his paint test results. Mr Weynberg requested a new paint test, which occurred. Mr Weynberg was advised verbally only that the result was positive for lead. Mr Weynberg was not presented with any paper documentation by TW. TW subsequently did not provide any action for Mr Weynberg. Mr Weynberg's roofing iron was not delivered until I made another representation to Ms Mercer at the beginning of the new testing period with P & S this year, 2019. Ms Mercer said she was totally unaware of the contract between TW and Mr Weynberg, which had not been executed in over eighteen months since Mr Weynberg signed. The roofing iron was delivered to Mr Weynberg two weeks later. To this day, this roofing iron sits on the front lawn of Mr Weynberg's property, with no assistance from TW. No other resident at Pioneer has even received roofing materials.

Chairman Gumley: We categorically refute this assertion that we have deliberately lied to or sought to mislead anybody. The results were misinterpreted. This was a genuine mistake and we publicly acknowledged this after it was discovered.

Earlier you say this 'came to light in August 2018', and here you say that TW 'publically acknowledged this after it was discovered'. When did you make this public? And to whom? As to the validity or otherwise of your refutation, my letter today raises questions, which must be investigated and explained – so time will tell.

Chairman Gumley: Mr Stapleton is highly qualified to speak to the media regarding this project. He holds a degree in Chemical Engineering and is one of our most experienced technical managers. As a matter of sound management TasWater will always choose the most appropriate subject matter expert to comment on technical issues; therefore in this instance it was entirely appropriate that Mr Stapleton conduct the recent ABC interview [September, 2019 ~ ABC's April McLennan].

Seven years have passed since the 2012 alert, with no remedy whatsoever, and new risk ignored over years, and a lag of nearly five months from Mr Veitch's letter of December 7, 2018, and TW's invitation to residents to participate in the first ever comprehensive paint and water testing regime for each and every resident. As Chairman, do you not think that CEO Brewster, as the person who has presided over Pioneer for the majority of these years, owed it to residents to be interviewed by ABC himself? Or to be interviewed with Mr Stapleton, together? Mr Stapleton may be your expert for 'technical issues', but Mr Stapleton is not the decision-making CEO of TW. Where is CEO Brewster's genuine desire to publically apologise himself to residents? Why has CEO Brewster not publically apologised to Pioneer? Why has The Board not required CEO Brewster to do so? Since this TV story, there has been one further written story by ABC's April McLennan, and a further four stories by The Examiner's Frances Vinall, November 10, November 15 and November 19. In none of these stories has CEO Brewster made himself available to provide a comment to the public. Do you and The Board believe that his is reasonable after seven years?

Chairman Gumley: Rainwater tanks were installed at 58 Main Rd prior to the conclusion of the service replacement program in 2017. The misinterpretation of historic paint test results was identified in 2018.

I restate that TW cannot now state something contradictory to the letter to Mr Hanks via the Ombudsman in 2018, where TW state the high paint test results historically. This letter makes no mention that this historic result was misinterpreted. However, in a similar letter via the Ombudsman from TW to Mr Johnston, following the letter to Mr Hanks, it does indeed say specifically to Mr Johnston that TW misinterpreted the result.

Why does it say in TW's letter to Mr Johnston that TW misinterpreted, while in the earlier letter to Mr Hanks, there is no mention of misinterpretation, but simply a factual stating of the historical high paint result. Why is there a difference between these two letters in TW's position in relation to 'misinterpretation' of historic paint test results?

Chairman Gumley: The recommendation on lead in roof materials in the enHealth Guideline are not legally binding. TasWater has not been directed by the Director of Public Health (or otherwise received a ruling) on the legal enforceability of this guideline.

This is your statement when I wrote in my letter of October 5, 2019: '...due to CEO Brewster's long-standing policy that a lead-painted roof was not a cause in itself for risk – for replacement – this policy now overruled by Dr Veitch – it is clear that TasWater were NOT utilising data for lead-painted roofs in any case, whether correctly interpreted, or not, the policy being that lead-painted roofs were NOT necessarily a health problem.'

Chairman, your minimal statement here, that 'The recommendation on lead in roof materials in the enHealth Guideline are not legally binding', reveals sadly the practices and attitude of the CEO, and your defence in this statement reveals a similar view and action. TasWater are and were always prioritising the most minimal work for Pioneer, contrary to agreement with the town (as cited by Dr Veitch, Dec 7, 2018), without thought to utilise the enHealth Guideline (as cited by Dr Veitch, Dec 7, 2018) supported by your legal position from TW's point of view, rather than an actual duty of care, based on foreseeable risk. Dr Veitch's letter of December 7, 2018 to CEO Brewster, Dr Veitch cites 'foreseeable risk', or rather the failure of TasWater to acknowledge foreseeable risk, as one of the three key reasons why he, as Tas Dir of Pub Health, assesses TW's practice at Pioneer to be lacking.

Chairman, please explain in detail your defence in terms of 'the enHealth Guideline' not being legally binding, in contrast to what must have been foreseeable risk, as underlined by Dr Veitch?

Chairman, would you drink water collected from a lead-painted roof, even if the enHealth Guideline is not legally binding in relation to lead-painted roofs? Please do not forget to answer this question. It is fundamental. It goes to foreseeable risk.

Chairman, why as CEO Brewster allowed to breach agreement with Pioneer (cited by Dr Veitch, Dec 7, 2018) for all of these years in relation to roof replacements? Explain in detail this breach of agreement, which is a legal agreement. What compensation do you believe TW should provide to residents for this breach of agreement? This is a fundamental legal question which you as Chairman of The Board must answer.

Chairman Gumley: We categorically reject your assertion that either TasWater or Mr Brewster have lied to people or attempted to confuse them. TasWater have not lied to people, or to the ABC.

To state publically on ABC only 'misinterpretation of results', without providing also the context of events, which was TasWater's long-held policy that lead-painted roofs are not a cause in itself for risk – to NOT publically explain this context and policy, is to mislead Tasmanians by omission of fundamental facts. Why has this true state of play never been explained publically by TW, out of respect for the people of Pioneer, and out of respect for all Tasmanians who are customers of TasWater?

Chairman Gumley: Dr Veitch did not overrule TasWater. He raised concerns and asked questions and we responded with a recommendation for inspection program to which he agree. Our decision to engage with Pioneer residents, conduct a roof inspection program and to work with residents to help rectify the situation was our decision. The Director of Public Health did not "overrule" TasWater management. He did however agree with our proposed approach.

This is sophistry which wastes everyone's time. If TasWater had chosen not to newly act in response to Dr Veitch's letter of Dec 7, 2018, then Dr Veitch would have had no choice but to sanction TasWater, or else, write a letter of no confidence in CEO Brewster. With Dr Veitch's new knowledge, presented to DHHS by me, Tim Slade only, in September, 2018, left Dr Veitch no choice in his professional role, other than to recommend to TasWater that these serious risks be addressed by TasWater. As Chairman you can quibble about definitions of 'overrule', but it is clear to any objective reader that, in effect, this is exactly what this letter was by Dr Veitch, Dec 7, 2018.

For the Chairman of TasWater to quibble on this point, is truly disturbing for what it reveals about the attitude of The Board in relation to these serious matters at Pioneer since 2012.

Chairman Gumley: We are committed to addressing shortcomings resulting from the service replacement program.

This is not a direct answer to my letter's question / statement: 'And given that TasWater's successful delisting of Pioneer from serviced land was based on an untrue position, now overruled by Dr Veitch, this delisting should be reversed, and regulators should be made aware of TasWater's now invalid submission to them.'

On the basis that clearly TasWater's application to them to delist was based on misinformation, a flawed policy, an untrue depiction of residents as being satisfied with the service replacement program,

I wrote to you on October 8, 2019, and my letter today is November 25, 2019, so 48 days (forty-eight) have elapsed. Has TasWater written to regulators to reverse this delisting? If not, please explain in detail why this has not been done.

On what date will you advise regulators that TasWater wishes to reverse this delisting from service land?

Chairman Gumley: The Board has received a copy of your prior and current correspondence and discussed the various issues and allegations you have raised. The Board believes it has been kept well informed of issues at Pioneer by management and that there has been appropriate transparency and robust consideration of the facts and issues. We reject any claims that the CEO has acted dishonestly or inappropriately in this matter.

If this is so, on what date did this occur? Do you now have a different view, after I provide to you did not enquire, further details of the many issues and events as they have occurred at Pioneer, to the residents of Pioneer?

Dr Veitch's letter of Dec 7, 2018, to CEO Brewster, underlines that his approach over years at Pioneer was based upon a breach of contract, a denial of foreseeable risk, and a failure to apply the EnHealth Guideline as a preventative strategy. For The Board to have not intervened at an earlier time, must either mean that The Board were not adequately informed, or that The Board shared this grossly incorrect view about Pioneer, and on all three and separate issues as raised by Dr Veitch – not just on one of these issues, but all three of them. If The Board was properly engaged, how could The Board have been supportive of the CEO's actions over years?

In addition to the issues raised by me in my letter to you, et.al. on October 8, 2019, today I should also raise and include additional issues, some of which have been communicated at length to TasWater by me historically.

Supplementary Issue 1.

TasWater's new 'offer' to the residents in the group of twelve heavy-metal contaminated homes, requires the resident to pay for any structural repairs required in order to install a new roof on their home. This new requirement is completely unfair and unworkable. What other TasWater customer in Tasmania is required – as a condition to continue as a customer of TasWater – to hold savings, which they must then spend to achieve safe drinking water at their home? It has taken TasWater seven long years to articulate this new requirement, which is contrary to the agreement with residents at Pioneer in 2013, as cited by Dr Veitch in his letter of overrule to CEO Brewster on December 7, last year, 2018. In addition to this being a unique and new requirement for a TasWater customer, it is totally impractical, as the majority of residents at Pioneer are aged pensioners, disability pensioners, or Newstart recipients. Pioneer is the cheapest housing in Tasmania – bar none. And Pioneer has low educational levels, too. The offer to these 12 homes by CEO Brewster, is probably illegal, in terms of the original agreement. In addition to this there is no other community in Tasmania who are being required to pay in excess of \$10k to contribute. Furthermore, it is guaranteed to see many residents without safe drinking water, because they do not have the savings to participate. This is an extraordinary plan by CEO Brewster.

Supplementary Issue 2

After learning yesterday that TasWater have won an award for the 24 Glasses Project, I went to their website to find out about Pioneer. According to the website, November 26, 2019, the status of the Pioneer Service Replacement Scheme is 'COMPLETED'. The web page further states the following: 'Following overwhelming support for the program, it was successfully completed in August, 2017. A submission was then made to the Tasmanian Economic Regulator to remove Pioneer from serviced land layer, and was subsequently removed'. Presumably, the AWA read this page and others of the 24 Glasses Project, and assumed that TasWater's information was correct, honest and up-to-date. In reality, at the time of the award to TasWater, there are twelve confirmed lead-contaminated drinking water set-ups at Pioneer, and the Tasmanian Director of Public Health overruling TasWater in December last year. But on the website Pioneer is COMPLETED.

How honest is TasWater? And how credible is the Australian Water Association, who gave the award to TasWater? Chairman, do you believe that TasWater deserves this award, given that it was granted on the basis of public disinformation?

Supplementary Issue 3.

~~The serious and active problem of brass fittings leaching lead into rainwater tanks at Pioneer, as confirmed in laboratory commissioned by TasWater.~~

~~My letter to Chairman, CEO, Premier and Dr Veitch on November 25, 2019, has not yet received a reply, so I will include my letter in full here.~~

~~'Problems with TasWater's plan to test water tomorrow at 8 Waverley Street and elsewhere at Pioneer.'~~

~~Tim Slade <cricketgalah@gmail.com> Mon, 25 Nov, 10:49 (4 days ago) <https://mail.google.com/mail/u/0/images/cleardot.gif>
to Juliet, Michael, Public, paul.j.hunt, Nicole, Rattray, Michelle.
<https://mail.google.com/mail/u/0/images/cleardot.gif>
November 25, 2019.~~

~~To Juliet Mercer and CEO Brewster and Dr Gumley and Dr Veitch and Premier~~

~~I will allow follow up water tests at my property tomorrow, between 1pm-2pm, as per your e-mail to me last week, suggesting follow up drinking water tests. I may not be home.~~

~~However this visit for re-testing is problematic for the following reasons, all of which you and the CEO are already in full awareness from previous correspondence, yet have offered no remedy:~~

- ~~1. TasWater have not written to me to explain and apologise to me for providing incorrect health advice when writing to me on October 10, 2019, forty six days ago, with the three test results from brass fittings from my rainwater tank, which were fitted by TasWater. TasWater's advice to me was that the results did not explain my elevated lead water result. This advice was contrary to the results for brass fittings, which showed a combined leaching of lead of exactly 0.01 mg/L, which is the limit for lead according to the ADWG. AS TasWater have been advised by me, there are a further two brass fittings remaining on my rainwater tank. Why did TasWater advise me of safety, when the combined leaching of these three brass fittings were 0.01 mg/L, and in the knowledge that I have a further two brass fittings on my rainwater tank, two which I was told could not be removed? Please explain this patching over and risk causing written advice to me from TasWater.~~
- ~~2. TasWater have written to me to absolve themselves of any responsibility for these fittings, which they installed. TasWater have directed me to Dorset Council and to the plumbing code. This retreating is soon after my tank was refilled, and 3 brass fittings removed, so it is unlikely to show contamination at this time.~~

3. ~~TasWater have not indicated any plans to advise the residents of Pioneer that the combined leaching of brass fittings installed by TasWater to their rainwater tanks will be leaching lead at or above the limit according to the ADWGC according to TasWater's own commissioned water tests on these brass fittings from 6 Moore St, Pioneer. Residents are thus totally unaware of this combined leaching of brass fittings at their rainwater tanks. This deprives residents of knowledge which if ignored will impact their health.~~
4. ~~Pitt & Sherry have apparently expressed no independent concern at the water results from the brass fittings as per TasWater's commission testing. Pitt & Sherry as solicitors should be concerned for the risk to health of residents in relation to these brass fittings. Pitt & Sherry have failed to do this. All risks of lead leaching known to TasWater and to Pitt & Sherry should be communicated to residents of Pioneer, and plans for removal to be made immediately.~~
5. ~~TasWater failed to recommend to the 12 affected homes that they should pursue blood tests for lead and other heavy metals. DHHS also failed to do this, and this is one of their primary roles. TasWater did not advise P & S to perform this fundamental role. There was no recommendation to Pioneer residents immediately renewing the communication of adverse water test results to residents. As such, the 12 month period of 62 months whereby blood tests remain valid will have passed, now making blood tests inaccurate.~~
6. ~~TasWater have failed to arrange removal of the remaining brass fittings at my property, and despite my e-mail about this when TasWater offered to fix my ill installed lead gutter causing algal growth and retention of water and environmental dust, TasWater have not replied to remedy this situation or that I can proceed to have the necessary repairs completed. There is nothing in the quote provided to me to remedy this situation. TasWater are idle.~~
7. ~~Regrettably, both Pitt & Sherry employees, Sophie and Richard, have been party to the failed scientific processes and transparent communication at Pioneer, as I have communicated to TasWater in detail.~~
8. ~~TasWater are requiring residents with high results for lead and other heavy metals, to pay themselves for any structural issues with their home, prior to TasWater agreeing to replace their roof, as per the 2013 agreement with residents. This is a new and unworkable requirement and it is contrary to the 2013 agreement titled by Dr Vokoh, December 7, 2010.~~
9. ~~TasWater continue to play games with the health of the residents of Pioneer, and all senior management, including yourself, are aware of this.~~

Sincerely,

Tim Slade,

[END OF EMAIL FROM TIM SLADE NOVEMBER 27, 2019.]

Supplementary Issue 4.

Mr Doug Chipman, the then president of LGAT, and now president of the Owners' Representatives Group, wrote to me on May 29, 2018, to reply to my numerous factual, detailed and polite questions and pleadings to him to help at Pioneer. Mr Chipman did not attempt to answer any of my questions, but simply wrote the following two sentences:

'Dear Tim - Why should all tanks at Pioneer be tested by TasWater when quite a few were never installed by TasWater? I am also aware that a number of Pioneer residents don't want anything to do with TasWater. Regards, Doug Chipman.'

Supplementary Issue 5

Mr David Downie, the then president of the Owners' Representatives Group, ignored nearly all of my polite e-mails to him, and of the few he replied to, he at all times refused to make a representation for Pioneer to the ORG or elsewhere, and at all time referred me back to the two bodies which he was in full knowledge were denying Pioneer's complaints, those bodies being TasWater and Dorset Council.

Supplementary Issue 6

Premier Hodgman wrote to me four days before the Legislative Council voted to approve new laws for ownership of TasWater on September 14, 2018. Premier Hodgman's letter to me on September 4, 2018, stated the following:

'TasWater is the authority responsible for dealing with the matters you have raised. As noted by Minister Gutwein, the Government cannot involve itself in TasWater's operations and is not able to compel it to provide you with a response... I am happy to hear from you regarding any new matters you wish to raise but neither myself nor any other Government Minister will be responding to further correspondence from you on this issue.'

The Premier was in full knowledge that the LegCo was about to approve the ownership legislation which would see the State government gain a seat at the table to discuss TasWater issues. This intention by the LegCo was publically aired in the media in the weeks prior to September 14, the day when they approved the legislation.

The Premier's letter to me on behalf of the Tasmanian government was a deeply cynical act, designed to cease my representations from Pioneer.

Following the approval of legislation for new ownership on September 14, 2018, the Premier has not once nor ever written to me to offer help to Pioneer, notwithstanding the State government's legislated power to make representations to TasWater.

Supplementary Issue 7

Chairman Gumley, I remind you and The Board of the statement by the previous Chairman, Mr Hampton, in his statutory declaration in 2017, March 15, where the Chairman stated publically in writing:

'...I advise the Treasurer...tanks were not considered to be an equitable and viable solution in regard to Pioneer...and that TasWater would find ways to provide...with compliant reticulated drinking water. The Treasurer noted this advice but no support was offered to address this issue.'

Supplementary Issue 8

The communications over three years by me to CEO Brewster and TasWater for the policy of real-time data reporting. Notwithstanding the long-standing and serious problems at Pioneer, this policy was denied by CEO Brewster for three years, on false grounds, including cost, and lack of public support, despite approval in principal by the Legislative Council via Tania Rattray MLC, and by Tas. Labor and Tas. Greens in the House of Assembly, until final approval by The Board on the basis of an annual ongoing cost per council per year of approximately \$2,000 (two-thousand). A tiny ongoing cost. CEO Brewster promoted this misleading information on radio and in newspapers, and in the local North-Eastern advertiser he named me, a private citizen, accusingly writing of 'Tim Slade's demands', and that the portal would be unnecessary, and too costly. Mr Stapleton was sent to meet with councillors of Dorset Council, where he said: 'If I had a million dollars, I know what I'd rather do with it'. This was TasWater's highly misleading advice to councillors, via Mr Stapleton, in relation to the proposed portal for real-time data. This misinformation to the public and to elected officials was consistently so over these years. And the 29 council-owners were not adequately updated over these years of the detail. Indeed, the Tas Dir of Public Health, Dr Veitch, was employed to write a letter of non-support for this proposed policy for timely data transparency. This was an immensely disappointing view from the DHHS. Activated in late 2018, after a cost-analysis by TasWater nearly one year prior proved its cost-efficiency, the portal is presently operating without Health Guideline Values with data, making interpretation of data very difficult; with no pesticide data at all; with no flag for customers to find the portal; and with minimal advertising to Tasmanians of the portal's existence. All submissions by me to TasWater from early this year and throughout on these failures have been deflected, advice to me is that there will be a review in December, next month.

The Fundamental Issue

The fundamental issue is that CEO Brewster should no longer be involved in any way in the Pioneer project.

In light of the documentary evidence available to you, Chairman Gumley and The Board, this should be a simple decision, and it quite clearly should have been made a very long time ago.

The fact that CEO Brewster continues in his role, at Pioneer and more broadly across all projects in Tasmania, should now, as you are fully informed, be a question of deep concern.

In conclusion, I state that my information to you in my letter today is for your serious attention, but that my representations to you are not limited to my letter today, but must include all issues communicated by me to TasWater for Pioneer since the alert for lead-contamination in the reticulated supply seven years ago, in November 2012, most of which have been documented in my 23 (twenty-three) published articles for Tasmanian Times. All of which have been provided previously, to TasWater, Premier, DHHS and the Owners' Representatives Group and LGAT – but with no response. A link to these articles is at the foot of my e-mail. Tasmanian Times has been offline for several months due to a change of ownership, but they are presently online again, so I will be resuming my articles, and a considerable backlog of issues, ASAP.

My view, based on the aforementioned issues in my letter to you today, is that you as Chairman, and The Board, are not fully informed by CEO Brewster, nor have you shown a satisfactory level of initiative and investigation to ensure that you are in full knowledge following my representations to you.

Thank you for your time and consideration. I am open to requests for further documentation.

Sincerely,

Tim Slade (B.Ed.)

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Published poems: <https://www.austlit.edu.au/austlit/page/A138946?mainTabTemplate=agentAwards>

Published articles: <https://tasmaniantimes.com/guest-author/tim-slade/>

Facebook: <https://www.facebook.com/tim.slade.50>



Tim Slade, November 29, in reply to Chairman Gumley, November 4, 2019..pdf
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5. a.)

NEWS

'Residents are still at risk'

BY FRANCES VINALL

BASS Labor MHA Michelle O'Byrne said the state government told a Pioneer resident it had no control over the town's water.

Unsafe levels of lead were discovered in Pioneer's drinking water in 2012, when Labor was in government. Residents were issued with rainwater tanks, while all

other towns with contamination in the North-East were supplied with treated water. This year, some rainwater tanks were also found to contain lead.

"Just four days before TasWater was officially taken over, the government wrote to a resident of Pioneer to advise that the government was separate from TasWater and therefore couldn't help," she

said. "If the same concerns had come from a resident in a larger community the government would no doubt have responded differently. The residents of Pioneer deserve access to safe drinking water."

Ms O'Byrne said TasWater had an obligation to both replace roofs, downpipes and guttering - the cause of the continued contamination,

and to also deliver treated water to the town.

"Yes, [treated water] is expensive, but not necessarily more expensive than what's happened so far," she said.

"It is only a small town, but I think given the commitment [of treated water] to the two other towns [Hertford and Gladstone, on either side of Pioneer] it has to happen. And if people still choose to

use tank water they can do that, as they can in the city."

In Parliament on Wednesday, Premier Will Hodgman said he was always very concerned to ensure that drinking water in Tasmania was safe for consumption.

"We expect TasWater to ensure that rainwater tanks provided to residents are installed consistent with guidelines and legislative

requirements," he said.

"After residents' concerns ... I am advised that the director of public health asked TasWater to investigate how each residential supply was managed and ensure they reached the standards for sustainable long-term rainwater collection."

Ms O'Byrne said that was "last year and residents are still at risk".

Pioneer resident slams DHHS

BY FRANCES VINALL

THE Department of Health and Human Services should have tested Pioneer residents' blood for lead, resident and advocate for the town Tim Slade said.

In 2012, lead was discovered in the drinking water at Pioneer and other towns in the North-East. A 2015 study found the water at Pioneer contained up to 22-times more lead than is considered safe to drink in Australia.

TasWater issued residents with rainwater tanks, but this year, it was discovered at least 12 tanks also contained unsafe quantities of lead, due to lead leaching from roofs, downpipes, and guttering.

In a statement, director of public health Dr Mark Veitch said public health services had never been notified of any person in Pioneer having returned a test showing elevated levels of lead in their blood. Dr Veitch also said pathology laboratories were required to notify the director of public health of the results of tests of anyone with elevated blood lead levels.

However, Mr Slade said since lead only stays in the blood for 30 to 60 days after consumption, but can cause adverse health impacts long after, the DHHS should have tested residents immediately. He also believes it should be compulsorily testing residents recently found to be

drinking lead-contaminated water.

"DHHS did not suggest blood tests to the 12 lead-affected households," he said.

"It is DHHS' job to actively do so. It is not the responsibility of the resident to understand the risk and initiate this themselves. DHHS should actively suggest this to residents.

"The three-month window on blood tests is critical, so DHHS, by letting this slide, have jeopardised accurate blood tests. It cannot be for the resident to have a working knowledge of the science of lead. It is the responsibility of DHHS and TasWater."

A public health spokesperson said there was no grounds for testing residents in 2012 as "water testing found levels were only marginally outside the guideline and measures to prevent consumption of this water were taken by the public water authority, on the advice of the then director of public health".

"Then, as now, appropriate advice is for any person with any health concern to see their GP so they can be properly assessed and have appropriate testing," the spokesperson said. "We advise any Tasmanian who relies on collecting rainwater for their drinking water supply to ensure their tank, roof, guttering and downpipes are well maintained and clean."

Melissa Partridge

From: Michelle Obyrne
Sent: Thursday, 14 November 2019 9:50 AM
To: Tim Slade; Tania. Rattray
Subject: apologies for the delay in sending this.

Pioneer - Access to Safe Drinking Water

Ms O'BYRNE question to PREMIER, Mr HODGMAN

[10.58 a.m.]

As you would be aware, the TasWater legislation passed this House on 23 August 2018 and received royal assent on 14 September 2018. Only four days before royal assent, you wrote to a resident of Pioneer in response to their very serious concerns about lead contamination in their water to advise that you could provide no assistance, as your Government was separate from TasWater.

In May of this year, the former failed health minister, Mr Ferguson, wrote to the member for McIntyre, Ms Rattray, advising that he could also provide no assistance to ensure safe water and referred to the Premier's previous letter of 18 September to explain why he could do nothing. Clearly by this stage, the Government was indeed a shareholder of TasWater, so can you explain what action was taken, as a shareholder, to ensure the provision of safe drinking water to the residents of Pioneer? Why did you claim you had no responsibility? Why have you abandoned the people of Pioneer and your promise to ensure that every community has access to safe drinking water?

ANSWER

Madam Speaker, I thank the member for her question but refute her claims as to what has or has not been done and can assure members of that community and this parliament of what has. Certainly the Government is always very concerned to ensure that drinking water in our communities is safe for consumption and meets the necessary guidelines, including through our public health services. We expect TasWater to ensure that rainwater tanks provided to residents are installed consistent with guidelines and legislative requirements.

After residents' concerns that the service replacement at Pioneer did not appear to address all the elements of the original proposal, I am advised that the Director of Public Health asked TasWater to investigate how each residential supply was managed and ensure they reached the standards for sustainable long-term rainwater collection. Public Health Services will continue to work with TasWater, which has committed to liaising with households to help them manage water supply. TasWater has advised that it remains committed to resolving the issues at Pioneer and implementing the most appropriate solution to ensure residents have ongoing access to safe drinking water.

I am advised that approximately 91 per cent of the Tasmanian population receives a drinking water supply from TasWater and that there are currently no water supplies operating on boiled water alerts. There has

only been one temporary water alert this financial year, which is a record low, far below the 25 alerts that were issued in 2012-13. Obviously there is still more to do but 24 alerts were lifted between July 2017 and 2018 as a result of the work of TasWater to improve water supplies to small towns throughout Tasmania. That refutes the claim from the Deputy Leader of the Opposition that nothing has happened.



TW HPE CM ref: 19/129773

4 November 2019

Mr Tim Slade
8 Moore Street
Pioneer TAS 7264

By email: cricketgalah@gmail.com

Dear Mr Slade

Pioneer drinking water

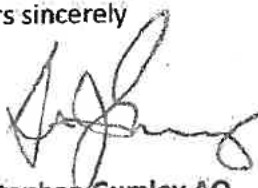
I refer your email correspondence dated 8 October 2019, a copy of which has been provided to me and to the other members of the TasWater Board.

Your correspondence contains a number of allegations about the activities undertaken by TasWater in relation to the Pioneer service replacement program, and the more recent roof inspection program. It is appropriate that I respond to those allegations, and this is set out in the attachment to this letter.

I note that your correspondence also contains a number of allegations of misconduct or inappropriate behaviour on the part of TasWater's Chief Executive Officer, Michael Brewster.

I wish to make it very clear that I, and the rest of the TasWater Board, have complete confidence in Mr Brewster. If you wish to pursue your allegations regarding Mr Brewster's integrity, you should direct your views to the Integrity Commission. However it is the Board's view that those allegations are entirely unfounded.

Yours sincerely

A handwritten signature in black ink, appearing to read "Stephen Gumley".

Dr Stephen Gumley AO
Chairman

Encl.

Assertion by Mr Tim Slade (email 8 October 2019)	Fact
<p><i>"Of course, the CEO is not only unreasonably using his role to prevent my representation to the Board, but Mr Brewster is also refusing to confirm in writing that this is the state of play, that his permission is a prerequisite to me making a representation to The Board. If this is the CEO's position, I formally ask again that he be transparent to state this in writing to me, or that you Juliet state this formally in writing to me."</i></p>	<p>It is of course a matter for any Board to determine whether and how it engages directly with an individual customer or stakeholder.</p> <p>The TasWater Board is of the view that it has been, and continues to be, fully and accurately briefed regarding water quality issues in Pioneer. This includes updates on correspondence with key stakeholders and property owners such as yourself.</p>
<p><i>Mr Brewster was overruled by Dr Veitch for his unreasonable and long-held policies and actions at Pioneer, and this overrule was based principally upon my written representation to Dr Veitch, as he outlines in his letter.</i></p>	<p>The Director of Public Health has not provided a ruling or otherwise ordered TasWater to take any actions. Although TasWater and the Department of Health have had several discussions about Pioneer, the decision to commence a roof inspection program was made solely by TasWater.</p>
<p><i>...TasWater's failure to suggest blood tests to affected residents. Where is a full answer to explain this fundamental oversight? And why is TasWater using P & S to take the blame, it seems? It would be more appropriate to state whether or not TasWater directed P & S to advise residents regarding blood tests. Did that occur?</i></p>	<p>It is not appropriate that TasWater be involved in blood testing. If people raise concerns about their health with us, we advise them to see their doctor. This is also the advice we have given Pitt & Sherry (P & S) if people raise concerns.</p> <p>Our community engagement team will also discuss this issue with residents.</p>
<p><i>"Another example of incomplete response by TasWater is that it is now apparent that P & S are retrospectively adding to reports for residents, with answers to the key procedural question, raised by me, with regards to if a resident has had a recent tanker refill of fresh treated water prior to the P & S water tests.</i></p> <p><i>My discussions with yet another resident, Jeff Gatt, confirm this fact of failure to ask this question in the first instance, at the time of P & S water tests, prior to sending data to DHHS. Mr Gatt confirms, in addition to Mr Hanks and Ms Perry, that P & S did not ask this question."</i></p> <p><i>....and...</i></p> <p><i>"Returning to Mr Gatt, he furthermore says that P & S asked him this question only the week before last. when visited to assess repair work.</i></p>	<p>Pitt & Sherry sought information from residents about the likelihood of carted water in their tanks in various ways during the initial visit (albeit not always by directly asking "When was your last tanker refill?"). In the case of two properties, information emerged after the initial visit to suggest that a tanker refill had occurred relatively recently. Pitt & Sherry sought more information from these property owners and also obtained water carter records for all properties in Pioneer.</p> <p>The water refill information was only added 'retrospectively' in these two reports. In both cases, the refill information does not affect the outcome of Pitt & Sherry's report as the refill was over 3 months prior to their water test.</p> <p>Information ancillary to the water quality and paint test results is only included in Pitt &</p>

Assertion by Mr Tim Slade (email 8 October 2019)	Fact
<p><i>weeks, if not, more than a month, after tests were conducted at his home by P & S.</i></p> <p><i>It was clearly not P & S's original intention to include this information. And any retrospective asking and adding brings with it potential problems in validity and accuracy and timeliness.</i></p> <p><i>As I have told you, P & S are retrospectively asking this question, despite their repeated verbal assertion that they are not doing this, and that they asked the question at the time of tests. Yet they failed to answer my question in writing to formalise this position.</i></p> <p><i>I formally ask TasWater to advise DHHS that this failure occurred, that data presented to DHHS a fortnight ago in meetings will have been incomplete, and that P & S are now retrospectively adding."</i></p> <p><i>...and...</i></p> <p><i>Furthermore, there does not seem to be any formal and regular tabulated way of presenting the answer to this key question to each resident about recent refills of treated water, but rather, P & S indicate it is their intention to merely add as a general comment in Additional Comments, separate from data tables</i></p>	<p>case of most properties, water refill from a tanker is not relevant, however it was entirely appropriate that that information was added to the reports for the two properties referred to above to ensure that the relevant context was provided.</p> <p>The Department of Health is aware of Pitt & Sherry's methodology.</p> <p>It is important to note that the key evidence used to determine the scope of remediation is not the water test but the roof inspection. In this regard the issue of whether or when a refill occurred is irrelevant to whether a roof needs replacing.</p>
<p><i>In Mr Hanks' report, despite lead at 280X health guidelines in his small tank, plus elevated cadmium, manganese and arsenic, nowhere in Mr Hanks' report did it note his advice of a recent refill, to explain the only marginally elevated lead in his large tank. This is an extraordinary oversight...</i></p>	<p>Based on information provided to Pitt & Sherry during their visit, they considered it reasonable to assume that a tanker refill had not occurred recently at 58 Main Road. Subsequent discussion revealed that a tanker refill had taken place approximately three months prior to Pitt & Sherry's water quality test. This was confirmed by water carter records.</p> <p>The Pitt & Sherry report for 58 Main Road was subsequently updated to include the refill information. Nonetheless, the refill information did not affect the outcome of the report.</p>
<p><i>...and this after CEO Brewster in 2018 ignored Mr Hank's written advice to him that the results at that time too, at the Ombudsman-negotiated tests, were invalid due to a recent tanker refill of fresh treated water</i></p>	<p>Tests completed in 2018 were not negotiated with the Ombudsman. These tests were undertaken solely as a result of a decision by TasWater. Further, the advice about Mr Hanks' tanker refill was not ignored. Tests were</p>

Assertion by Mr Tim Slade (email 8 October 2019)	Fact
	levels of metals and we have assisted Mr Hanks in refilling his tank and disconnecting his roof.
... And this after CEO Brewster ignored Mr Hanks' historic 2014 positive paint test for lead. And this after years of polite, factual representations by me on behalf of Mr Hanks, all denied by CEO Brewster personally.	TasWater acknowledges that paint tests completed in 2014 at 58 Main Road were misinterpreted at the time. Upon discovery of this error in 2018, we notified the property owner.
The case of Mr Hanks' alone is cause enough for CEO Brewster be asked to stand down from his role as CEO, if The Board were to care to read the documentary evidence so far	<p>The Board is fully briefed on water issues in Pioneer including the paint test results which were inadvertently misinterpreted by one of our staff.</p> <p>The error first came to light in August 2018 following an internally requested review of the test results. The CEO was subsequently briefed and approved a plan (which I have personally sighted) to contact the four impacted owners and let them know of the error and offer water sampling to determine whether there was lead in their tanks above ADWG standards.</p> <p>The subsequent 17 September 2018 letter from Ms Sophie Rowlands and Mr Brewster's letter of 30 November both acknowledge the high lead in paint results consistent with the error identified by TasWater in August 2018.</p> <p>The Board is confident the CEO has acted honestly and with due care and consideration.</p>
You did not state if Mr Weynberg has received a paper copy of his historic paint tests for lead from five years ago, 2014. For how many years must I ask this question?	We do not have a record of a paint test for Mr Weynberg in 2014. Results from a paint test in 2017 have been provided to Mr Weynberg.
With regard to TasWater's public position in the recent ABC tv story, it was a lie to state that TasWater misinterpreted results. The CEO did not take personal responsibility to even grant an interview to ABC himself. Instead Mr Brewster used Mr Stapleton	<p>We categorically refute this assertion that we have deliberately lied to or sought to mislead anybody. The results were misinterpreted. This was a genuine mistake and we publicly acknowledged this after it was discovered.</p> <p>Mr Stapleton is highly qualified to speak to the media regarding this project. He holds a degree in Chemical Engineering and is one of our most experienced technical managers. As a matter of sound management TasWater will always choose the most appropriate subject matter expert to comment on technical issues; therefore in this instance it was entirely</p>

Assertion by Mr Tim Slade (email 8 October 2019)	Fact
	appropriate that Mr Stapleton conduct the recent ABC interview.
<p><i>This lie, that TasWater misinterpreted results, is in direct contradiction to TasWater's letter via the Ombudsman to Mr Hanks in 2018, where TasWater admit they knew of this historic paint tests for lead, yet connected his rainwater tank anyway. TasWater cannot be making statement contrary to recent documents on TasWater letterhead. And contrary to e-mail records over years, if The Board or DHHS were to make even a cursory investigation. But TasWater, led by Mr Brewster, continues to do so.</i></p> <p><i>Of course, due to CEO Brewster's long-standing policy that a lead-painted roof was not a cause in itself for risk -- for replacement -- this policy now overruled by Dr Veitch -- it is clear that TasWater were NOT utilising data for lead-painted roofs in any case, whether correctly interpreted, or not, the policy being that lead-painted roofs were NOT necessarily a health problem</i></p>	<p>Rainwater tanks were installed at 58 Main Road prior to the conclusion of the service replacement program in 2017. The misinterpretation of historic paint test results was identified in 2018.</p> <p>The recommendations on lead in roof materials in the enHealth Guideline are not legally binding. TasWater has not been directed by the Director of Public Health (or otherwise received a ruling) on the legal enforceability of this guideline.</p>
<p><i>So TasWater's statement in the ABC program were designed to confuse Tasmanians. First, as a lie; and then, to not explain that it was policy for years to ignore paint results anyway, and representations made to TasWater about this problem.</i></p> <p><i>This policy was overruled by Dr Veitch on December 7, 2018, for three reasons: failure to apply the National Guideline Document for Rainwater Tanks; failure to acknowledge 'foreseeable risk'; and breach of agreement with residents at Pioneer.</i></p> <p><i>It is this overrule that sees TasWater at Pioneer today. TasWater would not be here otherwise, and indeed, Juliet Mercer, I have letters signed by you, on behalf of the CEO, as recently as 2018, where you clearly state that the Pioneer program is complete, and to a standard satisfying regulators and indeed the residents of Pioneer. Of course this was a complete denial of the reality of TasWater's mismanagement</i></p>	<p>We categorically reject your assertion that either TasWater or Mr Brewster have lied to people or attempted to confuse them. TasWater have not lied to people, or to the ABC.</p> <p>Dr Veitch did not overrule TasWater. He raised concerns and asked questions and we responded with a recommendation for inspection program to which he agreed.</p> <p>Our decision to engage with Pioneer residents, conduct a roof inspection program and to work with residents to help rectify the situation was our decision. The Director of Public Health did not "overrule" TasWater management. He did however agree with our proposed approach.</p>

Assertion by Mr Tim Slade (email 8 October 2019)	Fact
<p><i>over years, and Dr Veitch's overrule underlines this fact.</i></p> <p><i>And given that TasWater's successful delisting of Pioneer from serviced land was based on an untrue position, now overruled by Dr Veitch, this delisting should be reversed, and regulators should be made aware of TasWater's now invalid submission to them</i></p>	<p>We are committed to addressing shortcomings resulting from the service replacement program.</p>
<p><i>I request that my letter today be sent to The Board of TasWater, as it is not appropriate for them to be receiving only filtered information from the present CEO in relation to Pioneer. If the CEO is shown to not act honestly 100% of the time, as indeed has been documented now many times, and I am willing to provide this documentation, then The Board and / or the DHHS should not remain silent.</i></p>	<p>The Board has received a copy of your prior and current correspondence and discussed the various issues and allegations you have raised.</p> <p>The Board believes it has been kept well informed of issues at Pioneer by management and that there has been appropriate transparency and robust consideration of the facts and issues.</p> <p>We reject any claims that the CEO has acted dishonestly or inappropriately in this matter.</p>



Tim Slade <cricketgalah@gmail.com>

Pioneer's drinking water, October 8, 2019.

Tim Slade <cricketgalah@gmail.com>

8 October 2019 at 09:21

To: Juliet Mercer <juliet.mercer@taswater.com.au>, Michael Brewster <michael.brewster@taswater.com.au>, "The Premier (DPaC)" <premier@dpac.tas.gov.au>, "Public Health (Health)" <public.health@health.tas.gov.au>

Bcc: April McLennan <mclennan.april@abc.net.au>, alison bleaney <alibleaney@hotmail.com>, "The Premier (DPaC)" <premier@dpac.tas.gov.au>

To Juliet Mercer, Michael Brewster, Dr Veitch and Premier Hodgman.

Thank you for your reply of October 3, 2019, Juliet.

There are answers missing, even after multiple polite letters by me, and I can say that it is certainly unacceptable to simply state that 'the business' will not be making further written comment. May I remind you and the CEO that TasWater is a citizen-owned corporation.

Of course, the CEO is not only unreasonably using his role to prevent my representation to the Board, but Mr Brewster is also refusing to confirm in writing that this is the state of play, that his permission is a prerequisite to me making a representation to The Board. If this is the CEO's position, I formally ask again that he be transparent to state this in writing to me, or that you Juliet state this formally in writing to me. Mr Brewster was overruled by Dr Veitch for his unreasonable and long-held policies and actions at Pioneer, and this overrule was based principally upon my written representation to Dr Veitch, as he outlines in his letter.

In relation to other questions, while you answer some questions here, Juliet, the answers are general at best, and furthermore, they do not provide any explanation for the unsatisfactory lack of professionalism by TasWater.

For example, TasWater's failure to suggest blood tests to affected residents. Where is a full answer to explain this fundamental oversight? And why is TasWater using P & S to take the blame, it seems? It would be more appropriate to state whether or not TasWater directed P & S to advise residents regarding blood tests. Did that occur?

Another example of incomplete response by TasWater is that it is now apparent that P & S are retrospectively adding to reports for residents, with answers to the key procedural question, raised by me, with regards to if a resident has had a recent tanker refill of fresh treated water prior to the P & S water tests.

My discussions with yet another resident, Jeff Gatt, confirm this fact of failure to ask this question in the first instance, at the time of P & S water tests, prior to sending data to DHHS. Mr Gatt confirms, in addition to Mr Hanks and Ms Perry, that P & S did not ask this question.

In Mr Hanks' report, despite lead at 280X health guidelines in his small tank, plus elevated cadmium, manganese and arsenic, nowhere in Mr Hanks' report did it note his advice of a recent refill, to explain the only marginally elevated lead in his large tank. This is an extraordinary oversight, and this after CEO Brewster in 2018 ignored Mr Hank's written advice to him that the results at that time too, at the Ombudman-negotiated tests, were invalid due to a recent tanker refill of fresh treated water. And this after CEO Brewster ignored Mr Hanks' historic 2014 positive paint test for lead. And this after years of polite, factual representations by me on behalf of Mr Hanks, all denied by CEO Brewster personally.

The case of Mr Hanks' alone is cause enough for CEO Brewster be asked to stand down from his role as CEO, if The Board were to care to read the documentary evidence so far.

Returning to Mr Gatt, he furthermore says that P & S asked him this question only the week before last, when visited to assess repair work, by P & S and the tradesman. This is many weeks, if not, more than a month, after tests were conducted at his home by P & S.

It was clearly not P & S's original intention to include this information. And any retrospective asking and adding brings with it potential problems in validity and accuracy and timeliness.

As I have told you, P & S are retrospectively asking this question, despite their repeated verbal assertion that they are not doing this, and that they asked the question at the time of tests. Yet they failed to answer my question in writing to formalise this position.

I formally ask TasWater to advise DHHS that this failure occurred, that data presented to DHHS a fortnight ago in meetings will have been incomplete, and that P & S are now retrospectively adding.

Furthermore, there does not seem to be any formal and regular tabulated way of presenting the answer to this key question to each resident about recent refills of treated water, but rather, P & S indicate it is their intention to merely add as a general comment in Additional Comments, separate from data tables.

You did not state if Mr Weynberg has received a paper copy of his historic paint tests for lead from five years ago, 2014. For how many years must I ask this question?

With regard to TasWater's public position in the recent ABC tv story, it was a lie to state that TasWater misinterpreted results. The CEO did not take personal responsibility to even grant an interview to ABC himself. Instead Mr Brewster used Mr Stapleton.

This lie, that TasWater misinterpreted results, is in direct contradiction to TasWater's letter via the Ombudsman to Mr Hanks in 2018, where TasWater admit they knew of this historic paint tests for lead, yet connected his rainwater tank anyway. TasWater cannot be making statement contrary to recent documents on TasWater letterhead. And contrary to e-mail records over years, if The Board or DHHS were to make even a cursory investigation. But TasWater, led by Mr Brewster, continues to do so.

Of course, due to CEO Brewster's long-standing policy that a lead-painted roof was not a cause in itself for risk -- for replacement -- this policy now overruled by Dr Veitch -- it is clear that TasWater were NOT utilising data for lead-painted roofs in any case, whether correctly interpreted, or not, the policy being that lead-painted roofs were NOT necessarily a health problem.

So TasWater's statement in the ABC program were designed to confuse Tasmanians. First, as a lie; and then, to not explain that it was policy for years to ignore paint results anyway, and representations made to TasWater about this problem.

This policy was overruled by Dr Veitch on December 7, 2018, for three reasons: failure to apply the National Guideline Document for Rainwater Tanks; failure to acknowledge 'foreseeable risk'; and breach of agreement with residents at Pioneer.

It is this overrule that sees TasWater at Pioneer today. TasWater would not be here otherwise, and indeed, Juliet Mercer, I have letters signed by you, on behalf of the CEO, as recently as 2018, where you clearly state that the Pioneer program is complete, and to a standard satisfying regulators and indeed the residents of Pioneer. Of course this was a complete denial of the reality of TasWater's mismanagement over years, and Dr Veitch's overrule underlines this fact.

And given that TasWater's successful delisting of Pioneer from serviced land was based on an untrue position, now overruled by Dr Veitch, this delisting should be reversed, and regulators should be made aware of TasWater's now invalid submission to them.

The residents at Pioneer have not been asked what they want since 2013, seven years ago. There has been no comment about the prospect of a mini-treatment plant, though the Jacob's Report, commissioned by TasWater but not publicly released, recommended that connection was viable, both financially and from an engineering viewpoint. All representations to TasWater and to Dorset Council that every resident be surveyed for their view, has been categorically ignored and denied.

I request that my letter today be sent to The Board of TasWater, as it is not appropriate for them to be receiving only filtered information from the present CEO in relation to Pioneer. If the CEO is shown to not act honestly 100% of the time, as indeed has been documented now many times, and I am willing to provide this documentation, then The Board and / or the DHHS should not remain silent.

Sincerely,

Tim Slade.

Department of Health

GPO Box 125, HOBART TAS 7001 Australia

Ph: 1300 135 513

Web: www.dhhs.tas.gov.au



Contact: Paul Hunt
Phone: (03)
Facsimile: (03)
Email: paul.hunt@health.tas.gov.au
File:

Mr Tim Slade
8 Moore St
PIONEER TAS 7264

Dear Mr Slade

Subject: Pioneer Investigation Program

Thank-you for your correspondence dated 5 September 2019.

I acknowledge the history and shortcomings of the water supply at Pioneer, and the inconvenience these circumstances have posed to residents as actions to prevent harm and provide drinking water have proceeded.

My colleagues and I, in Public Health Services, do receive and read the correspondence you send. We consider what you say, and understand your intent to support your community. We will not necessarily engage with you directly on every point you present.

I will not comment on all your assertions and assumptions in your letter of 5 September, but rather will state my expectations of how the service replacement process at Pioneer will be satisfactorily completed.

The process for service replacement of the Pioneer water supply was developed by TasWater, supported by the Department of Health (DoH) and approved by the Office of the Tasmanian Economic Regulator (OTTER). It involved consultations with the residents over some years. In September 2017 Pioneer was removed from the TasWater Serviced Land layer for provision of a water supply.

In early 2018 TasWater offered voluntary tank water testing to residents. One property had an elevated lead level in the water. I understood that TasWater worked with the property owner to identify the reasons for the contamination, and that water subsequently tested from the property was compliant. Results from other tested tanks were compliant.

After residents raised concerns that the service replacement did not appear to address all the elements of the original proposal that was put before OTTER, I advocated on behalf of the residents of Pioneer for TasWater to review and investigate how each residential supply can be managed to reach the standards for safe, sustainable, long-term rainwater collection.

TasWater commenced this process by engaging with the Pioneer community and undertaking a sampling program of both roof paint and tank water to inform decisions about further works. I support this

gutters, empty and clean the tanks, and fill them with potable water; then determine why contaminants were present in the supplies, so the causes of contamination can be addressed.

In some instances contamination may be due to lead paint on roofs, in others to deposits from the nearby mineralised environment. Remedies may include an alternative roof catchment, improvements to external plumbing fixtures, and diligent maintenance by householders of their water supply system, including first flush diverters and filters.

You have expressed concerns that some water tests may have involved tanks that have been refilled with potable water. The tank water tests are only one of many parts of investigating properties' water supplies. The assessment and remedying of the state of the roofs and water collection and storage infrastructure are the most important considerations.

The outcome that I expect is for TasWater to complete all reasonable steps to ensure that rainwater tanks provided to residents are installed consistent with guidelines and legislative requirements, such as building and plumbing codes. This involves ensuring that the catchment and associated plumbing infrastructure are suitable for collecting and storing rainwater that is safe to consume.

When this is complete, the operation and ongoing maintenance of the tanks is the responsibility of the property owner. There are guidelines that enable Pioneer residents to safely consume water from a well-maintained rainwater tank supply, as do hundreds of thousands of people around Australia. The guideline can be downloaded from

[https://www1.health.gov.au/internet/main/publishing.nsf/Content/0D71DB86E9DA7CF1CA257BF0001CBF2F/\\$File/enhealth-raintank.pdf](https://www1.health.gov.au/internet/main/publishing.nsf/Content/0D71DB86E9DA7CF1CA257BF0001CBF2F/$File/enhealth-raintank.pdf). I understand TasWater has committed to providing manuals to householders to help them manage their water supply, and to offer instruction and training in maintenance. Distilling the key elements of the national advice into a succinct and locally-relevant document will be particularly useful for Pioneer residents.

Yours sincerely,



Dr Mark Veitch
Director of Public Health

25 September 2019

Copy to: Michael Brewster, CEO TasWater



Tim Slade <cricketgalah@gmail.com>

Tim Slade to Dr Veitch, DHHS ~ Pioneer's drinking water.

16 messages

Tim Slade <cricketgalah@gmail.com>

5 September 2019 at 09:31

To: "Public Health (Health)" <public.health@health.tas.gov.au>

Cc: "The Premier (DPaC)" <premier@dpac.tas.gov.au>, "Ombudsman (OHCC)"

<ombudsman@ombudsman.tas.gov.au>, integritycommission@integrity.tas.gov.au, "Tania. Rattray"

<tania.rattray@parliament.tas.gov.au>, rebecca.white@parliament.tas.gov.au, Cassy O'Connor

<cassy.o'connor@parliament.tas.gov.au>

Bcc: Nicole Sommer <nicole.sommer@edotas.org.au>, marcavan2@gmail.com, Isaac Cane <icane2@eq.edu.au>, Dan

King <runningdan77@hotmail.com>, Alison Bleaney <sthelensmedc@vision.net.au>, Paul Harvey

<paul.harvey@environmentalsciencesolutions.com>, Katie Lawrence <klawrence@pittsh.com.au>

To: Dr Veitch, Tasmanian Director of Public Health.

5 September, 2019.

Dear Dr Veitch,

I politely and respectfully advise you and your department of the following:

- 1) It is now twelve months since I advised your department with supporting documents of the crisis relating to lead-painted roofs and drinking water at Pioneer. From my notification to you in September, 2018, you did not write to TasWater for nearly three months, on December 7, 2019. Why did it take you nearly three months after my notification, to write to CEO Brewster of TasWater, to over-rule him and to direct roof inspections for all at Pioneer on the basis of foreseeable risk and breach of agreement with residents?
- 2) From the time of your letter of December 7, 2018, to CEO Brewster, it took TasWater a further five months to initiate a program of invitations to residents for roof inspections. Do you believe that this further five-month period was reasonable and justified?
- 3) At the time of this letter to you, roof inspections and tests for roof paint and drinking water are underway. My understanding is that many of the results so far have been forwarded to your department by TasWater, and that TasWater are awaiting your department's response before work is to begin. Approximately 8-10 rainwater tanks have necessarily been flushed by TasWater in just the past few weeks, with more to come. This will constitute at least one-third of the town of forty properties. Not one person at Pioneer has so far received a remedy in the form of replacement of roof, twelve months after my alert to your department in September 2018. Do you believe that this is justified, given the seriousness of the risk to health involved, and given that Pioneer is approaching seven years since the original alert at Pioneer, in 2012?
- 4) I wish to advise you and your department that the DHHS is at risk of litigation if they do not act upon documented evidence provided to you to the effect that the CEO of TasWater cannot be trusted to act truthfully and faithfully 100% of the time. It is for your department to write to the Board of TasWater to the effect that your department can no longer have 100% confidence that CEO Brewster acts honestly and faithfully 100% of the time. This is a minimum requirement. This documentation as evidence will exist in the e-mail bank of the CEO of TasWater, the Tasmanian Ombudsman, and in my own e-mail bank of correspondences to CEO Brewster. Each resource is crucial. On the back of seven years of crisis at Pioneer, the DHHS is choosing not to investigate the CEO of TasWater. Your department should be aware that the Minister of Heath has refused to do so as recently as May this year, referring to obsolete legislation, thus an insincere representation, as per the letter provided to you today as an attachment. Your department should also be aware that the president of the council owners, the Owners' Representatives Group, past and present,

have also refused in writing to do so (all documentation can be provided by me upon request). Your department are also aware that the Board of TasWater continues to rely upon the advice of the CEO of TasWater, Mr Brewster, in relation to Pioneer. There has been no separation of duties between the CEO and Pioneer, notwithstanding an extended documented history of interference and negligence by the CEO. My request to Juliet Mercer last week that I be allowed to personally meet with the Board, to provide documentation to this effect, was answered to the effect that Ms Mercer would need to seek approval from CEO Brewster before she could approve a meeting between the Board and myself. This is wholly inappropriate. If the DHHS does not wish to act to the heart of this problem, the CEO of TasWater, rather than to merely overrule him to direct correct action at Pioneer, then the DHHS is indeed at risk of litigation by Pioneer at some later stage.

5) As per your letter of December 7, 2018, where you overrule the CEO of TasWater in relation to Pioneer, have you also notified the ORG, the mayor of Dorset, and the Premier of Tasmania? If so, on what date did this occur, please?

6) What consideration has been given to a mini-treatment plant for Pioneer?

7) I do not believe that the Board of TasWater is in full information about the numerous now documented interferences by CEO Brewster, as they continue to rely on advice from the CEO, and key letters relating to historic results, for example in relation to Mr Hanks and Mr Johnston, have never been corrected and reissued, not to the residents, nor to DHHS, etc – this is the tip of the iceberg.

8) The Board of TasWater, and indeed, your department, DHHS, cannot make informed decisions if the CEO of TasWater does not act honestly and in a timely manner 100% of the time.

I politely say that I require written acknowledgement that this e-mail has been received by you.

We eagerly await your written reply, and action.

Sincerely,

Tim Slade.

Tim Slade (B.Ed.)

Telephone: (03) 6354 2200

E-mail: cricketgalah@gmail.com

Postal address: 8 Moore Street, Pioneer, TAS, Australia, 7264.

Published poems: <https://www.austlit.edu.au/austlit/page/A138946?mainTabTemplate=agentAwards>

Published articles: <https://tasmaniantimes.com/guest-author/tim-slade/>

5 attachments



pg 2, Dr Veitch to CEO Brewster, December 7, 2018..pdf.jpeg
267K

pg1, Dr Veitch (DHHS) to CEO Brewster (TasWater), December 9, 2019 -- Pioneer.jpeg
368K



G212 2356 • 331 Main Road, Glenorchy Tas 7010 • sue.hickey@parliament.tas.gov.au • www.suehickey.com.au

01 July 2019

Mr Tim Slade
8 Moore Street
PIONEER TAS 7264
via email: cricketgalah@gmail.com

Dear Mr Slade,

Thank you for your correspondence dated 24th June 2019. I appreciate your concerns regarding Taswater and specifically in Pioneer. I do note your keen interest in this matter and the severity of this issue.

As this matter is under the responsibility of Taswater, I would recommend at first instance to lodge a formal complaint to Tas water regarding your concerns. This can be done via phone on 136 992. Alternatively, if you are not satisfied with Taswater's response, then you are able to lodge a formal complaint to the Ombudsman. This can be done via phone on 1800 001 170.

If you do have a public health concern, you are invited to report this concern to the Public Health hotline on 1800 671 738.

Thank you for getting in touch with me and I hope this information is useful.

Kind Regards

Hon. Sue Hickey MP
Liberal Member for Clark

24 June 2019 at 17:25

Tim Slade

<cricketgalah@gmail.com>

To: Melissa Partridge <melissa.partridge@parliament.tas.gov.au>, "Tania. Rattray" <tania.rattray@parliament.tas.gov.au>, sue.hickey@parliament.tas.gov.au, timothy.lattimore@dpac.tas.gov.au

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

Dear Tania Rattray and Sue Hickey,

Thank you for the copy of Minister Ferguson's letter to you of May 23, 2019, and the link to the new TasWater legislation, passed on September 14, 2018.

These documents show:

- 1) The State government have had a seat at the table with TasWater since new legislation passed on September 14, 2018.
- 2) Obsolete is the Premier's letter to me of September 10, 2018, to which Minister Ferguson refers in his letter to you. The new legislation directs the State government to a new role / responsibility in relation to all TasWater matters.
- 3) Minister Ferguson is incorrect to assume a position based upon legislation that no longer exists. He and the State government must be formally corrected and sanctioned. This disingenuous view is long-standing from the Minister in relation to Pioneer: first in relation to lead (Pb) contamination in the reticulated supply of drinking water, 2013; and second, now, in relation to TasWater's knowing and wilful utilisation of lead-painted roofs for the collection of drinking water into rainwater tanks, 2014 - 2019.
- 4) Minister Ferguson and the State government must hence provide to you, please, new advice and plans for action at Pioneer.

Thank you,

Tim Slade.

~~~~~  
Tim Slade (B.Ed.)

Telephone:

(03) 6

354 2200

E-mail: [cricketgalah@gmail.com](mailto:cricketgalah@gmail.com)

Postal address: 8 Moore Street, Pioneer, TAS, Australia, 7264.

Published poems: <https://www.austlii.edu.au/austlii/page/A138946?mainTabTemplate=agentAwards>

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ublished articles: h

<https://tasmaniantimes.com/quest-author/tim-slade/>

- Show quoted text -

Premier to Slade, September 10, 2018.jpeg

338K [View](#) [Scan and download](#)

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25 June 2019 at 10:33

**Lattimore, Timothy (DPaC)**

<Timothy.Lattimore@dpac.tas.gov.au>

To: Tim Slade <cricketgalah@gmail.com>

[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)

Dear Mr Slade,

Thank you for your email to the Speaker of the House of Assembly, Hon. Sue Hickey MP.

I can confirm we have received your correspondence and we will be in touch in due course with a response.

Kind Regards,

Tim

- [Show quoted text](#) -

### DO YOU REMEMBER?

Proudly brought to you by  
**SCOTSDALE LIONS CLUB**



# WE SERVE

### 10 YEARS AGO

June 3 2009

#### Big fish caught off coast

A group of local fishermen put their boat in the sea off Eddystone Point, hoping to catch some trevally.

They caught more than they bargained for. Andrew McDougall, Hamish Bennett, Sam Tuck and Wayne Tuck, were surprised to find a much bigger fish on their line.

They finally managed to bring a 3.7 metre broadbill swordfish on board.

The fish was too big to be weighed, but it was estimated to be in the vicinity of 350 kilograms.

### 40 YEARS AGO

June 7 1979

#### The North-Eastern Leaders in Real Estate

Tin Prices Soar in Derby.

We have a tin mining lease for sale, including some equipment and water rights.

With tin at \$8,400 a ton, some hard work should quickly get the purchase price of \$5,000 soon back in your pocket.

### 60 YEARS AGO

June 5 1959

Youth Club Re-opening

### LETTERS TO THE EDITOR

Letters must be short and preference will be given to letters of 250 words or less. Letters may be edited or not printed for space, clarity or legal reasons. Names, addresses and telephone numbers must be included. Unsigned letters or those with pen names will not be published.

#### PIONEER WATER WOES

Dear Editor,

At Pioneer, six years and six months on from the alert for lead in the reticulated system, there are four confirmed lead-painted roofs, tested by TasWater years ago, but with no remedy to this day. Only a minority of roofs at Pioneer have been tested for lead-paint so far, so there will be other lead-painted roofs to be discovered by TasWater.

I advised the Department of Health and Human Services (DHHS) in 2018, because neither TasWater nor Dorset Council would do so.

I have since been advised by the DHHS that TasWater failed to apply the National Guideline Document for the Installation and Use of Rainwater Tanks.

TasWater customers at Pioneer have been in the right all along.

We will justly expect that this first-ever round of roof inspections for everyone, will be done professionally and respectfully, and that roofs will be replaced when they are lead-painted, as promised to the town by TasWater in public meetings in 2013, before a solution was

decided. Pioneer's residents will also justly expect that TasWater will survey each person's view on the need or otherwise for a mini-treatment plant, as at Herrick and Gladstone.

If TasWater will not do so, there is no rule whatsoever to prevent Dorset Council from conducting such a survey.

**Tim Slade,**  
Pioneer

#### FUNDRAISING THANKS

Dear Editor,

The Legerwood Catering Group would like to thank everyone that supported our fund raiser and raffle for the Cancer Council on Sunday June 2.

After all expenses, a total of \$1,300 was raised, which will be presented to Cancer Council at a later date.

Thanks to everyone for a great day as this is a worthy cause.

Also, on the day the prize winners have been notified from the raffle that was drawn by Taylor Clyne on May 29.

**Robert Jaffray,**  
Legerwood

### GENERAL NEWS

## Special lady celebrates 90



DAWN Walley celebrated her ninetieth birthday last Saturday with a delicious family lunch and a important cake at the Scottsdale Art Gallery Caf. Family members that she hadn't seen in years travelled for the occasion with many belly laughs and stories told on the day.

Dawn's secret to looking so fabulous at ninety. It must be all the walking she does.

Happy birthday!

Minister for Health  
Minister for Police, Fire and Emergency Management  
Minister for Science and Technology  
Leader of the House

Level 5, 4 Salamanca Place, Hobart  
Public Buildings, 53 St John Street, Launceston  
GPO Box 123, HOBART TAS 7001  
Phone: (03) 6165 7701; Email: [Michael.Ferguson@dpac.tas.gov.au](mailto:Michael.Ferguson@dpac.tas.gov.au)

Our Ref: MIN19/12563



23 MAY 2019

Hon Tania Rattray MLC  
Independent Member for McIntyre  
16 King Street  
SCOTTSDALE TAS 7260

Dear Ms Rattray *Tania*

Thank you for your email of 15 May 2019 seeking a response to correspondence previously addressed to Dr Veitch and Mr Hunt; on behalf of Mr Tim Slade, regarding Pioneer Water Quality.

I have attached a copy of a letter sent from the Premier, in response to previous communications from Mr Slade, addressing the issues raised in relation to this matter.

Should you have any further constituent inquiries relating to the Health portfolio please address correspondence to me in order for my office to ensure responses are actioned in a timely manner.

Thank you for your interest in this matter.

Yours sincerely

Michael Ferguson MP  
Minister for Health

Encl. Premier's response to Mr Tim Slade



**Dear Anna Reynolds... Pioneer's lead-painted roofs for the collection of drinking water...**

[Inbox](#)

23 May 2019 at 11:10

**Lord Mayor - External**

<lord.mayor@hobartcity.com.au>

To: Tim Slade <cricketgalah@gmail.com>

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Good morning

The Office of the Lord Mayor acknowledges receipt of your email.

Kind regards

Office of the Lord Mayor

**From:** Tim Slade [<mailto:cricketgalah@gmail.com>]

**Sent:** Thursday, 23 May 2019 10:14 AM

**To:** Lord Mayor - External <[lord.mayor@hobartcity.com.au](mailto:lord.mayor@hobartcity.com.au)>

**Subject:** TRIM: Dear Anna Reynolds... Pioneer's lead-painted roofs for the collection of drinking water...

Dear Lord Mayor Reynolds,

I am writing to ask if we can schedule a telephone appointment ASAP to discuss a long-standing and serious health issues which continues in my town, Pioneer, in the north-east, but which our mayor has not made proper representation on our behalf.

At Pioneer, six years and six months after the alert for lead (PB) contamination in our reticulated water supply, the town has progressed to a secondary source of lead contamination, caused wholly by the CEO of TasWater, whereby TasWater presently utilise lead-painted roofs for the collection of rainwater in tanks installed by TasWater.

CEO Brewster is in full knowledge of this, and indeed, via the Ombudsman in 2018/19, we now have written admissions by TasWater that they knowingly installed tanks to lead-painted roofs, but then did not test water

subsequently for years, and only at the direction of the Ombudsman, through my representation for several residents at Pioneer.

TasWater are presently ignoring letters from Ross Hart, and now it appears that Ross will lose his seat in the parliament and can no longer represent us. At no time has Rebecca White spoken to me or made any representation for us. Tania Rattray's recent letter to Dr Veitch has gone unanswered in more than three weeks, despite his office, via Mr Hunt, confirming to me via telephone in 2018 that TasWater failed to apply at Pioneer the *National Guideline for the Installation and Use of Rainwater Tanks*. It was me who notified the DHHS about this issue of lead-painted roofs (in contrast to the original problem of a lead-contaminated reticulated supply). Nobody notified the DHHS in years, not CEO Brewster, not Doug Chipman, not David Downie, not Mayor Howard, not the Premier, not Mr Gutwein.

In-depth communication by me to David Downie and Doug Chipman during the past years has proven to be a waste of time, with both key members in the governance of TasWater (Mr Downie now retired) displaying an unwillingness to follow proper process, nor to represent our issues to the Owners Representatives Group (for TasWater issues).

Our mayor, Mr Howard, refuses to put into writing a representation on Pioneer's behalf to the ORG. This is despite he and his council being in full knowledge and in receipt of all documented evidence. And in nearly a year since I provided to Mayor Howard the names and contact details of the residents who have confirmed cases of lead-painted roofs, neither he nor any member of Dorset council have picked up the telephone to speak to these residents, to help them or to simply speak to them as a courtesy. And this neglect has occurred when the Mayor is in full knowledge that these folk are being ignored by TasWater, the ORG and the Minister responsible, Mr Gutwein.

At Pioneer only a minority of roofs have been tested for lead paint, so there will be other cases that we do not yet know about. CEO Brewster is in full knowledge and has been since 2014, more than five years ago.

I will attach the documents we have so far.

I realise this issue does not relate to the Greater Hobart area under your governance, however I hope you will appreciate that this is a serious issue and it is one that is not being addressed. Furthermore, at the least, I feel that each of the 29 mayors of the ORG have a right to be made aware of what is happening in relation to lead-painted roofs here at Pioneer. Mr Chipman has refused to fulfil his duties to inform the 29 mayors of this matter. Mr Chipman and Mr Howard are thus making decisions on behalf of the other mayors, when they have not been notified in the first instance. This is not democratic, and this failed process should have a light shone on it if local council is to run by proper process in the interests of all Tasmanian.

In recent months, I have written to the Premier indicating to him that in the light of his continued and formal refusal to involve himself for Pioneer, that I have located a bro-bono lawyer who has expressed an interest to represent at least one, and likely more, residents at Pioneer. At this point, the Premier wrote to Mr Gutwein, who replied to me some weeks later, to say that he has written to TasWater for an update. This is the first letter to me from Mr Gutwein in years.

I sincerely hope you will see fit to offer me a telephone appointment with you to discuss this issue.

Thank you.

Sincerely,

Tim Slade.

Tim Slade (B.Ed.)

16

**Tania. Rattray**

---

**From:** Tania. Rattray  
**Sent:** Wednesday, 24 April 2019 1:09 PM  
**To:** Public Health (Health)  
**Subject:** Attn Dr Veitch & Mr Hunt re Pioneer Water Quality

Dear Dr Veitch and Mr Hunt,

I am making this contact following a number of email exchanges and a phone conversation with Mr Tim Slade who is a McIntyre constituent and spokesperson for the Pioneer community who has been involved and has a full understanding of the rain water tank contamination issue.

Mr Slade has advised me that aside of the significant length of time that the Pioneer community have been waiting to have this matter resolved that TasWater at the time of authorising the tank installations did not meet the National Guideline Document for the Use and Installation of Rainwater Tanks.

I am aware that there has been numerous requests from Mr Slade for TasWater, the Government and other stakeholders to have this issue examined and addressed to the satisfaction of those residents directly affected. I have in the past made contact with the Owners Representative Group Chairperson who at the time was Mayor David Downie, and regrettably this issue didn't receive the attention that I had expected given that Local Government are the owners and ultimately set the policy direction for TasWater.

With the significant concerns directly relating to the health of Pioneer residents I would appreciate your view and any suggested direction that should occur to address this important issue.

I look forward to your prompt response and would discuss this matter in more detail should that be necessary to resolve the matter.

Yours sincerely, Tania Rattray MLC



**Hon. Tania Rattray MLC**  
Independent Member for McIntyre

T: 03 6350 5000 | M: 0427 523 412  
E: [tania.rattray@parliament.tas.gov.au](mailto:tania.rattray@parliament.tas.gov.au)  
16 King St | Scottsdale Tas 7260

63542200

15/3/19 - Follow up email  
+ cc Minister Ferguson.

14-17  
101-107.

## Department of Health

GPO Box 125, HOBART TAS 7001 Australia


Ph: 1300 135 513

Web: [www.dhhs.tas.gov.au](http://www.dhhs.tas.gov.au)



Contact: Mark Veitch  
 Phone: (03) 6166 6662  
 Facsimile: (03) 6173 0825  
 Email: [mark.veitch@health.tas.gov.au](mailto:mark.veitch@health.tas.gov.au)  
 File:

Michael Brewster  
 Chief Executive Officer  
 TasWater  
 GPO Box 1393  
 HOBART TAS 7001

  
 Dear Mr Brewster

### **Pioneer Service Replacement - Risks of Lead Painted Roof Catchments**

Thank you for meeting on 6 March 2019 to discuss risks posed by roof catchments for rainwater tanks in Pioneer.

I have also been given a copy of the correspondence that you sent to Mr Johnson of 59 Main Road Pioneer on 4 March 2019. This provides the results and a re-interpretation of the results from testing of his roof paint for lead back in 2014. The lead concentration of the paint was 0.5%, five times the recommended safe limit for use on roofs that collect rainwater.

The TasWater submission to the Office of the Tasmanian Economic Regulator (OTTER) in June 2017 cited the Pioneer petitioners' requirements (originally of Ben Lomond Water) to 'repair roof, gutters and downpipes, etc. to a standard suitable for collecting rainwater for drinking' and notes that this condition 'was agreed to and incorporated into the program.' Incorporating this in the submission establishes reasonable expectations of what the Pioneer service replacements would encompass.

I draw on enHealth's 2010 document, *Guidance on use of rainwater tanks* as an authoritative document that describes best practice management of rainwater tanks.

The enHealth guidance identifies lead-based roof paints and primers as potential causes of hazardous lead contamination of drinking water (page 16). The preventative measures they advise are to not collect rainwater from roofs painted with products containing high lead concentrations (for example, pre 1970s paint), and to check the suitability of roof paint with a paint retailer. The document also notes that risk may arise from uncoated lead flashing and from corrosion from wet leaves in gutters.

We discussed the prospect of a testing program to monitor roof-harvested rainwater for lead. This may provide useful and even reassuring information for as long as such a program is conducted. The design of such a program would need to capture events such as rainfall to fully explore the relationship between roof catchment conditions and lead concentration in the water. In the circumstances I think you would be ethically bound to test all tanks with old painted or deteriorating roofs, rather than a representative sample of the tanks. Interpreting results would need an understanding of rainfall patterns, roof catchment size and carted water top-ups. I cannot see a logical duration of such monitoring, besides suggesting that it would need to be ongoing for high lead paint painted roofs.

On filters, the enHealth publication states *'water filters should not be necessary as a method for maintaining microbial, chemical or physical quality of rainwater. If problems occur, the preferred approach is to instigate remedial action to prevent contamination, rather than installing a system to treat the symptoms of inadequate maintenance.'* This approach also has the weakness of depending on current and future residents maintaining their filters and is not a failsafe or a long-term definitive solution to the risk it aims to mitigate.

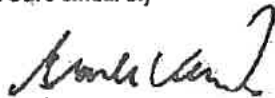
The safety of the drinking water that Pioneer residents draw from their newly installed tanks is best assured by ensuring that the service replacements at Pioneer comply with the enHealth guidance.

This does not mean that every property needs further work. Properties that have been assessed as having safe roof catchments and associated gutters, flashing and plumbing need neither monitoring nor filtration.

For properties where one of more of these elements does not meet an acceptable standard, the definitive action to prevent any foreseeable risk of lead-contaminated water entering tanks is to repair, repaint or replace roofs and/or other elements that are below the standard required for rainwater catchment. Because monitoring and filtration do not address the root cause of the risk, these are at best a non-preferred short to medium-term approach.

Thank you for your time on this matter. Should you wish to discuss this further, please contact me.

Yours sincerely



Dr Mark Veitch  
Director Public Health

2 April 2019



TW HPE ref: 19/22212

4 March 2019

Mr ~~James Wilson~~  
Main Road  
Pioneer TAS 7264

Dear Mr ~~Wilson~~

~~Drinking water quality concerns~~ Main Road Pioneer

Thank you for your correspondence dated 18 February 2019 in relation to concerns about the quality of drinking water collected via the roof of your property at ~~4~~ Main Road Pioneer.

As you may be aware we have also received recent correspondence in relation this matter from the Director of Public Health and Hon. Ross Hart MP (Member for Bass).

In 2014 an independent entity, the Environmental division of ALS group undertook tests of the paint on your roof to establish the content of lead in the paint. The test result is enclosed; please refer to page 3 for the details (results related to another property has been blacked out for privacy reasons).

Further information on understanding the test result is available at  
<http://www.environment.gov.au/protection/chemicals-management/lead/lead-in-house-paint>

The content of lead in the paint was 5030 milligram per-kilogram (0.503%). The content of lead in the paint is above current limit of 0.1 percent lead in domestic paint as per the Australian Government – Department of the Environment and Energy. This information is available at  
<http://www.environment.gov.au/protection/chemicals-management/lead/lead-in-house-paint>.

We acknowledge we misinterpreted this data when the results were first advised to you.

We are in discussions with the Director of Public Health and other Department of Health officials regarding the National Guideline for the Use and Installation of Rainwater Tanks. We anticipate these discussions are likely to continue over the next few months and we will keep you informed as to the progress of these discussions.

If you have any questions or require further information in relation to this matter, please contact our customer services team on 13 6992 or via email [complaints@taswater.com.au](mailto:complaints@taswater.com.au). Alternatively you may also wish to refer to the Office of the Ombudsman by phoning 1800 001 170 or visiting [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au).

Yours sincerely

A handwritten signature in dark ink, appearing to read "Michael Brewster".

**Michael Brewster**  
Chief Executive Officer

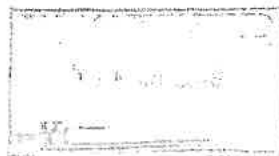
Tasmanian Water & Sewerage Corporation Pty Ltd  
GPO Box 1393 Hobart Tas 7001  
Email: [enquiries@taswater.com.au](mailto:enquiries@taswater.com.au)  
Tel: 13 6992

ABN: 47 162 220 653



TW HPE ref: 19/25890

1 March 2019



**Mr Ross Hart MP**  
Member for Bass  
PO Box 5035  
Launceston TAS 7250

Dear ~~Mr Hart~~ <sup>Ross</sup>,

Thank you for your letter of 19 December 2018 and your follow up letter of 5 February 2019. I apologise we have not written back to you sooner though I understand members of our customer service team have spoken with your office.

We acknowledge your concerns regarding roof water catchments in Pioneer. You would be aware that in 2014 we instigated a service replacement program to address problems with the natural water catchments of the area which were shown to include metals and bacteria outside of regulatory guideline levels, hence rendering this water non-potable.

The concerns raised by your constituents have also been raised directly to us by the Pioneer community and also via the Director of Public Health. These issues are complex and require careful consideration.

We are in the process of forming an approach to address these concerns with the Director of Public Health and other Department of Health officials. Once these discussions are complete we will be in a position to outline our approach with stakeholders and the community.

Once we have concluded these discussions with health officials we would be happy to brief you or your office on our approach. We anticipate these discussions are likely to continue until mid-March 2019, we will endeavour to keep you informed as to the progress of these discussions.

In the meantime if you or your office have any further concerns or questions please respond to Lance Stapleton on 6237 8293 or at [lancestapleton@taswater.com.au](mailto:lancestapleton@taswater.com.au)

Yours sincerely

**Michael Brewster**  
Chief Executive Officer

Tasmanian Water & Sewerage Corporation Pty Ltd  
GPO Box 1393 Hobart Tas 7001  
Email: [enquiries@taswater.com.au](mailto:enquiries@taswater.com.au)  
Tel: 13 6992

ABN 47 182 220 453

## Department of Health and Human Services

GPO Box 125, HOBART TAS 7001 Australia

Ph: 1300 135 513

Web: [www.dhhs.tas.gov.au](http://www.dhhs.tas.gov.au)



Contact: Paul Hunt  
Phone: (03) 6165 0698  
Email: [paul.j.hunt@health.tas.gov.au](mailto:paul.j.hunt@health.tas.gov.au)  
File: PPH01724

Mr Mike Brewster  
CEO  
TasWater  
GPO Box 1393  
HOBART Tas. 7001

Dear Mr. Brewster,

### **Subject: Pioneer – Rainwater Tanks / Service Replacement**

The Department of Health has received correspondence and telephone calls from Mr Tim Slade about the service replacement at Pioneer. Some of the correspondence has been sent to or shared with TasWater, the Ombudsman, and members of parliament, including the Premier. The matter was also raised at the Legislative Council Government Business Scrutiny Committee on 4 December 2018 and in Federal Parliament by Mr Ross Hart MP on 5 December 2018.

Mr Slade has raised several issues. What is of concern to me is the condition of the roof catchments used to harvest drinking water at certain properties in Pioneer.

I have attached a copy of recent correspondence from the Department to Tim Slade. In this we note that roofs in poor condition and/or painted with older lead-based paints are inappropriate for collecting rainwater for drinking.

The condition of roofing material and related plumbing fixtures used to collect rainwater for consumption is generally a matter for the householder to manage, but in the case of service replacement for Pioneer, the responsibility is broader.

TasWater's submission in June 2017 to the Office of the Tasmanian Economic Regulator (OTTER) for the service replacement of Pioneer and Mountain River explicitly stated (at page 4) that the service replacement option would involve 'the provision of assistance to ensure roofing and guttaring were adequate to supply water to the tank'. The submission also cited earlier discussions and agreement (then with Ben Lomond Water) that service replacement would involve 'repair [of] roof, gutters and downpipes etc to a standard suitable for collecting rainwater for drinking' (page 6).

I am concerned that this assistance appears not to have been provided. Departmental officers have discussed this matter with OTTER, who have suggested that this is a contractual matter between TasWater and the Pioneer residents.

Departmental officers have also discussed the matter of plumbing compliance with the Department of Justice, who have indicated that the condition of the roofs should have been identified as part of the scope



of works, with remedial works done to ensure that rainwater collection for drinking was compliant with contemporary standards.

I understand that TasWater has done some tank water sampling, and has offered to do more. While this provides evidence of the current quality of the water in the tanks, it does not address foreseeable future risk from high lead content roof paint.

The national guidance document addresses both short and longer term health risks from using rainwater tanks (*Guidance on use of rainwater tanks*, Australian Government Department of Health and the Environmental Health Standing Committee, <http://www.health.gov.au/internet/main/publishing.nsf/content/ohp-enhealth-rain-tank-cnt.htm>). This guidance addresses catchment quality, notably at page 16 where it states 'Do not collect rainwater from roofs painted with products containing high lead concentrations (for example, pre-1970s paint).'

I believe that completion of the undertaking as expressed in the original submission to OTTER is necessary and would provide a safe drinking water supply to Pioneer residents, subject to residents following the usual advice about untreated drinking water and maintenance of tanks and related infrastructure.

I would be grateful if you could advise me how TasWater will address this issue.

Please feel free to get in touch if you would like to discuss this in more detail with me and my Departmental colleagues.

Yours sincerely,



Dr Mark Veitch  
Director of Public Health

7 December 2018

*Tim Slade's published articles:*

<http://tasmaniantimes.com/index.php/category-article/239>

8 Moore Street

Pioneer TAS 7264

Tel: (03) 6354 2200

E-mail: [cricketgalah@gmail.com](mailto:cricketgalah@gmail.com)

----- Forwarded message -----

From: **Tim Slade** <[cricketgalah@gmail.com](mailto:cricketgalah@gmail.com)>

Date: 14 August 2018 at 09:28

Subject: Pioneer ~ Tim Slade, Aug 14 ~ TasWater ~ Failure to respond...

To: "The Premier (DPaC)" <[premier@dpac.tas.gov.au](mailto:premier@dpac.tas.gov.au)>, Michael Ferguson <[michael.ferguson@parliament.tas.gov.au](mailto:michael.ferguson@parliament.tas.gov.au)>, "Gutwein, Peter (DPaC)" <[peter.gutwein@dpac.tas.gov.au](mailto:peter.gutwein@dpac.tas.gov.au)>, Miles Hampton <[miles.h@me.com](mailto:miles.h@me.com)>, Michael Brewster <[michael.brewster@taswater.com.au](mailto:michael.brewster@taswater.com.au)>, "Ombudsman (OHCC)" <[ombudsman@ombudsman.tas.gov.au](mailto:ombudsman@ombudsman.tas.gov.au)>, [integritycommission@integrity.tas.gov.au](mailto:integritycommission@integrity.tas.gov.au)

Cc: "Hart, Ross (MP)" <[Ross.Hart.MP@aph.gov.au](mailto:Ross.Hart.MP@aph.gov.au)>, "Tania. Rattray" <[tania.rattray@parliament.tas.gov.au](mailto:tania.rattray@parliament.tas.gov.au)>, [rosalie.woodruff@parliament.tas.gov.au](mailto:rosalie.woodruff@parliament.tas.gov.au), Scott Bacon <[Scott.Bacon@parliament.tas.gov.au](mailto:Scott.Bacon@parliament.tas.gov.au)>, [Michelle.obyrne@parliament.tas.gov.au](mailto:Michelle.obyrne@parliament.tas.gov.au)

[Quoted text hidden]

#### 8 attachments



Mr. Hanks' roof, 58 Main Rd, Pioneer. Photo 1...JPG  
140K



DSC02098.JPG  
127K

Ms. Perry's roof, 11 Main Street, Pioneer. Photo 2...JPG  
133K




**DSC02090.JPG**  
131K




**DSC02087.JPG**  
130K



**Mr Weynberg, Pioneer, contract for roofing iron only.jpeg**  
307K

 **Letter of reply to CEO Brewster, TasWater, July 17, 2018..docx**  
12K

 **Chairman Hampton statutory declaration ORIGINAL.docx**  
12K

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**Tim Slade** <cricketgalah@gmail.com>  
To: Paul Harvey <paul.harvey@environmentalsciencesolutions.com>

20 August 2018 at 09:58

Thank you, Paul. I will let you know when / if I get a reply. Thanks for reaffirming that I am making reasonable requests to TasWater and players. Local Council elections statewide in October. Chairman



TW HPE ref: B18/149229

17 December 2018

Mr. ~~XXXXXXXXXX~~  
59 Main Road  
Pioneer TAS 7264

Dear Mr. ~~XXXXXXXXXX~~

**Service Replacement Program – Closure**

Thank you for your letter received on 12 November 2018 with regard to the Pioneer Service Replacement Program. I appreciate the opportunity to investigate this matter and provide you with a response.

As you are already aware in 2012 routine water sampling identified lead levels which exceeded the Australian Drinking Water Guidelines (ADWG) lifetime exposure levels. At that time and in conjunction with the Department of Health we undertook an investigation into the potential source of the lead and found it was present in both the water source and the soil materials of that water source.

Following our investigation and in consultation with the community the Service Replacement Program was developed. This was the first such project of its kind in Tasmania and followed receipt of a petition signed by more than 90 percent of residents in Pioneer.

Our commitment to the community was that we would install tanks and associated infrastructure (for example pumps and guttering) to enable the collection of rain water for drinking purposes. During the community consultation phase it was agreed that existing roofs would be tested upon request. This testing was carried out as part of the program's delivery.

The intent of the program was to improve water quality and TasWater undertook all relevant actions to meet this intention.

We acknowledge receipt of your 'Expression of Interest' in this program in July 2014. (TW 14/46159) All subsequent attempts undertaken by TasWater to contact you and formalise matters with you in relation to this program were unsuccessful, this includes multiple phone calls and attempts to contact you in person by our staff.

In our communication to you on 23 November 2017 (TW 17/117395) we reported that the Service Replacement Program is now complete and no new applications will be accepted. Further that in the absence of receiving an Irrigation Supply Contract TasWater will proceed to disconnect the water service to your property.

Tasmanian Water & Sewerage Corporation Pty Ltd  
GPO Box 1393 Hobart Tas 7001  
Email: [enquiries@taswater.com.au](mailto:enquiries@taswater.com.au)  
Tel: 13 6992

ABN: 47 162 220 653



On the basis you opted out of the Service Replacement Program by not responding to our communication in relation to the program, TasWater is unable to accede to your request for a roof replacement. We do however strongly encourage you to undertake water sample testing of your drinking supply should this be received via the roof catchment.

During the course of the Service Replacement Program TasWater positioned a communal water tank at the Pioneer Town Hall. On completion of the program the water tank became the property of the Dorset Council. Any concerns regarding this tank should be directed to Dorset Council.

In the absence of holding an Irrigation Contract your Water and Sewerage account (211012512) was settled on 2 May 2018; resulting in an overdue amount of \$1298.02 waived off, this also includes charges incurred prior to the Pioneer Service Replacement Program.

If you have any questions or require further information in relation to this matter, please contact Kayla Keene Contact Centre Team Leader on 13 6992 or via email [complaints@taswater.com.au](mailto:complaints@taswater.com.au). You may also wish to refer to the Office of the Ombudsman by phoning 1800 001 170 or visiting: [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au).

Yours sincerely

A handwritten signature in dark ink, appearing to read "Michael Brewster".

**Michael Brewster**  
Chief Executive Officer

**Tim Slade's correction of misrepresentations and contradictions by CEO Brewster during Legislative Council's GBE Committee with TasWater, with regard to Pioneer, December 4, 2018.**

1.

Correction: Not one roof has been replaced at Pioneer. Only one resident has been offered a partial remedy to his lead-painted roof – roofing materials, but no labour to install.

This resident, Mr Weynberg, continues to wait to receive these materials, more than four months after he signed a contract with TasWater.

**Mr BREWSTER:** 'I think in the last case we replaced the roof.'

2.

Correction:

Mr Hanks has not received any offer by TasWater to re-sample. Mr Hanks's letter and e-mail to CEO Brewster, October 22 (and a reminder on November 5) have not been replied to by TasWater in forty-four days. CEO Brewster is aware that Mr Hanks is working through the Ombudsman, and it was at the Ombudsman's direction that water tests were taken for Mr Hanks, the first samples ever taken, notwithstanding TasWater's written confirmation that they have been aware of Mr Hanks's lead-painted roof since 2014 (four years ago), at 6.7 times safe standards.

CEO Brewster makes no mention of this failed process by TasWater, knowingly putting Mr Hanks in harm's way for four years, whereby his drinking water may have contained a high level of lead (Pb).

**Mr VALENTINE** - Mr Hanks' issue is that he informed you the tank the sample was taken from had only recently been filled by a water carter. It wasn't representative of what was coming off his roof. He says there is no mention of that in the test results that came back. It could be that the roof is causing problems and issues.

**Mr BREWSTER** - We will re-sample; that is what we have said.

**Mr VALENTINE** - You will?

**Mr BREWSTER** - Yes. We have offered to re-sample.

3.

Correction:

CEO feigned to be unaware that Mr Hanks has been waiting over forty days for a reply from the CEO, notwithstanding this letter from Mr Hanks, October 22, having been sent AusPost and by e-mail, and then again on November 5, by AusPost and e-mail. That is four letters addressed to the CEO, all ignored - an oversight, if we accept the CEO's version. An identical case for Mr Y, who has been waiting 23 days, since his letter and e-mail to the CEO on November 11. Both cases are going through the Ombudsman, as the CEO is aware. But the CEO could not recall today in this Estimates committee. The CEO confirmed that 10 days is the reply protocol at TasWater.

**Mr VALENTINE** - There is the response to letters that were sent. They are saying they have sent letters and it has been 41 days but they have not received a response. I think your standard might be a 21-day response.

**Mr BREWSTER** - No, our standard is 10 days. I am happy to take that on notice. It is possible but most unlikely. We are usually efficient with those things but we may have missed a couple. I am happy to take that on notice and respond.

4.

CEO Brewster states that roofs will be replaced only if the water contains lead above health standards. CEO Brewster thus means that lead-painted roofs will not be replaced if the water sample is below health standards. Thus, CEO Brewster's position does not satisfactorily consider the future deterioration of the lead-paint, and thus the probable rise in water lead levels, thus TasWater are foreseeably placing the customer in harm's way.

**Mr BREWSTER** - Our position is and remains that if we determine the lead content in their tanks is greater than the standard, we will replace those roofs.

5.

Correction:

Contradictory statements by the CEO. CEO Brewster says sampling proves there has been no exposure to lead, but then he goes on to admit, following Mr Valentine's questions, that Mr Hanks's water needs to be retested due to TasWater ignoring Mr Hanks written advice that the sample will not be valid because he recently refilled the tank with fresh water.

**Mr VALENTINE** - Talking about regional towns, if I might go to a specific issue that has occurred in Pioneer. You would be well aware of this one, Mike. It seems it has taken a long time to address and there are concerns about the health issues associated with it. We have been updated by individuals there who are concerned about it. I have a letter telling me that I can use Mr Tim Hanks's example and he is happy to be dealt with. He is concerned because he recently received a letter from TasWater saying -

Please find attached the report for test results taken in 2014 - That is four years ago - for lead in the paint of your roof at 58 Main Road, Pioneer.

Just to cut to the chase -The sample with lead content is almost seven times the limit set out in 1997.

Quite clearly, this gentleman has been using water from that roof and yet, it is only in 2018 that they have advised that it is very significantly - seven times over - the limit of what it should be. Then there was an issue about repairing or replacing roofs at Pioneer, and this is only one. There is a number up there. Why has it taken so long? What is the status of those cases where roofs are supposed to be replaced or repaired? It seems to be taking so long and people are exposed to lead in the water.

**Mr BREWSTER** - First, they are not exposed to lead in the water. Our sampling demonstrates that.

**Mr VALENTINE** - Mr Hanks' issue is that he informed you the tank the sample was taken from had only recently been filled by a water carter. It wasn't representative of what was coming off his roof. He says there is no mention of that in the test results that came back. It could be that the roof is causing problems and issues.

**Mr BREWSTER** - We will re-sample; that is what we have said.



**Mr VALENTINE** - You will?

**Mr BREWSTER** - Yes. We have offered to re-sample.

6.

Correction:

Contradictory statements by CEO about the possibility of a mini-treatment plant at Pioneer. All recent written correspondence to me and to other stakeholders, has been that Pioneer will not be eligible for a mini-treatment plant because Pioneer was delisted from the registered serviced land area. But CEO Brewster says for the first time here, in Estimates:

**Mr VALENTINE** - With the Herrick, they put in a mini-system. Is that not an option for Pioneer, to make sure they can get potable water at the tap?

**Mr BREWSTER** - It is always an option, Rob.

7.

Correction:

CEO Brewster and TasWater have made no representations to residents at Pioneer to ask them if they would like for a mini-treatment plant to be installed at Pioneer. Extensive representations for this to occur have been made to the CEO by several parties, but the CEO has refused. Yet in Estimates, he talks as if it is active:

**Mr BREWSTER** - We could go back. This was all a timing issue. We were well advanced with Pioneer at the time we made the announcement about the 24 towns. A solution was pretty much there. If we were to go back, we would also have to ensure the customers want it. It is okay to say we will provide the water but, once they are off serviced land, they have to decide whether they want to pay for reticulated water to come back in. We would have to go back to the community. We would need to know the costs from our perspective and we would need to be convinced that is what the community ultimately wants. It was a point in time. From recollection, the majority of customers supported tanks. Admittedly, that was prior to the announcement of 24 towns.

8.

Failure by TasWater to co-sign contracts for months, leading to non-activation of contracts, and works, with no reasonable reason given by TasWater.

9.

DHHS investigation

10.

Investigation required into this group and TasWater's self-described incorrect notifications. This group is unknown to Tim Slade.

**Mr BREWSTER** - Yes, I understand. We then said one of them came out significantly above the standard at that time. We had not installed the tanks and as only one came out ahead, I authorised, rightly or wrongly, that the roof be replaced at that time because we obviously did not have any tanks. We had no water, we had no water to test, and I thought I was doing the right thing.

11.

No paint tests will be forthcoming, says CEO Brewster.

As time passed by, as we had offered to everyone, we undertook water quality tests and it is lead in the water that matters and we have tested the roofs -

**CHAIR** - The roofs or the water off the roofs?

**Mr BREWSTER** - The water running off the roof into the gutters. We have tested the water - I should go back, sorry, there is a piece I missed. Going back to your point about Mr Hanks and I cannot recall the multiple or the exact comparison to the standard, but we discovered off our own bat that there was an error in the readings and the customers had been incorrectly notified about six to eight months ago.

**Mr VALENTINE** - Mr Hanks?

**Mr BREWSTER** - No, all those customers we discovered. Six to eight months. We notified them that we had made an error. At that time, because we had the tanks, we were able to measure the amount of lead in water. Our position is and remains that if we determine the lead

content in their tanks is greater than the standard, we will replace those roofs. I have written to them and we will also undertake a further test.

**Mr VALENTINE** - So you will replace the roofs, not coat them?

**Mr BREWSTER** - Whatever it ultimately takes. I think in the last case we replaced the roof. That is the position we have taken. The same argument was put to us, that the amount of lead in the sediments in the dam was very high. That is noted but the thing that counts is how much lead is in the actual water when you measured the water. That is the thing you work from.

<http://www.parliament.tas.gov.au/ParliamentSearch/isysquery/b2e3be0c-db4e-4cf5-9b1c-dc708c09a112/1/doc/>

**Legislative Council GBE A - Tuesday 4 December 2018 - Tasmanian Water and Sewerage Corp Pty Ltd**

**Tuesday 4 December 2018 - Legislative Council - Government Businesses Scrutiny Committee A - Tasmanian Water and Sewerage Corporation Pty Ltd**

**LEGISLATIVE COUNCIL**

**GOVERNMENT BUSINESSES SCRUTINY COMMITTEE A**

**Tuesday 4 December 2018**

**MEMBERS**

Mr Finch  
Ms Forrest (Chair)  
Mr Gaffney  
Ms Lovell (Deputy Chair)  
Mr Valentine  
Mr Willie

**IN ATTENDANCE**

Mr Doug Chipman, Chair, Owners Representative Group  
Dr Stephen Gumley AO, Chairman  
Mr Michael Brewster, CEO  
Mr Dean Page, Chief Financial Officer  
Ms Juliet Mercer, General Manager Corporate and Community Relations

**The committee resumed at 3.04 p.m.**

**General state-wide discussion occurs...**

**Then Pioneer...**

**Mr VALENTINE** - Talking about regional towns, if I might go to a specific issue that has occurred in Pioneer. You would be well aware of this one, Mike. It seems it has taken a long time to address and there are concerns about the health issues associated with it. We have been updated by individuals there who are concerned about it. I have a letter telling me that I can use Mr Tim Hanks's example and he is happy to be dealt with. He is concerned because he recently received a letter from TasWater saying -

Please find attached the report for test results taken in 2014 -

That is four years ago -

for lead in the paint of your roof at 58 Main Road, Pioneer.

Just to cut to the chase -

The sample with lead content is almost seven times the limit set out in 1997.

Quite clearly, this gentleman has been using water from that roof and yet, it is only in 2018 that they have advised that it is very significantly - seven times over - the limit of what it should be. Then there was an issue about repairing or replacing roofs at Pioneer, and this is only one. There is a number up there. Why has it taken so long? What is the status of those cases where roofs are supposed to be replaced or repaired? It seems to be taking so long and people are exposed to lead in the water.

**Mr BREWSTER** - First, they are not exposed to lead in the water. Our sampling demonstrates that.

**CHAIR** - Are you talking about recent sampling, Mike?

**Mr BREWSTER** - Yes. What happened was that we offered to anyone who wanted their roof tested back in 2014 the opportunity for us to determine the amount of lead in the paint, assuming it was a painted roof or Colorbond, against the Australian Standards.

**Mr VALENTINE** - Believe it or not, that is the roof.

**Mr BREWSTER** - Yes, I understand. We then said one of them came out significantly above the standard at that time. We had not installed the tanks and as only one came out ahead, I authorised, rightly or wrongly, that the roof be replaced at that time because we obviously did not have any tanks. We had no water, we had no water to test, and I thought I was doing the right thing.

As time passed by, as we had offered to everyone, we undertook water quality tests and it is lead in the water that matters and we have tested the roofs -

**CHAIR** - The roofs or the water off the roofs?

**Mr BREWSTER** - The water running off the roof into the gutters. We have tested the water - I should go back, sorry, there is a piece I missed. Going back to your point about Mr Hanks and I cannot recall the multiple or the exact comparison to the standard, but we discovered off our own bat that there was an error in the readings and the customers had been incorrectly notified about six to eight months ago.

**Mr VALENTINE** - Mr Hanks?

**Mr BREWSTER** - No, all those customers we discovered. Six to eight months. We notified them that we had made an error. At that time, because we had the tanks, we were able to measure the amount of lead in water. Our position is and remains that if we determine the lead content in their tanks is greater than the standard, we will replace those roofs. I have written to them and we will also undertake a further test.

**Mr VALENTINE** - So you will replace the roofs, not coat them?

**Mr BREWSTER** - Whatever it ultimately takes. I think in the last case we replaced the roof. That is the position we have taken. The same argument was put to us, that the amount of lead in the sediments in the dam was very high. That is noted but the thing that counts is how much lead is in the actual water when you measured the water. That is the thing you work from.

**Mr VALENTINE** - Mr Hanks' issue is that he informed you the tank the sample was taken from had only recently been filled by a water carter. It wasn't representative of what was coming off his roof. He says there is no mention of that in the test results that came back. It could be that the roof is causing problems and issues.

**Mr BREWSTER** - We will re-sample; that is what we have said.

**Mr VALENTINE** - You will?

**Mr BREWSTER** - Yes. We have offered to re-sample.

**Mr WILLIE** - If we can walk through the time line a little before that. You undertook some tests on the town's water supply, and it came back that it was not potable and it had lead contamination. What year was that?

**Mr BREWSTER** - That might have been about 2011 or 2012.

**Mr WILLIE** - You undertook to supply tanks to 42 houses in the program, is that correct?

**Mr BREWSTER** - Correct.

**Mr WILLIE** - Since that time, have you tested all 42 of those properties, including the roof and paint base and the water quality of those 42 properties?

**Mr BREWSTER** - No. We tested all of the customers who asked for a test. That is what we offered to do and we provided the results of those tests. The key issue is and has been microbiological elements, *E. coli* in effect, in the tanks. We tested for that and at the request of those customers who wanted it, we also tested for lead on the roofs.

**Mr WILLIE** - Given the town's water supply was contaminated and it was TasWater's solution to supply the tanks, don't you think you have a duty of care to ensure the tanks fitted are producing potable water? You would need to test all 42 properties.

**Mr BREWSTER** - No. The solution we provided was to put in tanks, as you rightly say, and to ensure the water coming out of those tanks is safe. We didn't have to, but we offered to undertake those tests to the extent that if there is lead in the water above the Australian, we would replace that roof. This was a choice for customers. We sent it out and offered it to them. It was up to them whether they wanted the tests and that included the test of lead in the roof, the test for *E. coli* et cetera. That option is still available.

**Mr WILLIE** - Do you think that is appropriate, when TasWater fitted the tanks and is ultimately responsible for the new water supply, that you have only offered to undertake testing?

**Mr BREWSTER** - Yes. We provided the tanks. We provided the associated infrastructure and we are testing the water for those who want it to ensure that safe. Tanks are all around the state. It is not a new concept. We have given everyone brand new tanks and we have offered the testing. In addition, we have also provided a separate irrigation supply to those customers. Until a health issue is demonstrated, which we have not seen, and as long we are offering the service, which we are, I don't know where we end here, if we keep going.

**Mr VALENTINE** - With the Herrick, they put in a mini-system. Is that not an option for Pioneer, to make sure they can get potable water at the tap?

**Mr BREWSTER** - It is always an option, Rob. We could go back. This was all a timing issue. We were well advanced with Pioneer at the time we made the announcement about the 24 towns. A solution was pretty much there. If we were to go back, we would also have to ensure the customers want it. It is okay to say we will provide the water but, once they are off serviced land, they have to decide whether they want to pay for reticulated water to come back in. We would have to go back to the community. We would need to know the costs from our perspective and we would need to be convinced that is what the community ultimately wants. It



was a point in time. From recollection, the majority of customers supported tanks. Admittedly, that was prior to the announcement of 24 glasses.

**Mr WILLIE** - Has the Department of Health investigated Pioneer?

**Mr BREWSTER** - I have spoken to the head of the Department of Health, they are reviewing it and we welcome that. I don't know whether it is an investigation or where it is at. All I have been advised is they have been asked to look into it and we would recommend that is fine.

**Mr GAFFNEY** - How many other communities in the state have been offered a water tank? I am aware of a couple that have been offered water tanks. It is not uncommon for that to occur.

**Mr BREWSTER** - We have offered it to three, who took it up - Gormanston most recently, Mountain River in the south and Pioneer. The only differences were that we went over the meter and installed the tanks and guttering in Pioneer. It was quite a different model to the model used on the others.

**Mr GAFFNEY** - To provide the tank somewhere like Gormanston, it would be impossible to offer anything else other than that, with so few residents there. You couldn't do it, could you?

**Mr BREWSTER** - The cost would be significant but we went to the community and the community overwhelmingly voted for tanks in that case, I think it was 90 per cent.

**CHAIR** - They have plenty of rain in Gormanston.

**Mr BREWSTER** - Yes, their tanks are filled on a regular basis, I am sure.

**Mr VALENTINE** - Yes they do, probably over a day.

**Mr VALENTINE** - Is there a reason contracts were signed and sent off but not co-signed for three or four months?

**Mr BREWSTER** - No, I would have to take that on notice. I am happy to write to the committee with the answer but I don't have the detail on that.

**Mr VALENTINE** - If you wouldn't mind. It is a question that has been raised.

**Mr GUMLES** - Is this general or a one-off?

**Mr VALENTINE** - No, residents had signed a number of contracts and sent them off but they had not received co-signed contracts. They are saying that those contracts were not activated for three or four months.

**Mr BREWSTER** - We will take that on notice. That would be going back a couple of years, I imagine, but I am sure we can find it.

**Mr VALENTINE** - There is the response to letters that were sent. They are saying they have sent letters and it has been 41 days but they have not received a response. I think your standard might be a 21-day response.

**Mr BREWSTER** - No, our standard is 10 days. I am happy to take that on notice. It is possible but most unlikely. We are usually efficient with those things but we may have missed a couple. I am happy to take that on notice and respond.

**Mr VALENTINE** - They remain concerned they might be being exposed to contaminated water.

**Mr BREWSTER** - Rob, I hear what you are saying but there is no evidence to support that. If the Department of Health does a review, I think that is a good thing, but we see no evidence to support that assertion at the moment.

**CHAIR** - You are maintaining water quality where customers request it.

**Mr BREWSTER** - We do not have an obligation to because they are not on serviced land but we have offered it.

**Mr VALENTINE** - They are not on what?

**Mr BREWSTER** - They are not on serviced land. When you take a tank, part of taking a tank is that you are no longer a customer of TasWater in terms of drinking water. That is the deal. We didn't have to do this but we chose to do it to try to assist customers and give them confidence in the tanks. Ultimately, they are responsible for their roofs and for the maintenance of the tanks. We installed new equipment and if we found there was a demonstrable health issue, we would deal with it. There is no doubt of that.

**CHAIR** - On water quality, Josh.

**Mr WILLIE** - It is linked to these questions. Mr Valentine is expressing frustration and that frustration has resulted in our committee being consulted on these issues.

One of the other issues was a real-time data monitoring of water quality across the state. Do you have an indication of when that will be implemented and a time line?

**Mr BREWSTER** - That was presented to the board last week, wasn't it, Stephen?

**Dr GUMLEY** - Yes, it was last Wednesday. We had a full presentation and I was impressed with what I saw. There are just a few software tweaks now and we will be putting it live before much longer.

**Mr BREWSTER** - We will be putting it live by the end of the year, which was our commitment.

**Mr WILLIE** - The end of this year?

**Mr BREWSTER** - Yes.



TW HPE ref: 18/105600

17 September 2018

T J Hanks  
Main Road  
Pioneer TAS 7264

Dear Mr Hank,

**Paint & Water test results**

Please find attached the report for test results taken in 2014 for lead in the paint of your roof at 58 Main Road, Pioneer as requested in your correspondence dated 31 August 2018. These tests were taken prior to Taswater installing the tank at your property in 2016.

The report shows that there is 6650 mg/kg of lead in the paint. This, as a percentage by weight, is 0.67%. The current recommended amount of lead in domestic paint is 0.1%, so the sample is almost seven times the limit set out in 1997.

The Australian Government recommendation for lead in paint is as follows:

*"The recommended amount of lead in domestic paint has declined from 50 per cent before 1965, to 1 per cent in 1965. In 1992, it was reduced to 0.25 per cent, and in 1997 it was further reduced to 0.1 per cent."*

Also attached are the test results of water samples taken from the two rainwater tanks at your property on 30 August 2018. All sample points were purged to eliminate the potential for the plumbing to impact the results. The results all measured below the current Australian Drinking Water Guidelines' health guideline limit of 10ug/L, and therefore do not represent any risk to health and do not warrant further immediate action by TasWater.

With your permission we would like to re-visit your property in six months to take further samples from your water tanks for lead testing as a precautionary measure.

If you have any questions or require further information in relation to this matter, please contact me on 03 6333 9342 or via email [Hayley.jaggard@taswater.com.au](mailto:Hayley.jaggard@taswater.com.au). Alternatively you may also wish to refer to the Office of the Ombudsman by phoning 1800 001 170, or visiting [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au).

Yours sincerely

A handwritten signature in dark ink, appearing to read "Sophie Rowlands".

**Sophie Rowlands**  
Customer Relations Manager

Tasmanian Water & Sewerage Corporation Pty Ltd  
GPO Box 1393 Hobart Tas 7001  
Email: [enquiries@taswater.com.au](mailto:enquiries@taswater.com.au)  
Tel: 13 6992

On 21 September 2018 at 12:38, David  
Downie <[djdownie@bigpond.com](mailto:djdownie@bigpond.com)> wrote:

21 September  
2018 at 13:19

Hi Tim

Thank you for your email. I believe it is entirely appropriate that the Mayor of Dorset takes this issue up on your communities behalf.

Cheers David

Sent from my iPhone

**Tim Slade**

<[cricketgalah@gmail.com](mailto:cricketgalah@gmail.com)>

To: David Downie <[djdownie@bigpond.com](mailto:djdownie@bigpond.com)>

Bcc: "Tania. Rattray" <[tania.rattray@parliament.tas.gov.au](mailto:tania.rattray@parliament.tas.gov.au)>, "Hart, Ross (MP)" <[Ross.Hart.MP@aph.gov.au](mailto:Ross.Hart.MP@aph.gov.au)>, alison bleaney <[alibleaney@hotmail.com](mailto:alibleaney@hotmail.com)>, rosalie.woodruff@parliament.tas.gov.au, Scott Bacon <[Scott.Bacon@parliament.tas.gov.au](mailto:Scott.Bacon@parliament.tas.gov.au)>

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To David Downie,

As you may be aware, the Mayor of Dorset does not have a solid understanding of lead (Pb) issues. For example, Mayor Howard has told me on two separate occasions, and once to residents, that lead-painted roofs are not necessarily a problem for the collection of drinking water as per the Pioneer Service Replacement Scheme. Mayor Howard has also not written to TasWater in relation to our lead-painted roofs at Pioneer. The Mayor has also not contacted in two months since receiving contact details, the three known affected residents (with possibly other cases too). The Mayor has also advised me that the affected residents (those we are aware of) should buy themselves a new roof with their own money. I have advised the Mayor that, first, this is contrary to our agreement with TasWater, and second, Pioneer, one of the poorest town in Tasmania, has residents on aged pensions, disability pensions and unemployment benefits, and so they live paycheck to paycheck with no possible opportunity to save. So it is thus completely unreasonable for the Mayor to suggest they buy a new roof for themselves. The Mayor furthermore suggested they get a loan. I advised the Mayor that a pensioner is not eligible for a loan, quite obviously.

As such, Mr Downie, it is clearly not a useful avenue, as you suggest.

I thus formally ask you again here, in your leader role as Chairman of ORG, to make these representations, sincerely, on behalf of Pioneer.

In relation to other important issues as per my letter forwarded to you today, such as CEO Brewster's failure to acknowledge in two months that he has forwarded my letter to the Board ~ my letter furthermore recommending that the Board sanctions the CEO or relieves him of his role ~ this is a matter for the Chairman of the ORG.

So to the fact that CEO Brewster has to this day not referred these health concerns with lead-painted roofs to the DHHS. Under such circumstances, these are matter for the Chairman of the ORG.

Please do your job Chairman Downie to represent Pioneer without further delay.

If this is not forthcoming from you, regrettably a Code Of Conduct complaint will be lodged against you.

Sincerely,

Tim Slade.

**Tim Slade**

<cricketgalah@gmail.com>

3 October 2018 at  
11:21

To: David Downie <djdownie@bigpond.com>

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To David Downie,

Please advise of your representations for Pioneer since my letter of Septmber 21.

In light of the information I provided to you, it is unreasonable for you to not have replied back to me to advise.

Sincerely,

Tim Slade.

**David Downie**

<djdownie@bigpond.com>

3 October 2018 at  
19:52

To: Tim Slade <cricketgalah@gmail.com>

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Hi Tim

Thank you for your email.

I shall take your issues up with Tas Water again.

Cheer David



Tim Slade &lt;cricketgalah@gmail.com&gt;

---

**Letter from the Premier, Hon Will Hodgman MP**

2 messages

---

**The Premier (DPaC)** <premier@dpac.tas.gov.au>  
To: "cricketgalah@gmail.com" <cricketgalah@gmail.com>

10 September 2018 at 13:50

Dear Mr Slade

Thank you for your recent emails to various Ministers voicing your concerns about water quality at Pioneer and asking that the Government directs TasWater respond to you. I appreciate your interest in this matter.

The Tasmanian Government welcomes TasWater's recent announcement that all boil water alerts have been lifted. We will always work constructively with TasWater to ensure that Tasmanian residents have the best water quality available.

As the former Minister for Planning and Local Government, the Hon. Peter Gutwein MP, has indicated in previous correspondence, TasWater is the authority responsible for dealing with the matters you have raised. As noted by Minister Gutwein, the Government cannot involve itself in TasWater's operations and is not able to compel it to provide you with a response.

If you have a public health concern, you are welcome to report this to the Public Health hotline on 1800 671 738.

I am happy to hear from you regarding any new matters you wish to raise but neither myself nor any other Government Minister will be responding to further correspondence from you on this issue.

Yours sincerely

Hon Will Hodgman MP

Premier

Minister for Tourism, Hospitality and Events

Minister for Parks

Minister for Heritage



**From:** Tim Slade <cricketgalah@gmail.com>  
**Sent:** Tuesday, 21 August 2018 11:21 AM  
**To:** The Premier (DPaC) <premier@dpac.tas.gov.au>  
**Subject:** Saved to CM: Re: Pioneer ~ Tim Slade, Aug 14 ~ TasWater ~ Failure to respond...

[Quoted text hidden]

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---

**Tim Slade** <cricketgalah@gmail.com>  
**To:** "The Premier (DPaC)" <premier@dpac.tas.gov.au>

24 August 2018 at 13:00

To Premier Hodgman,

I acknowledge your e-mail of August 22, 2018.

It is now thirty-eight days with no acknowledgement and no reply from TasWater's CEO or Chairman to acknowledge my important e-mail of July 17, 2018, and my subsequent e-mail of August 14, 2018.

Thus I have no confirmation that the Board has been forwarded my e-mails, as requested directly by me in my e-mails.

Mr Downie, ORG, has also failed to acknowledge or reply to these e-mails.

Minister Gutwein likewise has failed to acknowledge or reply to these e-mails.

Minister Ferguson today belatedly acknowledged my e-mails.

Mayor Howard has failed to write to your office despite a promise at the Pioneer meeting of July 18 that he would do so. Mayor Howard has also failed to contact any of the three residents with confirmed lead-painted roofs, despite promising to do so at this Pioneer meeting.

The people of Pioneer are not being represented, with three confirmed cases of lead-painted roofs for the collection of drinking water, with likely additional cases.

Once again I request that the Premier arrange an appointment with me as a matter of urgency.

Sincerely,

Tim Slade  
 Pioneer, Tasmania.

*Tim Slade's published articles:*  
<http://tasmaniantimes.com/index.php/category-article/239>  
 8 Moore Street

Keep up the good work Tim. Let me know if/when you get a reply. You seem to be making reasonable requests and once again getting ignored by the hierarchy. Is TAS coming up to an election cycle by any chance?

Dr Paul Harvey BEnv (Hons)  
Environmental Scientist and Environmental Chemist

Environmental Science Solutions  
www.environmentalsciencesolutions.com

Email: paul.harvey@environmentalsciencesolutions.com  
Phone: +61 423 513 732

Follow Environmental Science Solutions on Facebook @EnviroSciSol or follow @DocPJHarvey on Twitter.

---

**From:** Tim Slade <cricketgalah@gmail.com>  
**Sent:** Tuesday, 14 August 2018 9:28 AM  
**To:** The Premier (DPaC); Michael Ferguson; Gutwein, Peter (DPaC); Miles Hampton; Michael Brewster; Ombudsman (OHCC); integritycommission@integrity.tas.gov.au  
**Cc:** Hart, Ross (MP); Tania. Rattray; rosalie.woodruff@parliament.tas.gov.au; Scott Bacon; Michelle.obyrne@parliament.tas.gov.au  
**Subject:** Pioneer ~ Tim Slade, Aug 14 ~ TasWater ~ Failure to respond...

**TO:**

[Quoted text hidden]

[Quoted text hidden]

---

**Tim Slade** <cricketgalah@gmail.com>  
**To:** david.owen@govhouse.tas.gov.au

20 August 2018 at 09:44

To Governor Kate Warner,

I write to you as a last port of call, after nearly six years of advocating through normal channels, for my community of Pioneer.

Please, are you able to telephone to me in the near future to discuss the serious health concerns at Pioneer, and the long-standing unwillingness by the Premier and the overseers of TasWater to sanction the CEO and the Board.

Please find my recent letters to all responsible players. Relevant documents and published articles are attached for you.

Thank you for your consideration.

Sincerely,

Tim Slade (B.Ed.)  
Pioneer, Tasmania.

20  
20 August 2018 at 12:18 August  
2018 at  
15:50

**General Manager**

<GM@dorset.tas.gov.au>

To: "cricketgalah@gmail.com" <cricketgalah@gmail.com>

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Dear Tim

Please see responses below.

Kind Regards

**Tim Watson | General Manager | Dorset Council**

3 Ellenor Street (PO Box 21) SCOTTSDALE TAS 7260

P 03 6352 6524 | F 03 6352 6509

E [gm@dorset.tas.gov.au](mailto:gm@dorset.tas.gov.au)

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This disclaimer has been automatically added.

**From:** Tim Slade [mailto:[cricketgalah@gmail.com](mailto:cricketgalah@gmail.com)]  
**Sent:** 20 August 2018 11:08 AM  
**To:** General Manager <[GM@dorset.tas.gov.au](mailto:GM@dorset.tas.gov.au)>  
**Subject:** Fwd: Pioneer ~ Tim Slade, Aug 14 ~ TasWater ~ Failure to respond...

To Tim Watson, General Manager, Dorset Council.

Please find my most recent letter to TasWater et.al. in advocacy for Pioneer.

Please can you tell me why Pioneer's drinking water circumstance, with 3 confirmed lead-painted roofs (and likely more), was not an agenda item in the July meeting, nor is it an agenda item at tonight's August meeting?

**Watson: No Councillor has put forward a motion for the matter to be discussed at a Council Meeting.**

Why are these serious matters only being discussed at closed council workshops? I note on your website that there are no minutes available for the public from this workshop. Why? What has happened since the Pioneer meeting some weeks ago?

**Watson: it is common practice for Councillors to discuss any number of matters in Council Workshops. It is also important to understand that Council does not make decisions in Workshops. The feedback from the recent community meeting was shared with all Councillors in the Workshop.**

Please note that Mayor Howard has not acknowledged my most recent e-mail to him, where I provide Chairman Hampton's statutory declaration of 2017, his view about Pioneer. So I have no idea if the Mayor is utilising this central document and other key information.

I delivered Pioneer's contracts to Dorset Council, for the Mayor, who was

absent, so I sought a receipt from Ms Forsyth, which she provided to me. However Mayor Howard has provided no courtesy or diligence to affirm that he has personally received these key documents, which he requested, during the Pioneer meeting, that someone provide to him.

I wish to bring to your attention that many of your alderman, and indeed the Mayor, are persistently failing to acknowledge important, polite, factual, detailed and considered e-mails on a serious long-standing issue here at Pioneer. What will you do to correct this? Does your Code Of Conduct govern this?

When communication is not free, progress will never be made.

Please acknowledge today your receipt of my e-mail.

Sincerely,

Tim Slade

Pioneer, Tasmania.

**Tim Slade**

<cricketgalah@gmail.com>

To: General Manager <GM@dorset.tas.gov.au>

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Dear Tim Watson,

Please respond to ALL of the issues and questions raised by me in my e-mail to you.

Your reply is grossly incomplete, as you are aware.

Sincerely,

Tim Slade.

*Tim Slade*

*'s published articles:*

<http://tasmaniantimes.com/index.php/category-article/239>

*8 Moore Street*

*Pioneer TAS 7264*

*Tel:*

*(03) 6*

*354 2200*

*E-mail: [cricketgalah@gmail.com](mailto:cricketgalah@gmail.com)*

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22 August 2018 at 12:18

**General Manager**

<GM@dorset.tas.gov.au>

To: Tim Slade <[cricketgalah@gmail.com](mailto:cricketgalah@gmail.com)>

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Dear Tim

I have answered your questions and I do not intend to engage in any further discourse with yourself on this matter given that water and sewerage is the responsibility of TasWater not Council. As it is not an operational matter it is outside my jurisdiction as General Manager and therefore a matter for the consideration of Councillors.

As you are aware Councillors had an informal meeting with community members as per my previous response.

Kind Regards

**Tim Watson | General Manager | Dorset Council**

21 September  
2018 at 10:22

**Tim Slade**

<[cricketgalah@gmail.com](mailto:cricketgalah@gmail.com)>

To: General Manager <GM@dorset.tas.gov.au>

Bcc: alison bleaney <[alibleaney@hotmail.com](mailto:alibleaney@hotmail.com)>

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Dear Tim Watson, General Manager.

I acknowledge you e-mails to me on August 20 and 22.

The tone of your e-mail to me on August 22 was of concern to me, especially where you write:

*'I have answered your questions and I do not intend to engage in any further discourse with yourself on this matter...'*

Your tone is troubling, especially as you had failed to answer, from my e-mail of August 20, my important question to you as General Manager:

*'I wish to bring to your attention that many of your alderman, and indeed the Major, are persistently failing to acknowledge important, polite, factual, detailed and considered e-mails on a serious long-standing issue here at Pioneer. What will you do to correct this? Does your Code Of Conduct govern this?'*

It is now 30 days since my e-mail to you in your capacity as General Manager of Dorset Council, and you have not yet in two e-mail replies answered my reasonable questions.

You have made no mention of the Code Of Conduct, notwithstanding the fact that I clearly and in writing sought your advice. Please provide a response now.

It was interesting to note that the Mayor replied to me belatedly the day after my e-mail to you; and he apologised to me.


I also note that in this week's Dorset Council meeting, the results of a successful Code Of Conduct complaint, lodged by Mayor Howard, against Cnr Archer, were tabled.

Thank you.

Sincerely,

Tim Slade  
Pioneer, Tasmania.

**Tim Slade**  
<cricketgalah@gmail.com>  
To: General Manager <GM@dorset.tas.gov.au>  
[Reply](#) | [Reply to all](#) | [Forward](#) | [Print](#) | [Delete](#) | [Show original](#)  
To Tim Watson, GM Dorset.

 3 October 2018 at 11:30

Please advise, as per my original two e-mails of August 20, and my e-mail of September 21.

44 days have passed ~ you are yet to answer my query to provide advice to me.

Sincerely,

Tim Slade



Tim Slade <cricketgalah@gmail.com>

## Pioneer ~ Tim Slade, Aug 14 ~ TasWater ~ Failure to respond...

22 messages

Tim Slade <cricketgalah@gmail.com>

14 August 2018 at 09:28

To: "The Premier (DPaC)" <premier@dpac.tas.gov.au>, Michael Ferguson <michael.ferguson@parliament.tas.gov.au>, "Gutwein, Peter (DPaC)" <peter.gutwein@dpac.tas.gov.au>, Miles Hampton <miles.h@me.com>, Michael Brewster <michael.brewster@taswater.com.au>, "Ombudsman (OHCC)" <ombudsman@ombudsman.tas.gov.au>, integritycommission@integrity.tas.gov.au  
Cc: "Hart, Ross (MP)" <Ross.Hart.MP@aph.gov.au>, "Tania. Rattray" <tania.rattray@parliament.tas.gov.au>, rosalie.woodruff@parliament.tas.gov.au, Scott Bacon <Scott.Bacon@parliament.tas.gov.au>, Michelle.obyrne@parliament.tas.gov.au  
Bcc: alison bleaney <alibleaney@hotmail.com>, peri <peri@supernerd.com.au>, Paul Harvey <paul.harvey@environmentalsciencesolutions.com>, Isaac Cane <icane2@eq.edu.au>, Dan King <runningdan77@hotmail.com>, Warren Godson <wgodson86@gmail.com>, Anthony Amis <ajamis50@gmail.com>

**TO:**

**Premier of Tasmania**

**Board of TasWater**

**CEO Brewster**

**Chairman Hampton**

**Mr Downie, Chairman of the ORG**

**Mr Ferguson, Minister for Health**

**Mr Gutwein, Minister for Local Government**

It has been 28 days since my letter of reply to CEO Brewster, Chairman Hampton and the Board, on July 17, 2018, a letter which has not been acknowledged nor made reply to.

I have not received confirmation that my letter, documents and photos of roofs at Pioneer has been referred to the Board, as requested, necessary due to the magnitude of problems and misrepresentations – present and past -- and my submission that the CEO be sanctioned or relieved from the role.

The most current and worrying issue, as communicated to you in my letter of July 17, is confirmation that three homes, two of which are TasWater customers, have lead-painted roofs for the collection of drinking water, but with no offer to replace these roofs by TasWater as per the original agreement with Pioneer in 2013. Since TasWater did not test all roofs at Pioneer prior to the installation of tanks, there are likely to be more similarly unsafe tank set-ups at Pioneer.

My letter of July 17 also included numerous other important and unaddressed issues.

Given that there has been no response from CEO Brewster or the Chairman or the Board to my detailed, verifiable and polite letter, I formally request that the Chairman of the ORG, Mr Downie



– who was also sent my letter of July 17 but did not respond – I request that Mr Downie step-in to intervene and to provide a formal written response and clarification.

I ask that the responsible Minister, Mr Gutwein, and / or the Minister for Health, Mr Ferguson, do likewise, as a matter of urgency. You both also received my letter of July 17, 2018.

My understanding is that there are private complaints by residents to the Ombudsman presently active, with others to be forthcoming.

For your information, I understand that it is the intention of Mayor Howard to write to the Minister and TasWater to ask for a mini-treatment plant for Pioneer, as has been installed at nearby Herrick and Gladstone.

I include Chairman Hampton's signed statutory declaration of March 15, 2017, for his view at that time about Pioneer.

Sincerely,

Tim Slade  
Pioneer, Tasmania.

*Tim Slade's published articles:*  
<http://tasmaniantimes.com/index.php/category-article/239>

*8 Moore Street  
Pioneer TAS 7264*

*Tel: (03) 6354 2200*

*E-mail: cricketgalah@gmail.com*

---

**2 attachments**



**Letter of reply to CEO Brewster, TasWater, July 17, 2018..docx**  
12K



**Chairman Hampton statutory declaration ORIGINAL.docx**  
12K

---

**alison bleaney** <alibleaney@hotmail.com>  
To: Tim Slade <cricketgalah@gmail.com>

14 August 2018 at 09:50

Well .. sit back and wait for another 4 weeks .. or so  
Well done  
Make sure you send this to Paul!  
All the best  
Alison

Sent from my iPhone  
[Quoted text hidden]

Date: July 23, 2018

To: The Ombudsman

From: Pioneer residents, Mr. Hanks, Mr Weynberg and Ms. Perry.

Complaint:

In TasWater's letter of June 8, 2018, to Tim Slade, Pioneer resident, it states:

*'...Pioneer property owners have the responsibility for the ongoing maintenance of tanks, filters, pumps, gutters and roofs.'*

Confirmed lead-painted roofs at Pioneer, July, 2018:

**Main Road** - Ms. ~~Perry~~, newly purchased this home approximately 6 months ago, thus the TasWater contract(s) were signed by the previous owners. Test by MacQuarie University's Dr Harvey, 2018, confirming lead paint. TasWater conducted a test earlier in 2018 to find that the non-TasWater tank was lead-affected, at 76 ug/L. The TasWater tank on this property tested clear, although this tank also receives water from a large shed roof and tanker refills. Both tanks were receiving water from the house roof catchment. TasWater refused to take any action to replace or repair the roof at 11 Main Road, Pioneer. Telephone: ~~63-111-111~~.

**Main Road** - Test by TasWater, delivered personally to Mr ~~Hanks~~ in 2016, a meeting lasting less than five minutes, with no offer whatsoever by TasWater to replace or repair the roof.. The TasWater tank was installed in late 2015, before the roof test by TasWater in 2016. Mr Hanks has had no communications from TasWater for about 2 years. Mr Hanks has been drinking the water from this lead-painted roof since TasWater's installation of the rainwater tank. Telephone: ~~63-111-111~~.

**Main Road** - Test by TasWater, delivered to Mr ~~Weynberg~~ (brother of owner, father of occupant) in 2016, with no remedy to set-up, and the tank itself not installed until late 2018. The tank remains unconnected, thus in possible breach of clause 4.1 (a), works to be completed within 6 months of completion date. Telephone: ~~63-111-111~~ Mr. ~~Weynberg~~ has in recent times been offered a confidential deal, a preliminary document to sign, before a contract to be signed, by TasWater for new roofing materials. But TasWater will not agree to pay for labour costs to install the materials. Mr ~~Weynberg~~ asked for the roof paint to be tested in 2015. TasWater did not respond. Mr ~~Weynberg~~ telephoned again some time later to ask for a second time. TasWater conducted the test for roof paint, but then did not notify Mr ~~Weynberg~~ of the result. Approximately one year later, Mr ~~Weynberg~~ enquired to TasWater again to seek the result of the test. TasWater advised that they had lost the result. Mr ~~Weynberg~~ requested the test for a third time. TasWater conducted the test, then notified Mr ~~Weynberg~~, in person, but not in writing, that the roof paint on his roof is confirmed to be leaded. At no time whatsoever has TasWater provided a written document to acknowledge the positive lead test for roof paint at 19 Main Rd, Pioneer.

~ ~ ~

Given this information, and the fact that TasWater did not test roofs for lead paint, unless

the customer asked for this test, there is a possibility that there are more homes with lead-painted roofs at Pioneer, homes which source their drinking water from the roof catchment.

The agreement with the town in 2013 between residents and TasWater, was that roofs would be replaced or repaired if they proved unsuitable for the collection of drinking water.

This expectation, based upon TasWater's verbal promise in meetings, was formalised in the Pioneer Petition of 2013, submitted to the parliament of Tasmania by Mr Brian Wightman, MP for Bass.

We assert that it was TasWater's duty of care to test the paint of all roofs at Pioneer before they installed individual rainwater tanks for the Pioneer Service Replacement Scheme.

We assert that TasWater, at the time that they become aware of a lead-painted roof or lead-contaminated drinking water associated with the Pioneer Service Replacement Scheme, they should have immediately acted to replace or repair the roof. Partial remedy or no remedy at all is clearly a breach of the original agreement with Pioneer, and us as individuals.

We ask that we may present further documentation or information after our first submission, if this is relevant to our complaint, in the circumstance that new information comes to light, or if we have forgotten to submit an item in our first application.

As residents of Pioneer, our complaint is against TasWater and all other responsible groups or individuals who have legislated responsibilities for drinking water and governance in Tasmania, and / or the general representation of citizens. This includes, but is not limited to:

TasWater  
CEO Brewster of TasWater  
Chairman Hampton of TasWater  
The Board of TasWater  
Mr. Lance Stapleton of TasWater  
Dept. of Health and Human Services (DHHS)  
Owners' Representatives Group (ORG)  
President of the Owners' Representatives Group, Mr David Downie.  
Local Government Association of Tasmania (LGAT)  
President of the Local Government Association, Mr Doug Chipman.  
Tasmanian State Government  
Minister for Local Government, Mr Gutwein.  
Minister for Health, Mr Ferguson.  
Premier Hodgman  
Mayor Howard and alderman of Dorset Council

#### Nomination of Tim Slade to assist with our representation:

Tim Slade is helping us with our advocacy and we thus give permission for Mr Slade to submit further information and evidence to the Ombudsman to assist directly with our application to you.

This will include, but will not be limited to, Tim Slade's 19 published online articles for Tasmanian Times about drinking water issues at Pioneer and statewide:  
[tasmaniantimes.com/index.php/category-article/239](http://tasmaniantimes.com/index.php/category-article/239)

We give permission for our applications to you to be used as supporting evidence for any further complaints Tim Slade makes to you about issues relating to drinking water at Pioneer and statewide.

Signed:

~~Mr. Tim Hanks~~ 

Mr. ~~David Wignall~~

Ms. ~~[Redacted]~~ 

Tim Slade <cricketgalah@gmail.com>  
 To: "The Premier (DPaC)" <premier@dpac.tas.gov.au>

28 August 2018 at 11:48

To Premier (& Mr Choraziak),

Please acknowledge my e-mail of August 24, as it contains new information.

Can you advise when you expect to reply and act.

An appointment?

Sincerely,

Tim Slade  
 Pioneer, Tasmania.

*Tim Slade's published articles:*  
<http://tasmaniantimes.com/index.php/category-article/239>  
 8 Moore Street  
 Pioneer TAS 7264  
 Tel: (03) 6354 2200  
 E-mail: cricketgalah@gmail.com

[Quoted text hidden]

Tim Slade <cricketgalah@gmail.com>  
 To: "Gutwein, Peter (DPaC)" <peter.gutwein@dpac.tas.gov.au>

31 August 2018 at 16:35

To Mr Peter Gutwein, Minister for Local Government.

Please acknowledge receipt of my e-mails of July 18 and August 14.

Please respond to my important e-mails regarding Pioneer's drinking water, etc.

Tim Slade  
 Pioneer, Tasmania.

*Tim Slade's published articles:*  
<http://tasmaniantimes.com/index.php/category-article/239>  
 8 Moore Street  
 Pioneer TAS 7264  
 Tel: (03) 6354 2200  
 E-mail: cricketgalah@gmail.com

[Quoted text hidden]

Tim Slade <cricketgalah@gmail.com>  
 To: "Gutwein, Peter (DPaC)" <peter.gutwein@dpac.tas.gov.au>  
 Cc: "The Premier (DPaC)" <premier@dpac.tas.gov.au>

6 September 2018 at 10:28

To Mr Peter Gutwein, Minister for Local Government.

Once again, I ask you to please acknowledge receipt of my e-mails of July 18 and August 14.

Please respond to my important e-mails regarding Pioneer's drinking water, etc.

Tim Slade.

*Tim Slade's published articles:*

<http://tasmaniantimes.com/index.php/category-article/239>

*8 Moore Street*

*Pioneer TAS 7264*

*Tel: (03) 6354 2200*

*E-mail: [cricketgalah@gmail.com](mailto:cricketgalah@gmail.com)*

[Quoted text hidden]

Tim Slade  
 8 Moore Street  
 Pioneer TAS 7264  
 Tel: 6354 2200  
 E-mail: cricketgalah@gmail.com

July 17, 2018.

Dear CEO Brewster and the Board of TasWater (and Mrs Mercer),

First, the level of discussions we have had, and necessarily must continue to have until all matters are addressed and resolved, are beyond the scope of a General Manager of Community Relations, Mrs Mercer, despite your recent delegation of responsibility to her. So I will respond to you directly here and refer to TasWater's letter to me on June 8, 2018, as yours, CEO Brewster.

On behalf of the people here at Pioneer, I once again refute the many misrepresentations by you in your most recent letter of June 8, 2018.

Over a number of years, and in numerous private and public written communications, all of which have been brought to your personal attention, and to the attention of your Chairman and the Minister for Local Government and the ORG president and the LGAT president, I have articulated the failed processes and outcomes, and your obfuscatory actions, at Pioneer, and in relation to statewide policy.

Your letter of June 8 is sadly a rewriting of history on many of the issues you feign to address, all of which remain current, despite five years and eight months having passed since the constant alert of 2012 for lead-contaminated drinking water. And Pioneer continues to experience lead-contaminated drinking water, this time from lead-painted roof catchments.

1. In your letter of June 8, 2018, you write: '...Pioneer property owners have the responsibility for the ongoing maintenance of tanks, filters, pumps, gutters and roofs.'

Fact (a)

At least three homes that I am aware, new information to me in the past weeks from interviews, are confirmed lead-painted roofs:

11 Main Road - Test by MacQuarie University's Dr Harvey, 2018, confirming lead paint. Telephone: 6354 2407.

58 Main Road - Test by TasWater, delivered to Mr Hanks in 2016, with no remedy to set-up. The TasWater tank was installed in late 2015. Telephone: 0427 813 117.

19 Main Road - Test by TasWater, delivered to Mr Weynberg (brother of owner, father of occupant) in 2016, with no remedy to set-up, and the tank itself not installed until late 2018. The tank remains unconnected, thus in possible breach of clause 4.1 (a), works to be completed within 6 months of completion date. Telephone: 0447 642 038.

Given this information, there is a possibility that there are more homes with lead-painted roofs at Pioneer, homes which source their drinking water from the roof catchment.

Fact (b)

The photos are examples of but a few of the roofs at Pioneer where TasWater obviously did not repair to a reasonable state in the first instance. So it is a deception to suggest formally here in your letter that all responsibility now rests with the property owner.

As such, I assert that TasWater has breached clause 4.1 (b) of the Service Replacement Contract:

Clause 4.1 states: 'Subject to the Customer completing the Customer Works in accordance with clause 6.1, TasWater must ensure that the Works are undertaken and completed...' Clause 4.1 (b): 'with due care and skill, and to a standard reasonably to be expected of a person both competent and experienced in undertaking works similar to the Works...'

There has been a blatant disregard by you as CEO to the dangers of lead-painted roofs at Pioneer, even though you have personally attended several Pioneer meetings in years gone by. As CEO you cannot say you were not personally aware of the unsafe condition of these homes. You have seen these homes with your own eyes. Your letter of June 8, 2018, only underlines this disregard.

2. In your letter of June 8, 2018, you write: 'the Pioneer Service Replacement Program... is now complete, and has been delivered in accordance with the expectations determined by the Pioneer community in 2012 and in consultation with our regulators'.

Fact (a)

The Pioneer Service Replacement Program is NOT complete, despite your June 8 written assertion that it is complete. I include here the shocking photographs of several roofs at Pioneer which are obviously not fit for purpose, and in several cases, TasWater has not connected the roofs to the rainwater tank because you are aware that these roofs are not fit for purpose and most likely lead-paint contaminated. At least three of these roofs have been shown by lab tests to be lead-painted. The fact that residents in Pioneer, five years and eight months after the alert, continue to live in such third-world conditions, knowingly by TasWater and its overseers, and that you, the CEO, write to me on June 8, 2018 to insist that all is complete, says everything about how little care or competency either yourself or your overseers have for the citizens of Pioneer. This selection of photos is not a complete folio, as there are other very poor roofs in addition to these presented here. This is obviously NOT what we agreed to at Pioneer back in 2013.

Fact (b)

In the first town meeting of 2013 where options were discussed, residents were promised that each roof would be repaired or replaced so that it was suitable for the collection of drinking water. Immediately following this particular meeting, the town organised a petition, signed by approximately 80% of homes, and submitted to the Tasmanian parliament by Bryan Wightman MP, Bass, which stated: Clause 2 (a): 'Ben Lomond Water (now, TasWater) must repair roof, gutters and downpipes, etc. to a standard suitable for collecting rainwater for drinking'. And furthermore: Clause 2 (c): 'Ben Lomond Water (now, TasWater) must provide a limited service, at a nominal rate, to the boundary of each property to meet general purpose needs.'

So in your letter of June 8, 2018, your misrepresent this fundamental promise and the expectations of residents, which of course lies at the heart of this entire issue.



Fact (c)

The alert occurred in November, 2012, so there was absolutely no discussion of options with Pioneer until 2013.

So the date you cite in your letter of June 8, 2018, is incorrect from the start.

Fact (d)

All of this when a newly built mini-treatment plant has been built at Herrick, less than 5km from Pioneer. You as CEO were asked on the public record by the editor of the North-Eastern Advertiser to say if this Herrick plant has capacity to service Pioneer. You as CEO ignored the question, while answering other questions for the newspaper. The following week, I repeated this question to you about the capacity of the Herrick scheme (and other questions), but you as CEO once again did not provide a response. But in later weeks you provided comment to the North-Eastern Advertiser on the good news of the opening of the Gladstone mini scheme. Clearly, as CEO you have avoided this central question as it relates to the people of Pioneer and their drinking water quality.

3.

In your letter of June 8, 2018, you write: '[d]uring the community consultation process it was agreed that existing roofs would be tested upon request. This testing occurred as part of the program's delivery'.

Fact (a)

The testing of roofs for lead-paint is a duty of care which TasWater obviously must be responsible. The decision for roof testing in relation to probable dangers to human health cannot under any circumstance be deferred to a customer. This is TasWater's duty of care. All roofs should have been tested for lead (Pb) paint by TasWater.

I know that in my personal case, I was never asked directly if I wanted my roof tested for lead. From my discussions around town, I realise that this is the case for most of the town too.

4.

In your letter of June 8, 2018, you write: 'We note this [rainwater tank] testing was presented by TasWater as part of the overall replacement program and not at the direction of the Ombudsman as you have suggested. Testing was conducted for those properties owners who accepted this offer'.

Fact (a)

Five years and eight months after the alert, TasWater offered residents a free one-off test for rainwater tanks. This is an unreasonable span of years to wait for such a test, especially given the haphazard or non-existent testing of roofs by TasWater in preceding years. To apologise for a delay, as you do in your letter, is nothing more than an excuse for negligence.

Fact (b)

I provide here two letters from the Ombudsman, dated June 22, 2016 and August 29, 2016, where the Ombudsman wrote to TasWater requesting that such tests for lead and other contaminants be tested for in rainwater tanks at Pioneer. Reading the Ombudsman's letters, one can see that a further delay of more than one year and six months occurred before TasWater ultimately offered an invitation to residents for tests.

#### Fact (c)

TasWater bungled the invitation process in 2018. There was no mention of lead (Pb) testing in the invitation to residents. The only mention was of microbiology (bacteria). I wrote to you as CEO to request a rewriting and reissuing of your invitation. You seemed unaware of what was to be tested for, or if lead was to be tested for at all. So the idea that this testing initiative had its origins with TasWater rather than the Ombudsman, as you would have us believe from your letter to me of June 8, holds no water at all. Letters to me from the Ombudsman are attached to this letter. As CEO, you wrote to me that you required 'time to refresh myself' on the matter. After further delay, this occurred, and new invitations were sent.

So there was confusion about what was being offered to residents, a situation of comparing apples with oranges, or rather, comparing bacteria tests with lead (Pb) tests, and this confusion was caused directly by TasWater's mismanagement. Residents were not responding to a clear or accurate question.

Common sense and a duty of care would have dictated that TasWater simply telephone directly or visit properties, if they were to achieve a high acceptance rate, as you would think TasWater would like to see. But rather, we saw an 'invitation process', via letter, bungled, and this after a five year and eight month wait. I do not accept that you have been sincere Mr Brewster as CEO. The facts tell the story, despite your protestations, and I would ask overseers to take careful note of these facts and nothing else.

5. In your letter of June 8, 2018, you write: '...we would have preferred to complete ...subsequent water quality testing in a more timely manner, and acknowledge our learning from this'.

#### Fact (a)

The Ombudsman's letter (see attachment) shows that you were provided with ample time. In fact, at the time of the Ombudsman's letters to you, you had already failed to enact this testing for several years. Apologies are fine, but when they are merely excuses, and without any provision of a reason for it, then they cannot be accepted as sincere. What is the nuts-and-bolts reason, please, CEO, why it took you five years and five months to conduct tests for lead and other contaminants in rainwater tank drinking water, and by invitation only? At what point do your overseers engage to sanction you?

6.

In your letter of June 8, 2018, you write: '42 of the 43 eligible properties participated in the program'.

#### Fact (a)

As you are well aware as the CEO, once the option for Pioneer had been decided, the only avenue to receive drinking water that was not lead-contaminated was to sign contracts giving consent. This signature represents a consent to receive the human right of safe drinking water, rather than an acceptance of each and every clause within two long and complicated contracts prepared by TasWater for more than six months, a further unreasonable process and circumstance for delay for residents.

Fact (b)

At least two eligible properties did not participate: 1. Mr. Johnstone; 2. Mr (John) and Mrs (Fiona) Williams.

7.

In your letter of June 8, 2018, you misrepresent my written communications to you over several years when you write: 'You note that prior to the Do Not Consume (DNC) notification in November 2012 there was an instance of consecutive quarterly results which exceeded those levels, and it was those consecutive results that activated the notification process established by the DHHS'.

Fact (a)

This is a direct misrepresentation. As you as CEO are very aware, from my many formal written communications, I was told by your Water Quality Officer, Mr Stapleton, that in fact, there is no requirement for two consecutive high readings for lead (Pb) as a prerequisite for an alert. Up until this conversation with Mr Stapleton on March 11, 2016, Pioneer had been led to believe that this was indeed a prerequisite ~ two consecutive, high results. But Mr Stapleton, as you have repeatedly been informed in writing, yet with no written reply on this question over years, the fact of the situation is that in relation to lead (Pb) a 'flexible approach' is used in the calling of alerts, with no prerequisite. In other words, TasWater can call an alert at any time they wish. TasWater do not have to wait for two consecutive, high results. Mr Stapleton went to considerable lengths in this conversation to make sure I understood this point. Mr Stapleton went on to say, in relation to Pioneer, pre-alert: 'That wouldn't happen now; I'm here now'. This was an admission that a failed process occurred at Pioneer, pre-alert. During this time there was a theme of lead, above and below the 10ug/L ADW guideline, and furthermore, there were decades of an unknown data history for lead at Pioneer. These decades of unknown data history should have formed a major part of TasWater's consideration for calling an alert. A precautionary approach should and could have been taken at Pioneer. Instead, almost three years of a known theme of lead, as per the beginning of data for lead at Pioneer (2009), before an alert was belatedly called in November, 2012.

This is a fundamental point, and a fact which I have deferred from the Integrity Commission, until now, but given your letter of June 8, 2018, where you once again deliberately misrepresent the parameters of this issue of health dangers at Pioneer, I feel I have no choice but to proceed now to the Integrity Commission. Indeed, I have suggested to you in previous correspondences that I would regrettably have to proceed since all responsible players including yourself have refused to answer in writing, over many years, and upon many formal requests, the Pioneer question:

**SHOULD THE ALERT FOR LEAD (Pb) AT PIONEER HAVE BEEN CALLED EARLIER?**

If this question proves to be one for the DHHS, as well as for yourself as CEO of TasWater, then this must be tested by the Integrity Commission, in the long-standing absence of a satisfactory response, or any response at all until your letter of June 8, 2018.

8.

In your letter of June 8, 2018, you write: 'I understand that you attended community meetings at which Ben Lomond Water's water industry professionals were accompanied by representatives from DHHS, and test results were provided in both data and graph form'.

Fact (a)

This is true, but at this time residents were told that the prerequisite for an alert for lead was consecutive, high results. This is why we at the time accepted this explanation. However, at least two years further on from this meeting, in 2016 Mr Stapleton underlined that no such prerequisite exists. Thus the context for the town discussion in 2013 over graphs and data was based upon a misleading premise. We would not have accepted this explanation if we had known that there is in fact no formal prerequisite for calling an alert for lead (Pb), that 'a flexible approach' can be applied, especially in instances where there are decades of unknown lead data history. Given the formal silence of all major player on this Pioneer question since my conversation with Mr Stapleton was communicated to you and others, and in the media, in 2016, I stand by my claim that there continues to be a lack of transparency at TasWater and at the DHHS.

9.

In your letter of June 8, 2018, you write: 'There is no obligation to provide Board minutes to external parties'.

I maintain my request for a transcript of TasWater's Board meeting of March 28, 2018, in discussion of the statewide monthly data reporting policy.

I wish to understand if Pioneer was discussed in relation to this subsequent adoption by the Board of this statewide policy for monthly, full data transparency. This three years after I first brought it to TasWater, then via Alderman Dale Jessup and Dorset Council, then passed via LGAT. A one-page pictorial model, quarterly, with no baseline data, designed by TasWater alone, was the grossly unsatisfactory result. And it was proven that TasWater had not shared this model with the 29 councils for either input or approval. A further two years and six months of lobbying by me was required, gaining support such as the in-principle decision in favour by the Upper House of the Tasmanian parliament, brought by Tania Rattray MLC, Apsley. And the proposed policy was also formally adopted as Party policy by Tas. Labor in 2016, and Tas. Greens in 2015.

Specifically, I wish to know if the Pioneer question was discussed by the Board on May 28, 2018 ~  
Should the alert for lead at Pioneer have been called earlier?

In short, TasWater fought against this statewide policy. Furthermore, to detail merely one example for you, as CEO you named me personally in the North-Eastern Advertiser to publically state that the policy would be too expensive, that it was unnecessary, with specific assertion, quote: 'Tim Slade's demands...' As a private citizen, I had to bear this attack, but you were never sanctioned by the Board.

The facts as we know them now is that the cost for this policy, as per TasWater's belated cost-analysis, are a tiny \$2k (two-thousand dollars) per council, per year. For full data transparency on a monthly basis.

Once again, with the passage of time, the facts became known, and these disingenuous representations by you as CEO, in public, and in private written communications to key stakeholders, also sent to me by you, to the effect that the policy would be extravagantly expensive and unnecessary, were seen for what they were, obfuscatory tactics at a personal level to terminate the proposed policy.

During those three years, you as CEO used every tactic possible to destroy the policy for all Tasmanians, to misrepresent the facts to stakeholders, and to undermine my personal credibility.

~ ~ ~

In summary, your persistent misrepresentations as CEO are, at the micro level at Pioneer, and at the macro level, statewide, unacceptable. And there has been a complete absence of oversight from Owners' Representatives Group president, Mr. Downie, LGAT president, Mr. Chipman, and the responsible Minister, the Minister for Local Government, Mr. Gutwein, notwithstanding numerous factual and polite letters to each of these members over several years.

It is unreasonable for it to be for a private citizen, a volunteer, to correct the record, not only once, but repeatedly, over many years, and across a spectrum of issues and events, as has been necessary again in my letter today in response to your letter of June 8, 2018.

The photos I provide to your Board today tell more than can be said with a thousand words... The evidence is plain to see in these photos.

I no longer have trust in you to be sincere, nor effective, in your role as the CEO of TasWater, and I submit that you be sanctioned by the Board, or relieved from your position.

Sincerely,

Tim Slade (B.Ed.)  
Pioneer, Tasmania.

## Roof Samples and results – Main Road

Lead paint is present in the roof and has been flaking off the roof. Uncoated lead flashing has also been identified in the roofing. The materials in bold exceed the guidelines.

Roof sample results (bold indicates guideline exceedance)

| Description        | Parameter  | Results         | Criteria* |
|--------------------|------------|-----------------|-----------|
| Paint on roof      | Thickness  | 77-1200 $\mu$ m |           |
| Paint from roof    | Total lead | <b>0.424 %</b>  | 0.1 %     |
| Flashing from roof | Total lead | <b>0.11 %</b>   |           |

\* Criteria for identification as lead paint (AS/NZS 4361.2:2017)

## Water tank results

The following metals were measured in exceedance of the Australian Drinking Water Guidelines:

Tank A (small tank) – total Arsenic, total and dissolved cadmium, total and dissolved lead, total manganese.

Tank B (main Tank)- Total Lead

Water sample results (bold indicates guideline exceedance)

| Metal     | Small tank (Tank A)        |                                             | Main tank (Tank B)         |                                             | ADWG guideline <sup>2</sup> (mg/L) |
|-----------|----------------------------|---------------------------------------------|----------------------------|---------------------------------------------|------------------------------------|
|           | Total concentration (mg/L) | Dissolved concentration <sup>1</sup> (mg/L) | Total concentration (mg/L) | Dissolved concentration <sup>1</sup> (mg/L) |                                    |
| Arsenic   | 0.012 <b>X 1.2 over</b>    | <0.001                                      | <0.001                     | <0.001                                      | 0.01                               |
| Cadmium   | 0.0077 <b>X 3.95 over</b>  | 0.0063                                      | 0.0006                     | 0.0006                                      | 0.002                              |
| Chromium  | 0.006                      | <0.001                                      | <0.001                     | <0.001                                      | 0.05                               |
| Copper    | 1.43                       | 0.014                                       | 0.724                      | 0.022                                       | 2                                  |
| Lead      | 2.78 <b>X 27.8 over</b>    | 0.05                                        | 0.015 <b>X 1.5 over</b>    | 0.001                                       | 0.01                               |
| Manganese | 0.05 <b>X 2.5 over</b>     | 0.005                                       | 0.01                       | <0.001                                      | 0.02                               |
| Nickel    | 0.071                      | 0.059                                       | 0.002                      | <0.001                                      | 0.5                                |
| Mercury   | <0.0001                    | <0.0001                                     | <0.0001                    | <0.0010                                     | 0.001                              |

<sup>1</sup> Results from samples field filtered at 0.45  $\mu$ m

<sup>2</sup> Australian Drinking Water Guideline (health guidelines)

\* No date of tank refill prior to tests,

\* No date of tests,

# No mention of historic paint test, 2014.

## Roof Samples and results – ~~4~~ Main Road

Lead paint is present in the roof and has been flaking off the roof. Uncoated lead flashing has also been identified in the roofing. The materials in bold exceed the guidelines.

Roof sample results (bold indicates guideline exceedance)

| Description        | Parameter  | Results        | Criteria* |
|--------------------|------------|----------------|-----------|
| Paint on roof      | Thickness  | 77-1200 µm     |           |
| Paint from roof    | Total lead | <b>0.424 %</b> | 0.1 %     |
| Flashing from roof | Total lead | 0.11 %         |           |

\* Criteria for identification as lead paint (AS/NZS 4361.2:2017)

## Water tank results

The following metals were measured in exceedance of the Australian Drinking Water Guidelines:

Tank A (small tank) – total Arsenic, total and dissolved cadmium, total and dissolved lead, total manganese.

Tank B (main Tank)- Total Lead

Water sample results (bold indicates guideline exceedance)

| Metal     | Small tank (Tank A)        |                                             | Main tank (Tank B)         |                                             | ADWG guideline <sup>2</sup> (mg/L) |
|-----------|----------------------------|---------------------------------------------|----------------------------|---------------------------------------------|------------------------------------|
|           | Total concentration (mg/L) | Dissolved concentration <sup>1</sup> (mg/L) | Total concentration (mg/L) | Dissolved concentration <sup>1</sup> (mg/L) |                                    |
| Arsenic   | <b>0.012</b>               | <0.001                                      | <0.001                     | <0.001                                      | 0.01                               |
| Cadmium   | <b>0.0077</b>              | <b>0.0063</b>                               | 0.0006                     | 0.0006                                      | 0.002                              |
| Chromium  | 0.006                      | <0.001                                      | <0.001                     | <0.001                                      | 0.05                               |
| Copper    | 1.43                       | 0.014                                       | 0.724                      | 0.022                                       | 2                                  |
| Lead      | <b>2.78</b>                | <b>0.05</b>                                 | <b>0.015</b>               | 0.001                                       | 0.01                               |
| Manganese | <b>0.05</b>                | 0.005                                       | 0.01                       | <0.001                                      | 0.02                               |
| Nickel    | 0.071                      | 0.059                                       | 0.002                      | <0.001                                      | 0.5                                |
| Mercury   | <0.0001                    | <0.0001                                     | <0.0001                    | <0.0010                                     | 0.001                              |

<sup>1</sup> Results from samples field filtered at 0.45 µm

<sup>2</sup> Australian Drinking Water Guideline (health guidelines)

## 59 Main Road

Roof sample results (bold indicates guideline exceedance)

| Sample ID       | Description | Results              | Criteria* |
|-----------------|-------------|----------------------|-----------|
| Paint on roof   | Thickness   | 52-189 $\mu\text{m}$ |           |
| Paint from roof | Total lead  | <b>0.33 %</b>        | 0.1 %     |

\* Criteria for identification as lead paint (AS/NZS 4361.2:2017)

Water sample results (bold indicates guideline exceedance)

| Metal     | Total concentration (mg/L) | Dissolved concentration <sup>1</sup> (mg/L) | ADWG guideline <sup>2</sup> (mg/L) |
|-----------|----------------------------|---------------------------------------------|------------------------------------|
| Arsenic   | <0.001                     | <0.001                                      | 0.01                               |
| Cadmium   | 0.0012                     | 0.0008                                      | 0.002                              |
| Chromium  | <0.001                     | <0.001                                      | 0.05                               |
| Copper    | 0.144                      | 0.021                                       | 2                                  |
| Lead      | 0.005                      | <0.001                                      | 0.01                               |
| Manganese | 0.013                      | 0.01                                        | 0.02                               |
| Nickel    | 0.001                      | 0.001                                       | 0.5                                |
| Mercury   | <0.0001                    | <0.0001                                     | 0.001                              |

<sup>1</sup> Results from samples field filtered at 0.45  $\mu\text{m}$

<sup>2</sup> Australian Drinking Water Guideline (health guidelines)





Tim Slade <cricketgalah@gmail.com>

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**New high lead (Pb) result in Pioneer rainwater tank, and Statewide monthly data reporting**

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Doug Chipman <doug.chipman@bigpond.com>

29 May 2018 at 10:50

To: Tim Slade <cricketgalah@gmail.com>

Cc: Greg Howard <mayorhoward@dorset.tas.gov.au>, Mike Brewster <michael.brewster@taswater.com.au>

Dear Tim,

Why should all tanks at Pioneer tested by Taswater when quite a few were never even installed by Taswater? I am also aware that a number of Pioneer residents don't want anything to do with Taswater.

Regards,

**Doug Chipman**  
**0409704835**

[Quoted text hidden]


## Department of Health and Human Services

GPO Box 125, HOBART TAS 7001 Australia  
Ph: 1300 135 513  
Web: [www.dhhs.tas.gov.au](http://www.dhhs.tas.gov.au)



Contact: Cameron Dalglish  
Phone: (03) 6166 0676  
Facsimile: (03)  
Email: [cameron.dalglish@dhhs.tas.gov.au](mailto:cameron.dalglish@dhhs.tas.gov.au)  
File: PPH01724

Michael Brewster  
Chief Executive Officer  
TasWater  
PO Box 1393  
HOBART TAS 7001

  
Dear Mr Brewster

### **Subject: Online Drinking Water Quality Data**

Thank you for your letter of 9 October 2017 seeking my views about real-time publication of drinking water quality data. I apologise for this late reply.

Legislation requires TasWater to publish an *Annual Drinking Water Quality Report*. This very substantial document provides a comprehensive and clear account of data from monitoring conducted across all supply systems. The raw data for the most recent 2015-16 Report are now available on-line in several vast documents.

Legislation requires TasWater to notify the Department of Health and Human Services (DHHS) of any water quality result that is non-compliant with the *Australian Drinking Water Guidelines*, or if they become aware that the drinking water that they manage poses an actual or likely threat to public health.

TasWater must notify such aberrations immediately, and investigate and act to mitigate any risk to public health. My experience of these notifications and the responses to them is that they are effective. They are typically managed in close collaboration with DHHS; I am unaware of any verified illness arising from such events. It is not uncommon for a non-compliant result arising from routine testing to *not* be confirmed at follow-up (due to an initial sampling or test artefact, or resolution of the cause). In such circumstances the decision on the need for actions to protect public health requires a cautious appraisal of other factors as well as the test result.

TasWater has also introduced a quarterly 'traffic light' reporting system that provides a more timely account of additional verified and quality controlled data. These reports also provide a brief account of actions taken in response to exceedances of *Australian Drinking Water Guidelines* criteria. I understand that TasWater is prepared to provide recent data to their customers upon request.

These routine monitoring activities and responses, along with system-wide risk assessment processes, and actions and investments to address identified risks, are the critical contributors to maintaining a safe Tasmanian public drinking water supply.

I recognise the genuine interest that members of the public have in tracking such data. However I do not believe that real time publication of water quality data would provide any additional margin of health benefit or safety above that achieved through the existing mechanisms I have noted above.

It is possible that investment in near real time public reporting of water quality data may serve to assuage some mistrust or suspicion of performance and safety. On the other hand it may risk generating misunderstandings around results, for example when the validity of sampling and testing needs to be reviewed *in vivo* rather than assumed correct *in silico*.

Should you wish to discuss in more detail, please feel free to contact me directly, or Cameron Dalglish, State Water Officer.

Yours sincerely,



Dr Mark Veitch  
Director of Public Health

16 January 2018

SOURCE: <http://www.abc.net.au/news/2017-03-15/taswater-executives-sign-documents-to-back-claims-in-gutwein-row/8356916>

STATUTORY DECLARATION, MILES LAWRENCE HAMPTON (March 15, 2017)

Of [address censored] in Tasmania, Non Executive Director

Do solemnly and sincerely declare that:

1. I am the Chairman of the Board of Directors of Tasmanian Water and Sewerage Corporation Pty ACN 162 220 653 ("TasWater"),
2. In a meeting with Mr Peter Gutwein ("the Treasurer"), when asked by me to provide support to address drinking water challenges in a number of small Tasmanian towns, the Treasurer advised that the government was not prepared to provide funding support and that the Treasurer considered the provision of water tanks an acceptable solution for some smaller towns.
3. In a subsequent meeting I advised the Treasurer that based on our learnings in regard to Pioneer and Mountain River, tanks were not considered to be an equitable and viable solution and that TasWater would look to find ways to provide the remaining towns with compliant reticulated drinking water. The Treasurer noted this advice but no support was offered to address the issue,
4. At no time in my meetings with the Treasurer, has he raised the issue of a water crisis or advised that Taswater's ten year plan needs to be accelerated. Our discussions were based on a proposal developed by TasWater which set out how we might address the key water and sewerage challenges facing us in a ten year timeframe.

I make this solemn declaration under the Oaths Act 2001 (Tas)

Signature of Mr Brewster....

March 15, 2017.

Before: Benedict Bartl, Solicitor.

## TasWater executives sign legal papers disputing Treasurer's claims on meetings

By Damian McIntyre

Updated Thu 16 Mar 2017, 9:21am

**The stoush between TasWater and the State Government over a proposed takeover of the water body has come to a head, with its executives signing legal documents disputing the Government's approach.**

The Government is pushing ahead with plans to turn TasWater into a government business enterprise from July next year, after raising concerns that the 10-year timeframe to improve the state's water and sewerage infrastructure was unacceptable.

It has been accused of using TasWater as a political football.

In Parliament, the State Opposition tabled statutory declarations from TasWater chairman Miles Hampton and chief executive Mike Brewster.

Mr Hampton and Mr Brewster used the documents to formally declare their side of the story.

They maintained that during about nine meetings with Treasurer Peter Gutwein he never raised concerns about the timeframe.

Opposition Leader Bryan Green asked Mr Gutwein in Parliament whether he had "stretched the truth".

"The fact is, he made up a story about TasWater and why the Government [was] acting, and he has been found out in the strongest possible terms," he said.

### Gutwein 'expected' Hampton to defend company

Mr Gutwein said he expected Mr Hampton to defend his company, and the documents confirmed they met to discuss the future of water and sewerage.

He said his views on TasWater's plan were well known.

"The way he's going about it, well that's a matter for him, but at the end of the day I would expect the chair of a corporation to stand up for his business," he told Parliament.

"By his own hand, he's confirmed what I've been saying, that we discussed the challenges of water and sewerage."

Several towns in Tasmania have undrinkable water, and about 20 towns are on boil water alerts.

Lecturer in corporate governance at the University of Tasmania Tom Baxter said the tabling of statutory declarations could have major implications.

"If there are inconsistencies, has the Treasurer misled the Parliament?" Dr Baxter said.

"That's, I presume, a matter which opposition parties are likely to pursue inside Parliament but this is obviously a highly



**PHOTO:** Mr Hampton's statutory declaration outlines meetings with the Treasurer. (ABC)

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HOUSE OF ASSEMBLY ESTIMATES COMMITTEE HANSARD

Tuesday 9th June 2015

Ms O'CONNOR - I want to talk about water quality and TasWater - which is owned by local councils - and particularly about Pioneer's water supply and how TasWater is or is not responding to that. Are you aware that TasWater has a half-time engineer on the Pioneer project? Are you aware that for two years and six months at least there was only lead-contaminated water available to the people of Pioneer? Are you aware that the rain water tank installation has barely started? Do you think this is good enough?

CHAIR - Order. Before that question is responded to, I would submit that that is not included within output group 7.

Ms O'CONNOR - It certainly is. Local government are the owners of TasWater.

CHAIR - I would suggest that it is probably relative to the GBE. I will allow the question, but we are on a borderline of whether these should be allowed or not. I will allow the Treasurer to respond.

Ms O'CONNOR - TasWater is not a GBE, as I understand it. Local government owns TasWater, which is currently maladministering the update of water and sewerage services.

CHAIR - Order. We are on output group 7 and the questions will be relative to the Budget about output group 7. Can you please explain how?

Ms O'CONNOR - I just explained how, Chair. Unfortunately, we are going around in a circular argument and wasting lot of time. Local government owns TasWater. It is the only shareholder in TasWater. There are problems with the way TasWater is administering improvements to the water and sewerage system. That is a problem for local government, but more importantly, it is a problem for all Tasmanians who drink water.

CHAIR - Again, it is not relevant to the output group.

Ms O'CONNOR - It is relevant to the output group.

Mr GUTWEIN - What have we decided? Is it relevant or not?

CHAIR - I will allow the question.

Ms O'CONNOR - Do you think that local government and TasWater are interconnected entities?

Mr GUTWEIN - TasWater is obviously interconnected with local government. It is owned by local government.

Ms O'CONNOR - You are the Minister for Local Government.

Mr GUTWEIN - I am happy, Chair, to make some comments. My understanding of what caused the delay at Pioneer was TasWater had made a decision to go with a tank option. I believe there was almost unanimous support in the town for that to occur. My understand is 28 out of 29 houses had voted for the tank option.

Ms O'CONNOR - Nearly three years ago.

Mr GUTWEIN - After beginning the process, there was a request from a local resident for the rainfall profile to be relooked at and the delay was as a result of that.

Ms O'CONNOR - Is that your advice from TasWater?

Mr GUTWEIN - That is what I have been advised.

Ms O'CONNOR - People who live in Pioneer are very sceptical about TasWater's approach, the fact there is only a half-time engineer on the job and two years, six months into identifying the lead contamination problem, very little progress has been made.

Mr GUTWEIN - My understanding is that the decision was made to proceed. It was then delayed because there was a request to look at the rainfall figures.

Ms O'CONNOR - A three-year delay.

Mr GUTWEIN - It took some time to deal with the rainfall matter but work has



commenced. TasWater is owned by local government and they are looking at a range of contemporary solutions for some small towns. We have a number of small towns and a number of them are in my electorate and they are on boil water alerts. Where a contemporary environmental solution can be found, and agreed to with residents, they are options that should be looked at.

Ms O'CONNOR - Which should not take two-and-a-half years.

Mr GUTWEIN - The information that has been provided to me was that was as a result of going back and rechecking the rainfall figures.

Ms O'CONNOR - That took two-and-a-half years?

Mr GUTWEIN - There was a delay and it was a matter of checking the data. I have recently written to TasWater and said if they want to come forward with their 10-year plan that we are happy to engage.

Ms O'CONNOR - The people of Pioneer are not interested in that, they are interested to know what you, as Local Government minister, are doing to ensure TasWater is fixing up the water infrastructure in Pioneer and that they are not drinking water that is 22 times the Australian standard for water quality. Isn't that urgent?

Ms GIDDINGS - Would have thought that was pretty urgent, a public health issue.

Mr GUTWEIN - Potable water was provided to the town, bearing in mind it started when you were premier and the delay occurred when you were premier.

Ms GIDDINGS - Oh really, we have not been there for some time now. This is firmly in your court now.

Mr GUTWEIN - TasWater is getting on with the job at Pioneer.

Ms O'CONNOR - Very slowly. My understanding is that the Dorset municipality has requested the state Government legislate for the mandatory publication of all future drinking water data, as collected by TasWater, on a public website. Formerly Ben Lomond Water used to publish a whole range of data about water quality on a public website. Do you think there is a risk that Tasmanians do not know what they are drinking and water quality testing is not what it used to be because DPIPW no longer has the water quality testing function? Do you agree there is a public right to know about the quality and contamination level, if any, of the water they are drinking?

Mr GUTWEIN - I am not aware of the Dorset Council taking a position.

Ms O'CONNOR - Will you go and have a look at that?

Mr GUTWEIN - I do not believe I have received any correspondence from the Dorset

Council.

Ms O'CONNOR - Do you think the public has a right to know?

Mr GUTWEIN - When do you think that occurred?

[5.30 p.m.]

Ms O'CONNOR - I have some correspondence here from a person who lives in Pioneer  
, Mr Tim Slade, who has written to you pointing out that Dorset requested legislation for  
mandatory publication of all future drinking water data on May 19 this year.

Mr GUTWEIN - To the best of my knowledge I have received nothing from Dorset  
Council at this stage.

Ms O'CONNOR - Could you just answer my question about the public's right to know?

Mr GUTWEIN - I am happy to have a look at what Dorset Council might have been  
suggesting. I would like to understand exactly what that means before making a commitment  
but  
it would be important, regardless of where you lived in the state, that you had some  
understanding of the quality of the water you are drinking.

Ms O'CONNOR - I need to help you make sure you have not misled the committee. We have had advice from the Environmental Defender Office that they do not have an invitation to apply for funding under the Solicitors' Guarantee Fund.

Mr GUTWEIN - The advice that I had was that they had.

Ms O'CONNOR - It might be in the mail.

Mr GUTWEIN - If that has not occurred, you can take it that they have an invitation to apply.

Ms O'CONNOR - Well, they haven't.

Mr GUTWEIN - They have now. That is the advice that I had before. If that is not correct, I am sorry, but I am sure that will be rectified.

CHAIR - Before we go on, I mentioned previously that TasWater is a GBE and obviously it is not. I just correct that.

Ms COURTNEY - Minister, are you able to outline some of the challenges facing local government in Tasmania? How would you characterise their financial sustainability?

Mr GUTWEIN - There are a range of challenges facing local government. It is important to reflect on the report of the Auditor-General. At the end of the 2013-14 year, he found that 15 councils were operating below zero deficit over the last seven years. In 2012-13, 29 councils had

a combined net operating deficit of \$7.547 million, with 16 councils reporting deficits totalling \$15.87 million.

It is pleasing that as at the 30 June 2014, 22 councils have now established audit panels; 20 have implemented their long-term financial and asset plans and 20 have reported their sustainability indicators in their financial statements, as identified by the Auditor-General. All councils are expected to be fully compliant with the new legislation by 30 June 2015. The audit committees will be a key instrument to support the financial management platform in councils.

I am keen to see that the audit committees have the degree of independence that they should have and we are considering some amendments to ensure that occurs. It is important that the committees have that degree of independence and we do not just have members of other councils sitting on audit committees. It is important there is a degree of rigor applied to councils through the audit committees. On the positive side -

Mr GREEN - Who don't you trust?

Mr GUTWEIN - It is not a matter of trust; it is a matter of having that arm's length view of what is occurring. It is important, certainly in regards to the water committee and the finances of local government.

In the main, local government do a very good job but they have challenges. We have a demographic challenge. If you look at the population forecast, the state overall has an increasing population, depending on which model you use, but in the regions there are challenges. In the last three census periods there were a number of councils that have been going backwards. That is problematic, especially when you consider that local government in a lot of these regional areas not only have populations that are challenged, but also an ageing population. The role of local government and the challenges local government face in the future are going to become more challenging and difficult as time rolls on. I just heard someone say that strategic resource-sharing has been going on forever. There are 150 examples of resource-sharing across councils, most of which has been driven by crisis, not opportunity. In many cases a council will lose an environmental health officer or a general manager and when it is difficult to replace that person they share with another council. Very little thought has been given to resource-sharing in a strategic sense in regard to how you can improve the financial sustainability of councils.

Ms O'CONNOR - We could pay the general managers less.

Ms GIDDINGS - There are more questions to be asked and this answer is going on quite some time.

CHAIR - Ms Giddings, you are right. The answer has gone longer than the allocated time but you had a couple of questions that went for two minutes, so I ask the Treasurer to wind up and then we will go to the next question.

Mr GUTWEIN - To wind up, councils face some challenges and it is important as a state

government that we work with them to ensure we can overcome those challenges.

Ms COURTNEY - Minister, could you outline the role of the Premier's Local Government Council and are you also able to outline what issues have been covered at its recent meeting?

Ms O'CONNOR - Do you remember what Estimates was like when you guys had total control? Honestly!

CHAIR - Order.

Mr GUTWEIN - The Premier's Local Government Council plays a key role in maintaining the strong working relationship the Tasmanian Government has established with local government. The PLGC serves three key functions: it provides an overview of a range of local government-related projects and initiatives that ultimately benefit local communities; an opportunity for local government to bring to the Government's attention matters of importance to the local government sector; and is a high-level forum for consultation, discussion and decision-making on matters that are of mutual importance.

The PLGC has a strong record of achievements which is testament to the benefit of the two spheres of government working together. The PLGC is currently driving a local government sustainability agenda which includes the promotion of councils working together to consider voluntary amalgamations and/or shared services; the development of a continuous improvement

framework that will provide performance information; a suite of resources to assist local government reach increased efficiency without great risk or cost; and the delivery of real initiatives that identify opportunities for jobs growth, remove red tape and build the professionalism of the local government sector through its role in the local government project.

Having attended a couple of these meetings to date, as a forum they are an excellent way of engaging with local government. I might see if the director wants to add anything.

Ms O'CONNOR - Spare us, Mr Hoysted.

Ms GIDDINGS - You don't need public servants to add to a Dorothy Dixier - come on!

Mr HOYSTED - I reinforce the minister's comments about the PLGC, a very effective organisation.

Ms GIDDINGS - Following concerns raised about the lack of transparency in local government on expenditure, particularly with the Hobart City Council, will you raise this issue at your next PLGC meeting with councils to try to achieve consistency in policy and transparency across all 29 councils? Are you considering any legislative changes that might assist this to happen, for example, legislating reporting requirements? At the moment the Clarence City Council reports quarterly. Others may report on an ad hoc basis but this is a very serious issue of transparency and considering the front page today of wanting to be open and transparent, surely you would want that of local government.



Ms O'CONNOR - It certainly does not apply to Estimates.

Ms GIDDINGS - No, it certainly doesn't apply in Estimates. This is very serious and should be seen as a state issue, not just one council's problem.

Mr GUTWEIN - I wrote to local government on a number of matters around a month ago and asked all of the councils to ensure they had processes in place regarding expenditure and appropriate policies. I have also recently spoken with the director and asked him to have a conversation with the Auditor-General on what the Auditor-General's view might be on reporting more fully in relation to expenses and the way expenditure is treated across councils.

Ms GIDDINGS - Thank you. That is probably the best answer you have given to any question today, so I appreciate that. Minister, your Local Government Unit is again facing ongoing cuts of \$464 000 next financial year, followed by \$1.4 million the year after that. Just how much of those cuts are to do with time-limited election commitments, as said in the notes with it, what were those commitments that were funded through that budget and what portion is to do with reallocation of overhead costs?

Mr GUTWEIN - The budget for the LGU has decreased by \$3.647 million in 2014-15 to \$3.183 million in 2015-16, a reduction of \$464 000 as result of an increase for overhead realignment of \$226 000, for employee-related expenses an increase of \$165 000, and for

operational expenses an increase of \$61 000, offset by a decrease of \$690 000 for the cessation of time-limited election commitments.

Ms GIDDINGS - What were they?

Mr GUTWEIN - Central Highlands Council, public amenities at Derwent Bridge, \$100 000; Clarence City Council, insulation of public lighting, \$50 000; Flinders Island Council, community support, \$225 000; Duck Reach Education Centre in Launceston, \$60 000; Hobart City Council, revitalisation of public spaces, \$250 000 in 2014-15 and a further \$250 000 in 2015-16; Glenorchy City Council, revitalisation of public spaces, \$250 000 in 2014-15 and a further \$250 000 in 2015-16; Kingborough Council, funding for the Snug to Margate trail, \$60 000 in 2014-15 and a further \$300 000 in 2015-16; Kingborough Council, Kingston Beach foreshore redevelopment, \$125 000 this year and \$125 000 in 2015-16; Huon Valley Council, Ranelagh showgrounds drainage improvement, \$40 000; King Island Council, extending beef producers freight subsidy, \$600 000, Phoenix House, \$120 000, and upgrade to the Currie oval pavilion, \$110 000; Meander Valley Council, Blackstone Heights walkway, \$300 000; Tasman Council, the superintendent's cottage restoration at Premaydena, \$70 000; Waratah-Wynyard Council, Somerset CBD redevelopment, \$250 000; and Circular Head Council, Smithton recreation ground lights upgrade, \$80 000, and \$25 000 was provided for the North Mount Lyell mine disaster.

Ms GIDDINGS - Can you provide us with an update on the action taken over the troubles at Glenorchy City Council and what follow-ups has occurred since Mr Hoysted's report was handed down?

Mr GUTWEIN - Since that report was handed down Mr Hoysted has engaged with the mayor, the general manager and other members of council -

[5.45 p.m.]

Mr HOYSTED - I certainly interviewed all council members.

Mr GUTWEIN - with a view to working through a conciliation process. I recently met with the general manager and the mayor. I have asked for some follow-up information from the meeting with the mayor around the circumstance at Glenorchy. We are working through a process. It is disappointing to continually read in the paper about issues that are occurring there.

I have not received a lot of feedback from individual councillors but I get the impression that there is a running war occurring. Generally speaking, the council appears to be getting on with its job. The vast majority of issues are being dealt with at council meetings, as they should be. There are some flash point issues. I would like the Glenorchy City Council to get on with the job that the people elected it for and ensure that they focus firmly and foremost on the ratepayers.

Mr GREEN - How did you go about resolving the question that seemed to be on everybody's lips about transparency around reports and how councillors interact with those reports? That is, the information provided from the general manager.

Mr GUTWEIN - We have recently included an amendment in the act. Do you want to provide some information there?

Mr HOYSTED - The issue around the provision of reports was technically under the act. I only discovered this fairly recently, that general managers have to provide whatever reports and papers are available for council agenda items. The general manager did not want to provide that particular report because it contained quite private and confidential information, which it did.

Mr GREEN - What sort of nature?

Mr HOYSTED - The report looked at the structure -

Mr GREEN - Who was going to be sacked?

Mr HOYSTED - The organisation that did the report interviewed all the senior staff and most staff in a situation where they said their feedback would be entirely confidential. Then they quoted sections of what those senior staff did in the report, to lend weight to the recommendations they made. The general manager wanted to, naturally, redact that stuff, not putting the staff in a very invidious situation. We had advice from the Solicitor-General that we had to provide that information to the council. From my point of view it was good governance from the general manager not to provide that kind of information.

The minister has agreed that we will amend the act so it will clarify that in terms of provision of reports to the council. That issue was addressed by change to the legislation. The

other issue was around the mayor adjourning the debate. We found that she did adjourn it correctly, but once again there were issues raised, not that she was not having a fair and proper reason for doing it, but that it might be worth clarifying in the act what are fair and proper reasons for adjourning a debate. We intend to do that as well. Both those issues were dealt with

in that process. We got into the conciliation process and it seemed to work very well and may work long term. There has been a little bit of a blip lately, but so far so good.

Mr GUTWEIN - We all understand around this table that the rawest level of democracy is around the local government table. Some of the hardest politics are played. As we work through

this process, I would have to say that after the director began the conciliation process Glenorchy remained out of the press and was getting on with the job. There have been some issues that have been raised in the past week in regard to Glenorchy City Council. I would encourage the council as a whole to make a focus on getting the best outcomes that they possibly can for their ratepayers. Regardless of some of the challenges that they face, ultimately the council appears to

be run professionally. There are no indications that ratepayers are not able to receive the level of

services they should be receiving. The heightened interest in Glenorchy City Council by the press indicates only a word has to be said out of place and the next thing it is being reported. I would encourage them to focus on their role.

Ms GIDDINGS - Minister, my next question is about councils and the robust political debate that can be had. Across the country there are almost 40 councils that have passed a motion in support of marriage equality, including Hobart and Glenorchy city councils. Do you

agree that as representatives at a local level it is right for councils to send a message to state and

federal members about an important social issue such as this. Would you agree with a conscience vote federally within the Liberal Party? Will you join with the councils and show some leadership on this issue?

Mr GUTWEIN - In regard to the motions that are brought before individual councils, that is a matter for the councils. They are a democracy in their own right and what motions they debate are entirely up to them. As to a conscience vote at a national level, that is a matter for the federal party and the Prime Minister.

Ms GIDDINGS - What is your leadership on the issue? What do you think should happen?

Mr GUTWEIN - Again, that is a matter for the federal party.

Just for clarification, and without going into the detail, I have here an email from the EDO on 1 June to the Attorney-General's office which says:

Are you able to give any indication as to when a decision might be made regarding the Solicitors' Guarantee Fund applications?

That is, they have an application in.

Ms O'CONNOR - This is the prior application, that goes back some way and a decision has yet to be made on those applications? Is that right, that is the prior round? I think you will find it is.

Mr GUTWEIN - I am not sure if that is the case. The advice I had was that they had applied and it was being considered. If we are cross purposes there -

Ms O'CONNOR - I do not think we are ultimately. I just thought you were talking about a new round of funding.

I would like to go back to the water quality issue. Do you have any interaction with TasWater as Minister for Local Government?

Mr GUTWEIN - I have had a reasonable level of interaction with TasWater.

Ms O'CONNOR - Have you ever raised water quality issues with them?

Mr GUTWEIN - I have raised with them the need for the challenges they face to be dealt with. I have recently requested from them a copy of their 10-year infrastructure plan. I would like to understand what is occurring over the period and when they see they are going to deal with some of the issues. At this point I do not have a copy of that plan and my understanding is that was one of the matters the Economic Regulator also raised with TasWater. It was waiting for details about that 10-year plan. When I get that I will be in a better position to understand from the timing point of view.

Ms O'CONNOR - Given some of the conversations we have now had about water quality and what you know is now a deficit in water quality testing, and given the people of Pioneer have only had nine rainwater tanks installed in the last two years and six months, in your conversations with TasWater in the future will you talk to them about water quality and specifically raise the issue of Pioneer's lead contamination?

Mr GUTWEIN - I have raised the issue of Pioneer with them in my discussions.

Principally the reason for raising that was the seeming delay about putting in the tanks. From my understanding, Pioneer households were offered a 10 000 litre tank that would provide potable water, another tank for firefighting, as well as still having the reticulated service, albeit lead contaminated, to the point of their boundary so they could utilise it for firefighting as well, if need be. My understanding was that TasWater had also offered residents the opportunity to upgrade their roof and gutters to ensure they had a clean supply entering the tank. Being a Bass member, I was aware this had been raised in the past, and even before coming to government that was my understanding of the proposal. I was very surprised at the delay and, until it was raised publicly, I thought Pioneer had been fixed and sorted. TasWater pointed out to me that one of the reasons for the delay was that there had been a decision made to check the rainfall profile again.

Ms O'CONNOR - That took two years and six months.



Mr GUTWEIN - A large part of the time frame from when this was first raised was about ensuring the community were consulted and prepared to accept the solution that was being provided. You cannot just bookend it and say that it is two years and six months. Obviously, the community needed to have period of consultation and be engaged and understand what the options were.

I have raised it with TasWater. I was surprised and I did make this point to TasWater, that they did not provide more information about why the project had stalled. They felt they were doing the right thing in responding to a concern that was raised by residents about the rainfall levels.

Ms O'CONNOR - I think the locals feel differently. If I could round out the question and go back to the issue of the publishing of water quality data in a publicly available site. Are you prepared to raise that issue with TasWater because you would agree there is public right to know about what we are drinking and what is in the water we drink?

Mr GUTWEIN - Before I make any commitment, I would like to check what level of information is available currently.

Ms O'CONNOR - There is almost a total absence of information on water quality in Tasmania.

Mr GUTWEIN - I would like to check and inform myself fully. It is important that people understand the quality of the water that they drinking. There is a notification process for boil water alerts that -

Ms O'CONNOR - Don't there need to be two testing periods where the water is found to be not meeting standards? That is when the community is notified in a circumstance like lead contamination.

Mr GUTWEIN - Are you saying -

Ms O'CONNOR - I am not sure exactly what the process is, but my understanding is that there needs to be at least more than one confirmation of water quality issues before there is a notification.

Mr GUTWEIN - Like you, I am not exactly what the process is but I am happy to seek some advice on that.

Ms O'CONNOR - All I am asking is that you take a personal interest in the water quality issue and use your powers to help make sure Tasmanians know what they are drinking and that the water they are drinking is safe.

Mr GUTWEIN - I am happy to inform myself about what occurs at the moment.

# REPLY TO MINISTER FERGUSON AND MAYOR JARVIS

Sir

What an unlikely trifecta of letter writers in last week's Advertiser!

Mike Brewster, CEO of TasWater; Michael Ferguson, Tasmania's Minister for Health; and Barry Jarvis, Mayor of Dorset.

But the punters lost out. Reading these letters, it is hard not to feel devastated for the residents of Pioneer. And personally, it was disappointing to be targeted by one of the letter writers - Tasmania's Minister for Health, Mr Ferguson.

Minister Ferguson's letter was, in my view, a deliberate spilling of ink, designed to confuse readers and to save his own skin in relation to the Pioneer water issue.

At Dorset's public health meeting on February 26, Minister Ferguson confirmed to me the following:

- Minister Ferguson could not say when Pioneer's rainwater tanks will arrive - so far it has been two years and four months with only lead-contaminated drinking water in the home.
- Minister Ferguson was unaware of the five-month work delay which continues at Pioneer.
- Minister Ferguson was unaware that Pioneer's rainwater tank contract holds a confidentiality clause within it.
- Minister Ferguson was unaware that this contract rules that TasWater may disconnect the reticulated service after five years - contrary to the town's verbal agreement.
- Minister Ferguson was unaware that Pioneer's residents, to access withheld lead results for the sediment in our dam, had no choice but to submit a Right To Information request to TasWater (via The Greens) - these results proved to be off the chart in relation to the Australian Drinking Water Health Guidelines.
- Minister Ferguson was unaware that Pioneer was intentionally disconnected from the Frome Dam in 2009/10 - and without the town's knowledge or consent - during works for the Winnaleah Irrigation Scheme.
- And Minister Ferguson could not tell me why it is that the CEO of TasWater has not been sacked.

But in Minister Ferguson's letter to the editor last week, he writes, "... it was disappointing to be misrepresented by Tim Slade".

With all due respect, Minister Ferguson, it is the people of Pioneer who are being misrepresented. Wouldn't you say?

And if Minister Ferguson's assistant recorded Dorset's public meeting using her mobile phone (there were not any written notes made by the Minister or his assistant), then no doubt the Minister will make this audio available to any citizen who may wish to verify my account of the day.

Last year, the Tasmanian government, via the Office of the Minister for Health, e-mailed to me the following advice for Pioneer: (and I paraphrase) The State government cannot help Pioneer, because it is only the local councils who have the power to oversee TasWater.

Minister Ferguson repeated this statement during our conversation on the day of Dorset's public meeting - the only major comment or 'commitment' that the Minister made.

But the Health Minister's shirking of the blame onto the councils is a bare bones response, for it is certainly well within the powers of the State government to investigate TasWater's handling of Pioneer. This can be done if the Premier chooses to initiate a full public enquiry into Tasmania's councils - the sole shareholders of TasWater.

I can advise that last week I sent a letter to Premier Hodgman, to request a full public enquiry into Tasmania's local councils (and TasWater), with regard to Pioneer's lead-contaminated drinking water.

Tasmanian's now have all the evidence we need.

In addition, the State government should legislate to make it compulsory for TasWater's data to be published on a public website.

On the day of Dorset's public meeting on February 26, the Minister for Health did not offer a future appointment to talk (and listen) to the residents of Pioneer, or me, to explore in more detail the history of Pioneer's water crisis.

And the Minister did not commit to investigate that which I shared with him.

In the few minutes granted to me by our Minister for Health, I was so disappointed to realise exactly how unaware he and his government are of the water problem at Pioneer.

The folk at Pioneer live with lead-contaminated drinking water every day, and they know the story like the back of their hands.

For the record, to respond to Minister Ferguson's comments in his letter to the editor, my other communications with his office, in mid-2014, were dealt with by one of his assistants.

This assistant telephoned to the public relations officer at TasWater - not the CEO, despite my request that he do so, and the obvious urgency of the problem.

I was grateful for these calls, but they were merely a Band-Aid remedy. Also, in 2014/15, I wrote to Minister Ferguson to enquire about Tasmania's other water quality challenges.

The Minister replied briefly by e-mail to some, but not all, of these important issues. For example, Minister Ferguson did not respond to my suggestion for a public website to publish Tasmania's water data (as collected by TasWater).

And finally, to correct Minister Ferguson - my only conversation with the Office of Ms Sarah Courtney when I contacted her a few days after Dorset's public meeting.

Finally - if I may reply to Mayor Jarvis' letter to the editor last week. The Mayor queries if it was fair of me to write in my letter that, 'None of Dorset's elected councillors attended the meeting; and nor did Mayor Jarvis'.

I'd simply reply to Mayor Jarvis that surely at least one elected representative from the council - perhaps the Mayor - should have taken the responsibility to attend.

Like a broken record with the volume turned down low, the State government has said - over and over - that it is the responsibility of Tasmania's local councils to discipline TasWater when they are not doing their job.

Mayor Jarvis' schedule of other meetings on this day, as he outlines in his letter to the editor, is admirable - disability services is an important issue.

But as the sole legal overseers of TasWater, Tasmania's local councils have failed, for far too long now, to embrace their fair share of the responsibility for the continuing health crisis at Pioneer.

TasWater promises to return to Pioneer to resume works in April or May, but readers will note that TasWater's CEO, Mike Brewster, did not confirm this in his letter to the editor last week.

We can only maintain a positive attitude!

Tim Slade  
Pioneer

RESEARCH ARTICLE

# Identification of the sources of metal (lead) contamination in drinking waters in north-eastern Tasmania using lead isotopic compositions.

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**Abstract** This study utilises a range of scientific approaches, including lead isotopic compositions, to differentiate unknown sources of ongoing lead contamination of a drinking water supply in north-eastern Tasmania, Australia. Drinking water lead concentrations are elevated above the Australian Drinking Water Guideline (10 µg/L), reaching 540 µg/L in the supply network. Water lead isotopic compositions from the town of Pioneer ( $^{208}\text{Pb}/^{207}\text{Pb}$  2.406,  $^{206}\text{Pb}/^{207}\text{Pb}$  1.144 to  $^{208}\text{Pb}/^{207}\text{Pb}$  2.360,  $^{206}\text{Pb}/^{207}\text{Pb}$  1.094) and Ringarooma ( $^{208}\text{Pb}/^{207}\text{Pb}$  2.398,  $^{206}\text{Pb}/^{207}\text{Pb}$  1.117) are markedly different from the local bedrock ( $^{208}\text{Pb}/^{207}\text{Pb}$  2.496,  $^{206}\text{Pb}/^{207}\text{Pb}$  1.237). The data show that the lead in the local waters is sourced from a combination of dilapidated drinking water infrastructure, including lead jointed pipelines, end-of-life polyvinyl chloride pipes and household plumbing. Drinking water is being inadvertently contaminated by aging infrastructure, and it is an issue that warrants investigation to limit the burden of disease from lead exposure.

**Keywords** Drinking water · Lead isotopes · Pipes · Pioneer · Ringarooma River · Tasmania

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## Introduction

Globally, an ever greater strain is being placed on the limited availability of safe and clean drinking water resources due to growing population, increased urbanisation and industrialisation and mismanagement of natural resources (WHO 2013). At the same time, disease from unclean or contaminated drinking water continues to be problematic with an estimated 768 million people not having access to potable water of acceptable standards (WHO 2012, 2013). Contamination of drinking water by metals remains a persistent issue in many urban environments as point source contamination, industrial activities, aging pipe infrastructure and other sources contribute to elevation of these metals above health guideline values (Triantafyllidou and Edwards 2011). Lead contamination of drinking water typically occurs where lead service lines, lead fittings or lead solder are used in the infrastructure (Del Toral et al. 2013). The prevalence of lead contamination of drinking water supplies in Australia is relatively unknown with only a small number of studies available, many of which focus on rain water tanks as a supply source (e.g. Magyar et al. 2014; Rajaratnam et al. 2002). A study that examined three houses in Sydney and a small cohort in Broken Hill concluded that drinking water was not a major contributor to the burden of disease from lead in Australia (Gulson et al. 1994). However, the limited and two-decade old data from this study is insufficient to draw meaningful conclusions on Australia, particularly where the infrastructure is aged. A more recent study investigating lead concentrations in tap water of new homes found 60 % of homes tested to be above the Australian Drinking Water Guideline (ADWG, 10 µg/L) (NHMRC 2011; Rajaratnam et al. 2002). Extensive evidence from international studies, including examples in Europe (e.g. Cirarda 1998; Englert and Höring 1994; Zietz et al. 2001), South America (e.g. Jane Wyatt et al. 1998), the UK (e.g. Graham

et al. 1996) and the USA (e.g. Maas et al. 2005) show that a lead-contaminated water supply can contribute significantly to the body lead burden.

The Ringarooma River catchment, located in north-eastern Tasmania, Australia (Fig. 1), is the subject of an ongoing and unresolved drinking water lead contamination issue (GHD 2013a). The town of Pioneer is one of the towns affected by lead-contaminated drinking water. In 2011, the state suburb of Pioneer recorded 137 people, 30 of which were children (0–14 years old) (ABS 2011).

The town of Pioneer was first placed on a Do Not Consume notice stemming from lead contamination of the drinking water supply in mid-November 2012 (Beswick 2012). This notice followed 2 years of irregular testing by the water utility showing occasional drinking water lead concentrations detected above the ADWG (NHMRC 2011) of 10 µg/L (Taswater 2013). A public notice advised residents that a temporary water supply (communal tank) had been installed at the community hall, which remains the drinking water supply for Pioneer (Beswick 2012). A pipe-scouring program to remove the alleged responsible sediment from the pipes was conducted on November 21, 2012 (Beswick 2012). Despite these remedial works, the source of drinking water lead contamination in Pioneer remains unknown, although it has been attributed to numerous origins including the natural geology and historic tin mining in the catchment (GHD 2013a; b).

This study uses a forensic, deductive approach to identify the source of lead contamination in the drinking water supply in Pioneer, including analysis of water, soils and sediment from the upstream catchment, the river supplying the drinking water, and within the township. The complexity of the water supply scheme for the town of Pioneer, including former mine water races, aging infrastructure and multiple diversions, provides a unique opportunity to apply various geochemical tools, including lead isotope compositions, to resolve this water contamination problem. To our knowledge, this is the first study published in the peer-reviewed literature examining broad-scale water lead contamination of this kind in Australia. The techniques implemented in this investigation can be applied in other such scenarios identified nationally and internationally.

## Study setting

The Ringarooma River catchment (~1620 km<sup>2</sup>) is located in north-eastern Tasmania, Australia (Fig. 1). Ringarooma River extends from near Mount Maurice in the upper catchment for 107 km to Ringarooma Bay on Tasmania's northern coastline (Fig. 1). Ringarooma River has a number of tributaries, including the Cascade and Frome rivers that have been historically, and are currently, regulated (Knighton 1987, 1989, 1991, 1999). The underlying bedrock of the catchment is

dominated by basaltic and granitic rocks (Black et al. 2010). Medium-to-coarse-grained (0.5–2.0-mm diameter) sediment dominates the floodplain alluvium, into which the Ringarooma River is incised (Knighton 1989). Land use in the catchment consists of forestry, agricultural, historic tin mining and residential uses. The Ringarooma River's alluvial tin (in the form of alluvial cassiterite) mining heritage has resulted in a vast network of dilapidated water races across the catchment, which divert flow from the main channel to backwater areas near former mining leases (Knighton 1991).

## Materials and methods

This study quantifies a range of elements (As, Cu, Pb, Sn) in water, soil, sediment and the local bedrock, which have been identified as potential environmental contaminants in the Ringarooma River catchment. Lead isotopic compositions have also been determined to elucidate the source of lead contamination.

### Water

Water samples were collected from 49 sites in the upper and middle catchment (Fig. 1). Sites were selected using the following criteria: proximity to contemporary and historic forestry activity, key geomorphic features (river confluences) and proximity to infrastructure (roadways, bridges and water races) to capture the input from the various land uses and tributaries in the study area. Sampling was conducted in October 2013 and March 2014. These two separate events encapsulated seasonal variability in the water race of Pioneer. On the first occasion, water samples were collected as a dissolved (<0.45 µm) and total (unfiltered) fraction. There was limited difference between the two fractions for lead so only total (unfiltered) samples were collected on the second visit. Water pH and temperature were measured at each site using a Hanna® HI 9023C pH meter.

Water samples were collected in pre-washed Nalgene™ LDPE low metals or Teflon sample bottles. Bottles were first cleaned in Liquinox™ detergent (Alconox, USA) then rinsed with 18.2 MΩ/cm at 25 °C Milli-Q™ (Milli-Q) water before soaking in 10 % HNO<sub>3</sub> for 24 h. The bottles were then rinsed three times in Milli-Q water in a trace metal clean laboratory at the Geochemical Analysis Unit (GAU), Department of Earth and Planetary Sciences, Macquarie University. River water samples were collected using a 0.45-µm Sartorius™ Minisart® cellulose membrane syringe filter (for filtered samples). Samples were collected from as close as possible to the centre of the channel.

Volunteers for kitchen tap water sampling were sought from the local population. Volunteers were instructed how and when to collect samples. First draw samples were

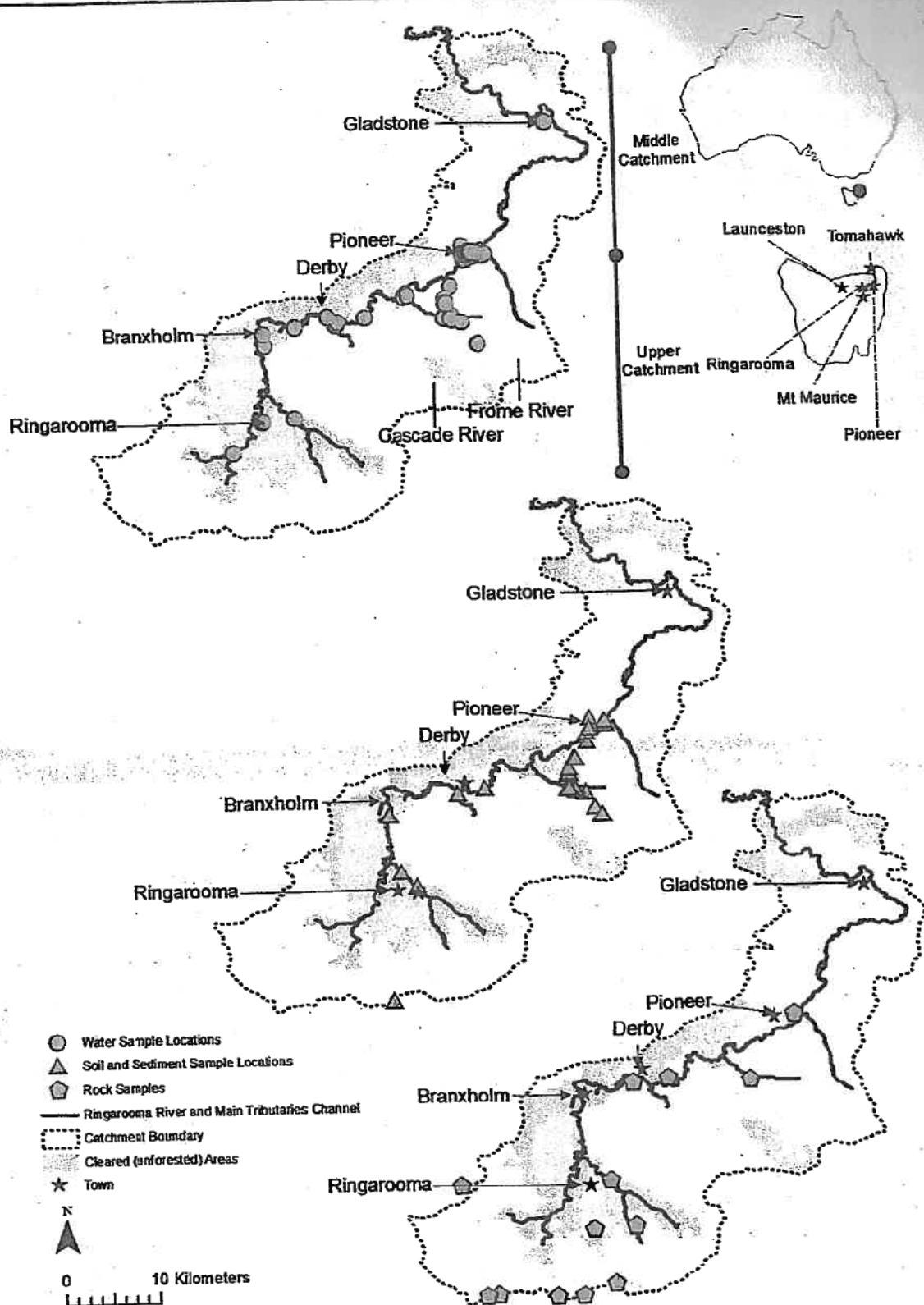


Fig. 1 Ringarooma River catchment, north-eastern Tasmania. Sampling locations for water, soil and sediment and rocks are presented in separate diagrams. Inset figure of Australia, illustrating the location of Tasmania and the study catchment



collected after an 8-h stagnation time on the first sampling trip. Along with first draw samples after the 8-h stagnation time, the sampling protocol was adjusted on the second trip to also capture any local infrastructure influence at the kitchen tap. A flush period of either 30 s (sample 2) or 3 min (sample 3) was applied to evaluate samples for potential contamination from the service lines and the trunk main, respectively.

Sample replicates, duplicates, trip and field blanks were collected ( $n=17$ ). Trip blanks comprised a clean bottle containing Milli-Q water, which was carried to the field but never exposed. Field blanks used Milli-Q water as a pseudo-sample and were treated in the same manner as a filtered sample in order to determine contamination from sampling method or instruments. All samples were acidified to pH 2–3 using concentrated  $\text{HNO}_3$  prior to storage at  $<4^\circ\text{C}$ . Water samples were analysed using solution inductively coupled plasma mass spectrometry (ICP-MS) at the National Measurement Institute, North Ryde, Australia, procedure 1 (Supplementary Data 1).

All 17 field and trip blanks returned concentrations below the instrument limit of detection (BLD) concentration (Supplementary Data 2).

#### Soil and sediment

Soil and sediment samples (approximately 200 g) were collected from 48 sites (Fig. 1) using a plastic trowel that was cleaned two times using distilled water and sample site normalised by passing through adjacent soil or sediment. Samples were dried at  $50^\circ\text{C}$  for 48 h and then analysed using a portable X-ray fluorescence spectrometer (pXRF) at the X-ray laboratory of Macquarie University, Australia, following procedure 3 (Supplementary Data 1).

A subset of samples were analysed by solution ICP-MS at the GAU to validate the pXRF results for lead. Aliquots of sample were obtained using the quadrat sample division method, with three repeats. Samples were then ignited in a furnace at  $550^\circ\text{C}$  for 3 h to remove organic matter followed by analysis using a pXRF following procedure 3 and then solution ICP-MS by procedure 4 (Supplementary Data 1).

#### Bedrock

In situ rock samples ( $n=13$ ) were collected to represent the range of rock types observed in the catchment. Samples were cut in half using a hardened steel rock saw to expose a clean face and then analysed for the elements of interest (As, Cu, Pb and Sn) using procedure 3 (Supplementary Data 1).

#### Pipe surfaces

Nine samples were collected from the large water supply pipes in the Pioneer water race, particularly around the Moorina

Power Station. These included surface scrapings, joint material and inner linings. The pXRF procedure 3 (Supplementary Data 1) was used as a screening method for these samples to determine the presence of lead, the principal element of interest.

#### Isotopic analysis

Five samples: three tap waters (from one property and two public toilets) and two solids (a joint material and surface covering from the Moorina Power Station pipeline) were selected for lead isotope composition (PbIC) analysis. Samples were analysed according to the published methods for solutions and solids, PbIC procedure 2, involving HCl extraction and analysis by solution ICP-MS at the NMI (Supplementary Data 1, Evans 2013; Kristensen et al. 2014, 2015). High sample lead concentrations did not warrant pre-concentration.

## Results

### Trace element concentrations in water

Trace element concentrations and pH of water samples from each site are summarised in Table 1 and reported in full in Supplementary Data 2. Lead concentrations are shown in Figs. 2, 3 and 4. Lead concentrations in the Ringarooma River were BLD at each location sampled, except for site 20 (Fig. 2). Lead is detected in samples from the drinking water infrastructure at a number of sites which included the town of Ringarooma (7.9, 36 and  $13\text{ }\mu\text{g/L}$ ), the town of Pioneer (range 2.7 to  $220\text{ }\mu\text{g/L}$ ), Pioneer water race (range 7 to  $540\text{ }\mu\text{g/L}$ ) and the town of Gladstone (2.1 and  $13\text{ }\mu\text{g/L}$ ) (Figs. 2 and 3). Water lead concentrations vary, although only slightly, between the two sampling periods at some locations (e.g. locally named Cesspit #1,  $<1$  and  $1.6\text{ }\mu\text{g/L}$ ). The highest concentration of lead is detected at the Moorina Power Station ( $540\text{ }\mu\text{g/L}$ ), in the water race channel below the pipe network (Fig. 3). A low lead concentration is detected at the Frome Dam input south channel ( $1.4\text{ }\mu\text{g/L}$ ) with no other lead detected upstream of the Frome Dam wall. Lead concentrations in the town of Pioneer are generally elevated above those measured in samples from the up flow water race (Fig. 4).

Copper concentrations in the water samples generally mirror those of lead. Peaks in lead correspond to measurable copper concentrations. Copper concentrations were highest in waters collected from within the infrastructure network (Fig. 5). For example, one house that contained  $25\text{ }\mu\text{g/L}$  lead also contained  $1700\text{ }\mu\text{g/L}$  copper (Supplementary Data 2). Some copper concentrations approached the water quality guideline (ADWG,  $2000\text{ }\mu\text{g/L}$ ) and one sample from the Pioneer public toilet exceeded this concentration

**Table 1** Water copper and lead concentration data summary for samples collected in the Ringarooma River catchment

| Sample                                      | Copper (µg/L) | Lead (µg/L) |
|---------------------------------------------|---------------|-------------|
| Pioneer house 1                             | 450.0         | 18.0        |
| Pioneer house 1 sample 2                    | 5.5           | 1.9         |
| Pioneer house 1 sample 3                    | 11.0          | 27.0        |
| Pioneer house 2 sample 1                    | 1700.0        | 25.0        |
| Pioneer house 2 sample 3                    | 130.0         | 4.2         |
| Pioneer house 4                             | 28.0          | 9.3         |
| Pioneer house 5 sample 1                    | 52.0          | 9.6         |
| Pioneer house 5 sample 3                    | 16.0          | 2.0         |
| Pioneer house 6 UF                          | 1500.0        | 210.0       |
| Pioneer house 6 F (household filter)        | 26.0          | 10.0        |
| Pioneer house 7                             | 220.0         | 17.0        |
| Pioneer house 8                             | 4.3           | <1          |
| Pioneer town end flow valve                 | 550.0         | 120.0       |
| Pioneer public toilet                       | 2200.0        | 220.0       |
| Ringarooma public toilet                    | 310.0         | 13.0        |
| Gladstone public toilet                     | 310.0         | 13.0        |
| Frome Dam south input                       | 1.1           | 1.4         |
| Frome mid dam                               | 1.5           | <1          |
| Blue Tier weir at river                     | <1            | <1          |
| Frome Dam input north                       | <1            | <1          |
| Cesspit lower dam                           | <1            | <1          |
| Cesspit #1                                  | <1            | 1.6         |
| Moorina Power Station water race downstream | 1.8           | <1          |
| End of Power Station pipe                   | <1            | <1          |
| Greenstone creek                            | <1            | <1          |
| Moorina Power Station below pipe            | 150.0         | 540.0       |
| Frome Dam above wall                        | <1            | <1          |
| Frome lower weir                            | 1.1           | <1          |
| Ringarooma shop                             | 590.0         | 36.0        |
| Pioneer town tank UF                        | <1            | <1          |
| Pioneer town tank F                         | <1            | <1          |
| W1 F                                        | <1            | <1          |
| W1 UF                                       | <1            | <1          |
| W2 F                                        | <1            | <1          |
| W2 UF                                       | <1            | <1          |
| W3 F                                        | <1            | <1          |
| W3 UF                                       | <1            | <1          |
| W4 F                                        | <1            | <1          |
| W4 UF                                       | <1            | <1          |
| W5 F                                        | <1            | <1          |
| W5 UF                                       | <1            | <1          |
| W6 F                                        | <1            | <1          |
| W6 UF                                       | <1            | <1          |
| W7 F                                        | <1            | <1          |
| W7 UF                                       | <1            | <1          |
| W7 UF Dup                                   | <1            | <1          |
| W8 F                                        | 1.2           | <1          |
| W8 UF                                       | <1            | <1          |

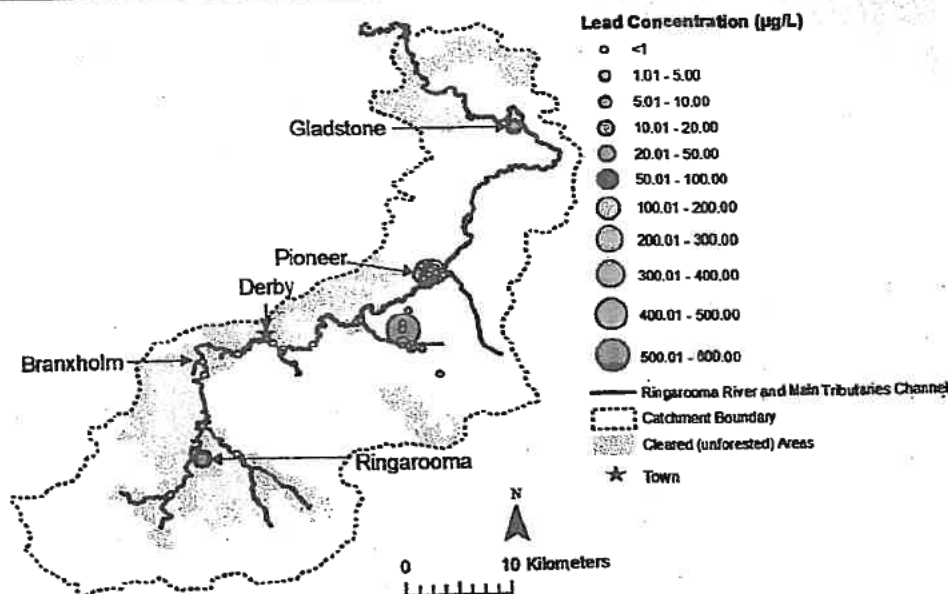
**Table 1 (continued)**

| Sample                      | Copper (µg/L) | Lead (µg/L) |
|-----------------------------|---------------|-------------|
| W9 F                        | <1            | <1          |
| W9 UF                       | <1            | <1          |
| W10 F                       | <1            | <1          |
| W10 UF                      | <1            | <1          |
| W10 UF Dup                  | <1            | <1          |
| W11 F                       | <1            | <1          |
| W11 UF                      | <1            | <1          |
| W12 F                       | <1            | <1          |
| W12 UF                      | <1            | <1          |
| W12 UF Dup                  | <1            | <1          |
| W13 F                       | <1            | <1          |
| W13 UF                      | <1            | <1          |
| W13 F Rep                   | <1            | <1          |
| W14 F                       | <1            | <1          |
| W14 UF                      | <1            | <1          |
| W14 UF Rep                  | <1            | <1          |
| W15 F                       | <1            | <1          |
| W15 UF                      | <1            | <1          |
| W16 F                       | <1            | <1          |
| W16 UF                      | <1            | <1          |
| W17 F                       | <1            | <1          |
| W17 UF                      | <1            | <1          |
| W17 F Rep                   | <1            | <1          |
| W18 F                       | <1            | <1          |
| W18 UF                      | <1            | <1          |
| W18 F Rep                   | <1            | <1          |
| W19 F                       | <1            | <1          |
| W19 UF                      | <1            | <1          |
| W20 F                       | <1            | <1          |
| W20 UF                      | 350.0         | 6.5         |
| W20 UF Dup                  | 230.0         | 6.1         |
| Gladstone public toilet F   | 3.2           | <1          |
| Gladstone public toilet UF  | 9.7           | 2.1         |
| Greenstone creek F          | 1.2           | <1          |
| Greenstone creek UF         | 1.1           | <1          |
| Cesspit #1 F                | 1.0           | <1          |
| Cesspit #1 UF               | 1.1           | <1          |
| Cesspit #1 lower dam F      | 15.0          | <1          |
| Cesspit #1 lower dam UF     | 38.0          | 7.0         |
| Ringarooma public toilet F  | 130.0         | 6.6         |
| Ringarooma public toilet UF | 150.0         | 7.9         |
| Derby public toilet F       | 56.0          | <1          |
| Derby public toilet UF      | 71.0          | <1          |
| Pioneer house 8 F           | 220.0         | 17.0        |
| Pioneer house 8 UF          | 390.0         | 31.0        |
| Pioneer house 9 F           | 190.0         | 2.9         |
| Pioneer house 9 UF          | 150.0         | 2.7         |

Complete data available in Supplementary Data 2



**Fig. 2** Lead concentrations in water samples from the Ringarooma River catchment and towns (Tasmania)



(2200 µg/L). When the Moorina Power Station outlier (lead - 540 µg/L) was removed, water copper concentrations had a strong correlation with water lead concentrations ( $r=0.84$ ).

Tin concentrations are below the limit of instrument detection (BLD <1 µg/L) in the Ringarooma River. Tin is detected in the water race infrastructure of Pioneer and Ringarooma public toilets. The Pioneer Cesspit #1 contains 3.1 µg/L; Pioneer end of town flow valve contains 6.1 µg/L; Pioneer public toilet has 18 µg/L; Ringarooma public toilet contains 1.7 µg/L; and Moorina Power Station (below the pipe) has 11 µg/L.

#### Trace element concentrations in soil, sediment, bedrock and pipes

Element concentrations in soils and sediments are given in Supplementary Data 3. Analysis of soil and sediment in and around Pioneer Dam shows low lead (range BLD–84 mg/kg,  $n=48$ ). Similarly, the sediment collected from the Ringarooma River returned negligible lead concentrations (range 22–42 mg/kg,  $n=3$ ). Soil analysed at Joint 0, at sampling distance 0 cm (directly below the pipe) of the Pioneer input pipe contains 84 mg/kg lead while soil 20 cm away from the same joint contains 47 mg/kg. The concentrations in soil at the pipe are moderately elevated compared to those at distance, suggesting that the pipe joint has contributed to soil lead concentrations.

Concentrations of tin were detected for the majority of the catchment ranging up to 693 mg/kg. The greatest concentrations were related to the historic tin mining practices (e.g. slag heaps) of the Ringarooma catchment, including around the Blue Tier and Frome Dam (102–693 mg/kg).

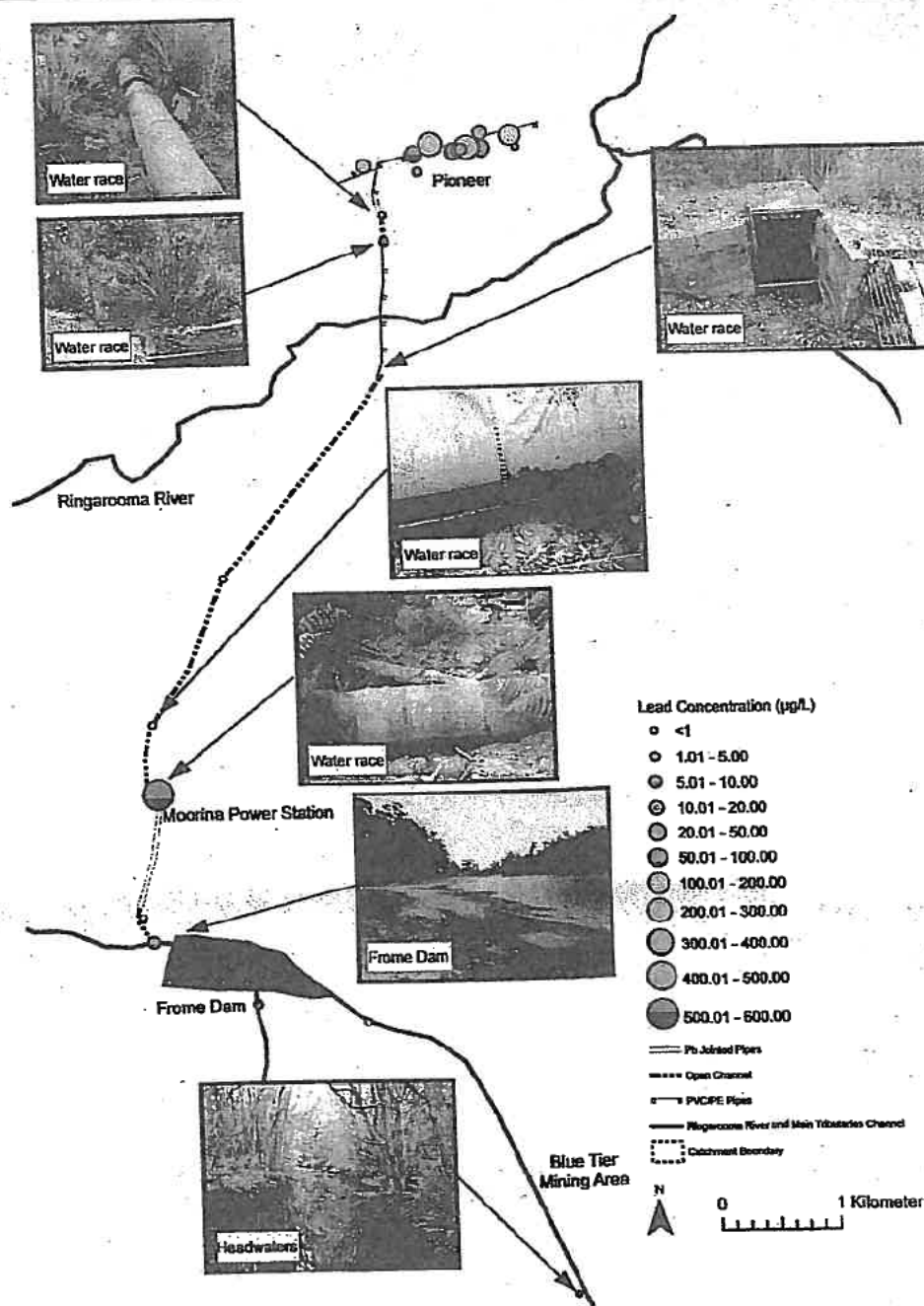
Samples analysed for lead concentration by pXRF and then by solution ICP-MS for comparison show only small differences in elemental concentrations between the two instruments (Supplementary Data 4).

Rock samples collected in the Ringarooma River catchment show low concentrations of all elements of interest in this study (Supplementary Data 5). The mean concentration of lead for each specimen did not exceed 47 mg/kg.

Sections of the pipelines throughout the water race above Pioneer examined for lead show that they contain significant lead concentrations, particularly in the joint welds (Table 2).

#### Lead isotopic compositions

Lead isotopic compositions of water samples collected from the Ringarooma public toilet (RingPT) ( $^{208}\text{Pb}/^{207}\text{Pb}=2.398$ ,  $^{206}\text{Pb}/^{207}\text{Pb}=1.117$ ), Pioneer house ( $^{208}\text{Pb}/^{207}\text{Pb}=2.406$ ,  $^{206}\text{Pb}/^{207}\text{Pb}=1.144$ ) and Pioneer public toilet (PionPT) ( $^{208}\text{Pb}/^{207}\text{Pb}=2.360$ ,  $^{206}\text{Pb}/^{207}\text{Pb}=1.094$ ) are presented in Fig. 6 and Table 3. The isotopic compositions of the tap waters are significantly displaced from local and regional bedrock values towards lower  $^{208}\text{Pb}/^{207}\text{Pb}$  and  $^{206}\text{Pb}/^{207}\text{Pb}$  compositions, lying at an intermediate point along the linear trend defined by local and regional bedrock and the major Australian lead ore mine sites (Broken Hill and Mount Isa). Lead isotopic compositions of scrapings collected from the Moorina Power Station joint ( $^{208}\text{Pb}/^{207}\text{Pb}=2.421$ ,  $^{206}\text{Pb}/^{207}\text{Pb}=1.141$ ) and the Moorina Power Station Pipe surface material ( $^{208}\text{Pb}/^{207}\text{Pb}=2.451$ ,  $^{206}\text{Pb}/^{207}\text{Pb}=1.171$ ) have similar compositions to the water samples collected in Pioneer house and Ringarooma public toilet.

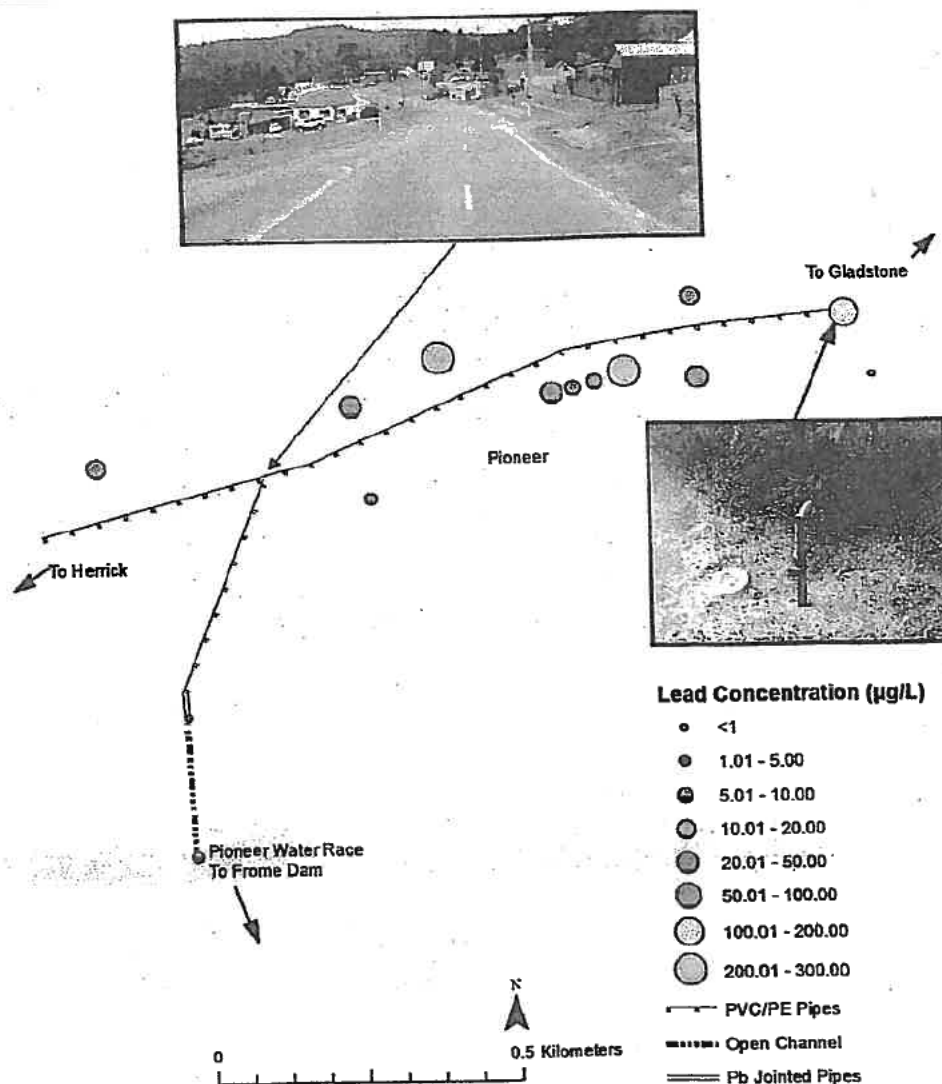


The source of the lead contamination of the drinking water supply in the Ringarooma River catchment has, until this study, been unknown. By applying a forensic and deductive approach to quantify a range of elements (As, Cu, Pb, Sn) and the lead isotope compositions in water, soil, sediment and the local bedrock, sources of drinking water contamination in the Ringarooma have been identified.

### Natural environment

The Ringarooma River catchment is occupied predominantly by rural land uses proximal to the river channel. The catchment is bound by densely forested mountainous terrain through which a number of river tributaries pass. One of these

**Fig. 4** Lead concentrations in water samples collected from houses and infrastructure in Pioneer town, Tasmania



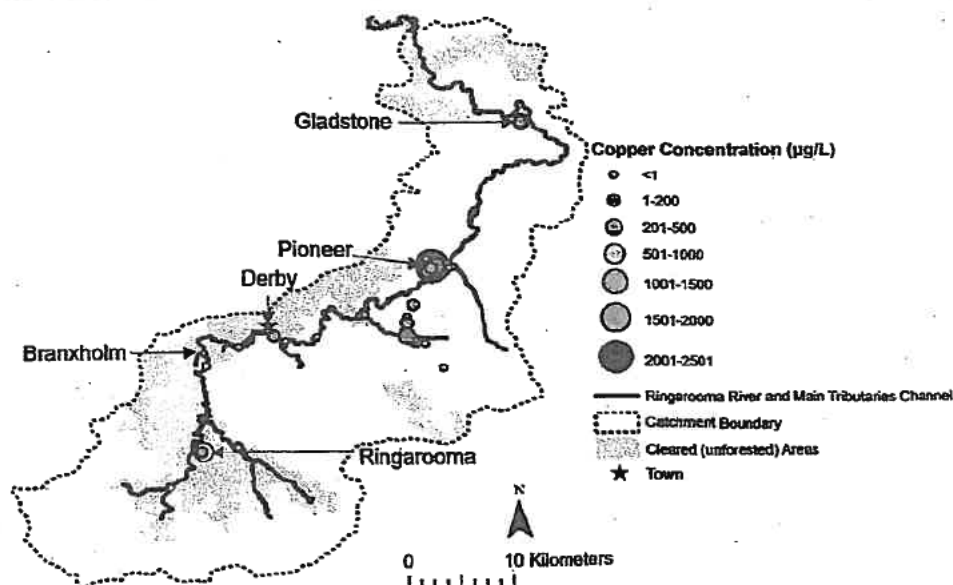
tributary subcatchments, draining from the Blue Tier rock sequences, is dominated by the Frome Dam and forms the Pioneer water supply. Source water samples from the Ringarooma River did not have detectable concentrations of lead (Supplementary Data 2). Rock samples collected in this study from the Ringarooma River catchment contain element concentrations similar to the natural background concentrations as identified in Blue Tier sequences (Black et al. 2010). Thus, the source of contamination in the drinking water is unlikely to be natural as there is no evidence of the elements of interest existing in high concentrations in source water samples or the local bedrock.

#### Mining

Water in the Pioneer subcatchment drains the historic Blue Tier tin mining area. Sediment samples collected from slag

deposits in the Blue Tier mining area and along the river channel above the Frome Dam show lead concentrations consistent with the bedrock lead concentrations of the Blue Tier identified in this study and also measured by Black et al. (2010). Higher than background tin concentrations are recorded in the sediments (max 693 mg/kg) in the channel above the Frome Dam, which continue to be elevated downstream below the dam for approximately 400 m before returning to background concentrations (~50 mg/kg). Water samples collected in the Blue Tier mining area contain, overall, undetectable lead concentrations. However, lead in water (9 µg/L) was detected immediately downstream of the Frome Dam wall, after passing through a 60-m concrete culvert which contains a ~3.5-m iron pipe (Debenham 1910). Low levels of lead (1.4 µg/L) are also detected at the south tributary above the Frome Dam, which is supplied by runoff from the Tasman Highway approximately 400 m upstream. Tin was not

**Fig. 5** Copper concentrations in water samples from the Ringarooma River catchment and towns (Tasmania)



detected in any of the water samples. The presence of lead at background concentrations in the sediments and the low lead concentrations in water samples from above the Frome Dam indicates that water lead contamination cannot be originating from sediment-bound lead in the Blue Tier sequences. The data indicate that the remnant slag heaps and associated material of the historic mining activities within the Pioneer subcatchment are not contributing significantly to elevated lead concentrations in the drinking water supply.

#### Water race pipelines

The large pipelines associated with the Frome Dam, the Moorina Power Station and the Pioneer holding ponds all

**Table 2** Lead content of pipe sections from the Pioneer water race infrastructure

| Sample                                                | Lead concentration (mg/kg) |
|-------------------------------------------------------|----------------------------|
| Frome Dam metal section a                             | 126                        |
| Frome Dam metal section b                             | 1372                       |
| Pioneer Cesspit #1 lower dam pipe joint 2 (test 1)    | 92                         |
| Pioneer Cesspit #1 lower dam pipe joint 2 (test 2)    | 474                        |
| Pioneer Cesspit #1 lower dam pipe joint 2 (test 3)    | 284                        |
| End of Power Station pipe (inner lining)              | 537                        |
| Moorina Power Station pipeline joint surface (test 1) | 261                        |
| Moorina Power Station pipeline joint surface (test 2) | 241                        |
| Moorina Power Station pipe joint                      | 424                        |

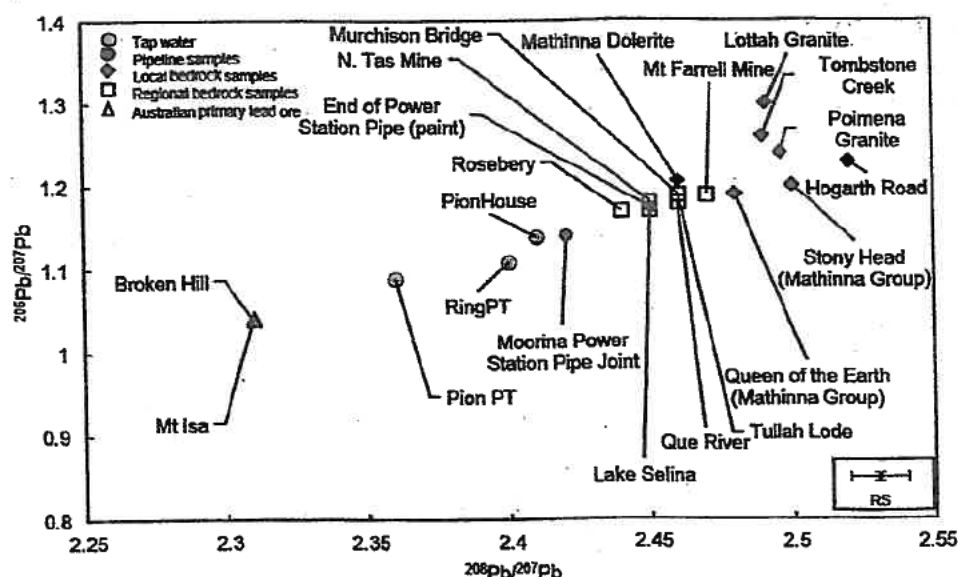
Analysis was undertaken using a portable X-ray fluorescence spectrometer (Olympus® InnovX Delta series, 4 W 50 kV, geochem mode)

contain lead. The majority of the pipes were installed during the Frome Dam and Moorina Power Station construction, which was completed in 1909 (Smith 1992). Many of these pipes are now heavily degraded and convey water poorly. Lead joints and fittings to the pipes were common in Tasmania at the time of construction, with the nearby Mount Cameron Water Race, built only 12 years prior to the Frome Dam and Moorina Power Station schemes in 1888, containing lead joints (Dickens 1990). Large water supply pipelines containing lead joints have been shown to cause significant environmental contamination (Harvey et al. in review). Analysis of the joints along sections of the Pioneer pipelines, including one internal joint surface sample, shows lead in significant concentrations, sufficient to generate contamination of the drinking water supply. A water sample collected in the channel below a degraded pipe at the Moorina Power Station contained 540 µg/L lead. The evidence suggests that the water race infrastructure contributes to the lead contamination of drinking water in Pioneer.

#### Polymeric vinyl chloride pipes

Polymeric vinyl chloride (PVC) pipes were first introduced into the Australian Building Standards in the late 1970s in response to the end-of-life breakdown of older asbestos cement and clay pipes (Heathcote 2009). These pipes contained up to 1.8 wt% lead in the form of heat stabilisers (lead sulphate, lead phosphite, lead phthalate and lead stearate) added during the production phase (Heathcote 2009). The World Health Organisation (WHO 1973) evaluated the ability of lead to leach from PVC piping into drinking water and recommended that the use of metal-based stabilisers be decreased

**Fig. 6** Lead isotope compositions of samples collected in field relative to local bedrock (Black et al. 2010; Gulson 1986; Hergt et al. 1989) and Australia's largest lead ore mines, Broken Hill (Townsend et al. 1998) and Mount Isa (Gulson 1985). Indicative relative standard deviation (RSD):  $^{206}\text{Pb}/^{207}\text{Pb}$  0.33 %,  $^{206}\text{Pb}/^{204}\text{Pb}$  0.57 % and  $^{208}\text{Pb}/^{207}\text{Pb}$  0.41 %



(WHO 1973). A more recent study by Al-Malack (2001) showed that PVC pipes containing lead as a stabiliser can leach approximately 1000  $\mu\text{g/L}$  of lead after 48 h exposure of pH 5 water to the pipes. Lasheen et al. (2008) showed that pipe age influences lead leaching from the pipes, with older pipes leaching 120  $\mu\text{g/L}$  compared to new pipes that leached 95  $\mu\text{g/L}$  over a 72-h study period.

This study shows that lead in the Pioneer drinking water supply increases significantly within the town, which is consistent with a change in the infrastructure from open channels and metal pipes to PVC and polyethylene pipes (PE) (GHD 2013a). The release valve at the intersection of Main Rd and Alfred Street in Pioneer contained a lead concentration of 120  $\mu\text{g/L}$  after a 5-s purge (pH 5.6). Between the water source and the valve, PVC and PE pipes are used exclusively. Without connection to any other plumbing (e.g. households), the data shows that a source of the high lead concentration at the valve is a result of acidic water causing lead leaching from the PVC component

of the pipeline that transfers water through the town of Pioneer.

#### Internal property plumbing

Plumbosolvency of internal plumbing is commonly reported in the literature (Lee et al. 1989; Lyon and Lenihan 1977; Murrell 1985; Neff et al. 1987; Schock and Neff 1988; Subramanian and Connor 1991; Triantafyllidou and Edwards 2011). Internal plumbing of older properties typically comprises copper pipes with brass fittings that can contain up to 8 % lead (Lytle and Schock 1993). Nguyen et al. (2010) demonstrate that corrosion and lead contamination of water can be increased by intense galvanic reactions in water pipes that have adjoining copper and lead containing components. Kitchen tap water samples collected in Pioneer were elevated above the ADWG for lead, up to 210  $\mu\text{g/L}$ . High lead concentrations correlate with a significant increase in copper concentration in the tap water samples (e.g. 2200  $\mu\text{g/L}$  copper in the Pioneer public toilet sample which contains 220  $\mu\text{g/L}$  lead, water pH 6.2) indicating the occurrence of galvanic reactions and increased pipe corrosion. First draw samples were also compared to time-delayed, repeat draw samples. Variability in the first-draw lead concentrations at the kitchen taps indicate localised variability in the contamination source, likely to be the usage of different plumbing materials. The time-delayed, repeat-draw samples show that the lead concentration declines in water that has not stagnated in the household plumbing. High concentrations of lead in water after standing within the internal property plumbing suggests that another major source of household water lead contamination is derived from domestic plumbing. While a proportion of the lead contamination of the drinking water is

**Table 3** Lead isotope compositions for water and solid samples analysed in the Ringarooma River catchment (Tasmania)

| Sample                                     | $^{208}\text{Pb}/^{207}\text{Pb}$ | $^{206}\text{Pb}/^{207}\text{Pb}$ | $^{204}\text{Pb}/^{206}\text{Pb}$ |
|--------------------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| Ringarooma public toilet (RingPt)          | 2.398                             | 1.117                             | 0.0580                            |
| Pioneer house (PionHouse)                  | 2.406                             | 1.144                             | 0.0556                            |
| Pioneer public toilet (PionPT)             | 2.360                             | 1.094                             | 0.0599                            |
| Moorina Power Station pipe joint           | 2.421                             | 1.141                             | 0.0545                            |
| End of Power Station pipe surface material | 2.451                             | 1.171                             | 0.0565                            |

entering the potable system from the mains infrastructure, it is evident that the internal plumbing of the houses (many circa 1900–1930s in age) is also a contributory factor.

### Lead isotope analysis

Lead isotopes are used to fingerprint the origin of the lead contaminating the drinking water supply. Isotopic analysis of water samples from three locations (Pioneer house, Pioneer public toilet and Ringarooma public toilet) within the Ringarooma catchment show similar lead compositions. The isotope compositions of these samples are, however, displaced from local bedrock lead isotope ratios (taken from Black et al. 2010), suggesting the lead is from another source. The lead isotopic compositions of the Pioneer Public Toilet sample are further displaced away from the local bedrock isotopic ratio, indicating that water in this part of the infrastructure has been exposed to a secondary lead source within the town. The data indicate a large proportion of the lead used in the Pioneer infrastructure was likely sourced from Broken Hill type ores (Fig. 6). The source for ores of this composition is probably the Broken Hill mine that started producing lead ore in 1885. The industrial production of Broken Hill ore coincided with the original construction period of the Pioneer water infrastructure (Jaquet 1894). In order to further characterise the source of the lead in the drinking water, lead isotope compositions were measured in samples from the degraded lead joints and also the surface material of the Moorina Power Station pipeline. The Moorina Power Station pipeline joints have an isotopic composition similar to the water samples collected in Pioneer house and Ringarooma public toilet. This suggests that the lead measured in the potable water supplies is of a similar origin, most likely being the water supply infrastructure.

Using the average local bedrock lead isotope compositions of Black et al. (2010) and the lead isotope compositions for Broken Hill type ores, a two-dimensional vector-based source apportionment calculation (Larsen et al. 2012) was derived for the Moorina Power Station joint sample. This showed that 43 % of the lead isotope composition in the joints can be attributed to Broken Hill type ores. The model data apportions 93, 47 and 76 % of lead measured in Pioneer house, Pioneer public toilet and Ringarooma public toilet water samples to the lead used in the Moorina Power Station joints.

### Drinking water contamination is a widespread issue

Lead contamination of drinking water is not isolated to Pioneer. Additional sampling during this investigation showed detectable lead concentrations in the drinking water supply at Ringarooma and Gladstone on both occasions (Supplementary Data 2). Ringarooma public toilet tap water contained 7.9  $\mu\text{g/L}$  lead in October 2013 and the Ringarooma

public toilet and shop tap water samples contained 13 and 36  $\mu\text{g/L}$  lead, respectively, in March 2014. The lead isotope ratios of the 2013 sample collected from the public toilet are similar to lead isotope ratios of the Pioneer water samples. Gladstone public toilet tap water contained 2.1  $\mu\text{g/L}$  lead in October 2013 and 13  $\mu\text{g/L}$  lead in March 2014. Winnaleah, also in the Ringarooma River catchment, was identified as having drinking water contaminated by lead in March 2014 (TasWater 2014), showing that the problem is not a spatially or temporarily isolated issue within the catchment. Throughout Tasmania, five other towns—Avoca, Whitemark, Royal George, Rosebery and Lady Baron—also have water supplies contaminated by metals including lead, arsenic and cadmium (DHHS 2014a; b; GHD 2013a). Thus, it is clear that north-eastern Tasmanian drinking water lead contamination appears to be a widespread geographic problem spanning a number of rural communities.

Beyond Tasmania, a recent unpublished survey (MP Taylor) of a residential property at Barellan, New South Wales, revealed a maximum drinking water lead concentration of 270  $\mu\text{g/L}$  on first draw, 220  $\mu\text{g/L}$  after a 30-s flush and 15  $\mu\text{g/L}$  after a 3-min flush period. A second unpublished study in the town of Lue, New South Wales, showed tap water lead concentrations up to 12  $\mu\text{g/L}$  (copper 1600  $\mu\text{g/L}$ ) (MP Taylor). These values are significantly in excess of the ADWG for lead of 10  $\mu\text{g/L}$ . These studies show that metal contamination of drinking water is not an issue isolated to individual Australian communities and warrants further study.

### The burden of disease from lead contaminated drinking water in Pioneer

In the 2011 census, the Australian Bureau of Statistics recorded 30 children in the Pioneer state suburb (22 % of the population), 11 of which were 0–4 years of age (ABS 2011). Children are most susceptible to the negative impacts from lead exposure (Lanphear et al. 2000, 2005). A number of these health impacts include renal damage, anaemia, neuropathy and encephalopathy. Population-based lead testing was not conducted in the town of Pioneer as the contamination event was deemed “short-lived and infrequent” (personal communication to C. Luck; O’Byrne 2013). Due to the lack of blood lead testing, the exposure toxicology of the drinking water lead contamination event is not known.

### Water contamination, a risk in global development

The widespread distribution of contaminated drinking water supplies presented in this study highlights the need for greater global recognition and testing for drinking water contamination (WHO 2012). The current study has illustrated multiple infrastructure sources of drinking water contamination in a relatively small distribution system and highlights multiple



contaminant pathways from various infrastructure components. These issues are unlikely to be geographically isolated to the Pioneer catchment and are probably replicated across Australian rural communities, especially those characterised by old household plumbing systems. Poor regulation of drinking water networks, particularly in regions of low economic prosperity like those identified in the drinking water improvement program Millennium Development Goal 7c, often leads to the installation of low-quality infrastructure components, which may act as a contamination source (Balazs and Ray 2014; Johri et al. 2014; UNDG 2010). Attention needs to be given to the types of plumbing infrastructure installed for all connections globally to ensure these do not produce a legacy contamination risk.

## Conclusion

The lead contamination of the drinking water supply in Pioneer, Tasmania, is not naturally occurring. The evidence in this study suggests that lead in the water supply can be attributed to three sources: (1) the water race infrastructure including the large lead jointed pipelines of the Frome Dam, the Moorina Power Station and the Pioneer holding dams; (2) the PVC pipes that connect the Pioneer holding dams to the residential service lines; and (3) lead-contaminated fittings and fixtures within individual properties. Metal contamination of drinking water is not isolated to Pioneer and remains a global issue, placing a risk of disease on many populations. Wider usage of PVC pipes in response to the Millennium Development Goal 7c has increased, inadvertently, the risks for drinking water contamination. This study illustrates the need for further consideration of the currently understudied problem of water lead contamination globally.

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**Ethics statement** The Australian National Health and Medical Research Council National Statement of Ethical Conduct in Human Research does not require ethics approval for collection of environmental samples (including tap water, soils or dust) as they do not relate specifically to human health, medicine and human research. Informed consent was however sought from all participants who provided a water sample in this study. Animals were not used in this study.

**Conflict of interest** The authors declare no conflict of interest.

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# Pioneer Water 'worst in nation'

“Residents of Pioneer have become disgruntled with TasWater...”

By Neil Grose

THE saga that has become the Pioneer water supply continues to evolve after a scientific report was released last week from Macquarie University.

The report, which was released at a public meeting in Pioneer last week revealed their findings that the water from its source was free of

lead, where households at the termination of the pipelines had highly elevated lead levels.

The report concludes that lead is present in the household water due to the lead in aged supply pipes leaching and subsequently deposited in internal household plumbing.

It is put by the two scientists that compiled the report (Mark Taylor and

Paul Harvey), that pipes used in the construction of the Moorina Power station contained lead.

The Moorina Power Station began operation in 1909 from water sourced from the flooded Frome Dam.

Water from the power station was used for household water in Pioneer up until the Frome Dam was re-developed for irrigation by

the Winnaleah Irrigation Scheme.

Taylor and Harvey are suggesting that over the intervening 100 years the lead used in those original pipelines has leached from its original position and lodged in the water supply pipes of the township and the houses themselves.

TasWater assumed responsibility for domestic water in 2010, and began a regime of water testing, particularly for organic contaminants, but also for the inclusion of heavy metals such as lead.

It was during these routine tests that TasWater in 2012 discovered the lead in the Pioneer water supply, advising the Health Department, which in turn placed a 'do not consume' alert on Pioneer.

TasWater have advised the North-Eastern Advertiser that it has commissioned an independent analysis for the Macquarie University study.

Residents of Pioneer have become disgruntled with TasWater since the do not consume alert was placed on the township, with several views raised to satisfy residential concerns.

An initial plan of TasWater was to install rainwater tanks at homes requesting one, which has only resulted in eight installations in two years.

One resident said to the North-Eastern Advertiser

that the obvious short-term solution was to have water tanks installed – that way rainwater can be collected and used in the house instead of transporting water.

Other residents are adamant that TasWater is responsible for the lead in their household pipes, and as such should replace the entire water infrastructure throughout the town and houses.

It is unclear at this stage where TasWater's responsibility for water begins and ends.

Several residents have said to the North-Eastern Advertiser that TasWater will replace their roof and gutter system to ensure that lead-free water is available to the house.

At a meeting in April 2013, residents expressed overwhelming support for a solution that included provision of a tank, pump and connection to the house.

TasWater indicated in a statement to the North-Eastern Advertiser that it has also offered assistance to ensure roofing and guttering could supply rainwater to the tank.

TasWater says it has arranged for paint samples from some properties already supplied with tanks to be tested to determine if the roofs had been previously painted with lead paint.

Test results have so far



• The old Moorina water race, now dry, but until the Winnaleah Irrigation Scheme upgraded the dam is conveyed water to the Pioneer township for around 100 years.

indicated that this wasn't the case, and TasWater has said it will continue to arrange for samples to be tested taking into consideration the age of the roof, whether or not it has been painted and whether a paint sample can be collected.

In response to a question about priority-setting for areas needing water quality upgrades, TasWater said "in setting priorities for upgrading the water supply of small communities, TasWater assess the location, proximity and suitability of alternative water sources, the number of connection, the predicted growth and demographics of the community, the presence of industries, schools community facilities such as hospitals and whether the town is on a tourist route."

Bass Greens MHA Kim Booth said it was "unacceptable that towns in the State's North-East have the worst water quality in the nation according to environmental scientists."

"Taswater has been proceeding at the rate of a comatose snail, providing eight water tanks in two years is pathetic and the government has been utterly negligent in their response," Mr Booth said.

"The chilling reality is that heavy metal contamination levels, including up to 50 times the allowable limit for lead, have been recorded in peoples' drinking water."

TasWater have called a public meeting in Pioneer for May 13 between 7-8:30pm at the Pioneer Hall to advise residents on their progress.



By Taylor Clyne

FOR MY FIRST FASHION BLOG in the North Eastern Advertiser I felt it necessary to talk about the 'hair' as we take just as much pride (if not more) in it as our clothes. This seasons trends all about the bob: long, short, thick, thin – It's all the range.

The bob is suitable for women of all ages and you can choose a bob hairstyle for yourself according to your facial shape, occupation and own tastes. Bobs are sexy, independent and sleek hairstyles.

The short haircuts are very simple styles, which can make a surprising effect on our overall appearance. People with soft/thin hair really suit short bob hairstyles because they make your hair look thick and luxurious.

Personally I love the in-between length (where the hair falls just above your shoulders), Olivia Palermo rocks this best. It might be a good starting point if you're worried about going for a massive cut. Kim Kardashian debuted a long bob prior to the 2015 Grammy Awards. The star took to social media with a picture of her new hairstyle. She wrote: "I cut my hair short today". Gone with her long flowing locks, the new haircut is a flattering shoulder-length bob (pictured).

It's official. They look chic, can be styled in countless different ways, and they've got a huge A-list following. Tempted, much?

Having said that I've noticed some fashion forward locals sporting shorter locks of late, pop into Galloway's Pharmacy and see Bec Barnett's mane tamed by the long bob.

Now, to get the most effectiveness out of your bob

Wednesday 26 June 2013 - Part 1

Wednesday 26 June 2013

The President, Mr Wilkinson, took the Chair at 11 a.m. and read Prayers.

### SUSPENSION OF SITTING

Mr FARRELL (Derwent - Leader of Government Business in the Legislative Council) - Mr President, I move -

That the sitting be suspended until the ringing of the division bells.

This is for the purposes of a briefing.

Sitting suspended from 11.04 a.m. to 2.30 p.m.

### QUESTIONS

#### PIONEER COMMUNITY - WATER QUALITY

[2.32 p.m.]

Ms RATTRAY (Question) - My question is to the honourable leader. With all members of the Tasmanian parliament recently receiving correspondence from an overwhelming majority of community members from Pioneer in the north-east regarding unsatisfactory water quality -

- (1) Is the government, through the Director of Public Health, working with Ben Lomond Water, soon to be TasWater, to deliver the legislated appropriate quality of water to these residents and other communities equally affected?
- (2) Does the government support in principle an amendment to legislation relating to customer connection protocol to enable the Pioneer community to transition to rainwater tanks as identified as the preferred option of the Tasmanian Director of Public Health, Roscoe Taylor?
- (3) Is the government able to advise this House what steps have been taken by Ben Lomond Water and the government to address this important health issue?

Mr FARRELL - Mr President, I thank the honourable member for Apsley for her question.

- (1) On behalf of the Director of Public Health, officers from the Public and Environmental Health Service - PEHS have been working closely for several months with the chief executive officer of Ben Lomond Water and its staff to improve the drinking water

quality for the people of Pioneer.

- (2) Ben Lomond Water's customer connection protocol is a policy imposed under the price and service plan process. This policy is an element of the current price determination. There is no mechanism for easily amending a determination; it remains in force until it is revoked or replaced by a new determination or until it expires, which is 30 June 2015 in this case. Ben Lomond Water is bound to comply with the price determination, meaning there is no scope for Ben Lomond Water to unilaterally change that policy. Ben Lomond Water's customer connection protocol contains a provision which allows for an existing reticulated service to be changed where that occurs under the terms of agreement made with a customer under section 61 of the Water and Sewerage Industry Act 2008. Section 61 agreements are contracts made between a regulated entity - Ben Lomond Water - and individual customers.

~~These contracts, although provided for under the Water and Sewerage Industry Act, are not regulated under the act and therefore provide a means of arranging a service that does not comply with the requirements of the water and sewerage regulatory framework.~~ This existing provision could be used by Ben Lomond Water for arranging the service changes which are supported by the Director of Public Health. Please note that this information has been communicated to Ben Lomond Water and all relevant industry regulators. Under the Water and Sewerage Industry Act 2008 as it currently stands, there are no constraints on Ben Lomond Water for providing its customers with rainwater tanks.

The act provides mechanisms for Ben Lomond Water to cease providing the current reticulated service to Pioneer residents and provide rainwater tanks instead. Nevertheless, once all current options have been explored and exhausted by Ben Lomond Water, and if the matter can still not be adequately resolved under existing provisions, the government will consider supporting, in principle, an amendment to legislation which provides for a price determination to be amended which does not involve the full determination process.

- (3) The Public and Environmental Health Service, PEHS, works closely with Ben Lomond Water (BLW) to advise on drinking water quality and it has general oversight of compliance at Ben Lomond Water's monitoring programs to ensure that the water delivered to the residents does not pose a risk to public health. To date, Public and Environmental Health Service officers have been involved in at least two community meetings at Pioneer, the taking of verification water samples and ensuring that the appropriate public health alerts are in place when the water does not meet Australian drinking water guidelines. In addition Public and Environmental Health Service officers have been involved in discussions with other state regulators, including the Office of the Economic Regulator and DPIPW's Urban Water Policy Unit, to explore options to enable Ben Lomond Water and other water corporations to transition to a suitable replacement of Pioneer's water supply system.

## TERMS AND CONDITIONS

### BACKGROUND

- A. TasWater is responsible for the provision of water and sewerage services in the State of Tasmania pursuant to the WSIA.
- B. TasWater is unable to supply water to the Customer in accordance with section 56U of the WSIA and the Customer Service Code for the Water and Sewerage Industry.
- C. The Customer requests TasWater disconnect the water service it currently provides subject to the terms and conditions of this Contract.

### 1 DEFINITIONS AND INTERPRETATION

#### 1.1 Definitions

**Billing Point Number** means the number for identifying the agreed Connection Point for supply to the Customer as set out in the Reference Schedule.

**Business Day** means a day that is not a Saturday or a Sunday; or a public holiday or a statutory holiday as defined in the *Statutory Holidays Act 2000* (TAS).

**Commencement Date** means the date set out in the Reference Schedule.

**Connection Point** means the point of supply to which TasWater currently delivers water to the Customer identified by the Billing Point Number.

**Contract** has the meaning given to that term in the Reference Schedule.

**Customer** means the party described as such in the Reference Schedule.

**Customer Works** means the work required in preparing the site where the tank, pump and plumbing is to go as shown in the drawings and may include:

- i) clearing the agreed site of any objects or plants;
- ii) mowing the lawn;
- iii) the provision of unfettered and unobstructed access so the Works can be undertaken and completed.

**Disconnection** means the disconnection of the private plumbing of the Property at the Connection Point as contemplated by clause 4.4 (Disconnection).

**Drawings** means the drawings stated in the Reference Schedule.

**End Date** means the date set out in the Reference Schedule.

**Funds** means the amount of money specified in the Reference Schedule.

**Irrigation Purposes** means the use of water for any non-potable purpose, including agriculture or stock water troughs.

**Legislative Requirements** means any:

- (a) Acts, ordinances, regulations, by-laws, orders, awards, codes, codes of practice, standards and proclamations whether Commonwealth, State or local; and
- (b) Certificates, licences, consents, permits, approvals, authorisations and requirements or anybody, authority, board or organisation having jurisdiction in connection with the Works or the Disconnection.

**Personal Information** has the meaning given to that phrase in the *Personal Information Protection Act 2004* (Tas).

**Property** means the property described in the Reference Schedule.

**Reference Schedule** means that part of the Contract headed 'Reference Schedule'.

**Standard Customer Contract** means the customer contract developed and approved under section 65 of the WSIA for the provision of water and sewerage services to customers and published on TasWater's website.

**TasWater** means the party described as such in the Reference Schedule.

**Term** means the period from the Commencement Date up to and including the End Date.

**Works** means all things required to service the potable water requirements of the Property without a TasWater connection, which may include the repair of roof gutters (where lead based paint cannot be used), installation of:

- (i) rainwater tank storage of at least twenty thousand (20,000) litres; and
- (ii) pump and associated plumbing works.

**WSIA** means the *Water and Sewerage Industry Act 2008*.

#### 1.2 Interpretation

- (a) Unless the contrary intention appears, an expression used in this Contract has the same meaning:

- (i) as it has in the WSIA; or
- (ii) For terms used in provisions of the Standard Customer Contract that apply to this Contract, as it has in the Standard Customer Contract.

- (b) A reference to:

- (i) one gender includes the others;
- (ii) the singular includes the plural and the plural includes the singular;
- (iii) a person includes a body corporate;
- (iv) a party includes the party's executors, administrators, successors and permitted assigns;
- (v) a statute, regulation or provision of a statute or regulation (**Statutory Provision**) includes:
  - (A) that Statutory Provision as amended or re-enacted from time to time;
  - (B) a statute, regulation or provision enacted in replacement of that Statutory Provision; and
  - (C) another regulation or other statutory instrument made or issued under that Statutory Provision; and

- (vi) money is to Australian dollars, unless otherwise stated.

- (c) "Including" and similar expressions are not words of limitation.

- (d) Unless the contrary intention appears a reference to a clause or schedule is a reference to a clause of or a schedule to this Contract.

- (e) Unless the contrary intention appears a reference to a document (including a reference to this Contract) is to that document as amended, novated or replaced.

- (f) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.

- (g) Headings and any table of contents or index are for convenience only and do not form part of this Contract or affect its interpretation.

- (h) A provision of this Contract must not be construed to the

disadvantage of a party merely because that party was responsible for the preparation of this Contract or the inclusion of the provision in this Contract.

- (i) If an act must be done on a specified day which is not a Business Day, it must be done instead on the next Business Day.
- (j) All references to time are to Australian Eastern Standard time.

### 1.3 Parties

- (a) If a party is made up of more than one person, or a term is used in this Contract to refer to more than one party, then:
  - (i) a reference to a party includes each and every person;
  - (ii) those persons are bound separately; and
  - (iii) any two or more persons are bound jointly and severally.
- (b) A party which is a trustee of a trust is bound in its personal capacity and in its capacity as trustee.

## 2 TERM

### 2.1 Term of Contract

This Contract commences on the Commencement Date and continues for the Term.

## 3 WORKS

### 3.1 Works and Disconnection

In consideration for the Customer requesting Disconnection, TasWater agrees to have the Works undertaken on the terms set out in this Contract.

## 4 TASWATER OBLIGATIONS

### 4.1 Works

Subject to the Customer completing the Customer Works in accordance with clause 6.1, TasWater must ensure that the Works are undertaken and completed:

- (a) within 6 months of the Commencement Date;
- (b) with due care and skill, and to a standard reasonably to be expected of a person both competent and experienced in undertaking works similar to the Works; and
- (c) in accordance with all applicable laws and Legislative Requirements.

### 4.2 TasWater responsibility for approvals

TasWater must obtain and maintain for the Term all approvals, permits, consents and licences required for the Works to be carried out in accordance with this Contract.

### 4.3 Proof of completion

Within 6 months of the Commencement Date, TasWater must obtain a copy of the Dorset Council 'Certificates of Completion - Building and Plumbing' as proof of completion of the Works.

### 4.4 Disconnection

Subject to all of its obligations being complied with under this Contract, within 14 days of receipt of proof of completion of the Works in accordance with clause 4.3 (Proof of completion), TasWater will undertake the Disconnection.

## 5 APPLICATION OF THE STANDARD CUSTOMER CONTRACT

### 5.1 Standard Customer Contract

Unless and until TasWater completes the Disconnection:

- (a) the Customer remains a TasWater customer under the Standard Customer Contract; and
- (b) except as otherwise provided in this Contract, the supply of water the Customer receives and all other rights and obligations of both parties in connection with that supply of water continue in accordance with the provisions of the Standard Customer Contract.

### 5.2 Application

Clause 5.1 (Standard Customer Contract) applies despite anything to the contrary in the Standard Customer Contract.

## 6 CUSTOMER OBLIGATIONS AND ACKNOWLEDGEMENTS

### 6.1 Obligations

The Customer must ensure that the Customer Works are undertaken and completed:

- (a) within 3 months of the Commencement Date;
- (b) with due care and skill, and to a standard reasonably to be expected of a person both competent and experienced in undertaking works similar to the Works; and
- (c) in accordance with all applicable laws and Legislative Requirements.

### 6.2 Specific acknowledgements

Despite clause 5.1 (Standard Customer Contract), the Customer acknowledges that:

- (a) TasWater has specifically brought to the Customer's attention the requirement that the Customer not consume the water supplied under the Standard Customer Contract, prior to the Disconnection;
- (b) the Disconnection will result in the infrastructure in the street that the Property is in only being charged with water for Irrigation Purposes, if the Customer has entered into a Irrigation Supply Contract;
- (c) The Works become the property of the Customer, when they are installed/when TasWater completes the disconnection. Consistent with the Works becoming the property of the Customer, the Customer is responsible for the Works, including but not limited to the operation and maintenance of the Works, and any costs and expenses in connection with that responsibility;
- (d) TasWater cannot provide facilities and parts for the repair of any goods, supplied to the Customer in accordance with this Contract; and
- (e) TasWater is not responsible for the provision of fire protection services to the Customer.

## 7 LIABILITY

- (a) Despite any other provision of this Contract, nothing in this Contract is to be read as excluding, restricting or modifying the application of any Legislative Requirements which by law cannot be excluded, restricted or modified.
- (b) Notwithstanding any other provision of this Contract, the liability of TasWater, if any, for anything arising out of or in connection with the provision of any services (including the Disconnection) under this Contract (including a breach of a guarantee or warranty implied by any Legislative Requirements in relation to the supply of any service, not of a kind ordinarily acquired for personal, domestic or household use or consumption) is limited, at TasWater's option, to:
  - (i) the supplying of the services again; or
  - (ii) the payment of the cost of having the services



supplied again.

- (c) Notwithstanding any other provision of this Contract, the liability of TasWater, if any, for anything arising out of or in connection with the supply of goods under this Contract (including a breach of a guarantee or warranty implied by any law (including any Legislative Requirements), except for any guarantee or warranty implied by sections 51, 52 or 53 of the Australian Consumer Law set out in Schedule 2 of the *Competition and Consumer Act 2010* (Cth), in relation to the supply of any goods, not ordinarily acquired for personal, domestic or household use or consumption) is limited, at TasWater's option, to:
- (i) the replacement of the goods or the supply of equivalent goods;
  - (ii) the repair of the goods;
  - (iii) the payment of the cost of replacing the goods or of acquiring equivalent goods; or
  - (iv) the payment of the cost of having the goods repaired.

## **8 CONFIDENTIALITY**

- (a) The terms and conditions of this Contract and any confidential information that is produced, or exchanged under this Contract remains strictly confidential between the parties and is not to be disclosed, unless consent of the party who supplied the information is obtained in writing, or disclosure is required by law, a government authority having jurisdiction over either party or this Contract, or in connection with legal proceedings, whether they relate to this Contract or not.
- (b) This clause survives the termination (for any reason) of this Contract.

## **9 PERSONAL INFORMATION**

Any Personal Information of the Customer will only be collected, stored, used, or disclosed by TasWater in accordance with the *Personal Information Protection Act 2004* (Tas).

## **10 NOTICES**

### **10.1 Form**

Any notice, consent approval, waiver and other communications to be given under or in connection with this Contract must be in writing, signed or clearly sanctioned by an authorised officer of the sender and marked for the attention as set out or referred to in the Reference Schedule or, if the recipient has notified otherwise, then marked for attention in the way last notified.

### **10.2 Delivery**

They must be:

- (a) left at the address set out or referred to in the Reference Schedule; or
- (b) sent by prepaid post to the address set out or referred to in the Reference Schedule; or
- (c) sent by fax to the fax number set out or referred to in the Reference Schedule.

However, if the intended recipient has notified a changed postal address or changed fax number, then the communication must be to that postal address or fax number.

### **10.3 When effective**

They take effect from the time they are received unless a later time is specified in them.

### **10.4 Receipt—postal**

If sent by post, they are taken to be received three days after posting (or seven days after posting if sent to or from a place outside Australia).

### **10.5 Receipt—fax**

If sent by fax, they are taken to be received at the time shown in the transmission report as the time that the whole fax was sent.

### **10.6 Receipt—general**

Despite clauses 10.4 (Receipt—postal) and 10.5 (Receipt—fax), if they are received after 5pm in the place of receipt or on a non-Business Day, they are taken to be received at 9am on the next Business Day.

## **11 LAW APPLICABLE**

### **11.1 Governing law**

The laws of Tasmania govern this Contract.

### **11.2 Jurisdiction**

The parties submit to the non-exclusive jurisdiction of the courts of Tasmania and any other Court that can hear appeals from those courts.

## **12 GENERAL**

### **12.1 Costs**

Each party will bear its own costs and disbursements of or incidental to the negotiation, preparation and execution of this Contract, and all other matters and agreements referred to in this Contract.

### **12.2 Further acts and documents**

Each party must promptly do all further acts and execute and deliver all further documents (in a form and content reasonably satisfactory to that party) required by law or reasonably requested by another party to give effect to this Contract.

### **12.3 Counterparts**

This Contract may be entered into in any number of counterparts. A party may execute this Contract by signing any counterpart. All counterparts, taken together, constitute one Contract.

### **12.4 Consents**

Unless this Contract expressly provides otherwise, a consent under this Contract may be given or withheld in the absolute discretion of the party entitled to give the consent and to be effective must be given in writing.

### **12.5 Waiver**

The non-exercise of, or delay in exercising, any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the party to be bound by the waiver.

### **12.6 Amendments**

An amendment or variation to this Contract is not effective unless it is in writing and signed by the parties.

### **12.7 Assignment**

A party cannot assign or otherwise transfer any of its rights under this Contract without the prior written consent of each other party (which will not be unreasonably withheld).

### **12.8 Severance**

If anything in this Contract is unenforceable, illegal, void or voidable then it is severed and the rest of this Contract remains in force, unless the severance would change the underlying principal commercial purpose or effect of this Contract.

## TERMS AND CONDITIONS

### 12.9 Exclusion of relationships

The parties acknowledge and agree that this Contract and the performance of this Contract does not represent or imply a partnership, agency, fiduciary relationship, joint venture, distribution or any other category of commercial or personal relationship between the parties recognised at law or in equity as giving rise to forms of specific rights and obligations.

### 12.10 Continuance of obligations

All Customer acknowledgements, liability provisions (including the rights and obligations flowing from breach of this Contract) and confidentiality obligations in this Contract survive the expiry or termination (for any reason) of this Contract.

TERMS AND CONDITIONS

RECITALS

- A. TasWater is responsible for the provision of water and sewerage services to the State of Tasmania.
- B. From time-to-time TasWater provides water to customers under an Irrigation Supply Contract when the water a Customer seeks to be provided is for Irrigation Purposes.
- C. The Customer has indicated a desire to purchase water from TasWater for Irrigation Purposes.
- D. TasWater and the Customer have agreed on terms under which TasWater will provide water for Irrigation Purposes only.

1 DEFINITIONS AND INTERPRETATION

1.1 Definitions

**90-day Accepted Bank Bill Rate** means a daily published rate no less than the pre-tax rate of return that TasWater would earn over the period that the amount remains outstanding, were that amount to be invested in bank bills over a term of 90 days.

**Billing Period** means every three (3) month period during the Term of this Contract beginning on the Commencement Date.

**Billing Point Number** means the number for identifying the agreed Connection Point for supply to the Customer as set out in the Reference Schedule.

**Business Day** means a day that is not a Saturday or a Sunday; or a public holiday or a statutory holiday as defined in the *Statutory Holidays Act 2000* (TAS).

**Charges** has the meaning given in clause 8 (Charges).

**Commencement Date** means the date this Contract commences in accordance with clause 3.1 (Term of Contract).

**Connection Point** means the point(s) of supply to which TasWater is to deliver water to the Customer under this Contract identified by the Billing Point Number(s).

**Contract** has the meaning given to that term in the Reference Schedule.

**Corporations Act** means the *Corporations Act 2001* (Cth).

**Customer** means the party described as such in the Reference Schedule.

**Date for Payment** has the meaning given in clause 8.3 (Payment).

**Defects** means the defects specified in the Reference Schedule.

**Disconnection** means the disconnection of the private plumbing of the Property at the Connection Point as contemplated by clause 4.4 of the Service Replacement Contract.

**Disconnection Date** means the date of Disconnection.

**Disconnection Fee** means the applicable fee for TasWater to physically disconnect the property contained in the Price and Services Plan.

**Early Termination Fee** means the remainder of the Fixed Charge that would be payable (had the Customer not terminated the Contract) for the financial year that the Contract is terminated in.

**Emergency** means events or conditions identified by TasWater that have the potential to significantly impact the environment, safety of the public, the security, quality or continuity of the water supply, or otherwise pose a threat to employees, customers of TasWater, service providers or the general public.

**Economic Regulator** means Tasmanian Economic Regulator established pursuant to section 9 of the *Economic Regulator Act 2009*.

**Fixed Charge** means the charge for the amount of costs that are attributable to the supply of water under this Contract as specified in the Reference Schedule and as varied pursuant to this Contract.

**GST** means Goods and Services Tax within the meaning of the GST Act.

**GST Act** means *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

**Insolvency Event** means the occurrence of any of the following events in relation to either party:

- (a) a party commits any act which is defined as "an act of bankruptcy" under the *Bankruptcy Act 1966* (Cth), regardless of whether or not the party is an individual;
- (b) a garnishee notice, or a notice under section 120 of the *Personal Property Securities Act 2009* (Cth), is given to:
  - (i) a debtor of that party; or
  - (ii) any other person that otherwise owes or may owe money at any time to that party,
 in connection with any money that the party is said to owe;
- (c) in the case of an individual, the party dies, is imprisoned or becomes incapable of managing his or her own affairs;
- (d) an application is made to a court for a provisional or final order declaring a party provisionally or finally bankrupt or insolvent;
- (e) a special resolution is passed to wind up the party;
- (f) a party is, or makes a statement from which it may be reasonably deducted by the other party that a ground or grounds on which the party may be wound up exists as specified in section 461 (or in the case of a part 5.7 body, section 585) of the *Corporations Act*;
- (g) a party has a controller (as defined in the *Corporations Act*) appointed, is in liquidation, in provisional liquidation, under administration or wound up or has had a receiver appointed to any part of its property;
- (h) a mortgagee, charge or other holder of security, by itself or by or through an agent, enters into possession of all or any part of the assets of the party;
- (i) the party applies for, consents to, or acquiesces in the appointment of a trustee or receiver in respect of the party or any of its property;
- (j) the party takes any step to obtain protection or is granted protection from its creditors under any applicable legislation or a meeting is convened or a resolution is passed to appoint an administrator or controller (as defined in the *Corporations Act*) is appointed in respect of any part of the property of the party;
- (k) the party is or states that it is unable to pay its debts when they fall due;
- (l) except to reconstruct or amalgamate while solvent on terms approved by the other party, the party enters into or resolves to enter into a scheme of arrangement, compromise or re-construction with its creditors (or any class of them) or with its members (or any class of them) or proposes a reorganisation, re-arrangement, moratorium or other administration of the party's affairs;
- (m) the party is the subject of an event described in section 459(C)(2)(b) of the *Corporations Act*; or



## TERMS AND CONDITIONS

- (n) anything analogous or having a substantially similar effect to any of the events specified above happens in relation to the party.

**Interest Rate** means the monthly 90-day Bank Accepted Bill rate published by the Reserve Bank of Australia.

**Irrigation Purpose** means the use of water for any non-potable purpose, including agriculture or stock water troughs.

**Legislative Requirements** means any:

- (o) Acts, ordinances, regulations, by-laws, orders, awards, codes, codes of practice, standards and proclamations whether Commonwealth, State or local; and
- (p) certificates, licences, consents, permits, approvals, authorisations and requirements or anybody, authority, board or organisation having jurisdiction in connection with the supply of water or any associated services under this Contract.

**Operational and Protective Work** means operational work and protective work as defined in the WSIA.

**Personal Information** has the meaning given to that phrase in the *Personal Information Protection Act 2004* (Tas).

**Price and Services Plan** means the Ben Lomond Water Price and Services Plan for the financial years 2012 to 2015 approved pursuant to section 65 of the WSIA as published on the Economic Regulator's website and includes (for the purposes of the Contract) any price and services plan of TasWater for any year after the conclusion of the financial year 2015.

**Principal Representatives** means the Chief Executive Officer of TasWater or the duly appointed delegate, and the Customer.

**Property** means the property specified in the Reference Schedule.

**Recorder of Titles** means the person appointed the recorder under the section 4(1) of the *Land Titles Act 1980* (Tas).

**Reference Schedule** means that part of the Contract headed "Reference Schedule".

**Registered Plan of Survey** means a copy of the current plan of the parcel of the Property (approved by the Recorder of Titles).

**Schedule of Easements** the document which details the easements and/or covenants that are created to benefit or burden the Property.

**Scheme** means Pioneer Irrigation Supply Scheme.

**Service Replacement Contract** means the contract between the Customer and TasWater for the replacement of the water service at the Property.

**TasWater** means the party described as such in the Reference Schedule.

**Term** means the term specified in the Reference Schedule.

**Variable Water Charge** means the charge, per kilolitre, as specified in the Reference Schedule and as varied pursuant to this Contract, for the amount of water that is consumed by the Customer.

**WSIA** means the *Water and Sewerage Industry Act 2008* (Tas).

### 1.2 Interpretation

(a) A reference to:

- (i) one gender includes the others;
- (ii) the singular includes the plural and the plural includes the singular;
- (iii) a person includes a body corporate;

(iv) a party includes the party's executors, administrators, successors and permitted assigns;

(v) a statute, regulation or provision of a statute or regulation (**Statutory Provision**) includes:

- (A) that Statutory Provision as amended or re-enacted from time to time;
- (B) a statute, regulation or provision enacted in replacement of that Statutory Provision; and
- (C) another regulation or other statutory instrument made or issued under that Statutory Provision; and

(vi) money is to Australian dollars, unless otherwise stated.

(b) "Including" and similar expressions are not words of limitation.

(c) Unless the contrary intention appears a reference to a clause or schedule is a reference to a clause of or a schedule to this Contract.

(d) Unless the contrary intention appears a reference to a Contract or document (including, without limitation, a reference to this Contract) is to this Contract or document as amended, novated or replaced.

(e) Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.

(f) Headings and any table of contents or index are for convenience only and do not form part of this Contract or affect its interpretation.

(g) A provision of this Contract must not be construed to the disadvantage of a party merely because that party was responsible for the preparation of this Contract or the inclusion of the provision in this Contract.

(h) If an act must be done on a specified day which is not a Business Day, it must be done instead on the next Business Day.

(i) Unless the contrary intention appears, an expression used in this Contract has the same meaning as it has in the WSIA.

### 1.3 Parties

(a) If a party is made up of more than one person, or a term is used in this Contract to refer to more than one party, then:

- (i) a reference to a party includes each and every person;
- (ii) those persons are bound separately; and
- (iii) any two or more persons are bound jointly and severally.

(b) A party which is a trustee of a trust is bound in its personal capacity and in its capacity as trustee.

## 2 CONDITIONS PRECEDENT

It is a condition precedent to the commencement of this Contract that:

- (a) if it is proposed that the water to be supplied by TasWater under this Contract be taken over, under or through an adjoining property owner's land, the Customer provides to TasWater (at the Customer's cost) a Registered Plan of Survey and Schedule of Easements or such other evidence (for example a licence) satisfactory to TasWater

## TERMS AND CONDITIONS

to show that the Customer has a legal right to take the water over, under or through the adjoining property owners land for the benefit of the Property.

### 3 TERM

#### 3.1 Term of Contract

This Contract commences on either:

- (a) the satisfaction of any applicable conditions precedent in clause 2 (Conditions Precedent); or
- (b) if no conditions precedent are required to be met under clause 2 (Conditions Precedent), the Disconnection Date and subject to clause 10 (Termination), continues for the Term.

#### 3.2 Holding over

Upon expiry of the Term, if the Customer remains connected to the Connection Point, the Customer is deemed a customer under this Contract:

- (a) from year to year;
- (b) on the same terms and conditions of this Contract; and
- (c) the Fixed Charge will be the Fixed Charge that applied immediately before the expiry of the Term and changed under clause 8.5 (Annual change in charges).

### 4 SUPPLY OF A WATER SERVICE

#### 4.1 Connection Point

- (a) In consideration for the Customer's payment of the Charges, TasWater will, subject to clause 7 (Defects and Customer Acknowledgements), provide water for the Irrigation Purpose and only that purpose to the Connection Point over the Term.
- (b) The Customer agrees to receive the water TasWater provides pursuant to this Contract at the Connection Point and only use that water for the Irrigation Purpose on the Property.

#### 4.2 Provision of a replacement Connection Point

If a replacement Connection Point is required, TasWater will provide this Connection Point at the Customers expense.

#### 4.3 Statutory Authorisations

The Customer must obtain, keep current, and comply with, at the sole expense of the Customer, all statutory authorisations that are for or in respect of receiving and using the water for the Irrigation Purpose at the Connection Point.

### 5 TASWATER'S POWERS

#### 5.1 Stopping supply for Operational and Protective Work

TasWater may interrupt the supply of water to the Customer for a reasonable time for the purposes of performing Operational and Protective Work on TasWater's infrastructure and without incurring any liability for the non-supply of water to the Customer.

#### 5.2 Stopping supply for planned works

TasWater may interrupt the supply of water to the Customer for planned Operational and Protective Work on TasWater infrastructure by providing at least 2 Business Days' written notice to the Customer of the time supply will be interrupt and when it will be restored.

#### 5.3 Where no notice is required

TasWater does not have to provide notice for unplanned Operational and Protective Work, and can enter the Customer's Property where:

- (a) an emergency exists;

- (b) water infrastructure fails;
- (c) notice would defeat the purpose of the entry; or
- (d) entry is in relation to an application by the Customer for a licence, permit or other approval given by the TasWater.

#### 5.4 Access to the Property

Subject to clause 5.2 (Stopping supply for planned works) the Customer agrees to allow TasWater access to the Property at any reasonable time, for the purposes of exercising a right or performing an obligation it has under this Contract or a Legislative Requirement.

### 6 TASWATER WARRANTIES

TasWater will provide the water and any related services to the Connection Point:

- (a) exercising due care and skill;
- (b) in a proper and workmanlike manner and to a standard reasonably expected of a member of the water and sewerage industry in Tasmania; and
- (c) in accordance with all relevant Statutory Provisions.

### 7 DEFECTS AND CUSTOMER ACKNOWLEDGEMENTS

#### 7.1 Intermittent nature of water supply

The Customer acknowledges that the water supplied by TasWater under this Contract is subject to low flow and pressure periods that may preclude the supply of water to the Customer for extended periods of time.

#### 7.2 Water quality

The Customer acknowledges and agrees that the water supplied under this Contract is for Irrigation Purposes only and is not to be consumed.

#### 7.3 Title and risk

Title to and risk in the water under this Contract passes to the Customer at the Connection Point regardless of whether the Customer has paid for the water supplied.

#### 7.4 General acknowledgements

The Customer acknowledges that TasWater:

- (a) cannot and does not guarantee the supply of water to the Connection Point, or the supply of water at any particular rate, quantity or quality;
- (b) has specifically brought to the Customer's attention the Defects and risks associated with those Defects;
- (c) is not responsible for the provision of fire protection services to the Customer; and
- (d) reserves all its rights under the WSIA;

#### 7.5 Acceptance of Defects

The Customer acknowledges and agrees that the Customer accepts the risks associated with the Defects.

### 8 PRICE AND PAYMENT FOR THE SUPPLY OF WATER

#### 8.1 Charges

The Customer must pay TasWater:

- (a) the Fixed Charge;
  - (b) the Variable Water Charge;
  - (c) any GST attributable to the supplies made to the Customer under this Contract; and
  - (d) any other charges imposed under clause 8.7 (Other increases to Charges),
- (together, the Charges).

## TERMS AND CONDITIONS

### 8.2 Invoice

TasWater will provide the Customer with an invoice for each Billing Period within 30 days of the end of that Billing Period for all Charges that are due and payable in respect of that Billing Period.

### 8.3 Payment

The Customer must pay the Charges stated on an invoice issued under clause 8.2 (Invoice) within 30 days of receiving that invoice from TasWater (Date for Payment).

### 8.4 Interest

Any amounts unpaid by the Date for Payment will bear interest compounding daily which will be capitalised (if not paid or refunded) every 90 days.

### 8.5 Annual change in Fixed Charge

- (a) TasWater will review and adjust the Fixed Charge annually with effect from 1 July depending on TasWater's assessment of the annual costs to run the Scheme and the number of Customers connected to the scheme.
- (b) TasWater will notify the Customer in writing of any change in the Fixed Charge in the invoice for the first Billing Period of each financial year.

### 8.6 Disagreement with change to Fixed Charge

- (a) If the Customer disagrees with a change to the Fixed Charge under clause 8.5(a), the Customer may terminate this Contract by giving written notice to TasWater within 30 days of being notified of the change and paying:
  - (i) the pro-rated Fixed Charge that applied in the previous financial year immediately before the disagreement, to be calculated from the first day of financial year the disagreement occurs in and ending on the effective date of termination of this Contract; and
  - (ii) the Disconnection Fee.
- (b) If the Customer terminates the Contract under clause 8.6(a), the effective date of the termination will be 15 days after receipt of a written request to terminate.

### 8.7 Other increases to Charges

If during the Term or an extension of the Term any tax, levy or duty is imposed or passed onto TasWater by any Government, including GST, carbon tax, an environmental tax or any similar tax, levy or duty, TasWater will be entitled to pass onto and recover from the Customer an amount which TasWater reasonably determines represents the tax, levy or duty applicable to the Customer's consumption under this Contract.

## 9 GST

### 9.1 Payment exclusive of GST

Unless otherwise stated in this Contract, all amounts payable by one party to another party are exclusive of GST.

### 9.2 Payment of GST

If GST is imposed or payable on any supply made by a party under this Contract, the recipient of the supply must pay to the supplier, in addition to the GST exclusive consideration for that supply, an additional amount equal to the GST exclusive consideration multiplied by the prevailing GST rate. The additional amount is payable at the same time and in the same manner as the consideration for the supply.

### 9.3 Tax invoice

A party's right to payment of GST is subject to a valid tax invoice being delivered to the party liable to pay for the taxable supply.

## 10 TERMINATION

### 10.1 Early termination

The Customer may terminate this Contract at any time prior to the expiry of the Term by:

- (a) providing TasWater with 20 Business Days written notice; and
- (b) paying, TasWater the Early Termination Fee, and the Disconnection Fee.

### 10.2 Circumstances where TasWater may terminate

- (a) TasWater may terminate this Contract immediately if:
  - (i) the Customer remains in breach of this Contract after being given 15 Business Days' notice of the breach by TasWater, and the breach is (in TasWater's opinion) capable of being remedied;
  - (ii) the Customer is in breach of this Contract and the breach is not (in TasWater's opinion) capable of being remedied;
  - (iii) an Insolvency Event occurs; or
  - (iv) subject to an assignment of this Contract pursuant to clause 13, the Customer enters into a transaction to lease, sell, convey, transfer or otherwise part with possession or ownership of any interest in the Property or business that is supplied water under this Contract.

The effective date of such a termination will be the date 15 Business Days' after the notice of termination is deemed to be received pursuant to clause 16 (Notices) unless the termination occurs pursuant to clause 10.2(a)(iv) then the effective date of such a termination will be the date TasWater disconnects the Customer from its water infrastructure.

- (b) TasWater may terminate this Contract following the expiry of the Term by providing the Customer with 20 Business Days' written notice of its intention to do so. The effective date of such a termination will be the date TasWater disconnects the Customer from its water infrastructure or the commencement date of a new contract between TasWater and the Customer.

### 10.3 Amounts owing at termination

The Customer indemnifies TasWater for any amounts owing up to the effective termination date under clause 10 (Termination).

## 11 LIABILITY

### 11.1 Liability

- (a) Despite any other provision of this Contract, nothing in this Contract is to be read as excluding, restricting or modifying the application of any Legislative Requirements which by law cannot be excluded, restricted or modified.
- (b) Notwithstanding any other provision of this Contract, the liability of TasWater, if any, for anything arising out of or in connection with the provision of any services under this Contract (including a breach of a guarantee or warranty implied by any Legislative Requirements in relation to the supply of any service, not of a kind ordinarily acquired for personal, domestic or household use or consumption) is limited, at TasWater's option, to:
  - (i) the supplying of the services again; or
  - (ii) the payment of the cost of having the services supplied again.
- (c) Notwithstanding any other provision of this Contract, the

## TERMS AND CONDITIONS

liability of TasWater, if any, for anything arising out of or in connection with the supply of goods under this Contract (including a breach of a guarantee or warranty implied by any law (including any Legislative Requirements), except for any guarantee or warranty implied by sections 51, 52 or 53 of the Australian Consumer Law set out in Schedule 2 of the *Competition and Consumer Act 2010* (Cth), in relation to the supply of any goods, not ordinarily acquired for personal, domestic or household use or consumption) is limited, at TasWater's option, to:

- (i) the replacement of the goods or the supply of equivalent goods;
- (ii) the repair of the goods;
- (iii) the payment of the cost of replacing the goods or of acquiring equivalent goods; or
- (iv) the payment of the cost of having the goods repaired.

**11.2 Customer to indemnify**

- (a) In addition to TasWater's rights under the common law, the Customer agrees to indemnify and hold TasWater harmless for any costs, claims, demands, actions, suits, proceedings, losses, damages, fees and expenses arising out of or in connection with TasWater not providing a supply of water, or not providing water at a particular rate or quality of supply to the Customer.
- (b) In addition to TasWater's rights under the common law, the Customer agrees to indemnify and hold TasWater harmless for any loss, damage, or injury, fees and expenses whatsoever, and howsoever and to whomsoever caused and for all costs, claims, demands, actions, suits or proceedings in respect of such loss, damage or injury, fees and expenses that are caused, or contributed to, by use of the water otherwise than as contemplated by this Contract.

**12 CONFIDENTIALITY**

- (a) The terms and conditions of this Contract and any confidential information that is produced, or exchanged under this Contract remain strictly confidential between the parties and is not to be disclosed, unless consent of the party who supplied the information is obtained in writing, the disclosure is to a purchaser of the Property in accordance with clause 13 (Obligation to advise new owners of Contract), or disclosure is required by law, a government authority having jurisdiction over either party or this Contract, or in connection with legal proceedings, whether they relate to this Contract or not.
- (b) This clause survives the termination (for any reason) of this Contract.

**13 OBLIGATION TO ADVISE NEW OWNERS OF CONTRACT**

- (a) The Customer must not lease, sell, convey, transfer or otherwise part with possession or ownership of any interest in the Property unless the person to whom possession or ownership is to be conveyed or given, has:
  - (i) been advised of the existence of this Contract by the Customer; and
  - (ii) been provided a copy of this Contract by the Customer; and

☒ consulted with TasWater about the assignment of

this Contract to that person pursuant to clause 18.7 (Assignment); and

- (iv) either clause 13(b)(i) or 13(b)(ii) has been satisfied:
- (b) In respect of the obligation under clause 13(a) and in addition to that clause:
  - (i) the person to whom possession or ownership is to be conveyed or given enters into a deed with TasWater (in a form and substance reasonably satisfactory to TasWater) pursuant to which the person:
    - (A) acknowledges the existence of this Contract;
    - (B) agrees to be bound by the terms of this Contract;
    - (C) will make any subsequent transferee, mortgagee, chargee or encumbrancee of the Property aware of this clause 13 and require them to enter into a similar deed with TasWater; or
  - (ii) TasWater exercises its right to terminate this Contract pursuant to clause 10.2(a)(iv) following the completion of the obligation referred to in the clause 13 (a) or non-completion of the obligation referred to in clause 13 (b) (i).

**14 PERSONAL INFORMATION**

Any personal information of the Customer will only be collected, stored, used, or disclosed by TasWater in accordance with the *Personal Information Protection Act 2004* (Tas).

**15 DISPUTE RESOLUTION****15.1 Notice**

If any dispute or question arises out of the parties' responsibilities or obligations under this Contract then the party raising the dispute shall notify the other party in writing of the dispute as soon as practicable after the dispute arises, which notice shall include sufficient particulars of the dispute.

**15.2 Reasonable endeavours to resolve**

Within 5 Business Days' of receiving the dispute notice the Principal Representatives of each party shall meet and undertake in good faith to use reasonable endeavours to resolve the dispute.

**15.3 Arbitration/Litigation**

In the event the parties cannot resolve a dispute, pursuant to clause 15.2 (Reasonable endeavours to resolve) or in any event notwithstanding clause 15.2 (Reasonable endeavours to resolve), within 20 Business Days' from the date a dispute notice is deemed to be received pursuant to this Contract either party may institute proceedings to have the dispute resolved.

**15.4 Exceptions**

Nothing in this clause 15 prevents:

- (a) either party from seeking urgent interlocutory relief; or
- (b) TasWater from seeking recovery for any claim that TasWater reasonably considers to be a monetary claim, from a Court of competent jurisdiction.

**15.5 Continuing obligations**

The parties agree to perform their obligations under this Contract, notwithstanding the existence of a dispute.

## TERMS AND CONDITIONS

### 16 NOTICES

#### 16.1 Form

Any notice, consent approval, waiver and other communications to be given under or in connection with this Contract must be in writing, signed or clearly sanctioned by an authorised officer of the sender and marked for the attention as set out or referred to the Reference Schedule or, if the recipient has notified otherwise, then marked for attention in the way last notified.

#### 16.2 Delivery

They must be:

- (a) left at the address set out or referred to in the Reference Schedule; or
- (b) sent by prepaid post to the address set out or referred to in the Reference Schedule; or
- (c) sent by fax to the fax number set out or referred to in Reference Schedule.

However, if the intended recipient has notified a changed postal address or changed fax number, then the communication must be to that postal address or fax number.

#### 16.3 When effective

They take effect from the time they are received unless a later time is specified in them.

#### 16.4 Receipt – postal

If sent by post, they are taken to be received three days after posting (or seven days after posting if sent to or from a place outside Australia).

#### 16.5 Receipt – fax

If sent by fax, they are taken to be received at the time shown in the transmission report as the time that the whole fax was sent.

#### 16.6 Receipt – general

Despite clauses 16.4 (Receipt – postal) and 16.5 (Receipt – fax) if they are received after 5pm in the place of receipt or on a non-Business Day, they are taken to be received at 9am on the next Business Day.

### 17 LAW APPLICABLE

#### 17.1 Governing law

The laws of Tasmania govern this Contract.

#### 17.2 Jurisdiction

The parties submit to the non-exclusive jurisdiction of the courts of Tasmania and any other Court that can hear appeals from those courts.

### 18 GENERAL

#### 18.1 Costs

Each party will bear its own costs and disbursements of or incidental to the negotiation, preparation and execution of this Contract, and all other matters and agreements referred to in this Contract.

#### 18.2 Further acts and documents

Each party must promptly do all further acts and execute and deliver all further documents (in a form and content reasonably

satisfactory to that party) required by law or reasonably requested by another party to give effect to this Contract.

#### 18.3 Counterparts

This Contract may be entered into in any number of counterparts. A party may execute this Contract by signing any counterpart. All counterparts, taken together, constitute one Contract.

#### 18.4 Consents

Unless this Contract expressly provides otherwise, a consent under this Contract may be given or withheld in the absolute discretion of the party entitled to give the consent and to be effective must be given in writing.

#### 18.5 Waiver

The non-exercise of, or delay in exercising, any power or right of a party does not operate as a waiver of that power or right, nor does any single exercise of a power or right preclude any other exercise of it or the exercise of any other power or right. A power or right may only be waived in writing, signed by the party to be bound by the waiver.

#### 18.6 Amendments

An amendment or variation to this Contract is not effective unless it is in writing and signed by the parties.

#### 18.7 Assignment

A party cannot assign or otherwise transfer any of its rights under this Contract without the prior written consent of each other party.

#### 18.8 Severance

If anything in this Contract is unenforceable, illegal, void or voidable then it is severed and the rest of this Contract remains in force, unless the severance would change the underlying principal commercial purpose or effect of this Contract.

#### 18.9 Exclusion of relationships

The parties acknowledge and agree that this Contract and the performance of this Contract does not represent or imply a partnership, agency, fiduciary relationship, joint venture, distribution or any other category of commercial or personal relationship between the parties recognised at law or in equity as giving rise to forms of specific rights and obligations.

#### 18.10 Continuance of obligations

All indemnities and confidentiality obligations in this Contract survive the expiry or termination (for any reason) of this Contract.

#### 18.11 Entire Agreement

It is agreed by the parties that this Contract constitutes the entire agreement between the parties and supersedes any previous representations, agreements or understandings that the parties may have had regarding the subject matter of this Contract.

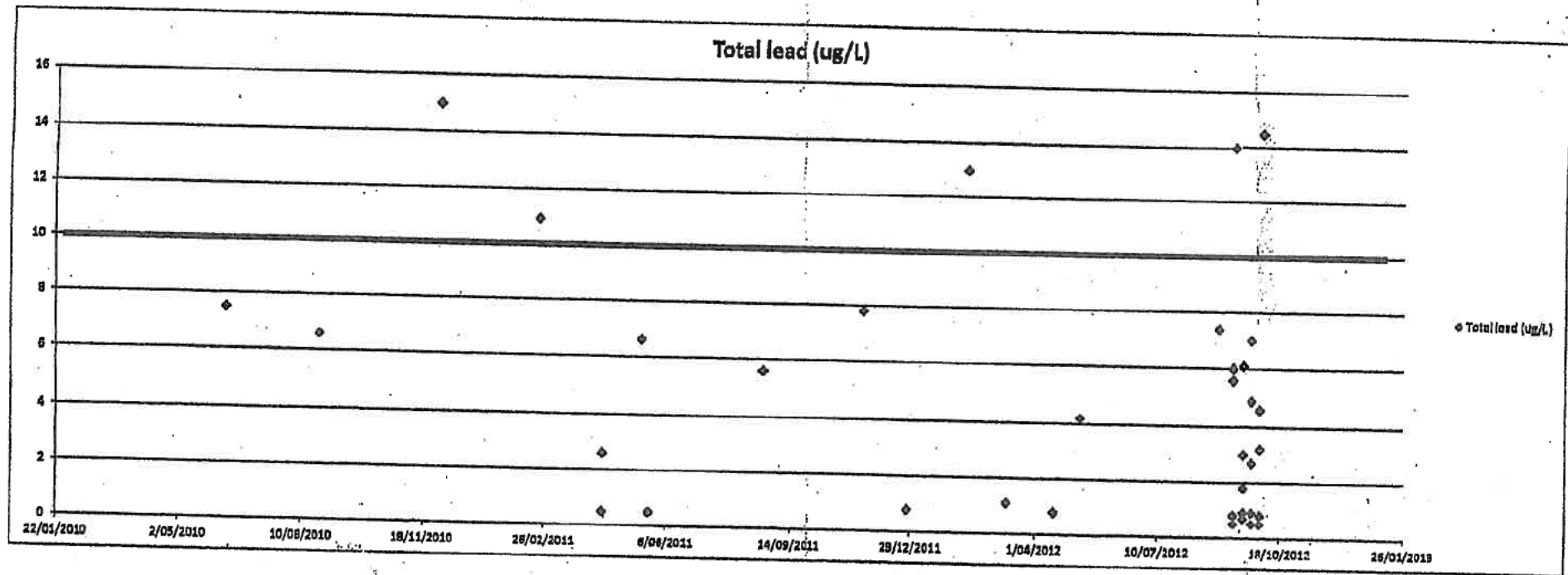
#### 18.12 No fettering of power

This Contract, or any actions pursuant to it, will not operate to fetter in any respect, any power, right or discretion of TasWater arising under the WSIA or any other legislation, regulation or the law.



Presented by Ben Korman at the public meeting, Pioneer, November 8, 2012.

45



PIONEER

Lead results

Presented to alert,

November, 2012.

4

# **TasWater: Looking Through A Lens Of Lead (Pb)**



A collection of published articles about Tasmania's drinking water, 2012 – 2020...

**by Tim Slade**

*Tim Slade is a resident of Pioneer, in Tasmania's north-east, where an alert for lead-contaminated drinking water began in 2012...*

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- 

*EXTRAS:* *Mum's Morris Major*, an amusing short story about Pioneer's drinking water crisis, written by Tim Slade, was awarded Second Place in the Les Harris Short Story Competition, 2014.

## Toxic TasWater

Posted on September 26, 2013



**Our community at Pioneer welcomed yesterday's spring equinox with a beautiful show of flowers. But the townsfolk hide a heavy heart. Our drinking water is toxic. The only access to pure drinking water is from a communal tank located at the centre of town.**

Pioneer was disconnected from its major water supply, the Frome Dam, in 2008. But it was not until November, 2012 – following our water alert for lead contamination – that residents were advised of this disconnection. Pioneer's water quality had regressed from a non-potable supply, which, if boiled, was safe to drink, to a non-potable supply which cannot be consumed under any circumstances.

Test results for lead, extracted from TasWater under a Right To Information request in August, 2013, show the following results: Pioneer Dam Sediment, 416 ug/L; Pioneer Dam Outlet, 1690 ug/L; and, Open Channel Sediment, 513 ug/L. The guideline health value for lead is 10 ug/L. These results were not disclosed to the community despite repeated submissions prior to the Right to Information request. Two further Right to Information requests are pending – one to TasWater and one to TasIrrigation. (The Right to Information requests were submitted, on behalf of the Pioneer community, by Mr. Kim Booth of the Greens.)

It is expected that TasWater and/or TasIrrigation will be required to provide evidence to prove that the act of disconnecting Pioneer from the Frome Dam did not cause increased lead levels in the town drinking water. And the Tasmanian Director of Public Health, Mr. Roscoe Taylor, may be called upon to explain why he did not direct TasWater to provide blood tests for the residents.

In a town meeting in April, 2013, TasWater (then, Ben Lomond Water) indicated their preference to transition Pioneer to rainwater tanks. TasWater advised that an amendment to Tasmanian legislation was required before this could happen. TasWater assured residents they were indeed lobbying the Tasmanian government on this front. A representative for the Tasmanian Director of Public Health echoed TasWater's preference; and residents were assured that Dr. Roscoe Taylor was actively lobbying the Tasmanian state government for an amendment to the appropriate legislation.

At the same meeting, April, 2013, the residents of Pioneer agreed to a transition to rainwater tanks, so long as it were coupled with a reticulated service for fire-fighting and general purpose needs (charged at a nominal rate). In the weeks that followed, seventy-five percent of households signed a petition to the same effect. This petition, which also stated its support for the proposed legislative amendment, was sent to TasWater and to each member of the Tasmanian parliament.

However, a parliamentary statement by the Tasmanian government on June 26, 2013, made it crystal clear that an amendment to legislation is unnecessary, and that the transition to rainwater tanks at Pioneer is possible under the Act. Furthermore, the statement advised that this state-of-play had been communicated to TasWater previously (at an unstated date). Pioneer residents are yet to receive a reply from Bryan Green's office with the exact date for when this advice was provided to TasWater.

Five months along from the public meeting in April, and TasWater have failed to deliver rainwater tanks to the residents of Pioneer. But TasWater continue to charge for the toxic water. Residents were disturbed to notice on their most recent bill, in August, that the quarterly 'service charges' were raised from \$41.37 to \$53.87. Residents are presently being charged for their water use, too: water meters were installed at Pioneer in 2012, and TasWater see no reason to discontinue this charge.

The timeframe for TasWater to provide safe drinking water at Pioneer seems to be open-ended. Some townsfolk speculate that it may be within the powers of the Tasmanian Director of Public Health to insert a deadline.

Pioneer's most recent written communication from TasWater was on August 6, 2013, wherein it was stipulated that a full (100%) community take-up of the yet unknown proposal will be required if it is to proceed. It is reasonable to assume that such an inflexible plan may prove to be problematic – if and when TasWater choose to apply it.

A letter was sent to TasWater on June 2 on behalf of an elderly resident of Pioneer who suffers with multiple sclerosis. The resident requested a rainwater tank, so he must not carry, daily, drinking water from the communal rainwater tank. TasWater responded to his letter three months later, on September 5. The letter states:

*'...we are prepared to supply an individual tank on your property, the ownership of which remains with TasWater. Responsibility for filling the tank and any associated plumbing and electrical infrastructure and work required, rests with you.'*

In effect, TasWater have offered this Old Age Pensioner a rainwater tank which cannot be used to collect rainwater – unless he first enters, and subsequently wins, Tattslotto.

Looking at the broader picture as it relates to a safe drinking water outcome for Pioneer, a letter from the CEO of TasWater, Mr Brewster, September 13, to Mr. Mike Gaffney MLC, states :

*'As you may appreciate the service replacement process is new and therefore it needs to be undertaken with due care and diligence. For example, advice to date does not support the use of individual contracts under section 61 of the Water and Sewerage Industry Act 2008. However, an alternative approach may be possible and is being fully explored.'*

Mr. Brewster's letter sets alarm bells ringing because it is contrary to the position of the Leader of Government Business in the Legislative Council, Mr. Farrell. During the Legislative Council sitting on June 23, some three months ago, Mr. Farrell, in response to a question from Ms. Rattray MLC, stated:

*'Section 61 agreements are contracts made between a regulated entity – Ben Lomond Water [TasWater] – and individual customers... This existing provision could be used by Ben Lomond Water [TasWater] for arranging the service changes which are supported by the Director of Public Health. Please note that this information has been communicated to Ben Lomond Water [TasWater] and all relevant industry regulators. Under the Water and Sewerage Industry Act 2008 as it currently stands, there are no constraints on Ben Lomond Water [TasWater] for providing its customers with rainwater tanks.'*

Time will tell if the Tasmanian government and TasWater are on the same page.

And TasWater recently visited most households at Pioneer – not all, mysteriously – to conduct an audit. The Public Relations Manager for TasWater, Mr. Titmus, stated that a decision had not been made about Pioneer. Although Mr. Titmus refused to provide me, and others, with a timeline for a remedy, he did tell one privileged resident that it was expected that Pioneer would have rainwater tanks within 12 months.

This begs the question: is it reasonable for TasWater to take 1 year and 10 months to install rainwater tanks to 45 houses? Keep in mind that TasWater are pocketing a service fee and a water usage charge (via water meters) from Pioneer's residents. Residents who have tried to resist these charges for lead-contaminated water have been threatened by TasWater via a debt collection agency.

Meanwhile, the residents of Pioneer are beginning to buckle under the stress. There are reports that several residents are once again drinking the lead-contaminated water – this time with the knowledge that it is toxic – too battle-weary to resist any longer.

And I have spoken with Pioneer folk who can do little to prevent tears welling, as they talk of the town's plight and their own personal struggle with, what even the most unassuming of us now understand, is first and foremost a Tasmanian corporation.

The spring equinox greeted the brave residents of Pioneer with a wink: we were not forgotten. But with a future so uncertain, who could blame us for feeling heartbroken.

• **Pete Godfrey, Golden Valley: Tasmania is becoming a backwoods, nothing clean green and clever here, just toxic rivers and legacy sites from mining activities, hidden from view by signs warning of unspecified hazards.**



TASMANIA

### Waterworks Clauses Act 1952

An Act to consolidate in one Act certain provisions usually contained in Acts authorizing the making of waterworks

[Royal Assent 19 December 1952]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

### PART III - Supply of Water

#### 18. Supply of clean and wholesome water for domestic use

(1) The undertakers shall provide and keep in the pipes laid down by them a supply of pure and wholesome water sufficient for the domestic use of all the inhabitants of the water district who are entitled to demand a supply and are willing to pay the proper rates and charges for it.

(2) Except when it is necessary to turn off the water for the purposes of the alteration or maintenance of the undertaking, the supply shall be constantly laid on at such a pressure as will make the water reach the top storeys of the highest houses in the water district, unless it is provided in the special Act that the water supplied by the undertakers need not constantly be laid on at such pressure.

(3) In this section,

*pure and wholesome* means clean, free from obvious suspended matter, and free from toxic substances and pathogenic organisms in amounts harmful to humans.

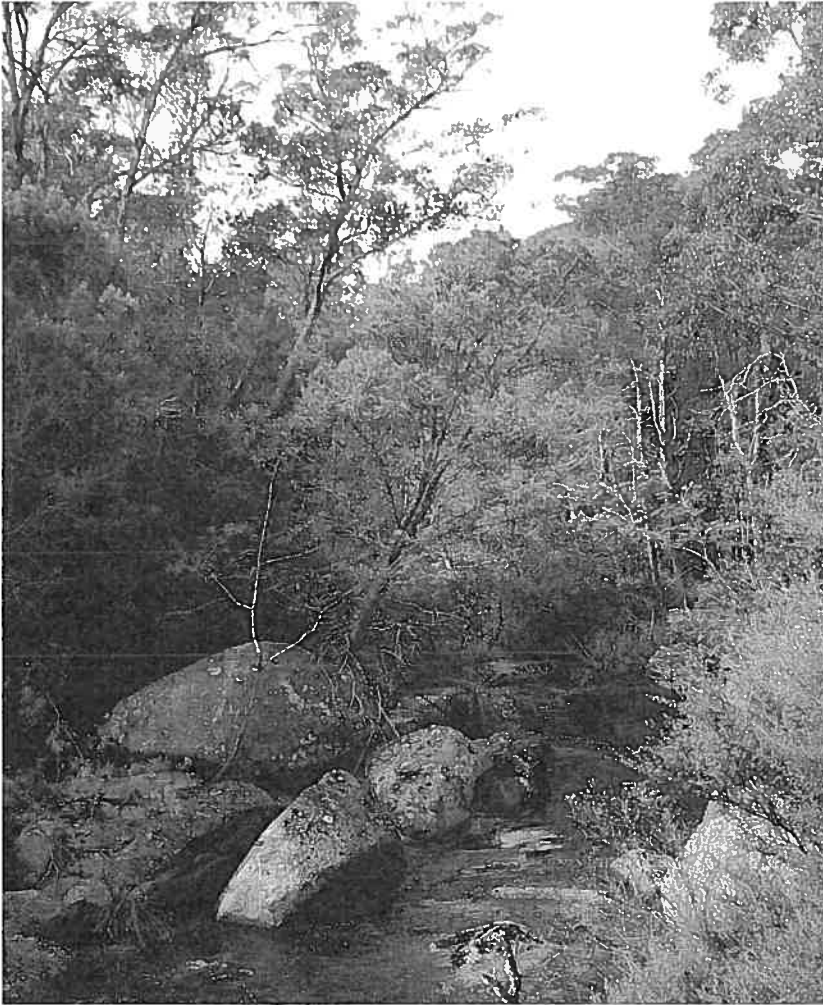
**This is an excerpt from a law made in 1952. It appears that lawmakers in those days thought that water was an important commodity that needed to be clean and safe to drink and use.**

## **Toxic TasWater, Part 2 – From the Operating Room to a Public Meeting with the Health Minister**

By **Tim Slade**

Posted on March 1, 2015





**Today I visit the Scottsdale Hospital to attend a public meeting with. Mr. Michael Ferguson, Tasmania's Minister for Health.**

I am led through a series of ward corridors, past the kitchen and through, much to my amazement, an old operating room – without the operating table, but with the old signs on the door clear to read: OPERATING ROOM. DO NOT ENTER.

I did not anticipate this teeth-chattering walk through to my first meeting with Tasmania's Minister for Health. By the time the minister arrives for the meeting – twenty-five minutes late – a group of maybe twenty citizens have gathered together.

I am here to speak about my small home town, Pioneer. At Pioneer, we all live with lead-contaminated drinking water. This has been our life for the past two years, three months and sixteen days – since November 10, 2012.



The question on my mind is: Why is the CEO of TasWater not sacked?

The most recent work-pause at Pioneer – after the first seven homes were fitted with rainwater tanks in a single week in November last year – highlights a pattern of negligence by TasWater. If TasWater return in April this year, as they promise, it will have been a five-month delay and with no plausible explanation. Once again, we note that TasWater are answerable to nobody: they have felt no adverse repercussions against their board, nor to their profits. There is only a silence, led by our Tasmanian local councils, our own Dorset Council included.

The meeting well underway now, the focus rests upon various hospital issues. The first proposal is by a group of nurses; they suggest an ongoing strategy to transfer non-urgent patients from the Launceston General Hospital back to local rural hospital beds (when beds are available), or to an alternative rural hospital if agreed and so appropriate.

Mr. Ferguson next assures the Matron of the Scottsdale Hospital that there are no plans to cut nurse numbers.

Transport issues are raised. Nicole Grose of RAW, Community Wellbeing and Suicide Prevention, talks about the impact of a lack of community/public transport for people who have an existing mental health challenge and live outside of the major towns. Other concerned citizens and nurses ask for a transport solution to help the mentally ill patient who finds her/himself discharged from hospital late at night but with no family or other means to get home. The alternative is to have these women and men sleep outside with no shelter for the night.

Time creeps away and I can see that there is little time remaining to discuss the drinking water issue at Pioneer. I am the only representative on such matters, so Mr. Ferguson declares the meeting closed. Everyone departs to return to work, leaving only myself and Mr. Ferguson, his assistant and a lady from Winnaleah.

Mr. Ferguson says, ‘I can give you five or six minutes.’ Time is short – I am to understand – so it is difficult to know where to start. I wind back the clock to November 10, 2012. On this day we were told that our drinking water is not safe to drink, not even if it is boiled.

Eyeing-off the hospital’s spring water fountain in the corner of the room (full, and free), I ask Mr. Ferguson why it is that TasWater are seemingly accountable to no-one. Mr. Ferguson says he is

powerless to help Pioneer. Mr. Ferguson says that TasWater is owned by the councils, and that TasWater is not answerable to the government.

I persist, inform Mr. Ferguson that TasWater do not employ even one full-time staff member to work on the Pioneer project. I remind Mr. Ferguson that this year TasWater has banked a record profit – as noted this week by Mr. Mike Blake, Director of Local Government – Mr. Blake cited this profit as reason enough to rate TasWater's progress and performance as 'very good'. Mr. Ferguson does not offer a notable response, only to agree with me that TasWater is a profit-making business. Mr. Ferguson's only other response is surprise: I think he is surprised I am here.

Thumbing through Pioneer's hefty individual contract for rainwater tanks, I rush to raise concerns about two toxic clauses:

- A confidentiality clause (12b). {I may comment here because I have not yet signed, nor received from TasWater, a contract for my property. My references here come from an anonymous neighbour's individual contract.}
- (Edited; statement was incorrect).
- A clause stating that TasWater may disconnect completely the reticulated supply at the end of five years (the term of the contract), or earlier, if the home is sold before the end of the contract (10.2b).
- 

I am bitter that a two-year theme of lead was not made public prior to 2012. The Australian Drinking Water Guidelines require consecutive readings above health standard levels before a problem – a theme of contamination – is made public. I suggest to Mr. Ferguson that his government legislate to make it compulsory for TasWater to publish, in real time on a public website, all new data for heavy-metals, pesticides, THM's, and E-Coli, etc.

This is not the first time I have raised this idea with the office of the Minister for Health. It is the third time. First was in conversation with one of Mr. Ferguson's senior advisors, Mr. Pree. These conversations and e-mails occurred for about two months in 2014. I also discussed with Mr. Pree the possibility of amending the present Australian Drinking Water Guidelines' policy which holds secret any theme of heavy-metal contamination in a township's drinking water – in our case, lead – until two consecutive dangerous readings are collected.

The second time I had written by e-mail to Mr. Ferguson's office about the idea of a public website, as one of a group of questions on a variety of water quality hot spots across Tasmania. To which Mr. Ferguson replied on other questions but did not respond to this particular question, for the real-time website publication of TasWater's data.

And here I am once again, questioning Mr. Ferguson, for a third time, in person. Mr. Ferguson says that Mr. Pree did not raise this issue with him at all... If this is true, it is a disturbing lack of communication between the Minister for Health and his advisor, Mr. Pree. This explanation does not account, however, for the matter of Mr. Ferguson's previous e-mail which did not make a comment in reply to my question for a public website to record Tasmania's water data.

Time ticks on, so for a change of scenery, as it were, I ask the Minister next for his attention, to consider Pioneer's hush-hush disconnection from the Frome Dam in 2009/10. In the Dorset Council Development Application for the Winnaleah Irrigation Scheme, TasIrrigation state that Pioneer's water race will remain open so that fresh water can be sent down to the town as required (4.2, Existing Land Uses, Page 19, RTI Request). Indeed, Pioneer owns this allocation of water. However, the race was purposely blocked during works for the Winnaleah Irrigation Scheme, so that Pioneer can no longer receive this water. Who is responsible here? The answer is blowing in the wind... But the answer is likely to settle somewhere near or around TasIrrigation; or Barry Jarvis' Dorset Council. For this matter, Mr. Ferguson recommends that I consult with the Minister for Water, Jeremy Rockcliff. (And to relate an interesting co-issue, the Dorset Council recently rejected a proposal by TasIrrigation to build a mini-hydro at Herrick, which, it was proposed, would utilize water from the Frome Dam. This proposal previously enjoyed full council support. It is a most interesting change of heart by the Dorset Council.)

The meeting comes to a close: Mr. Ferguson needs to rush off. We walk gingerly through the old operating theatre. At one stage Mr. Ferguson and I get a bit lost! How to get out of this little emergency room? But we make it. We exit from the main doors in the visitor's foyer and step out into the car park. The sky rumbles. Heavy drops of rain hit us, one and all. And the last words I hear from Mr. Ferguson are: 'Ah, it's good to get a nice drop of rain...'

## **The Pioneer Cup – Horse-trading for safe drinking water in Tasmania**

By **Tim Slade**

Posted on March 29, 2015



### **What an unlikely trifecta of letter writers in last week's North-Eastern Advertiser!**

Mike Brewster, CEO of TasWater; Michael Ferguson, Tasmania's Minister for Health; and Barry Jarvis, Mayor of Dorset.

But the punters lost out. Reading these letters, it is hard not to feel devastated for the residents of Pioneer. And personally, it was disappointing to be targeted by one of the letter writers – Tasmania's Minister for Health, Mr Ferguson.

Minister Ferguson's letter was, in my view, a deliberate spilling of ink, designed to confuse readers and to save his own skin in relation to the Pioneer water issue.

At Dorset's public health meeting on February 26, Minister Ferguson confirmed to me the following:

- Minister Ferguson could not say when Pioneer's rainwater tanks would arrive – so far it has been two years and four months with only lead-contaminated drinking water in the home.
- Minister Ferguson was unaware of the five month work delay which continues at Pioneer.
- Minister Ferguson was unaware that Pioneer's rainwater tank contract holds a confidentiality clause within it.
- Minister Ferguson was unaware that this contract rules that TasWater may disconnect the reticulated service after five years – contrary to the town's verbal agreement.
- Minister Ferguson was unaware that Pioneer's residents, to access withheld lead results for the sediment in our dam, had no choice but to submit a Right To Information request to TasWater (via The Greens) – these results proved to be off the chart in relation to the Australian Drinking Water Health Guidelines.
- Minister Ferguson was unaware that Pioneer was intentionally disconnected from the Frome Dam in 2009/10 – and without the town's knowledge or consent – during works for the Winnaleah Irrigation Scheme.
- And Minister Ferguson could not tell me why it is that the CEO of TasWater has not been sacked.

But in Minister Ferguson's letter to the editor last week, he writes, '*... it was disappointing to be misrepresented by Tim Slade*'.

**With all due respect, Minister Ferguson, it is the people of Pioneer who are being misrepresented. Wouldn't you say? And if Minister Ferguson's assistant recorded Dorset's public meeting using her mobile phone (there were not any written notes made by the Minister or his assistant), then no doubt the Minister will make this audio available to any citizen who may wish to verify my account of the day.**

With all due respect, Minister Ferguson, it is the people of Pioneer who are being misrepresented. Wouldn't you say?

And if Minister Ferguson's assistant recorded Dorset's public meeting using her mobile phone (there were not any written notes made by the Minister or his assistant), then no doubt the Minister will make this audio available to any citizen who may wish to verify my account of the day.

Last year, the Tasmanian government, via the Office of the Minister for Health, e-mailed to me the following advice for Pioneer: (and I paraphrase:) *The State government cannot help Pioneer, because it is only the local councils who have the power to oversee TasWater.*

Minister Ferguson repeated this statement during our conversation on the day of Dorset's public meeting – the only major comment or 'commitment' that the Minister made.

But the Health Minister's shifting of the blame on to the councils is a bare-bones response, for it is certainly well within the powers of the State government to investigate TasWater's handling of Pioneer. This can be done if the Premier chooses to initiate a full public inquiry into Tasmania's councils – the sole shareholders of TasWater.

I can advise readers that last week I sent a letter to Premier Hodgman, to formally request a full public enquiry into Tasmania's local councils (and TasWater), with regard to Pioneer's lead-contaminated drinking water.

Tasmanians now have all the evidence we need.

In addition, the State government should legislate to make it compulsory for TasWater's data to be published on a public website.

On the day of Dorset's public meeting on February 26, the Minister for Health did not offer a future appointment to talk (and listen) to the residents of Pioneer, or me, to explore in more detail the history of Pioneer's water crisis.

And the Minister did not commit to investigating that which I shared with him.

### **I was so disappointed ...**

In the few minutes granted to me by our Minister for Health, I was so disappointed to realise exactly how unaware he and his government are of the water problem at Pioneer.

The folk at Pioneer live with lead-contaminated drinking water every day, and they know the story like the back of their hands.

For the record, to respond to Minister Ferguson's comments in his letter to the editor, my other communications with his office, in mid-2014, were dealt with by one of his assistants.

This assistant telephoned the public relations officer at TasWater – not the CEO, despite my request that he do so, in view of the obvious urgency of the problem. I was grateful for these calls, but they were merely a Band-Aid remedy.

Also, in 2014/15, I wrote to Minister Ferguson to inquire about Tasmania's other water quality challenges. The Minister replied briefly by e-mail to some, but not all, of these important issues. For example, Minister Ferguson did not respond to my suggestion for a public website to publish Tasmania's water data (as collected by TasWater).

And to correct Minister Ferguson – my only conversation with the Office of Ms Sarah Courtney was when I telephoned her a few days after Dorset's public meeting.]

Finally – if I may reply to Mayor Jarvis' letter to the editor last week. The Mayor queries if it was fair of me to write in my letter that, 'None of Dorset's elected councilors attended the meeting; and nor did Mayor Jarvis'.

I'd simply reply to Mayor Jarvis that surely at least one elected representative from the council – perhaps the Mayor – should have taken the responsibility ... and attended.

Like a broken record, with the volume turned down low, the State government has said – over and over – that it is the responsibility of Tasmania's local councils to discipline TasWater when they are not doing their job.

Mayor Jarvis' schedule of other meetings on this day, as he outlines in his letter to the editor, is admirable – disability services is an important issue.

But as the sole legal overseers of TasWater, Tasmania's local councils have failed, for far too long now, to embrace their fair share of the responsibility for the continuing health crisis at Pioneer.

TasWater promises to return to Pioneer to resume works in April or May, but readers will note that TasWater's CEO, Mike Brewster, did not confirm this in his letter to the editor last week.

We can only maintain a positive attitude!

**\*Tim Slade** *lives in Pioneer ...*

• **Dr Alison Bleaney, in Comments:** *DHHS – Public Health- has direct responsibility for Tasmanian reticulated drinking water quality. It appears the Local Council environmental health officer needs to inform DHHS that 'Houston, we have a problem', and then DHHS has responsibility for instigating further investigations and taking action to correct any problems and can direct TasWater to do so. To say it is the Local Council problem is perhaps technically correct but so disingenuous. DHHS do not wait for this line of command to be taken with contagious outbreaks, so why take this line of action other than to perhaps save their own skins/ jobs? Can you imagine the outrage that would have occurred when the lead poisoning story first leaked into the media if Pioneer had a population of 1 million? And yet our laws are the same. This unfolding long long story of poisoning of the reticulated water supply with no appropriate remedial action let alone honest information sharing is shameful. How many other similar stories are there? I shake my head in wonder and despair ... it is 2015 isn't it?*

• **Lisa Rime, in Comments:** *Like so many others, I've been following Pioneer's water crisis from afar for quite some time. It's frightening seeing such a shirking of responsibility from each of the powers involved, and even more, the blatant lack of care shown for the welfare of the residents affected. This is not the way a first world society should operate. It is weird and shameful.*







**TasWater concedes North-East Tasmania's water may have been contaminated for years.**

**A Will ... but no way?**

**By Editor**

Posted on April 24, 2015



**Tasmania's water authority has conceded that communities across the north-east could have unknowingly been exposed to unsafe levels of lead in drinking water for years before they were warned.**

Some people may have been consuming contaminated water without receiving a public health warning, TasWater chief executive Mike Brewster told 7.30.

"It's possible ... we don't know because the [water] testing regime was only brought in in 2009, so I couldn't answer that," he said.

The water is so poor in five Tasmanian towns including Pioneer and Winnaleah that it is unfit to drink, with "do not consume" notices in place.

Twenty-two communities have been told they must boil their water before drinking it.

A new study by Macquarie University environmental scientist Paul Harvey shows that lead levels are 22 times higher than Australian standards for drinking water in Pioneer and the contamination is being caused by old degraded pipes, aging infrastructure and household plumbing.

Mr Harvey said even though Pioneer was placed on the do not consume list in 2012, the contamination could have occurred years before, leaving residents exposed.

**Read Michael Atkin's full report, ABC here...**

*\*Pic (Below): Professor Mark Taylor with corroding pipes believed to be the source of the contamination.*



## Local Councils Vote for Transparency at TasWater

By **Tim Slade**

Posted on July 26, 2015



**The Local Government Association of Tasmania (LGAT) has agreed to lobby the State government for the mandatory, real-time publication of Tasmania's drinking water data on a public website.**

During Wednesday's Annual General Meeting in Launceston, the members of LGAT voted in favour of a motion brought by Dorset's Acting Mayor, Mr. Greg Howard.

Acting Mayor Howard's representation to LGAT follows the late Mayor Barry Jarvis' letter to Tasmania's Minister for Health, Mr. Michael Ferguson. In Mr. Jarvis' final written correspondence to the State government before his sudden death, the letter voiced Dorset Council's unanimous support for the real-time publication of Tasmania's drinking water data on a public website.

Dorset Councillor, Mr. Dale Jessup, diligently delivered an earlier proposal to the Dorset Council after attending the public meeting in Pioneer on March 9 this year. Councillor Jessup deserves to be congratulated for his initiative to take this idea to council on behalf of all Tasmanians.

The State Manager of the DHHS, Mr. Stuart Heggie, was asked during our speech of introduction on the night of Pioneer's public meeting, that he promise to make a representation to the State government on this matter. Our plea, on behalf of all Tasmanians, was for the real-time publication

of Tasmania's drinking water data on a public website. And our plea was for safe drinking water in Pioneer, and in every Tasmania town...

There are two protocols which allow for gaps in public knowledge when drinking data is not published on a real-time public website. TasWater publish only an annual summary of drinking water data; and the Australian Drinking Water Guidelines state that consecutive test readings above the health value must be recorded before a public alert is issued, or the Tasmanian Director of Public Health, advised.

### **Tasmanians have the right to know about their drinking water ...**

A case in point is Pioneer, in Tasmania's north-east. For two years prior to Pioneer's 'Do Not Consume' lead alert, between 2010 and 2012, a theme of lead contamination had been recorded by TasWater. Several test results were recorded above the guideline health value. Since consecutive high readings were not recorded, however, the residents of Pioneer were not advised. And TasWater was not required to alert the Tasmanian Director of Public Health.

To compound Pioneer's problem, residents' requests to TasWater for data, relating to lead in the sediment of Pioneer Dam, fell on deaf ears. A subsequent Right To Information request, revealed very high lead levels, ranging from 500 ug/L and 1650 ug/L, where the guideline health value is 10 ug/L.

The real-time publication of Tasmania's drinking water data on a website, legislated for as a mandatory requirement of TasWater, is surely a natural framework to support our goal to protect our short-term and long-term health. Tasmanians have the right to know about their drinking water.

The decision by LGAT to lobby the Tasmanian State government on this matter is a bold and happy step. It is an acknowledgment that the real-time publication of drinking water data is necessary, and that the publication of data should not be considered a discretionary power of TasWater.

It is evidence that Tasmania's local councils are, belatedly, beginning to embrace their legal responsibility as primary caretakers of our drinking water – Tasmania's local councils are the sole shareholders and legal overseers of the corporation, TasWater.

May Premier Hodgman welcome LGAT to the table, for they are knocking on the doors of our parliament as we speak. At last! May every Tasmanian soon raise a glass...

## **Pioneer folk wonder if TasWater's WorkSafe Tasmania Award is a joke...**

By **Tim Slade**

Posted on October 25, 2015



**On the eve of Pioneer's third 'anniversary' living with lead-contaminated drinking water, TasWater pockets the WorkSafe Tasmania Award (and \$5000, TT here: Tas Water makes a splash at state safety awards ).**

Thank you, Mr Gutwein, for your media release to announce this prize. Well deserved, I'm sure ...

Minister Gutwein is the Treasurer of Tasmania and the Minister for Local Government. He is the second-most senior Minister in the Tasmanian government. But in mid-2015, Ben Goodsir, a senior advisor to Minister Gutwein, confirmed to me that the Minister's office had not written to Tasmania's local councils at LGAT, who are the sole shareholders of TasWater, nor to the Dorset council, to ask for documentary evidence of representations made to TasWater since November 2012, for, or on behalf of, Pioneer.



Minister Gutwein, when asked In Estimates earlier this year about the leaded drinking water at Pioneer, explained: “My understanding is that TasWater needed to check the rainfall at Pioneer before proceeding ...”

Minister Gutwein repeated his explanation after Cassy O’Conner asked if this was a plausible explanation, given that two-and-a-half years had elapsed at the time of questioning.

**Minister Gutwein went on to say that he had, until this very moment, thought that the Pioneer rainwater tank remedy was complete and that Pioneer’s residents were drinking safe water.**

Minister Gutwein’s colleague, Member for Bass, Sarah Courtney, had promised me to go into bat for Pioneer – she knew, but he didn’t? But during this Estimates meeting Ms. Courtney made only one comment in relation to Pioneer, a Dorothy Dixier to Minister Gutwein, about the poor financial position of Tasmania’s councils.

[Ms. Courtney, after my one and only telephone conversation with her earlier this year, is aware that the budget for Pioneer was set aside nearly three years ago, that the rainwater tank plan is by far the cheapest solution for TasWater. MS. Courtney is aware of the super-profits of TasWater. Ms Courtney was made aware of the detail of the problems from the point of view of Pioneer’s residents. Ms Courtney promised to stay in communication with me, but she did not. (But Ms Courtney did, however, deliver a complimentary Australian flag to the nearby Moorina Golf Club.)]

In the same Estimates meeting this year, Mr Craig Farrell remained conspicuously silent, even though he had personally advised the parliament, in early 2013, that TasWater were advised that, there were not any legal or legislative impediments to delay the roll-out of rainwater tanks at Pioneer.

Also in this Estimates meeting, leader of the Tasmanian Labor Party, Minister Bryan Green, said nothing to assist Cassy O’Connor’s questioning of Minister Gutwein – except to make a cheap party-political remark. Lara Giddings made one comment, to say that Cassy O’Connor’s question seemed valid.

**The Speaker indicated that he wished to block Cassie O’Connor’s question in the first place, but he eventually admitted the question as relevant to Estimates.**

In an Estimates meeting with Premier Hodgman that same week, a question about Pioneer from MLC Tania Rattray was judged not to be relevant. No further discussion was allowed.

During a third Estimates meeting that same week, with Minister Ferguson, the Minister's explanation for Pioneer's ongoing lack of access to safe drinking water was: "TasWater have not received signed contracts from Pioneer's residents".

Tasmanian Times readers may recall reading about Minister Ferguson's lack of interest in Pioneer's crisis so far, and residents at Pioneer would be keen to correct Minister Ferguson on his explanation during this Estimates meeting. If Minister Ferguson (or any other member of the State government) ever visits Pioneer, we might reply:

**No person can sign a contract that they have not received.**

Furthermore, we might add:

**When a citizen here does receive a contract, and signs, he /she can do nothing to force TasWater to co-sign that contract to make it active – TasWater sits on contracts like there is no tomorrow.**

One-hundred-and-eighty tomorrow's later, Premier Hodgman continues to ignore (other than an official acknowledgement of letter received) multiple written requests to his office for a parliamentary inquiry into TasWater's handling of Pioneer – these written requests were submitted to the Premier's office in April and May this year.

As of today, on the eve of our third anniversary of leaded drinking water, only half of Pioneer's residents have received their rainwater tank – safe drinking water – from TasWater.

Please allow me to briefly note here the details about the ongoing problems and delay at Pioneer ...

For Pioneer, TasWater continues to employ only one part-time engineer to draw plans for homes within a lead-contaminated water system.

Residents at Pioneer continue to be threatened with the prospect of a debt collection agency if they do not pay for their lead-contaminated water and the associated 'service charge'.

Several new rainwater tank installations by TasWater have been made to very suspect roofing – full of rust, and flaking with paint – but TasWater's Communications Manager, Ms Sophie Murphy, last week sought to assure me that this practice is okay, since these roofs were tested by TasWater for lead paint.

When I questioned Ms. Murphy further, she could not tell me if a protocol has been devised by TasWater to test drinking water quality in individual homes following the installation of rainwater tanks. On this question, one highly relevant to all homes at Pioneer, particularly those with poor roofs, Ms. Murphy was rather evasive, citing individual contract confidentiality as a reason she would not discuss the issue further.

**Furthermore, TasWater's previous promise to flush hot water cylinders of their build-up of lead, has not been honoured.**

There also seems to be some question over the type of pipes used during installations of rainwater tanks at Pioneer. Many homes require water to sit 'charged' under the ground in pipes between each rainfall, but TasWater, in the first round of ten installations, used PVC pipes designed for stormwater run-off. These pipes are not rated for potable water (ie. to hold drinking water). In the second round of eight installations, a different PVC pipe was used by TasWater – a 'pressurised PVC' pipe. I understand the rating for the two pipes is different, due to the different composition. In my own case (I received my rainwater tank three weeks ago) I insisted on a 90mm blue-stripe irrigation pipe, designed for potable water. I wonder why this pipe wasn't used for all installations at Pioneer? And what is the reason for the change in piping between Round 1 and Round 2, anyway?

A few months prior to the installation of my own rainwater tank, TasWater's General Manager of Works Delivery, Doctor Dharma Dharmabalan, visited my property with two other TasWater employees. During my discussion with Dr Dharmabala about the Australian Health Guidelines for lead, presently set at 10 ug/L, Dr Dharmabalan, in what I felt was a very odd comment, sought to ease my concerns by citing the United States' health guideline for lead, which is 15 ug/L.

In respect to the two contracts provided to Pioneer's residents by TasWater – at least one contract of which must be signed before the resident receives safe drinking water – residents are dubious. But a confidentiality clause means that many residents, including myself, are no longer at liberty to discuss the details of these contracts in public. To receive safe drinking water, one must sign.

The Pioneer dam has been decommissioned due to a leak, and TasWater have installed holding tanks. But there is nothing coming into those tanks. Indeed, the residents who received their individual rainwater tanks in Round 2 were told, at the time of installation, several months ago, not to fill their fire tank because of the low reserves at the Dam site. At least one resident in Pioneer cannot fill their fire-fighting tank to this day, because his reticulated service was cut off. This resident has received no reply to his question in several weeks. I am unaware of how many other Pioneer residents are in the same position, as the bushfire season approaches.

Perhaps the most amazing position of TasWater and the CEO, Mike Brewster, is to deny the key finding of MacQuarie University's 2015 study into Pioneer's lead-contaminated drinking water. MacQuarie University's key finding was that the lead contamination in Pioneer's drinking water originates, not from a natural source, but solely from TasWater's pipes: PVC street pipes, and old pipes from the Moorina Power Station, which delivered water to Pioneer Dam prior to 2009. [A Right to Information request in 2013 (Kim Booth) revealed that results for lead in and around Pioneer Dam ranged between 500 ug/L and 1650 ug/L.]

Pioneer's residents continue to wonder if there is any prospect that our town may receive, following the completion of TasWater's rainwater tank program, water from the Ringarooma Valley treatment plant, when it reaches our neighbour, Winnaleah, at the end of 2016. Or else, if we may be hooked-in from the Frome Dam (as occurred historically), but this time using the Winnaleah Irrigation Scheme's infrastructure, via our other neighbours at Herrick ...

**Alas, the factual details of the many delays, problems and injustices experienced at Pioneer, working towards endangering the health of our community, seem to be of minor consequence to TasWater.**

For the good of us all, perhaps it will one day dawn, upon a future Tasmanian State government, to follow through with a parliamentary inquiry into TasWater and Tasmania's local councils?

Anyway – on this the eve of Pioneer’s third anniversary of lead-contaminated drinking water in the home, many thanks to the Tasmanian State government and to Minister Gutwein for their media release yesterday, to share the good news, that TasWater have pocketed the prize for this year’s WorkSafe Tasmania Awards.

Good luck, fellow Tasmanians.

PS:

*With regard to the proposal for a real-time website to publish Tasmania’s drinking water data, the Local Government Association of Tasmania (LGAT) have not yet found the time or resources to lobby the Tasmanian State government by written letter.*

*Following the unanimous motion by local councils at LGAT’s AGM earlier this year, in favour of lobbying the State government to legislate for a real-time website to publish Tasmania’s drinking water data, it is the responsibility of LGAT to lobby the Tasmanian State government as a matter of urgency.*

**• Anthony Amis, Friends of the Earth: A Snapshot of Tasmanian Non-Microbiological Detections in Drinking Water July 2013-June 2014. Selected Breaches of Australian Drinking Water Guidelines**

## **STATE: TasWater emails show company planned to hit back at scientists**

By Editor

Posted on April 11, 2016



**Documents appear to show TasWater had a strategy of avoiding unwelcome independent scientific findings about lead contamination in the water supply in north-east Tasmania.**

Internal communications obtained by the ABC under Right to Information laws have revealed that TasWater planned to hit back against the scientists by challenging their research.

TasWater strongly denies any wrongdoing.

Unsafe lead contamination was first discovered in the drinking water in the small regional town of Pioneer in 2012.

Last year environmental scientists from Macquarie University, Professor Mark Taylor and PhD student Paul Harvey, released a peer-reviewed study into Pioneer's water problems and claimed to have found answers.

They reported lead levels inside houses in Pioneer were 22 times above the safe drinking standard, which they described as the worst in Australia.

Professor Taylor and Mr Harvey explained their findings at a community meeting in Pioneer last April and invited the Department of Health and TasWater to attend, but TasWater declined.

A TasWater briefing note written before the meeting and sent to senior scientific and communications staff appears to show why.

## Tasmanians say: ‘Show Us Our Drinking Water Data’

By Tim Slade

Posted on April 15, 2016



**The State Labor Party announced in parliament last week its opposition to TasWater’s proposed website model to publish Tasmania’s drinking water data.**

Scott Bacon, Shadow Treasurer, in his parliamentary speech on Tuesday, April 6, affirmed that the State Labor Party supports the real-time publication of drinking water data.

The Tasmanian Greens and the Tasmanian Labor Party are now on the public record, opposing TasWater’s model for data publication.

The website is the very least TasWater can do – literally ... The proposed model, which is planned to be activated this month, will publish only a fraction of all of Tasmania’s drinking water data. And the proposed model will not publish data in real-time, but rather, quarterly. A traffic-light design will publish notifiable data only – data that breaches a health guideline value – but all baseline data will be hidden from public view. (The definition of *notifiable data* is debatable, because for various slow-acting toxins such as lead (Pb), any result above the guideline value does not necessarily translate to an immediate alert by TasWater.)

Behind closed doors, away from the scrutiny of the *owners* of TasWater – Tasmania’s 29 local councils – this model for the website publication of Tasmania’s drinking water data has been approved, and it is ready to be launched online now.

The TasWater website model, which should, of course, represent every Tasmanian – from George Town in the north, to Cockle Creek, in the south; from Bicheno, in the East, to Strahan, in the West – was designed solely by TasWater.

The model, designed by the Water Quality Officer for TasWater, was sent for approval to the Water Quality Working Group, which comprised of three local council General Managers. This Water Quality Working Group was hand-picked by the CEO of TasWater, Mr Mike Brewster. The three General Managers are: Mr Arnold, of Kingborough; Mr Stretton, of Wynyard; and Mr Watson, of Dorset.

It is crystal clear that the results of the Water Quality Working Group were not communicated to Tasmania’s 29 local councils, who are the sole shareholders of TasWater.

Tasmania’s 29 councils were not advised of the specifics of the model. They were thus not allowed to provide input, nor were they granted the opportunity to object to the model.

The idea to develop a policy with regard to the publication of Tasmania’s drinking water data, began as a grassroots campaign and later became a successful motion at the State Conference of the Local Government Association of Tasmania.

This LGAT motion, of July 22, 2015, reads:

**‘That LGAT write to the State government requesting that they make available to the public the testing results for all Tasmanian Town reticulated water systems.’**

But the process followed by TasWater and LGAT to create the proposed model is clearly dysfunctional.

The General Management Committee (GMC) Board members of LGAT, who are elected to represent Tasmania’s 29 local councils, appear to have been unaware of the proposed model.



Ms. Christina Holmdahl, a member of the eight-Mayor GMC Board, and the Mayor of the West Tamar Council, was surprised to learn that she was kept out of the loop with regard to this issue. On March 30, 2016, Ms Holmdahl wrote to me:

**‘It is correct that I know nothing of the work being done... following the motion that was passed at LGAT’s State Conference last July...’**

And in her capacity as Mayor of the West Tamar Council, Ms Holmdahl wrote:

**‘...my Council has not received any minutes of meetings held by that committee [the Working Committee of three local council General Managers, and Mr. XXX, of TasWater]...’**

So it appears that Tasmania’s 29 local councils and the General Management Committee (GMC) Board at the Local Government Association of Tasmania (LGAT), were *not* notified of the process or content for the water data model – not at any level.

Further to this problem in process and notification, in the Dorset Council meeting of Monday, March 21, 2016, following my Deputation on this issue, Mr Tim Watson, General Manager and ‘co-author’ of TasWater’s water data model, admitted:

**‘Mr. XXX [TasWater] brought the model to the three General Managers; we had a look at it, thought it looked alright, so we agreed to it’.**

This is evidence that TasWater pre-prepared a model and then took it to the three General Managers for rubber-stamp approval.

The GMs did not contribute, and nor did they share the minutes of their meeting(s) with the councillors from the 29 councils.

Prior to this council meeting, Councillor Jessup confirmed to me that the Dorset Council was not notified about TasWater’s model, nor was the Dorset Council allowed the opportunity to contribute, or object.

This pattern of secrecy, with regard to this issue, appears to have been duplicated across each of Tasmania's 29 councils.

But President of LGAT, Mr Doug Chipman, on March 2, painted a different picture. Mr. Chipman wrote to me:

**'I can advise that LGAT has undertaken strong representation in relation to the motion put forward by Dorset, with both Taswater and its Owners Representatives' Group, that is the 29 Councils.'**

At this stage, the responsibilities of the GMC Board at LGAT, in relation to TasWater, remain unclear. The GMC Board was asked, in writing, on multiple submissions, to provide clarification about its responsibilities in relation to TasWater. But, inexplicably, there has been no reply by the GMC Board or LGAT on this point.

It appears that the GMC Board do have *some* responsibilities with respect to TasWater. Although the CEO of LGAT, Ms Stephenson stated on March 24, 2016, they do not *direct* TasWater:

**'...LGAT has no power to direct TasWater... it really is a matter for TasWater and I have been advised that they have agreed a course of action with Owners [Tasmania's 29 local councils] and are intending to implement.'**

Furthermore, it is intriguing, to say the least, that in all of my many e-mail communications with the CEO and President at LGAT, never once was I referred to the Chief Representative of the Owner Councils for TasWater, Mr. David Downie. Indeed, it was only this very week, by a fortuitous accident, that I became aware of Mr Downie's pivotal role within LGAT in relation to TasWater.

The CEO of LGAT, Ms. Stephenson, and the President, Mr Chipman, did not once refer me – never – to Mr Downie. Clearly, Mr Downie is the first person I should have been referred to.

In the latest issue of *The Pulse*, LGAT's newsletter to local councils, Mr Downie is congratulated for his 2015 appointment to the role: this was my fortuitous accident.

But the pattern of obfuscation by LGAT appears to be mirrored by Mr Downie, too...

On April 2, I attempted to notify the 29 councils, via e-mail, of TasWater's model (also to respond to comments by the CEO of LGAT, and to correct two procedural errors and misattributions that I had made in my communications with LGAT). One of the 29 local councils that I wrote to was, naturally, the Northern Midlands Council, of which Mr Downie is the Mayor. In his role as Mayor, Mr Downie did not reply in the first instance. Five-days later, on April 7, when I asked Mr Downie to confirm to me that he had forwarded my e-mail of April 2 to the councillors of the Northern Midlands Council – as I had requested of him – Mr Downie chose only to confirm that he had *personally* received my e-mail – not that he had forwarded my e-mail to councilors, as requested.

On April 8 I restated my specific request to Mr Downie, for him to specifically confirm that he had handed my e-mail to the *councillors* of the Northern Midlands Council. Mr Downie did not confirm this for me, and to date, as of April 12, Mr Downie has not confirmed to me that he forwarded my e-mail of April 2 to the councillors.

This is highly irregular council behaviour, and I can only assume that my e-mail to inform councillors about this issue has been withheld from them by Mr Downie. It would please me to be proved wrong on this point.

To this day, LGAT has not provided to me any explanation as to why at least one member of the eight-person GMC Board at LGAT, Ms Holmdahl, was unaware of any detail in relation to the work of LGAT on this model following their successful 2015 LGAT motion.

LGAT has neither confirmed, nor denied, that the other members of the GMC Board were not notified about the progress of this local council issue.

But Ms Holmdahl, GMC Board member, has confirmed to me that my letter to the President of LGAT, Mr Chipman, was *not* forwarded to her (and the other Board members?), as I had requested. My letter had politely asked, referencing failures in process, for an extraordinary meeting to be called, to review the model, and the process by which it was created.

I have received no direct reply from LGAT to my request that the GMC Board notify the 29 councils to call for a review of the model, and the process by which it was created.

GMC Board member, Ms Holmdahl, was also surprised to learn that my many written requests to LGAT, for a list of the GMC Board members – or that I be directed to this list – were variously ignored, confused, questioned or obfuscated. Ms Holmdahl, wrote to me:

**‘I [did] express some surprise that you were not able to obtain the names of the LGAT GMC committee members from LGAT and that you had to resort to other avenues to obtain them...’**

This list of names of the members of the GMC Board – a *public* board – was never provided to me. I was resigned to searching for the Board under my own steam...

[The Board members are: Doug Chipman, President (and Mayor of the Clarence City Council); Daryl Quilliam, Vice President (and Mayor of the Circular Head Council); Christina Holmdahl, Northern Region (and Mayor of The West Tamar Council); Sue Hickey, City of Hobart (and Mayor of the Hobart City Council); Jan Bonde, West and North-West Region (and Mayor of the Central Coast Council); Craig Perkins, Northern Region (and Mayor of the Meander Council); and, Deidre Flint, Southern Region (and Mayor of the Central Highlands Council).]

In the most recent issue of *The Pulse* (February 29), LGAT’s newsletter to local councils, there is no mention whatsoever of TasWater’s model for the publication of drinking water in Tasmania.

Right to Information requests have been served upon TasWater and LGAT by MP Andrea Dawkins of the Tasmanian Greens. These requests serve as further cause for TasWater and the GMC Board to place proceedings on pause.

A solitary response by the Board Chairman of TasWater, Miles Hampton, on March 11, 2016, reads:

**‘As Board Chairman it is inappropriate that I should become involved in operational matters. Mr Brewster will respond in due course.’**

But Tasmanian MLC, Tania Rattray, has weighed in on the move against TasWater’s proposed model. In her State-of-the-State address in parliament earlier this month, Ms Rattray said:

**‘I will be taking up this matter with TasWater... to see if there is any way we can have a more timely reporting system...particularly when there have been issues with drinking water quality in some of those areas... Pioneer is one of the areas that I represent that have had their issues.’**

TasWater’s proposed model for the publication of drinking water data, assumes a level of trust that Tasmanians are not willing to grant. And the disfigured process that has been used to develop the website model is further evidence for Tasmanians that they are right not to trust TasWater.

At Pioneer, in Tasmania’s north-east, residents have witnessed a snail’s pace roll-out of twenty-five rainwater tanks to remedy a lead-contaminated drinking water system. The project remains unfinished, three-years and four-months on from the alert in November, 2012...

During this time, TasWater has threatened residents with referral to a debt collection agency if their payment for lead-contaminated water is overdue, or if a resident refuses to pay, on moral grounds, for lead-contaminated water. One of my TasWater bills, issued on April 15, 2015, requests payment of \$54.41 for lead-contaminated water. My TasWater bill reads:

**‘Until the amount is paid in full...interest will be charged. TasWater may also: commence legal proceedings against you for the recovery of the outstanding balance on your account; refer your account to an external debt collection agency; or, disconnect or restrict the supply of water to your property.’**

A study by Macquarie University in 2015, concluded that ageing infrastructure was the cause of lead-contamination in the drinking water at Pioneer. The Macquarie study proved that the lead-contamination in the drinking water at Pioneer did *not* originate from natural sources. TasWater declined to attend the public meeting at Pioneer wherein Macquarie University presented their results to the community.

TasWater’s 2014/15 net profit was \$27 million – \$5 million of which was banked. This super-profit is used to justify, and to employ, three Public Relations Officers. But only one part-time engineer has ever been employed to remedy the lead-contaminated drinking water system at Pioneer.

Alerts for lead (Pb) remain active in five Tasmanian towns: Pioneer, Rossarden, Winnaleah, Whitemark and Avoca.

I have on my desk today a 26-item Ombudsman's report which must surely unlock the vault of Tasmania's drinking water data for ever more. I have written this report in response to Pioneer's three-year and four-month struggle for safe drinking water. My report will be submitted to the Ombudsman later this month.

The first item of my report outlines a prime historical example of a lead-contaminated drinking water system which went unannounced in Tasmania for nearly two years. This item in my report reads:

**TasWater (then, Ben Lomond Water) did not call an alert for lead-contamination at Pioneer during the two years prior to the alert in November, 2012. Many samples during this time were assessed by Ben Lomond Water to exceed the health guideline value. Why was an alert not called earlier?**

This is of fundamental relevance to TasWater's proposed website model for the publication of Tasmania's drinking water data.

Between 2010 and 2012, a theme of lead-contamination at Pioneer was recorded in the private data file at Ben Lomond Water (now, TasWater). Ben Lomond Water collected several water samples at Pioneer that exceeded the health guideline value for lead (Pb) – 10 ug/L. Ben Lomond Water was also aware that the history for lead (Pb) contamination at Pioneer *prior* to 2010 was completely unknown – data collection for lead (Pb) at Pioneer began in 2010. Ben Lomond Water was aware that this lack of historical knowledge strengthened the case to cautiously call an alert at Pioneer. But Ben Lomond Water did not call an alert at any time between 2010 and 2012; nor did they notify the residents of Pioneer.

Under this new proposed website model, most of the data for Pioneer between 2010 and 2012 would not be published. This baseline data would remain hidden from public view. As it was back then.

For lead (Pb), no fixed protocols or guidelines exist to direct TasWater to call an alert. (The) Water Quality Officer at TasWater, confirmed to me during a telephone conversation on March 11, 2016, as follows:

**“...in relation to lead [Pb], two consecutive high readings are not a necessary prerequisite for us to call an alert [‘Do Not Consume’ advice]... a flexible approach is necessary...”**

(He) also confided, when I asked him about Pioneer’s problems between 2010 and 2012, prior to the alert:

**“At that time, Ben Lomond Water (now, TasWater) did not employ a Drinking Water Quality Officer. That would not happen now... I’m here now...”**

Inherent within a ‘flexible approach’ is the possibility for danger to continue unannounced, as it did at Pioneer between 2010 and 2012. (His) statements, of fact *and* conjecture, will not instill confidence in the Tasmanian public, and indeed, (his) statements form to make a very strong case in favour of the *real-time* publication of *all* drinking water data.

A sincere website model might look something like this:

- 1) *All* data is published in *real-time*.
- 2) A complementary traffic-light design may be used to highlight *notifiable data*.

TasWater’s presently tests for: bacteria and parasites; disinfection by-products – DBPs and THMs (TasWater monitors 6 of a potential 700 known chemical by-products of chlorine); heavy-metals; and, pesticides.

If TasWater and LGAT aspire to be responsible caretakers – to learn from, and to show regret for, their mistakes of the past – they should immediately cancel their illegitimate website model.

TasWater's main justification against the real-time publication of Tasmania's drinking water data, is that the cost to run such a website would be too costly.

But in March, 2015, Director of Local Government, Mr Mike Blake, cited TasWater's profit in 2014/2015 – \$27 million – as reason enough to rate TasWater's progress and performance as 'very good'.

Cost is not the reason why TasWater refuses to publish, in real-time, all of Tasmania's drinking water data. And TasWater's cost-excuse is null-and-void, no matter its financial status, for TasWater already input Tasmania's drinking water test results into their private computer database. Computer technology will see to it that, for a very minimal cost, the data from TasWater's private database can be activated to a public website.

TasWater knows that this is child's play...

Tasmanians are not asking for the impossible, and the CEO of TasWater is not being asked to walk on water: *Mr Brewster can publish all of Tasmania's drinking water data in real-time.*

But insincerity, secrecy and incompetence, pervade all relations between TasWater, LGAT, the State government and the Tasmanian community.

Tasmanians have not been assisted by their Tasmanian State government...

In Budget Estimates on June 9, 2015, Tasmania's Treasurer and Minister for Local Government, Mr Gutwein – with full knowledge of Pioneer's alert for lead-contamination, which had at that time had been ongoing for two-years and seven-months – Minister Gutwein said:

**“TasWater is getting on with the job at Pioneer!”**

This comment by the Minister, in answer to questions by MP Cassy O'Connor, caused deep upset for the residents of Pioneer, Tasmania.

The Premier, Mr Will Hodgman has ignored all requests for a parliamentary inquiry into TasWater's mishandling of Pioneer. Following an ABC 7.30 *Report* story about Pioneer's battle, televised nationally on April 23, 2015, the Premier made his first and last public statement about



TasWater's unjustifiably slow delivery of 25 rainwater tanks to the residents at Pioneer. Premier Hodgman said:

**"We can't write a blank cheque."**

The Premier's insincere public comments on this day caused barely a ripple, and the roll-out of rainwater tanks at Pioneer, to this day, is incomplete.

If actions speak louder than words, Tasmanians may deduce that Tasmania's Premier and our Ministers are not interested in the quality of drinking water.

On March 16, 2016, in the Tasmanian parliament, Minister Gutwein was questioned by MP Andrea Dawkins, of the Tasmanian Greens, about TasWater's proposed website model for the publication of drinking water data:

MP Dawkins:

**You are aware of ongoing issues with water infrastructure and water contamination in Tasmania, which was the motivation behind the unanimous motion, passed at last July's LGAT AGM, to lobby the State government to legislate for the real-time publication of Tasmania's drinking water data. Do you think it is acceptable that the proposed model for publication of real-time drinking water quality data is a traffic-light system, whereby only notifiable data is published, leaving all remaining data hidden? Is it acceptable to you that the model dictates this selected data will only be published quarterly? Will you make a representation to the Owner's Representatives Group who may direct TasWater for a review into the proposed model and also the process by which it was created?**

Minister Gutwein:

**Madame Speaker, I think that falls more rightly with the Minister responsible for DPIPWE [Minister Rockliff].**

Minister Gutwein did not respond to the question. For a moment, it appeared that the appropriate Minister had at last been located, but when he gave his answer, Minister Jeremy Rockliff talked about rivers and streams only, and he failed to mention drinking water at all – never-mind the proposed model for the publication of drinking water data.

Both Ministers misunderstood the question; and they both misunderstood it in precisely the same way. (If you wish to read Mr. Rockliff's irrelevant comments, please refer to Hansard, March 16, 2016, for the full transcript.)

The government has made no correction to the Minister's answer, and to date, this question from parliament has not been answered.

Nevertheless, on March 21, Minister Gutwein wrote to me:

**'...I have noted your concerns and will undertake to raise them with the relevant Minister as I'm unaware of any proposed model you mention.'**

Minister Gutwein says he is unaware of the proposed model. Perhaps matters may have been more straight-forward for Minister Gutwein if the President of the Local Government Association of Tasmania, Mr Chipman, had not declined to forward my e-mails to the Minister. On March 4, 2016, Mr. Chipman wrote to me:

**'I will not be forwarding any of your emails to Minister Gutwein...'**

And the Minister's position is that this issue does not fall under his Ministerial portfolio. Minister Gutwein's position appears to be false. Minister Gutwein *does* have some responsibilities for TasWater – and this, plainly, is a TasWater issue. Minister Gutwein is the Minister for Local Government – and this issue originates from an LGAT motion in July, 2015. And Minister Gutwein intervened last month in TasWater's caveat issue in Lauderdale, Tasmania. (TasWater placed

comprehensive caveats on the mortgages of several customers. The Minister intervened to reverse this action).

Notwithstanding all of this, Minister Gutwein does articulate the necessary criteria for the approval of a drinking water data model. Minister Gutwein, March 21, writes:

**In the first instance, any proposed water data model would need the support of LGAT, TasWater and any relevant state government agency.'**

The processes used for the development of this proposed model by the GMC Board of LGAT and TasWater appear to be dysfunctional, or, at best, unrepresentative of the Tasmanian community and Tasmania's 29 local councils.

The logic of Minister Gutwein's own advice is that the proposed model should not be allowed to proceed, for it is likely that the model does not have the legitimate support of LGAT.

Disappointingly, Minister Gutwein's office advises that the Minister does not have time for an appointment to discuss this proposed – and soon to be activated – statewide model.

And Minister Gutwein has not offered to investigate the matter further, or to call for a review.

Minister Gutwein's non-action contradicts the sentiments of his previous comments in the Tasmanian parliament, on June 9, 2015, when he said:

**'...it would be important, regardless of where you lived in the state, that you had some understanding of the quality of the water you are drinking.'**

Policy and practice are so often found to be contradictory, at all levels of government in Tasmania.

In a public meeting in Scottsdale in March, 2015, the Tasmanian Minister for Health, Mr Michael Ferguson, when he was asked for his views about the publication of drinking water data, offered no commitment whatsoever – neither practical nor philosophical – to any level of drinking water data publication in Tasmania.

During this short discussion on the issue of drinking water, which would last for only a few minutes, I began by advising Minister Ferguson that, at Pioneer, two-years, three-months and sixteen-days after the ongoing alert for lead-contaminated drinking water (as per March, 2015), only *seven* rainwater tanks had been installed by TasWater at Pioneer.

I asked the Minister to investigate and follow-up on TasWater's poor handling of Pioneer. But Tasmania's Minister for Health made no commitment to investigate the matter, nor did he offer to meet with me or the community to discuss the problem at length.

Tasmania's Minister for Health exited this public meeting, with me furtively walking at his side, in the hope that I may be granted more time to speak – but the Minister, once released to the open air and drizzle, bid me farewell. The Minister's final words were:

**“Ahhh... It's good to get a nice drop of rain.”**

Perhaps the Minister spoke without thinking, but in light of the ongoing battle at Pioneer to achieve safe drinking water via rainwater tanks, his comment was certainly deeply insensitive. I am only pleased that the residents of Pioneer were not themselves within earshot of the Minister's words on this day.

But returning to the more specific issue of drinking water data publication in Tasmania, let us for a moment refer to the specifics of the successful 2015 motion from Local Government Association of Tasmania.

The directive of LGAT's motion, to lobby the State government – one assumes, to discuss the motion in parliament, with a view to passing legislation – was the topic for comment by the CEO of LGAT, Katrena Stephenson, on December 18, 2015. Ms Stephenson wrote to me:

**‘We have indeed been working hard to engage State Government on this matter... (but it is not appropriate that I provide step by step detail of those conversations to you).’**

But it seems that, in reality, perhaps this did not occur. On March 31, 2016, Minister Gutwein's office confirmed to me, by e-mail:

**‘There was no advocacy by LGAT to government.’**

Given that only one of these statements can be true, it is either Mr Gutwein’s office, or the CEO of LGAT, who are presenting an incorrect version of what actually occurred.

A misrepresentation such as this one, as it relates to process, is of fundamental relevance to any analysis of the legitimacy, or otherwise, of the process employed to create TasWater’s model for the publication of Tasmania’s drinking water data.

Worst of all, this lack of clarity now about the truth has allows the Tasmanian State government to happily hide themselves from the humble job of serving the people of Tasmania with regard to this issue.

It was only last week, on April 7, that the Tasmania’s Liberal government released a statement on TasWater’s model to publish Tasmania’s drinking water data. Minister Ferguson made the following three statements:

**1) I have been advised that TasWater has established a Water Quality Working Group, involving Local Council General Managers. They have recently provided in principal agreement to move towards quarterly publication of monitoring data on their website. Once established, TasWater will seek feedback on this approach to inform the future of their data presentation.**

**2) I can confirm that water quality data are provided by TasWater upon request; and that communities and individuals can contact TasWater for the most up-to-date information.**

**3) The Director of Public Health publishes an annual Tasmanian Drinking Water Quality Report. I note that while publication of additional monitoring data may offer transparency, it is not a prerequisite for the safe management of drinking water. Appropriate and established**

**procedures are already in place to effectively manage threats to public health from drinking water.**

Unfortunately, little of what Minister Ferguson says here is informed by history, nor the new facts at hand.

Suffice it to say, a Working Group of 3 General Managers, to approve a pre-prepared statewide policy on the publication of drinking water, is clearly not a representative, nor genuine process. The aforementioned evidence, that the GMC Board at LGAT, as well as other key players, appear to have all been by-passed in this process, will be truly disturbing news for all Tasmanians – if they ever are allowed to learn about it.

Are Tasmanians expected to believe that TasWater's model will be reviewed at a later stage to gauge their wishes? When, in the development of TasWater's model, the 29 local councils, the sole shareholders of TasWater, were excluded from the process?

Will Tasmanians be asked this simple question?

**Would you prefer to have access to ALL drinking water data, and in REAL-TIME?**

If this question is not asked of Tasmanians, then a TasWater review will be proved false.

Minister Ferguson's second statement will be frowned upon by the residents of Pioneer. Results for sediment lead (Pb) in the Pioneer Dam were withheld by TasWater. A Right To Information – a much more complex and costly process than a simple telephone enquiry – was necessary in this case (submitted by Kim Booth, Tasmanian Greens). The results, when they finally arrived, exceeded the health guideline by an astronomical percentage. Where the health guideline value for lead (Pb) is 10 ug/L, sediment lead (Pb) results from the Pioneer Dam ranged from between 500 ug/L to 1650 ug/L.

And even if drinking water data was freely available from TasWater, upon request and in all cases, which it is not, a genuine model, publishing all drinking water in real-time, would ensure that TasWater are not perceived to be withholding data from Tasmania's citizens.

Minister Ferguson is right to say that additional monitoring of data would offer transparency, but this is more than a Right-To-Know issue.

The Minister has been incorrectly advised if he believes that full transparency is ‘...not a prerequisite for the safe management of drinking water data. Minister Ferguson refers to ‘...established procedures... already in place to effectively manage threats to public health from drinking water’.

But, as I have discussed earlier in this essay, the first item of my 26-item Ombudsman’s report for Pioneer, draws upon data and other supporting evidence (as provided with this essay), which clearly outlines an historical example as recent as 2010 – 2012 when a lead-contaminated drinking water system went unannounced to the community for at least two years. This is of fundamental relevance to TasWater’s inadequate website model for the publication of Tasmania’s drinking water data.

And it goes to the heart of Minister Ferguson’s premise that full data transparency is merely a Right-To-Know issue. Mr Ferguson, this is not so. This is a health issue. The health of all Tasmanians. And you, Mr. Ferguson, are Tasmania’s Minister for Health.

I wrote to Minister Ferguson yesterday, April 11, 2016, to brief him fully in relation to the facts I have now presented in this essay. The Minister is now in full knowledge, and he must revise the Tasmanian Liberal government’s policy accordingly.

The original motion for drinking water data publication was community-driven. Born at Pioneer, the idea grew to become a local council motion in the electorate of Dorset; and later, in July, 2015, Dorset’s motion became a unanimously endorsed motion at LGAT, on behalf of Tasmania’s 29 councils and all Tasmanians.

But from this grassroots beginning, we learn now of a disfigured, unresponsive and opaque model and process.

Tasmania’s local councils are the sole shareholders of TasWater, but the mechanisms and the checks and balances of local government, as they relate to TasWater, are badly broken.

On March 31, 2016, I requested that the Premier initiate a review into the Board at LGAT.

More specifically, I requested of the Premier that he instigate a review into the proposed model for the publication of Tasmania's drinking water data, and the process by which this model was created and agreed to.

I have asked the Premier to intervene to make certain that the proposed website model for Tasmania is not activated.

And my final letter, yesterday, to the Minister for Health, Mr. Ferguson, was also sent to Tasmania's Premier, Mr Hodgman.

The key players in this black hole of Tasmanian public health policy, must immediately stand-up, admit to their mistakes, and call for a major revision to the model for the publication of drinking water data in Tasmania.

If they do not, then it is for the Premier of Tasmania to do so...

Who shall halt Tasmania's most powerful bureaucrats in their tracks?

**• Link to Minister Ferguson's recently announced 'Open Data Policy' with regard to drinking water:**

**Release of Open Data Policy**

**Download ...**

**hansard,\_scott\_bacon,\_april\_6,\_house\_of\_assembly,\_tasmania.docx**

**ANSWER\_-\_QWN\_-\_Rattray\_-\_TasWater\_data\_testing\_results.pdf**



s DAWKINS question to MINISTER for PLANNING and LOCAL GOVERNMENT, Mr GUTWEIN

[10.55 a.m.]

You are aware of ongoing issues with water infrastructure and water contamination in Tasmania, which was the motivation behind the unanimous motion passed at last July's LGAT AGM to lobby the state Government to legislate for real time publication of Tasmania's drinking water data. Do you think it is acceptable that the proposed model for publication of real time drinking quality data is a traffic light system, whereby only notifiable data is published, leaving all remaining data hidden? Is it acceptable to you that the model dictates this selected data will only be published quarterly? Will you make a representation to the owner's representatives group who may direct TasWater for a review into the proposed model and also the process by which it was created?

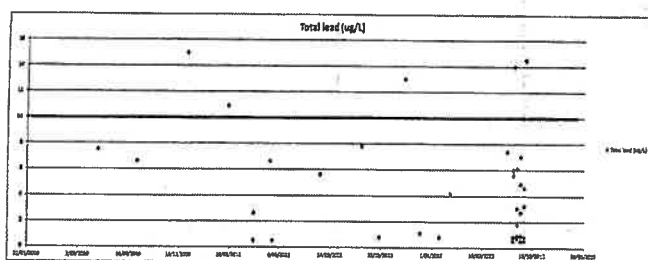
ANSWER

Madam Speaker, I think that falls more rightly with the minister responsible for DPIPW.

Mr ROCKLIFF - Madam Speaker, we had some discussion on these issues last year in budget Estimates. It is important we take a risk management approach to the water catchments around Tasmania. There are areas we identified that are more at risk in terms of contamination, particularly those areas in high agricultural zones. We have a more targeted approach so the resources we are applying are more targeted to those risk areas. It is important in that context that we do not waste resources in areas that very low or minimum risk and we target the key areas where they clearly can have a higher impact and are more likely to detect higher, unacceptable levels. That is evidenced in terms of higher zones for agricultural production, effluent management for the dairy industry and other potential contamination issues at are the forefront of people's minds a decade or so ago with plantation forestry. A lot of plantations were rolling out then and proper protection, around herbicide management, was at the forefront.

I am mindful of the sensitivities. The department is very well aware of the importance to target key areas, apply the resource on a risk management basis and that will continue.

→ Issued by Ben Lomond at the public meeting, Pioneer, November 8, 2012.



#### PIONEER

Lead results  
prior to alert  
November, 2012.

| System     | Supplier | Parameter | Ave<br>Level<br>(ugL <sup>-1</sup> ) | ADWG<br>limit<br>(ugL <sup>-1</sup> ) <sup>11</sup> | # Non<br>Compliances | Min<br>Level<br>(ugL <sup>-1</sup> ) | Max<br>Level<br>(ugL <sup>-1</sup> ) |
|------------|----------|-----------|--------------------------------------|-----------------------------------------------------|----------------------|--------------------------------------|--------------------------------------|
| Avoca      | BLW      | Cadmium   | 2.1                                  | 2                                                   | 1                    | -                                    | -                                    |
| Pioneer    | BLW      | Lead      | 141.9                                | 10                                                  | 14                   | 12.4                                 | 1690                                 |
| Ringarooma | BLW      | Lead      | 50.7                                 | 10                                                  | 12                   | 12.5                                 | 410                                  |
| Whitemark  | BLW      | Lead      | 44.4                                 | 10                                                  | 72                   | 10.5                                 | 1000                                 |
| Barrington | CMW      | Lead      | 13.7                                 | 10                                                  | 3                    | 12.2                                 | 15.2                                 |
| Rosebery   | CMW      | Lead      | 21.9                                 | 10                                                  | 4                    | 14.7                                 | 26.7                                 |

## STATE: Tasmanian Greens Call for an Inquiry into TasWater

By **Tim Slade**

Posted on April 19, 2016



**THE Tasmanian Greens have called for a parliamentary inquiry into TasWater, after leaked e-mail evidence last week ( Michael Atkin, ABC, TT HERE ) suggests that TasWater may have sought to avoid the scientific findings of MacQuarie University’s study into lead-contamination in Pioneer’s drinking water.**

[www.examiner.com.au/story/3852875/taswater-inquiry-possible/?cs=95](http://www.examiner.com.au/story/3852875/taswater-inquiry-possible/?cs=95)

The Examiner’s Alexandra Humphries reported yesterday that MP Andrea Dawkins is leading the charge:

“The reports of TasWater burying research, and potential conflicts of interest, is yet another reason to set up a Parliamentary Inquiry into water governance in Tasmania,” Ms. Dawkins said.

This follows the Tasmanian Greens’ recent stand to oppose TasWater’s minimalist model for the publication of drinking water data.

The Examiner reports that, ‘... Minister for Local Government, Peter Gutwein, said that the State government would wait to see the terms of reference for an inquiry before deciding whether to support it’.

The Examiner reports that, ‘... Labor leader, Bryan Green, said his party would consider the terms of reference carefully before deciding whether to commit’.

But the Tasmanian Greens and the Tasmanian Labor Party are now on the public record together to oppose TasWater's model for data publication.

The Tasmanian Greens' policy is that all drinking water data should be published, in real-time.

Scott Bacon, Shadow Treasurer, in his parliamentary speech on Tuesday, April 6, affirmed that the State Labor Party supports the real-time publication of drinking water data. But at this stage, State Labor have not confirmed their support or otherwise for the publication of all data.

TasWater's model, which is planned to be activated this month, will not publish data in real-time, but rather, quarterly. TasWater's traffic-light design will publish notifiable data only, but all baseline data will be hidden from public view. (The definition of notifiable data is debatable, because for various slow-acting toxins such as lead (Pb), any result above the guideline value does not necessarily translate to an immediate alert by TasWater.)

The Tasmanian Liberal government presently supports this TasWater model.

The Tasmanian Greens and the Tasmanian Labor Party further assert that TasWater did not consult with Tasmania's 29 local councils, the sole shareholders of TasWater, about the specifics of the model before approving it for activation.

The idea to develop a policy with regard to the publication of Tasmania's drinking water data, began as a grassroots campaign and later became a successful motion at the State Conference of the Local Government Association of Tasmania in 2015.

# Tim Slade responds to Mr Brewster, CEO of TasWater

By Tim Slade

Posted on May 2, 2016



\*Pic: TasWater CEO Mike Brewster's letter to the NE Advertiser ...

**Dear Sir,**

It is very important to note that the catalyst for change, to publish drinking water data, was not started by TasWater, but rather, originates from the successful motion from the Local Government Association of Tasmania (LGAT), on July 22, 2015.

If I may correct a statement by Mr. Brewster in his letter to the editor... There is no suggestion at all that TasWater's website be the main method for communicating alerts. Mr. Brewster is aware that this is so. His statement to the contrary was intended to mislead the people of Dorset.

And it is unfortunate that Mr. Brewster chooses to stir-up fear about the cost for the real-time reporting of Tasmania's drinking water data.

According to the advice of an experienced Tasmanian computer engineer, who has worked at the highest levels of the Department of Education in Victoria, the one-off start-up cost for a website for water data in Tasmania would be, at most, \$20,000.

This is less money than the \$30,000 TasWater invested to create a 'cloud of doubt', over MacQuarie University's study into the lead-contamination of drinking water at Pioneer (reference: ABC, Michael Atkin – 2016 Tasmanian Journalist of the Year).

Further advice from this independent computer engineer is that the ongoing costs for a Tasmanian website to report on all drinking water data, in real-time, will be a tiny \$12,000 each year.

Mr. Brewster makes it seem that achieving data transparency is a really hard thing to do.

But all of our drinking water data is already in TasWater's private computer database, so there will be no added cost to employ a person for the input of data.

Interestingly, Mr. Brewster, in his letter to the editor, did not give us a formal cost analysis for the real-time publication of all drinking water data.

So if cost is not the reason, what is the reason for Mr. Brewster's campaign against the reporting of all data, in real-time?

Mr. Brewster's claims that data transparency will not make our water any safer...

But at Pioneer, during the period 2009 – 2012, a long time before the alert was called for lead (Pb) in late 2012, several sample results exceeded the health value limit for lead (Pb), according to the data file of Ben Lomond Water (now, TasWater). In late 2012, this data became public knowledge.

TasWater's Water Quality Officer, Mr. Stapleton, spoke to me this year about the Pioneer period, 2009 -2012. During our conversation on March 11, Mr. Stapleton said:

**'That would not happen now... I'm here now.'**

The implication of Mr. Stapleton's professional opinion here suggest that the decision to NOT call an alert during this time, was not a gold standard decision.

Mr. Brewster's comments contradict the comments made this year by his own Water Quality Officer.

Interestingly, Mr. Stapleton, despite his own comments about Pioneer, 2009 – 2012, continues to support Mr. Brewster's fight against the reporting of all data, in real-time.

Thus, it is a truly remarkable position that Mr. Brewster and Mr. Stapleton choose to take.

Of course, Mr. Stapleton's comments raise the question: if the reporting of all data, in real-time, was available to Tasmanians between 2009 and 2012, would the alert for lead (Pb) have been brought on earlier?

Mr. Brewster sees no problem with the fact that the people of Pioneer, 2009 – 2012, did not have real-time access to all of their drinking water data.

It is reasonable for all Tasmanians to ask: Does the Pioneer example count for nothing?

Tasmania's 29 local councils are the owners of TasWater, and Mr. Gutwein is our Minister for Local Government, but in a letter from Mr Gutwein to me on March 21 this year, Mr. Gutwein writes:

**“...I’m unaware of any proposed model...”**

So I informed Mr. Gutwein about the details of the data model – yes, it was necessary for a private citizen to inform Tasmania’s Minister about the specifics of TasWater’s drinking water data model.

Is it that the CEO of TasWater, Mr. Brewster, was not being open and transparent with Mr. Gutwein (in real-time)? Or is it that Minister Gutwein does not adequately monitor TasWater’s senior management?

Mr. Brewster, in his recent letter to the editor, says of his pilot program, ‘...[it] will gauge community interest and inform how we present the data’.

If Mr. Brewster wished to be informed by the people about how to present data, Mr. Brewster would have already consulted with the owners of TasWater – each and every one of Tasmania’s 29 local councils. But Mr. Brewster did not consult. And Mr. Brewster should not have embarked upon a campaign to prejudice and stop the reporting of all drinking water data, in real-time, before he had consulted about the specifics of a model with Tasmania’s 29 local councils.

It has been observed by many, at Pioneer, Winnaleah, Ringarooma, Whitemark, Avoca, Rossarden, and beyond, that Mr. Brewster’s pipeline promises have seldom held much that is worthy of human consumption. Actions speak louder than words, Mr. Brewster.

Also, in Mr. Brewster’s letter to the editor, he deliberately led our people of Dorset to think that the real-time publication of all drinking water data is of concern only to me.

Mr. Brewster knew that the Tasmanian Labor Party and the Tasmanian Greens were already in opposition to his policy, but Mr. Brewster chose to put it this way instead:

**‘...[Mr Slade] may believe our response does not meet his demands...’.**

If I may humbly ask Mr. Brewster to take a look in the mirror – please.

TasWater, led by you as the CEO, have, since the alert for lead (Pb) in Pioneer’s drinking water, threatened the people, with referral to a debt collection agency, and legal action, if we are overdue in our payment for lead-contaminated water, or if we refuse to pay for it, on moral grounds.



Now that is what I call a demand, Mr. Brewster...

Transparency is mutual respect. Transparency is planning for the future. Transparency is every Tasmanian's right to know about the water that they and their family drink each day.

Tasmanians have lost trust in the senior management of TasWater to carry out its daily duties. A further prime example is that it took TasWater a total of three years to install 22 rainwater tanks for the people of Pioneer.

Tasmanians have lost trust in TasWater's systems, processes and communication.

Minister Gutwein is now in possession of the documented facts in relation to the failed processes—including at LGAT – and the subsequent failed policy here by TasWater, as it relates to the development of a data model for Tasmania's drinking water.

Minister Gutwein's role henceforth, in his capacity as Tasmania's Minister for Local Government, is to investigate and to intervene.

It is not acceptable for Mr. Gutwein to handball the issue of data transparency out-of-bounds, as he did again in The Examiner on Monday, May 2. Mr. Gutwein said:

**'...the issue [is] a matter for TasWater and the state's 29 councils'.**

Mr. Gutwein is fully aware that the 29 local councils have been sidelined in this process, and that TasWater's CEO is campaigning in prejudgment against the reporting of all data, in real-time. Tasmanians have seen the end results of our government, past and present, turning its back on communities across the state.

Tasmania is watching you, Mr. Gutwein...

On Wednesday, April 27, the same day that Mr. Brewster's letter to the editor was published in the North-Eastern Advertiser, a broad motion was put to the House of Assembly, for a parliamentary inquiry into water governance in Tasmania.

The motion was rejected by Minister Gutwein's Liberal government.

The motion was also rejected by the Tasmanian Labor Party, who say that TasWater's failures can be fixed directly, without the need for an inquiry.

But it begs the question: How will Labor find out what the many and varied problems are at TasWater, if they do not allow for a process of parliamentary inquiry?

The motion for a parliamentary inquiry was supported by the Tasmanian Greens.

The real-time publication of all drinking water data is in the best interests of everybody. This data belongs to us. And thanks to website technology, and TasWater's database, the conversion to true transparency is easy and cheaply available.

The question is not: why publish all drinking water data in real-time? The better question is: why not?

Tim Slade, Pioneer.

- **Examiner: Push for real time water quality data**

## Tania Rattray Supports the Real-Time Reporting of Drinking Water Data

By Tim Slade

Posted on May 10, 2016



On Saturday Tania Rattray defeated three candidates to extend her twelve-year reign as the member for Apsley in the Legislative Council.

Tania Rattray spoke in favour of the reporting of all drinking water data, and in real-time:

**‘I support all data, in real-time, being available to Taswater customers.’**

The electorate of Apsley has all five of Tasmania’s lead-contaminated drinking water systems – Pioneer, Winnaleah, Rossarden, Whitemark and Avoca.

On April 27, the CEO of TasWater, Mr. Mike Brewster, wrote a letter to the North-Eastern Advertiser, stating his view that the reporting of all drinking water data , and in real-time, is:

**‘...unnecessary, impractical and does not make our drinking water any safer’.**

TasWater proposes to publish notifiable data (limited data), on a quarterly (three-monthly) basis.

Tania Rattray’s positive statement joins the chorus of support from the Tasmanian Greens and the Tasmanian Labor Party – Andrea Dawkins, Bryan Green and Scott Bacon.

Tania Rattray, when asked by a resident of Pioneer if she will support a parliamentary inquiry into TasWater, said:

**‘I would certainly consider supporting this process. The terms of reference for an inquiry would need to be carefully considered and compiled to enable an inquiry to receive the necessary support to be established.’**

As the member for Apsley, Tania Rattray’s voice may be crucial to progressing data transparency and water governance reform for all Tasmanians.

Time will tell...

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Ahead of the election two questions were sent to members contesting the seat of Apsley.

Q 1.) Are you in favour of the reporting of all drinking water data, and in real-time? (Yes or No)

Q 2.) Will you support a parliamentary inquiry into TasWater? (Yes or No)

BRETT Hall (Independent):

Q1.) ‘YES – We live in a digital age and the TasWater claim that providing real-time reporting is too costly, doesn’t hold water. The raw data is already captured from their existing water testing

regime. It should be a relatively simple exercise to transfer this information to their website for access by the public.'

Q2.) 'YES – The lack of transparency is one of the many reasons I am calling for a full review of TasWater operations and charges since its inception.'

DARREN Clark (Labor):

Q1.) 'YES – All data should be available in real-time.'

Q2.) 'I will support looking at ways to develop a better and open water authority, however other inquiries have had too wide a scope. I would support a narrow scope on drinking water issues.'

SOPHIE Houghton (Tasmanian Greens):

Q1.) 'YES'.

Q2.) 'Conditional YES – the inquiry really needs to extend to all water resources in Tasmania, not just TasWater.'

## TasWater Should Report in Real-Time, Says Legislative Council

By **Tim Slade**

Posted on October 13, 2016



*\*Pic: Ebony Slade's pic of Risdon Brook Dam, water supply to the Eastern Shore. **Below:** Ebony's shot of Snug Falls. Ebony is Tim's sister ...*



**On Tuesday, August 9, 2016, Tasmania’s Legislative Council voted in favour of the motion –**

**The Legislative Council strongly supports TasWater being required to report all drinking water data in real-time on their website.**

For this parliamentary motion, the definition of *real-time* is:

**As drinking water sample results return to TasWater, following periodic testing at the laboratory, the reporting of all items of data, without unnecessary delay, and with the view that all data be reported on a consistent and timely basis.**

**\*The intent of this definition of real-time – to report all drinking water data, without unnecessary delay – shall be applied at all times and to the best of reasonable ability. [Definition by Tim Slade]**

Tania Rattray, MLC for Apsley, put forward the motion. In Ms Rattray's electorate of Apsley, all five of Tasmania's lead-contaminated drinking water systems can be found – at Pioneer, Winnaleah, Avoca, Rossarden and Whitemark (Flinders Island). Within Apsley there are also numerous towns on alerts to boil drinking water before consumption.

Ms Rattray, in her opening speech to the Legislative Council, on August 9, said:

**'Honourable members, support today for this motion would send a strong message that having access to the real-time data for TasWater customers is vital to ensuring confidence within the community in the water quality being delivered by TasWater. I would urge honourable members to support this strong message and motion.'**

Ms Rattray cited a written statement to Tim Slade by the Minister for Local Government, Mr. Gutwein:

**'The Government has a limited role to play in the operations of independent statutory authorities such as TasWater.'**

Ms Rattray addressed the House to voice a contrary view:

**'I dispute that because we have the monitoring arm in the department that already monitors this, so the Government does have a direct role to play.'**

Ms Rattray continued:

**'The government has a significant role there. We often hear that TasWater belongs to councils, but there is a significant role [for government] in the**



**water quality issues for our communities... My own research has found that the state water officer is an employee of the Department of Health and Human Services and is involved in the appointment of water quality auditors who then have a role in auditing the Drinking Water Quality Management Plans – the DWQMP – prepared and implemented by TasWater.'**

Ms Rattray expressed hope that policy could change. Ms Rattray cited the past comments of Minister Gutwein, from June 9, 2015:

**'It would be important, regardless of where you lived in the state, that you had some understanding of the quality of the water you are drinking.'**

In Tasmania's Lower House of parliament the House of Assembly, the policy of real-time reporting presently has the support of the Labor Party and the Tasmanian Greens – Scott Bacon, Andrea Dawkins, Bryan Green and Cassie O'Connor have each delivered major speeches in the Tasmanian parliament this year in favour of real-time reporting.

But none of these speeches has been reported by the Tasmanian media. Once again, the Tasmanian media chose not to get to the heart of TasWater's ethos and dysfunction when they failed to report the success of this important Upper House motion on August 9 – the one exception a single short story in The Mercury, which appeared only after I contacted the newspaper myself.

Repeated direct communications with ABC Mornings with Leon Compton were ignored.

A dollar-driven media-focus has allowed the Chairman and the CEO of TasWater to avoid scrutiny. It follows that the Tasmanian media have delivered, to TasWater and to the government, an eternal escape route – a lack of funding. Boiling down problems to a lack of money is lazy journalism and it is to defy evidence – a tremendous weight of evidence, provided over many years, proving that the policies and practice of senior management at TasWater, and those of their government overseers, is not functional and is not open.

### **Why is TasWater opposed to real-time data?**

Prior to August 9 (and to this day) TasWater's CEO Mike Brewster has stated his unequivocal opposition to the real-time reporting of all drinking water data in Tasmania.

Mr Brewster's pre-determined policy here contradicts other statements by him wherein he has said that TasWater's intention has always been to come back at a later time to assess their pictorial model, to see how satisfactorily it addresses the requirements of the public and stakeholders. CEO Brewster seems to be making up policy on the run – again.

And an independent senior computer engineer, Mr Daniel Taylor, who has worked at the highest level of the Education Department in Victoria, provided to me and to the Legislative Council a cost-analysis which indicates that the reporting of all data in real-time is cheaply available and very simple to achieve:

A one-off start-up cost of (at most) \$20,000

An annual maintenance cost of \$12,000

TasWater, and most recently Minister Ferguson, regularly cite expense and the volume of data as a primary reason against real-time reporting. But Mr Taylor's cost-analysis suggests that these fears are without basis in fact.

TasWater have not at any stage provided a cost-analysis for the reporting of all data in real-time.

Ms Rattray, in her closing comments in the Legislative Council on August 9, said:

**'I have not had any figures back from TasWater to say what the real cost is... If that is wrong [Mr. Taylor's independent cost-analysis], TasWater may like to let me know.'**

Real-time reporting can be delivered at the touch of a button ...

TasWater presently employ for data entry into their private database drinking water test results. So there is no need for additional employees – there will be no additional employment costs to TasWater.

Ms. Rattray continued:

**‘The data is there – just put it out into the website in that timely, ‘without unnecessary delay’, approach. This is what we are asking for here. We are not asking for information that potentially is not available; it is available. This is our request.’**

In 2015, a successful motion of the Local Government Association of Tasmania (LGAT), representing Tasmania’s 29 councils, the sole owners of TasWater, directed that a more timely reporting of drinking water data should occur, but Mayors have been otherwise silent and inactive on this issue, and LGAT has facilitated an opaque, non-consultative approach.

The GMC Board at LGAT is yet to explain the written statements of Ms Holmdahl, a GMC Board member, in relation to this Board’s exclusion from discussions. And the Minister for Local Government, Mr Peter Gutwein, has obfuscated on this issue. Mr Gutwein refuses to address Ms Holmdahl’s statements. And no person in government is holding Mr Gutwein to his responsibilities as Minister for Local Government.

Where is the Premier when you need him?

Returning to the specifics of the model, the response by TasWater – one-year after the LGAT motion, but prior to the August 9 decision in Tasmania’s Legislative Council – was to create its own no-data, three-monthly, traffic-light model. There was no collaboration with major stakeholders before the model was signed-off on by three non-elected General Managers from local councils.

TasWater’s quarterly no-data website model – no data for breaches, nor any baseline results – presently uses a traffic-light system and bases this one-page pictorial on three-to-six-months-old data. TasWater’s limited model furthermore fails to reference, in its pictorial, disinfection by-products (DBPs) and pesticides.

The one-page pictorial is difficult to find on TasWater's website. There is no flag on TasWater's main page to direct readers to the service of the pictorial. And there is no mechanism for feedback, to confirm one way or another if customers find the no-data pictorial of any practical use.

On August 9, 2016, Tasmania's Legislative Council voted in favour of every Tasmanian citizen's right to know about their drinking water in real-time.

This vote in the Upper House in favour of real-time data is a further rejection of the opaque policies of TasWater's Chairman, Miles Hampton, and CEO, Mike Brewster.

TasWater and the Tasmanian Liberal government suggest that real-time data will not make our water any safer, because protocols are closely followed and health outcomes are guarded.

But the present policy against real-time data by TasWater and the Tasmanian Liberal government can be extrapolated, in relation to Pioneer, to the following 3 nonsensical statements:

**The residents of Pioneer would not have been interested to know about the several high test results for lead (Pb), breaching the Australian Drinking Water Guidelines, during the three years leading up to the 2012 alert by TasWater.**

**Residents would not have wished to know about the general theme of lead (Pb) in Pioneer's water supply, with results at most times being very close to or above limits as set out in the Australian Drinking Water Guidelines.**

**Residents at Pioneer will not be concerned that a safe water supply via rainwater tanks would be unfinished four years later, in 2016 [now], following the 2012 alert. [This failure is due to a lack of public awareness of data, and thus a lack of impetus for TasWater to plan for the future.]**

Clearly, the residents of Pioneer reject all three of these nonsensical statements. In real terms, these nonsensical statements reflect precisely the policy of TasWater's Chairman, Mr Hampton, and recent statements by the Tasmanian Liberal government's Minister for Health, Mr Ferguson, and the Minister for Local Government, Mr Gutwein.

For lead (Pb), no fixed protocols or guidelines exist to direct TasWater to call an alert. The Water Quality Officer at TasWater confirmed to me during a telephone conversation on March 11, 2016, as follows:

**“...in relation to lead [Pb], two consecutive high readings are not a necessary prerequisite for us to call an alert [‘Do Not Consume’ advice]... a flexible approach is necessary...”**

He also confided, when I asked him about Pioneer’s experiences between 2009 and 2012, prior to the alert:

**“That would not happen now... I’m here now...”**

In contrast to this admission by TasWater’s Water Quality Officer that a gold standard had not been applied at Pioneer pre-alert, TasWater’s Chairman and CEO are both in opposition to the reporting of all drinking water in real-time. And neither the Chairman nor the CEO has ever made a written or verbal statement to explain this contradiction in these particular comments by TasWater’s Water Quality Officer.

Where is the Premier when you need him?

Deepening these unaddressed contradictions, a 2016 study by MacQuarie University’s Professor Taylor and Paul Harvey, published online on the very same day as Ms. Rattray’s successful motion in the Upper House, points to widespread and undocumented lead-contaminated drinking water across Australia. <http://authors.elsevier.com/a/1TWDO3Ao5g3km>

It is reasonable to suggest that the reporting of all drinking water data in real-time will inform our knowledge of, and relationship to, water. Similarly, real-time data will inform us all about our environment. It will inform our life.

A study published in September this year by Cam Walker and compiled by Friends Of The Earth’s Anthony Amis, confirms widespread pesticide pollution of Australian waterways. The study further asserts that most of these pesticides have no ecological guidelines, and 40% are not accountable to

drinking water guidelines. <http://www.foe.org.au/articles/2016-09-27/study-confirms-widespread-pesticide-pollution-australian-waterways>

Developments in technology and drinking water quality are happening in Australia now. For example, point-of-use ultra-violet water treatment is an approved chemical-free method as per the Tasmanian Director of Public Health, and it is crying out to be used in towns like the revamped mountain bike mecca at Derby, in north-east Tasmania, but as yet TasWater have chosen not to be Australian leaders in drinking water.

And the reporting of all drinking water data in real-time could work with, rather than against, news this month that the Australian Drinking Water Guidelines is to be expanded for microbial health-based targets.

The National Health and Medical Research Council (NHMRC) has compiled a draft framework to be added to the Australian Drinking Water Guidelines (ADWG) [www.awa.asn.au](http://www.awa.asn.au) This draft is open for public consultation, and submissions can be made online before November 4 at <http://stfi.re/bxdbrbo>

The reporting of all drinking water data in real-time would encourage conscientious future planning, and potentially, the monitoring of a greater range of disinfection by-products (DBPs) – dangerous chemicals caused by the addition of chlorine to water. TasWater presently test for 6 (six) of a potential seven-hundred (700) known DBPs.

Real-time data is thus a right-to-know policy, a health policy and an environmental policy.

Tasmania can choose to be a leader in drinking water policy for all of Australia.

### **So what will happen next for real-time data?**

Ms Rattray MLC spoke passionately to achieve success in the Upper House of the Tasmanian Parliament for real-time data. And in the Lower House, Ms. Rattray has the support of the Labor Party and the Tasmanian Greens.

It is now up to Ms Rattray to negotiate with the Liberal government's Minister for Local Government, Mr Gutwein, TasWater's Chairman, Mr Hampton, the President of the Local

Government Association (LGAT), Mr Chipman, and the chairman for TasWater at LGAT, Mr Downie.

Following this successful motion in Tasmania's Legislative Council, one would like to believe that the government can no longer ignore this popular reform for drinking water policy in Tasmania.

But a letter to me on September 6 this year from Mr Michael Ferguson, Tasmania's Minister for Health, did not make any reference at all to the successful August 9 motion in the Legislative Council.

Furthermore, Minister Ferguson's letter of September 6, on behalf of Mr Gutwein – in reply to one of my letters to him five-months earlier – stated a continued opposition to the reporting of real-time data for drinking water in Tasmania, primarily on the basis of cost. This is despite the fact that, as I have discussed, the Tasmanian government has not asked TasWater to provide a cost-analysis. Thus, TasWater has chosen not to provide a cost-analysis.

Where is the Premier when you need him?

Minister Ferguson further suggests, as he did also in a previous letter to me, that the real-time reporting of data will not make our drinking water any safer. On this point, Minister Ferguson's letter of September 6, 2016, written on behalf of Minister Gutwein, is clearly deficient in three ways:

**It improperly (insincerely) omits any reference to the August 9 Legislative Council decision to strongly support TasWater being required to report all drinking water data in real-time. Nor does the Minister's letter reference in any way the successful 2015 LGAT motion.**

**Reasons provided by the Minister in relation to cost lack any reference to an actual cost-analysis – TasWater have not been required to complete a cost-analysis.**

**The relevance of real-time reporting in relation to the experiences at Pioneer, and specifically the contradictory comments of TasWater's own**

**Water Quality Officer, are not acknowledged in any sense. Not in relation to lead-contamination and the failure of TasWater to reasonably notify residents, 2009 – 2012; nor in relation to the failure of TasWater to initiate pre-emptive planning for a solution at Pioneer during this time; nor to acknowledge the failure of TasWater to install rainwater tanks within a reasonable and safe timeframe, and to openly and respectfully communicate with residents.**

**Where is the Premier when you need him?**

Although we see a lack of desire by government to look to the heart of the problem – and to check that their heart is indeed in the right place – we live in hope.

And if hope proves false, at least we can be sure now, after all of our work so far, that a future Labor government, or else, a Labor / Greens government, will indeed deliver to Tasmanians the real-time reporting of all drinking water data.

Tasmania thanks Ms Rattray, and we wish her the very best of luck.

**Download Hansard ...**

**Hansard, \_August\_9,\_2016,\_Legislative\_Council,\_Real-time\_data\_for\_drinking\_water,\_LegCo.\_.docx**

• **Tim Slade in Comments:** *Published today in The Mercury – ‘TasWater product earns a nomination for top tap drop’: **HERE** . CEO Brewster must have sent a press release to The Mercury, who in the spirit of hard-hitting journalism, published it in today’s edition. CEO Brewster seems to have both time and aptitude for bad taste publicity stunts ... Notable quotes ...*



## **Chairman Downie Says, ‘We Can Make TasWater More Accountable’**

By **Tim Slade**

Posted on December 15, 2016



**In the General Business Enterprise (GBE) committee meeting in parliament last Tuesday, December 6, TasWater side-stepped a question from MLC Hiscutt, who asked (on behalf of MLC Tania Rattray) if the policy for real-time data has been costed by TasWater.**

Chairman Hampton and CEO Brewster diverted Ms. Hiscutt’s question... Ms Hiscutt did not follow-up on this non-answer by the Chairman and the CEO. Nor did any other MLC present as part of this GBE Committee ~ Mr Farrell, Ms Forrest, Mr Gaffney, Mr Armstrong, Mr Hall and Mr Mulder.

TasWater continue to obfuscate on questions of importance ~ including questions which cannot be explained away by the preservation of the bottom line.

TasWater, and the State Liberal government, oppose real-time data, notwithstanding the fact that TasWater have so far not provided a cost-analysis to support their claim.

TasWater have not countered the independent analysis by Mr Daniel Taylor, which was used by the Legislative Council in their decision to support a policy of real-time data. Mr Taylor’s cost-analysis cites a tiny annual expense of \$12,000.

In Tuesday’s GBE meeting, in relation to the proposed policy for real-time data, Chairman Hampton said only:

**‘We could create alarm in the community.’**

CEO Brewster added:

**‘There is no such thing as real-time data anyway.’ [CEO Brewster makes no reference to the Tasmanian Legislative Council’s definition of ‘real-time’.]**

In the preceding GBE meeting on the same day, held with the Chairman of the Owner’s Representatives Group, Mr Downie ~ representing the owners, the sole overseer of TasWater, the 29 local councils ~ Chairman Downie did not make mention of real-time data.

Failing to follow-up on their own motion of August 9, not one of Tasmania’s MLCs thought to ask a question of Chairman Downie in relation to the reporting of real-time data during this GBE committee meeting.

The 29 councils, the sole overseer of TasWater, were allowed to escape without one question being asked about their oversight on this pivotal right-to-know policy.

Nevertheless, Chairman Downie, in reply to a question by MLC Forrest, about the possibility of TasWater transitioning away from Local Government ownership, towards State government ownership, said:

**‘We can make TasWater more accountable [than State government can].’**

When MLC Forrest asked Chairman Downie how he thought this could be done, Mr Downie could not provide an answer. Stammering, Chairman Downie simply said:

**‘Our view is that TasWater is best owned by Local Government.’**

And when Chairman Downie was asked by Ms Forrest if the owners of TasWater supported the latest decision of the Board of TasWater, to resolve drinking water problems by reducing dividends to councils, Mr. Downie answered with one word:

**‘Reluctantly.’**

Indeed, on August 24, in an interview with Mr Leon Compton on ABC local radio, only a few weeks after the Legislative Council’s decision in favour of real-time data, Chairman Hampton spoke of TasWater’s announcement ~ released the day before ~ to reduce dividends to councils.

Chairman Hampton spoke of TasWater’s ambition to resolve, within two years, each of Tasmania’s ‘Do Not Consume’ alerts for lead-contamination, and all permanent ‘Boil Water’ alerts.

And Chairman Hampton also spoke of a possible conflict of interest with the sole overseers and owners of TasWater, the 29 local councils:

Chairman Hampton said:

**‘The Board is charged with determining what the dividends will be, and in making that decision they need to balance their competing objectives. And in some cases there’s a conflict of interest with our councils. The Board of BHP, who recently reduced their dividend, didn’t go to shareholders to ask their permission... They made the decision in the context of their knowledge of the operations of the business and its other obligations. And we’ve done exactly the same.’**

Local councils have defended their dividends at close range for the past several years. The Local Government Association of Tasmania (LGAT) states on its website that LGAT’s primary function is to ‘work[s] to protect the interests and rights of councils...’

There is no specific mention of drinking water governance within LGAT’s website-published objectives for their organisation. And LGAT’s website states that, ‘[I]t is funded by councils and other income earned through projects sponsored on behalf of Local Government, and a range of services and sponsorships. LGAT is an incorporated body under the Local Government Act 1993.’

Following the announcement of the Board of TasWater to reduce dividends to councils, the President, Mr Doug Chipman, said that he was ‘...shocked to learn of the decision of the Board of TasWater’.

Interestingly, in the December issue of LGAT's newsletter, *The Pulse*, there is no mention whatsoever of any issue related to Tasmania's drinking water.

The mayors of Tasmania's two largest cities hold opposing views about the recent decision by the Board of TasWater. Launceston's mayor, Mr Albert Van Zetten, voiced his concern about the reduction in dividends to councils. On the other hand, Hobart's mayor, Ms Sue Hickey, said it was a good decision, in the interests of improved water quality.

Mayors' views vary too in relation to the possibility of increasing council rates to cover a reduction in dividends from TasWater. The mayor of the Derwent Valley, Mr Martyn Evans, talked-up privatisation as a solution, while Dorset's mayor, Mr Greg Howard, said that rates will not increase, and that savings will easily cover any reduction in dividends.

The question may be asked: Is the philosophy of the Owners' Representatives Group, in defence of their dividends from TasWater, a disincentive to acting at all times with a view to the best long-term interests of water quality and infrastructure-building for Tasmanians?

If this conflict of interest exists in relation to dividends, as cited by TasWater's Chairman, Mr Hampton, could it also be true that councils have a conflict of interest with regard to their role as the sole overseer and governor of TasWater?

Is it possible that this financial conflict of interest, cited by Chairman Hampton here, adversely influences the decisions made by the Owners' Representatives Group in relation to drinking water quality and oversight?

Several residents at Pioneer are waiting for safe drinking water, four long years after the alert for lead (Pb) in 2012.

No response has been forthcoming from any member of the GMC Board at LGAT in relation to questions posed about the non-alert at Pioneer in the three years prior to the alert in 2012, in the face of several readings for lead (Pb) exceeding the health value according to the Australian Drinking Water Guidelines during this time.

The GMC Board at LGAT have also been made aware of the publicly noted comments by TasWater's present water quality officer, that, in relation to the non-alert at Pioneer, 2009 – 2012:

**‘That wouldn’t happen now. I’m here now.’**

A gold standard was not followed, according to TasWater’s own water quality officer, and yet neither TasWater nor the GMC Board at LGAT deem it necessary to respond to these questions.

Mr David Downie, Chairman of the Owners’ Representatives Group, has also been made aware of these issues, but following suit, Mr Downie has never provided a written a reply.

Nevermind the enactment of a open policy of reporting all drinking water data in real-time...

Pioneer’s residents may also reasonably assume that twenty-five rainwater tanks ~ installed in period of four years ~ does not reflect a functional senior management at TasWater, nor a functional overseer in the 29 local councils.

Residents at Pioneer challenge the Owners’ Representatives Group to produce just one piece of documentation to prove their representation, at any level, on behalf of Pioneer during the past four years...

Given that it was never a question of money at Pioneer, why have the Owners’ Representatives Group been silent? Does a financial conflict of interest explain their silence? If not, what is their excuse?

TasWater have encouraged Tasmanians to believe that an injection of funds will solve all issues. Politicians have tended to hide behind this idea, too, reticent as they are to dig deeper and to respond to evidence by residents, accross the state, that the problems are ingrained within TasWater’s senior management, and within the Local Government’s structure of governance in relation to TasWater.

In last Tuesday’s GBE committee meeting, TasWater’s Chairman, and the CEO, refused to answer a simple and long-standing question on an issue of transparency and budget.

Keep in mind that this is a publicly owned water authority ...

In the New Year, we trust that Ms Tania Rattray, Independent, representing the Legislative Council, Mr Scott Bacon, Labor member in the House of Assembly, and Ms Andrea Dawkins, Greens

member in the House of Assembly, will continue to pursue the real-time reporting of all drinking water data on TasWater's website, on behalf of all Tasmanians.

• **Alison Bleaney in Comments:** *TasWater transparently accountable? Local Councils and State Government aware of their responsibilities and prepared to shoulder them honestly with minimal cost shifting agendas and looking for the quick political fix? Chance would be a fine thing! Local Councils couldn't throw water and sewerage fast enough to the now TasWater enterprise, so they no longer had to be accountable for the safety of drinking water; they had relied upon the 'no look, no find' approach for just long enough to make them realise they were just about to get into terrible strife. But they still 'own' TasWater and they get paid dividends now by TasWater so it would seem that this has worked to their advantage. But doesn't that mean they are ultimately accountable for the safety and quality of the drinking water for Tasmania, however inconvenient that fact may be? And if not who is?*

*Perhaps the Premier's Dept could answer that vexed question. And while we're at it, where or where is the DHHS Annual Drinking Water Report for 2014/15 and why hasn't it been publicly released? What part do they play in the responsibility for safe, clean, non-toxic drinking water for Tasmanians?*

• **ABC: TasWater's \$2.4 billion in needed upgrades could see corporation sidelined, Eslake says**

• **Tim Slade in Comments:** *A further aspect of the broken council model of oversight is that mayors and General Managers filter / withhold information that should go to councillors. This means that the democratic system of publically elected councillors is being bypassed in many instances. This occurred at numerous councils when I attempted to send communications to the one central council address of the 29 councils, for referral to all councillors and the mayors, in April, 2016. My communication were to inform councillors that this topic of real-time data was on the table. But the majority of mayors and General Managers, even upon repeated e-mail request, refused to confirm to me that they had forwarded information to councillors. For example, this happened Clarence (President of LGAT), at Break O Day, West Tamar (GMC Board Member at LGAT), West Coast, Waratah-Wynyard, Northern Midlands (Chairman of LGAT), Dorset (who took the original motion to LGAT under the previous mayor, Barry Jarvis), Break O Day, Southern Midlands, Sorell, King Island, Huon, Kentish, Glenorchy, George Town, Central Highlands,*

*Central Coast (GMC Board Member at LGAT) and Brighton. The direction to do this, I believe, may have come from the top of LGAT, since I was sent an e-mail copy of correspondence sent by a senior LGAT worker about me to all and sundry within Tasmanian government. Obviously, this is a ridiculously high number of mayors / GMs who are acting outside of... correct protocol. So when TasWater are also dysfunctional and secretive, you have what you've got now...*

## The Gift That Keeps On Giving ...

By **Tim Slade**

Posted on February 23, 2017



**If Peter Gutwein's meeting today with David Downie and the 29 councils goes as it is planned, Tasmanians will need to hold onto their cups through the media storm and hope for the best.**

With no plans to fund TasWater themselves, Peter Gutwein's government is imitating a force of nature this week. This may in part be because Mr Gutwein's Federal counterparts have said no to TasWater's plea for more funding.

Meanwhile, the Federal Labor Party has committed \$75 million to improve water and sewerage infrastructure in Launceston if they win the next election.

The Tasmanian Greens have also made it a priority to fix Launceston's water and infrastructure woes.

TasWater's Chairman, Miles Hampton, earlier this week defended the 29 councils from Minister Gutwein's wrath. Chairman Hampton said that a further slash to dividends to councils would make little sense, given that this action would bring forward the date of completion of infrastructure works by a mere one-and-a-half years over a 10-year plan.

This week the State Government's Sam McQuestin created a public petition against the 29 councils with regard to TasWater. But the public may smell a rat. The public may wonder if council amalgamations are at the heart of Mr Gutwein's work this week, for example.



Yet public praise may blow the State government's way, in time for the possible calling of an early election by the Premier. The Tasmanian Liberal government could certainly do with a boost to their popularity in the polls.

Is Minister Gutwein serious, as he would have us believe, about a State takeover of TasWater, which would cause an overhaul of the entire governance structure of TasWater, and of course, the elimination of all dividends to councils?

Tasmanians will note that a 2016 motion by the Tasmanian Greens for a parliamentary inquiry into TasWater was voted down by the State Liberal Government and the State Labor Opposition.

If Minister Gutwein is teary about the poor state of Tasmania's drinking water, and hand-on-heart, when he says that he and his government have done all that they can, Tasmanians are entitled to ask of the Minister:

**Why did the State Liberal government put a freeze on a parliamentary inquiry, into TasWater and their government overseers, in 2016?**

Tasmanians living in towns with lead-contaminated drinking water today ~ Pioneer, Winnaleah, Rossarden and Avoca ~ know that there has been no-one to turn to for help when TasWater has failed to support them. From my earlier articles for Tasmanian Times ( [HERE](#) ), readers will know that I say this from personal experience as a resident at Pioneer. Calls for help over many years have fallen on deaf ears ...

At today's meeting the 29 councils may be furtive in their search for a gift for the government ~ lest Minister Gutwein reduce their dividends further, or else, take-over TasWater and withdraw council dividends for all time. Is it possible that Chairman David Downie, and the owner-councils, rather than hand over the silverware, may consider gifting a policy?

A policy such as the reporting of real-time data on TasWater's website, for example. In the spirit of good governance and transparency. A Win-Win.

A policy for real-time data reporting on TasWater's website will not worry the bean-counters, so it is possible that it will come up for consideration by Chairman Downie and the mayors within the Owners' Representatives Group, as they try to talk their way out of a corner today.

As I have presented to readers in my most recent articles for Tasmanian Times, this option may become especially tempting for the owner-councils today, given the support for real-time data reporting by Tasmania's Legislative Council, and by the Tasmanian Labor Party and the Tasmanian Greens.

Indeed, LGAT passed a motion of their own, for improved transparency for data reporting, in their motion of 2015 just months after the death of past president of LGAT and Mayor of Dorset, Barry Jarvis.

The gifting of this policy to the Minister and to Tasmanians would also be to correct an agreed sub-standard process in the development of a policy for data transparency, following the aforementioned 2015 LGAT motion.

This admission of fault was forthcoming on February 2, earlier this month, by TasWater's CEO Mike Brewster, during my extended conversation with him after the completion of our public meeting at Pioneer Hall.

CEO Brewster also clarified a corresponding lack of process by the Owners' Representatives Group in this matter.

Please read below for my letter to CEO Brewster on February 20, discussing his comments and their relationship to the belated need for TasWater to complete a cost-analysis for this policy.

With the emphasis of today's meeting in Hobart focussing on dollars and cents, one would hope that the State government will at long last put their hands in their pockets and commit to funding Tasmania's ailing water and sewerage infrastructure. But this morning, there is no sign of this on the horizon...

All of the players ~ the Premier, Minister Gutwein, Mr Downie and the councils, CEO Brewster and the residents of Tasmania ~ may do well to remember a necessarily concurrent principle to funding:

*Transparency and proper process is something money can't buy. It is the gift that keeps on giving.*

**Letter to TasWater's CEO Brewster, from Tim Slade, February 20, 2017 ...**

Mike Brewster  
CEO of TasWater

February 20, 2017.

Dear Mike,

I realise that today may be a busy day for you with the Minister for Local Government due to deliver a new document, but I wanted to touch base with you again after our extended conversation at the Pioneer meeting on February 2.

It was a useful conversation that we had. In the light of our discussion of the facts, you agreed to consider going back to the Board to ask that a cost-analysis be done for the policy of real-time reporting of data.

May I please ask you to share your thoughts with me?

You said that you were unsure if data for lead (Pb) had been collected at Pioneer before 2012, so I have attached again for you here the graph of Pioneer's data for lead (Pb) for the years 2009 – 2012. These were the three years before the alert. There were several test results exceeding the health guidelines for lead (Pb).

As I mentioned to you again in our conversation, in relation to this period at Pioneer, 2009 -2012, your Water Quality Officer, Mr. Stapleton, said to me, on March 11, 2016:

‘That wouldn’t happen now. I’m here now.’

I hope you can understand that the residents of Pioneer would have liked to have known about this data at the time.

A policy of real-time data reporting would satisfy.

You also said to me that you probably should have selected a more suitable group of members for the Water Quality Group, rather than asking for volunteers. This group of volunteers, three General Managers, approved the one-page pictorial (no data) quarterly model, designed by Mr Stapleton. You also acknowledged that the results of this Group were not taken back to the 29 councils for input and agreement before it was activated on TasWater's website last year. (Nor did the 29 councils approach TasWater).

In light of all of these circumstances, in concert with the support of the Legislative Council, the Tasmanian Labor Party, the Tasmanian Greens, LGAT, via their 2015 motion, and the Tasmanian Liberal Government, on condition that the 29 councils agree (see Peter Gutwein's letter to Tania Rattray MLC), I remain hopeful that we can progress this issue without fanfare, to a standard consistent with the definition of real-time as used in the deliberations of the Legislative Council, and with minimal expense, as per the independent cost-analysis of Mr Daniel Taylor, senior computer engineer ~ at \$12k per annum, after a one-off start-up of \$20K ~ also cited by the Legislative Council.

Thank you Mike for our extended conversation after the Pioneer meeting. It was a good one for us to have. I hope that our constructive communications may continue.

Good luck to you.

Tim,

Tim Slade

Pioneer, Tasmania

## Punctuality is the Politeness of Princes

By **Tim Slade**

Posted on March 9, 2017



**First published March 8.**

Punctuality is the politeness of princes, but it appears that Premier Hodgman arrived on the scene yesterday anyway, announcing that the State Government will take over TasWater, usurping Tasmania's local councils, in July, 2018.

The Premier also promised yesterday, in his State-Of-The-State address to Parliament ( **TT here**, and **here: specific MR** ), that his government will legislate for the guaranteed public ownership of TasWater, filtering-out the chance that TasWater will be privatised in the future.

The Premier committed to retaining dividends to local councils until 2024 / 2025, with dividends to local councils to be halved at that time.

With the promise that these two major sticking points will be taken care of by the Premier, it may indeed be the case that a State Government takeover of TasWater is much closer to being the correct plan.

But the Liberal Federal Government has refused to gift, to Tasmania's Liberal Premier, funding for the improvement of the state's water and sewerage infrastructure.

By contrast, the Federal Labor Party has committed \$65 million, should it win the next election, for Launceston's leaking sewerage infrastructure.

With the waft of an early election, and the increased likelihood of council amalgamations, the Premier's announcement yesterday is a win-win for the Liberal State Government's private interests.

### **No small detail.**

Nevertheless, it is true that Tasmania's local councils have proven themselves to be too dispersed, disorganised, and disinterested, to oversee TasWater properly, when TasWater has been publically shown to act negligently and /or without transparency, since its formation in 2012.

It is also the case that the local councils have a financial conflict of interest in their role as TasWater's sole overseer. This point was belatedly made by the Chairman of TasWater, in an interview with ABC Radio, late last year, on the day following TasWater's public announcement to reduce dividends to the local councils.

In the year gone by, the Tasmanian State Government and owner councils have performed what can only be described as a high dive in reverse, before the popular policy pool of real-time reporting of drinking water data on TasWater's website.

Who can say if the State Government will change policy, to happily adopt real-time data reporting in the near future ... The State Labor Party has spoken in Parliament to voice their commitment to doing so if they are elected.

TasWater, in a statement to ABC radio yesterday, said it had learned of the Premier's announcement for a take over of TasWater only minutes earlier, and that TasWater would wait to be provided the details of the Premier's takeover, before making a public comment.

With an election pending, the Premier is likely guilty of deep political opportunism, for it follows a deeply cynical view by the State Government since the last election, particularly towards towns

such as Pioneer in the north-east, a town left to fend for itself for the past four years and three months, since the alert for lead-contaminated drinking water in 2012.

Yesterday's statement by the Premier falls more than two years after an ABC 7.30 Report, in 2015, showing the depth of failure of TasWater and its government overseers, to deliver safe drinking water, via 30 individual rainwater tanks, to the tiny town of Pioneer.

On the day following the 7.30 Report broadcast in 2015, the Premier made his first public statement in two years about Pioneer. Premier Hodgman said: *We can't write a blank cheque ...*

In a Budget Estimates hearing a little later in the year, when asked about Pioneer, the responsible Minister, Mr Gutwein, said: *TasWater are getting on with the job at Pioneer!*

And in April 2016, the Premier and his Ministers voted *against* a parliamentary inquiry into TasWater and its overseers, the local councils. The motion was put forward by the Tasmanian Greens.

**Yesterday in Parliament, the Premier privately prayed that the mind of the Tasmanian public had not noticed anything going wrong in the years gone by, or that he and his colleagues hadn't done anything to fix it, when he said: *Tasmanians expect their government to act.***

The Premier, wearing a checkered tie, which was almost more distracting than the historical facts, went on to say: *With our plan we will fix it faster, and it will be cheaper for consumers ... and we'll do so without councils needing to increase their rates ... And water bills, which councils have forecast to increase by 5% a year. under our plan will be cut to no more than 3.5%.*

On ABC local radio yesterday, Mr David Downie, the Chairman of the TasWater Owner's Representatives Group, representing the 29 local council owners, said: *I've only heard about this less than an hour ago ... It's all a bit sudden ... But at the end of the day we've got to do the best thing. And if that outcome is achieved under a new model, or under the old model, I believe that that's the major point we have to consider ... We've been willing to work with the State Government ... If they can deliver a better outcome than we have delivered, then that's the way it will go ... But I'd like to add ... I believe it has been a success story [Local Government ownership of TasWater] ... The information we have from TasWater is that it can't be done [in five years] ... But if he [the Premier] can do the job then he should be held accountable to that ... And at the end of the day, if*

*the job can be done in five years, then the people of Tasmania are going to benefit ... But if the dividends are removed, it will put an upward pressure on rates ... A fundamental part of this argument is cost of living issues.*

Later in the day, the President of the Local Government Association of Tasmania (LGAT), Mr Doug Chipman said on ABC local radio yesterday: *We are disappointed that the State Government continues to beat up TasWater and the councils over TasWater's performance. We don't believe that that's justified. And by the time they can take over TasWater, by the 1st of July next year, most if not all of the water problems in Tasmania will have been fixed.*

Punctuality is the politeness of princes...

And since 2012, never has a member of the Liberal State Government visited the lead-affected town of Pioneer, even when invited.

Nearly all of Pioneer's neighbouring towns have been blessed with a visit from one or more Ministers from the Tasmanian Liberal State Government ~ at Bridport, Scottsdale, Moorina, Derby and St Helens ~ but these visits were to promote good news stories only, which is to say that the content of these stories was specifically *not* drinking water in the north-east of Tasmania.

Perhaps readers, who pays their bill each quarter to TasWater, will like this one the best:

*Punctuality is the price of princess' paupers ...*



## A Death In Interview Room 1

By **Tim Slade**

Posted on April 23, 2017



**March 13, 2017**

**TASMANIA ~ The trout have been quiet, and there is no tale to tell, so Leon Compton casts out for his first radio interview of the day on Tasmania's local political hour ...**

*Miles Hampton is the Chair of TasWater. He joins us in the studio this morning. Miles Hampton, good morning to you.*

Compton's voice reaches over Tasmania's autumn airwaves, falling to towns like Pioneer in the north-east, where, hitherto, lead-contaminated drinking water drips from Ye Olde taps for those who are yet to receive from TasWater a rainwater tank, more than four years since the alert in 2012.

*Good morning, Leon.* Chairman Hampton speaks with a smooth voice.

*And thank you for coming in this morning,* says Compton.

Compton begins:

*If this proposal by the State government can deliver a doubling in the speed of infrastructure improvements, and keep costs lower than you promised us in the studio in the latter part of last year, why wouldn't that be a good thing for Tasmania?*

Chairman Hampton, streaming live on webcam, blue eyes, clear as pools, peering through rimless spectacles:

*... First, I'd just like to set the record straight ...*

Reading from a written statement, Chairman Hampton stammers ...

*In parliament last week, the Treasurer said that he had repeatedly told TasWater that he wanted faster progress. The Treasurer said:*

*'Since coming to government I have repeatedly made my concerns known to TasWater and its owners'.*

Chairman Hampton tweeks the volume:

*Well I am not sure who he told at TasWater. Because he did not bother to tell even myself or our CEO Mike Brewster, that he had any concerns about the rate of progress in tackling the ageing infrastructure problems...*

*Not. Ever. Not. Once ...*

Hampton's eyes glint... He has wounded Gutwein... Chairman Hampton goes on:

*And we have met with the Treasurer at least nine times since the Libs came to government in 2014. I repeat ~ not once did he say that we were moving too slowly ...*

The Chairman strains:

*His statement in parliament, that he told us of his concerns, is simply not true.*

*Further, we have received nothing in writing from the Treasurer to state his dissatisfaction with our progress ...*

Compton is more silent than he has ever been in the interview room ...

Chairman Hampton ends it:

*In my view, this is a political stunt ~ full stop.*

The Treasurer, a regular listener to this radio broadcast hour, gasps helplessly from his Launceston Liberal Party office chair ...

And Chairman Hampton's verbalised full stop has set a precedent for Tasmanian listeners today, so they get the idea that this might be the end ...

As in: THE END.

The credibility of the Tasmania's Treasurer, Mr. Peter Gutwein, has at last suffered a mortal wound.

At the very least, this is the end of any chance that the Tasmanian Liberal Government will call an early election. Of course, this act may also be the end of Premier Hodgman's government. If it were not terminal already.

At Pioneer, rocking chairs rock; and the folk wonder ... But is this the end to lead-contaminated drinking water for us?

There was a death in Interview Room 1 today.

**-Tim Slade**

### **Post Script**

POISON PEN ~

**In the days following, on March 15, Chairman Hampton and CEO**

**Brewster signed a statutory declaration which stated that:**

**In a meeting with Mr Peter Gutwein ("the Treasurer"), when asked by me to provide support to address drinking water challenges in a number of small Tasmanian towns, the Treasurer advised that the government was not prepared to provide funding support and that the Treasurer considered the provision of water tanks an acceptable solution for some smaller towns.**

**In a subsequent meeting I advised the Treasurer that based on our**

learnings in regard to Pioneer and Mountain River, tanks were not considered to be an equitable and viable solution and that TasWater would look to find ways to provide the remaining towns with compliant reticulated drinking water. The Treasurer noted this advice but no support was offered to address the issue.

At no time in my meetings with the Treasurer, has he raised the issue of a water crisis or advised that Taswater's ten year plan needs to be accelerated Our discussions were based on a proposal developed by TasWater which set out how we might address the key water and sewerage challenges facing us in a ten year timeframe.

**I make this solemn declaration under the Oaths Act 2001 (Tas).**

#### References:

1. 'A Death In Emergency Room One', a column about JFK's assassination, by Jimmy Breslin.
2. SOUNDCLOUD, March 13, 2017: <https://soundcloud.com/936-abc-hobart/taswater-chair-miles-hampton-questions-treasurers-statement-to-parliament>
3. 'TasWater executives sign legal papers disputing Treasurer's claims on meetings', ABC News, March 16, 2017. <http://www.abc.net.au/news/2017-03-15/taswater-executives-sign-documents-to-back-claims-in-gutwein-row/8356916>

## **TasWater: CEO Brewster To Conduct A Cost-Analysis For The Real-Time Reporting Of All Drinking Water Data**

**April 20, 2017**

Under the watchful gaze of the Legislative Council's newly formed Select Committee for the proposed takeover of TasWater, Mr Brewster, the CEO of TasWater, has promised that he will now execute a full cost-analysis of the policy for the real-time reporting of all drinking water data on TasWater's website.

At long last, this decision, made by CEO Brewster on April 20, will allow for a fair and informed decision about whether or not TasWater should report in real-time.

The definition of 'real-time', as used by the Tasmanian Legislative Council in their 2016 decision in favour of the policy, is as follows:

**'As drinking water sample results return to TasWater, following periodic testing at the laboratory, the reporting of all items of data without unnecessary delay, and with the view that all data be reported on a consistent and timely basis. The intent of the definition of real time, to report all drinking water data without unnecessary delay, shall be applied at all times, and to the best of reasonable ability.'**

In the lead-up to this decision by CEO Brewster, for a full cost-analysis of real-time data reporting, on April 13 he tentatively put a new offer on the table ~ full quarterly reporting of all drinking water data on TasWater's website.

CEO Brewster's renewed engagement on the issue of data reporting will be welcomed by Tasmanians.

Presently, TasWater's quarterly report is a one-page, traffic-light pictorial, with no data. The present model is generally viewed by Tasmanians as an opaque response by TasWater, in reply to the 2015 motion of the Local Government Association of Tasmania (LGAT), for a more timely and open model for data reporting.

So the welcome news today for Tasmanians is that there are now two new options on the table:

- a) Real-time reporting of all data
- b) Quarterly reporting of all data

It is my hope that TasWater's cost-analysis for each new option will be completed in quick time, and then, released to Tasmanians as public documents.

A cost-analysis will make it easier for Tasmanians to directly compare the merits of the new options, and it will encourage the 29 owner-councils to re-engage, with TasWater and with Tasmanians, to prove that they are capable of making fair and informed decisions.

Tasmanians look forward to free and positive communications with CEO Brewster, and the 29 owner-councils, from this day forth.

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For your information, please read below, the four key e-mails written in recent negotiations with TasWater, the most recent, April 20, going back in time to February 20.

The following key stakeholders received a CC copy of these e-mails as we proceeded:

*Ms Armitage MLC, Chair of the Legislative Council's Select Committee for the proposed State takeover of TasWater;*

*Mr. Downie, Chairman of the Owners' Representatives Group (ORG) [representing the 29 owner-councils];*

*Mr. Gutwein, Minister for Local Government;*

*Tasmania's 29 mayors;*

*Mr. Bacon MP (Labor);*

*Ms Dawkins MP (Greens);*

*MS Rattray MLC;*

*Chairman of TasWater, Mr. Hampton.*

...

**April 20, 2017.**

Dear Tim,

I personally remain of the view that real-time data reporting as defined in your email places an unnecessary cost on TasWater and effectively its customers, and that quarterly publishing of all data would seem a sensible low-cost compromise.

Notwithstanding this position, in order to put the matter to bed I have asked for a formal analysis of the full cost of providing a system as per your email. Once I have that information I am happy to have a further discussion with TasWater's owners about each of the alternatives.

Kind regards,

Michael Brewster

Chief Executive Officer

...

**April 19, 2017.**

Dear Mike,

Thank you for your letter of April 13 with your preliminary thoughts about your new idea for quarterly reporting, following the LGAT motion of 2015 (July) for the timely publication of all drinking water data.

I thank you for your renewed consideration with regard to data reporting, in the light of the issues we discussed in our meeting at Pioneer.

However, there are several previously discussed problems that need to be restated in reply to your letter.

First, your stated reason for quarterly reporting (is this 3-6 month old data?), as opposed to the policy for real-time reporting, namely, cost, is incongruent with the now long-standing fact that TasWater have not employed a cost-analysis for real-time data.

This cost-analysis has been requested of TasWater by the LegCo in their 2016 (August) decision in favour of real-time reporting (Ms Rattray MLC).

The definition of 'real-time', as used by the LegCo, is as follows:

'As drinking water sample results return to TasWater, following periodic testing at the laboratory, the reporting of all items of data without unnecessary delay and with the view that all data be reported on a consistent and timely basis. And for the intent of the definition of real time, to report all drinking water data without unnecessary delay, this shall be applied at all times, and to the best of reasonable ability.'

The LegCo further stated in parliament that, if TasWater wish to dispute Mr Taylor's cost-analysis, then the LegCo would like to hear about this from TasWater. To the best of my knowledge, TasWater have not responded.

This cost analysis for real-time reporting was also requested of TasWater in a GBE in 2016 (Ms Hiscutt MLC).

Furthermore, it has been requested of TasWater by me on behalf of the Tasmanian Labor party (see speeches in parliament by Mr Bacon and Mr Green) and the Tasmanian Greens (see speech in parliament by Ms Dawkins).

TasWater has so far not refuted the independent cost-analysis for real-time data reporting by Mr Daniel Taylor, which quoted a one-off start-up cost of \$20K, and an annual cost of \$12K.

As such, it is reasonable to say, if I may say so politely, that your comments below, Mike, from your last letter, are lacking in foundation.

You wrote:



‘...a sensible alternative [to real-time] that provides the level of transparency....without imposing an unnecessary cost and administration burden on the organisation and ultimately the customer base.’

If this is your primary justification against real-time data reporting, then in the interests of proper process, you will be beholden to provide a cost analysis for real-time data, just as you are doing at present for your new idea for full quarterly reporting.

I would remind TasWater that the LGAT motion for data reporting was passed a long time ago now, nearly two years ago, in 2015 (July), and that a satisfactory model has not been forthcoming from TasWater. ORG’s members have not been consulted. This does not sound to me like a reasonable application to the task.

You have acknowledged to me that you did not take the present no-data, pictorial model, back to the 29 councils for input or approval, so it is also evident that you have not sought the opinion of the 29 owner-members about real-time reporting, or the need, and requests for, a cost-analysis ~ and when / if you do, it important that this consultation should include all councillors from within each council, and not just with the mayors.

Mike, I would like to say, as politely as I can, and with respect to you, that this is a rather conspicuous weight of evidence that you have not completed a cost-analysis for this policy, as you should.

And all of this within the context of an environment, as you and Chairman Hampton stated publically last month, in signed statutory declarations, wherein the responsible Minister, Mr Gutwein, made major false representations to the Tasmanian people about his representations to TasWater.

Mike, what is the actual difference in cost between the application of these two policies for data reporting? Real-time versus Quarterly?

I request that the Chairman of ORG, Mr Downie, see to it that, on behalf of members, he formally request of TasWater a cost-analysis for real-time reporting of all data be completed by TasWater, prior to any further actions.

Mike, I thank you for your renewed engagement on this issue.

I implore you to openly follow the correct process, and I am sure we will then find a cost-efficient and representative outcome for the Tasmanian people in the interests of data transparency.

Thanks again.

Best wishes to you.

Sincerely,

Tim.

Tim Slade

Pioneer, Tasmania

**April 13, 2017.**

Dear Tim,

I have been thinking some more about a sensible alternative that provides the level of transparency you and others are looking for without imposing an unnecessary cost and administration burden on the organisation and ultimately the customer base.

I have therefore asked the team to investigate the feasibility of publishing all sample data results on our website on a quarterly basis along with the traffic light summary. I acknowledge it doesn't entirely give you what you are looking for but it does provide for full transparency.

I am yet to receive feedback from the team on what is actually involved in doing this but on the face of it, I believe it to be a sensible halfway house.

Regards,

Mike

Michael Brewster

Chief Executive Officer

...

**February 20, 2017.**

Dear Mike,

I realise that today may be a busy day for you with the Minister for Local Government due to deliver a new document, but I wanted to touch base with you again after our extended conversation at the Pioneer meeting on February 2.

It was a useful conversation that we had. In the light of our discussion of the facts, you agreed to consider going back to the Board to ask that a cost-analysis be done for the policy of real-time reporting of data.

May I please ask you to share your thoughts with me?

You said that you were unsure if data for lead (Pb) had been collected at Pioneer before 2012, so I have attached again for you here the graph of Pioneer's data for lead (Pb) for the years 2009 – 2012. These were the three years before the alert. There were several test results exceeding the health guidelines for lead (Pb).

As I mentioned to you again in our conversation, in relation to this period at Pioneer, 2009 -2012, your Water Quality Officer, Mr. Stapleton, said to me, on March 11, 2016:

‘That wouldn’t happen now. I’m here now.’

I hope you can understand that the residents of Pioneer would have liked to have known about this data at the time. A policy of real-time data reporting would satisfy.

You also said to me that you probably should have selected a more suitable group of members for the Water Quality Group, rather than asking for volunteers. This group of volunteers, three General Managers, approved the one-page pictorial (no data) quarterly model, designed by Mr Stapleton. You also acknowledged that the results of this Group were not taken back to the 29 councils for input and agreement before it was activated on TasWater’s website last year. (Nor did the 29 councils approach TasWater).

In light of all of these circumstances, in concert with the support of the Legislative Council, the Tasmanian Labor Party, the Tasmanian Greens, LGAT, via their 2015 motion, and the Tasmanian

Liberal Government, on condition that the 29 councils agree (see Peter Gutwein's letter to Tania Rattray MLC), I remain hopeful that we can progress this issue without fanfare, to a standard consistent with the definition of real-time as used in the deliberations of the Legislative Council, and with minimal expense, as per the independent cost-analysis of Mr. Daniel Taylor, senior computer engineer ~ at \$12k per annum, after a one-off start-up of \$20K ~ also cited by the Legislative Council.

Thank you Mike for our extended conversation after the Pioneer meeting. It was a good one for us to have.

I hope that our constructive communications may continue.

Good luck to you.

Sincerely,

Tim.

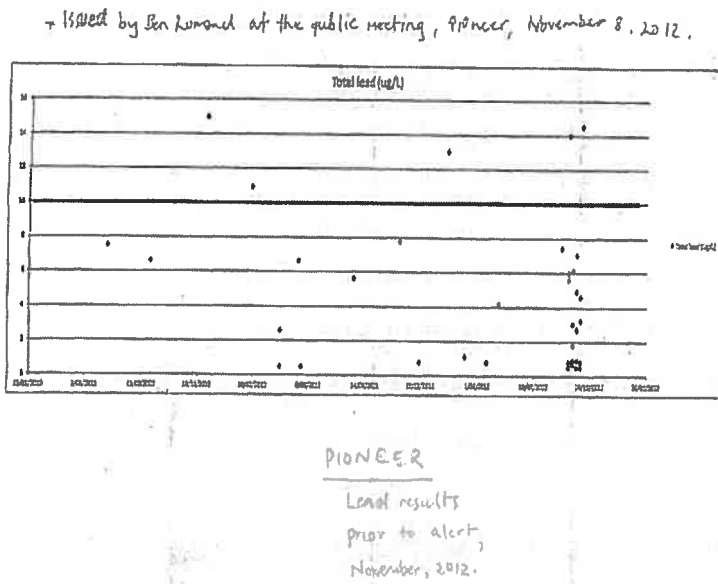
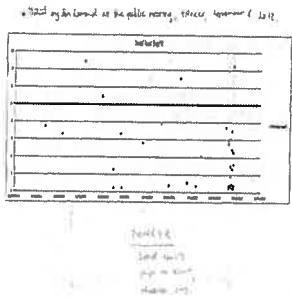
Tim Slade

Pioneer, Tasmania

# Tim Slade to TasWater's 29 Owner-Councils ...

By Editor

Posted on May 10, 2017



May 11, 2017.

Chairman of the Owners' Representatives Group (ORG)

**Dear David (Downie),**

On this day of your Special General Meeting with guest Miles Hampton, where Members will be asked to vote, for, or against, the proposed State takeover of TasWater, I politely ask you to answer the question relating to Pioneer, 2009 -2012, which once again you do not answer in your most recent e-mail reply.

I ask you to refer my question to your Members in this public forum. This is a long-standing question, the direct purview of Members, which remains unanswered in any written form to this day.

I will restate the question for you and for your Members:

**Please explain the failure to call an alert at any time during the three years at Pioneer, 2009 – 2012, where several high readings were recorded for lead (Pb) exceeding the Australian Drinking Water Health Guidelines. Please read the now public, graphed data, attached once again to today's letter. This data was released to Pioneer residents in 2013, after the alert of November, 2012. This alert for lead (Pb) continues to this day. Prior to 2009 there is not a data history for lead (Pb), therefore it is possible that this theme of lead (Pb) existed for a very long time earlier.**

**The comments of your water quality officer, Mr Stapleton, to me, in 2015, to say, in reference to Pioneer, 2009-2012, 'That wouldn't happen now... I'm here now...', are, it should be clear, directly relevant, and of concern. A gold standard was apparently not followed. As Mr Stapleton advised,**

there is indeed no existing protocol for the calling of alerts for lead (Pb), but rather, Mr Stapleton says, 'a flexible approach' is necessary.

In all of my communications to you as Chairman of the ORG, to Mr Gutwein as the responsible Minister, and to the CEO of TasWater, no person has answered in writing my question on behalf of Pioneer, nor referred to the comments by Mr Stapleton.

Should the alert for lead(Pb) have been called earlier at Pioneer? If not, why not, please?

Supplementary to this main inquiry, I furthermore request a written explanation as to why Pioneer's question, posed to the aforementioned people, on more than one occasion in each case, has been avoided by all, repeatedly, with no written reply.

In conclusion I ask, what protocols do your Members plan to implement to prevent this long-term, repeated deflection of evidenced communications on a question of health about drinking water in Tasmania?

Thank you for your consideration.

Sincerely,

Tim.

Tim Slade

Pioneer, Tasmania.

## **TasWater's Owner-Councils Vote To Reject State Takeover**

By **Tim Slade**

Posted on May 11, 2017



**TasWater's owner-councils yesterday voted to reject the Tasmanian government's proposed plan to takeover TasWater, an enterprise of Mr Peter Gutwein as the Minister for Local Government.**

In yesterday's special meeting in Launceston, TasWater's owner-councils voted as follows:

### **Councils rejecting a State takeover of TasWater:**

23 ~ Break O'Day, Brighton, Burnie, Central Coast, Circular Head, Clarence, Devonport, Flinders Island, Glamorgan Spring Bay, Glenorchy, Hobart, Kentish, Kingborough, King Island, Latrobe, Meander Valley, Northern Midlands, Southern Midlands, Tasman, Waratah-Wynyard, West Coast, West Tamar.

### **Councils supporting a State takeover of TasWater:**

4 ~ Dorset, Central Highlands, Sorell and Derwent Valley.

[Abstaining from the vote: Launceston and George Town.]

In the run-in to yesterday's local council meeting, Tasmania's Treasurer and Minister for Local Government, Mr Gutwein, said that his government remained 'committed to the takeover plan even if the councils did not agree with it'. (1)



The decision of councils yesterday follows the handing-down of the Liberal's Federal Budget on Tuesday. The Tasmanian Liberal Premier, Mr. Hodgman, did not secure one dollar of federal funding for water and sewerage infrastructure in Tasmania.

TasWater Chairman, Miles Hampton was the only invited speaker for yesterday's meeting; Minister Gutwein addressed local government during meetings in the preceding weeks.

On the website for the Local Government Association of Tasmania (LGAT), representing the financial interests of Tasmania's councils, within the Meeting Agenda, May 11, LGAT writes:

*'LGAT concurs with the Chair of TasWater when, in his letter of 21 April 2017, he urges Members to decide, one way or the other, at the 11 May Meeting. Waiting for more information, including a Bill, will place the sector at a disadvantage if Members decide at that point they wish to challenge the ownership proposal. Given the intensity of the Government's campaigning on this issue, the public and the Members of Parliament (particularly the Legislative Council) are likely to have already come to a decision, limiting the effectiveness of any late advocacy by LGAT. (2)*

LGAT's overall perspective, for owners and for communities, is documented in the Meeting Agenda, May 11:

*'Implications for owners:*

- a) Reduction (likely loss) of future revenue/no return on investment in assets.*
- b) Likely increased pressure for forced council amalgamations.*
- c) Reduced influence and scrutiny, transparency and accountability at the mercy of the Government of the day.*

*Implications for communities:*

- a) Reduced access to owners.*
- b) Reduced advocacy by owners for local service provision.*
- c) Likely increased long-term costs.*
- d) Risks to rural/service provision in the longer-term + prices capped in the short term + capital program timeframe reduced by three years. ' (3)*

It is important to note for the purposes of this discussion, the distinction between the Owners' Representatives Group (ORG) and the Local Government Association (LGAT).

The ORG represents owner-councils with regard to TasWater, and has legislated responsibilities for TasWater. All 29 councils are a part of the ORG. The Chairman is Mayor David Downie.

LGAT are a voluntary association, whose decisions are not binding on TasWater. LGAT has no responsibilities for TasWater whatsoever, with no legislated interest in TasWater. Rather, LGAT's role as an Association, as per the stated objectives on their website, is advocacy in the interests of the financial wellbeing of the local councils who are its members. LGAT does not have stated objectives on their website with regard to drinking water. The president of LGAT is Mayor Doug Chipman.

LGAT makes the reasonable and obvious point, in the Meeting Agenda for yesterday's meeting and vote, that the equivalent State funding from consolidated revenue, as proposed by Minister Gutwein, could be injected into TasWater at any time without a change in ownership.

And LGAT disputes the claim that the Government will fix the boil water alerts faster:

*'Under council ownership... it is projected that the remaining customers will receive drinking water by August 2018, well before the Treasurer's plan could take effect.'* (4)

LGAT further challenges the Government's statement that they will cap price increases at 2.5%.

*'Pricing is currently set by the independent regulator... the latest national report states that when compared to like utilities TasWater charges per customer are the lowest despite having the highest level of capital investment.'* (5)

Challenging the assertion by the Minister that the State government can borrow money at a lower rate than the councils can, LGAT states:

*'TasWater already borrow money through TasCorp at the same rate as the government. There is nothing to stop the government from sourcing more money for water and sewerage under a Local Government ownership model if it chooses to do so.'* (6)

Although the Government says it will prevent privatisation through the legislation, LGAT reminds Tasmanians that the current ownership model effectively prevents privatisation. (7)

Of course, a possible limitation of the council-owned model for TasWater is that councils, due to their financial conflict of interest in pursuit of dividends for their communities ~ reasonable or unreasonable ~ base their decision about the future of TasWater, not necessarily on the reasons of best oversight and maintenance values, for drinking water quality into the future, but on the best solution for their dividend income.

The pre-emptive submission to LGAT by the Brighton Council, bidding for councils to reject the State takeover, can safely be seen to illustrate the decision-making process of other councils, and thus is a prime example:

*'For Brighton, the loss of TasWater dividends is equal to almost 10% of rate revenue and the position could be similar for most Councils (refer Table of Figures below). LGAT members would be aware that Brighton Council made the unanimous decision to oppose the takeover largely based on this loss of revenue and its effect on Brighton ratepayers and its community.'* (8)

One must consider that councils, as an extension of this natural tendency or need for dividends for their communities, may also base oversight decisions about TasWater in reference to their own financial interests, rather than the interests of progressive drinking water policy and practice for Tasmanians.

Brighton council went on to write:

*'In the medium term, the Treasurer has said that councils will receive 50% of the total value of returns after 2024/25, but he went on to say that we have "eight years to get ready for life without dividends" ... As these distributions will not be legislated it is probable that they will not be honoured due to "budget pressure". After 2014/15 it is probable that there will be no distributions to councils.'* (9)

Looking upon this new Tasmanian war, waged under Premier Hodgman, a newly formed Legislative Council Select Committee will investigate the proposed State takeover of TasWater. The members are: Rosemary Armitage MLC, Robert Armstrong MLC, Craig Farrell MLC, Kerry Finch MLC, Mike Gaffney MLC, Tania Rattray MLC and Rob Valentine MLC.

Also relevant to the future success or otherwise of legislation for a takeover, last Saturday's election for the Legislative Council in Rumney, delivered a third Labor member to the House of review. The Labor party's policy opposes a State takeover of TasWater.

In an interesting associated issue, the State government and the 29 owner-councils are yet to explain the anomaly within the published records of the Department of Health and Human Services (DHHS). The drinking water data for 2014 / 2015 has not been published on the DHHS website. A Right-To-Information (RTI) request has been lodged for information in this regard.

The DHHS are obliged by legislation to publish drinking water data on a uniform, annual basis, separate from TasWater's own annual publication.

Returning to the proposed State takeover of TasWater, on ABC radio yesterday morning, prior to the LGAT meeting, Minister Gutwein, when questioned by Sarah Gillman about his view of TasWater's Chairman, Mr. Hampton, said:

*'Miles Hampton has completely changed his tune... Last year Mr Hampton wrote to me to say, and I quote: "The clean-green image on which Tasmania relies is at risk if we do not grasp the nettle and push forward with this plan [TasWater's 10-year plan].' (10)*

Minister Gutwein went on to say:

*'I presented at a general meeting only three or four weeks ago to local government and provided them with a detailed presentation with regards to how we would bring forward the infrastructure program, what it would mean for the company at the end of ten years. At the end of ten years, I demonstrated that the high level Treasury advice that we've received indicated that... It would be in a net profit position. All of this information has been provided to local government.' (11)*

Chairman Hampton also spoke on ABC radio yesterday. Chairman Hampton answered neatly:

*'It's whether councils believe there's a crisis to start off with. With 99.2% of our customers receiving water they can drink, and the remaining 0.8% having it by August next year, there's not a crisis in water quality... So my first point to our owners will be: there is not a crisis... If there is no crisis here, why would we make this change?' (12)*

Chairman Hampton went on to say:

‘The accusations of the Treasurer, in terms of a crisis, are completely unfounded. The accusations that we are damaging the Tasmanian brand are completely unfounded. Yes ~ we asked for assistance and he [Mr. Gutwein] told us to go away. Repeatedly. He told us to go away. And that was less than a year ago. He also said he had no money. Now all of a sudden ~ no, I want to take it over; and by the way, I’ve got some additional money to help you. I’m sorry ~ I’m challenged by the sudden change of view.’ (13)

Greens Minister Andrea Dawkins spoke in defence of Tasmania’s councils:

*‘He should definitely be listening to councils. Local government is the layer of Government that is closest to the people.’ (14)*

The shadow Minister for Finance, Scott Bacon, also spoke on ABC radio yesterday morning:

*‘This comes down to whether you can trust Peter Gutwein. He said that prices will be lower and that he’ll be able to do the work quicker. Ultimately it’s not believable. You can tell that its not believable when Peter Gutwein won’t provide any of the information that supports the claims that he makes. He hasn’t got a business case. He hasn’t released any financial modelling. And he’s produced nothing to say that the 10-year plan that TasWater has in place ~ that he says can be done in 5 years ~ he’s got nothing to back that up... What Mr Gutwein says is just not believable.’ (15)*

Mr Bacon went on to say:

*‘They [local government and TasWater] have been asking Peter Gutwein to show some interest, and to put some State government money ~ to lobby for Federal government money ~ to fix the water and sewerage issues we’ve got in Tasmania ~ and Peter Gutwein’s been fobbing them off for three years. And now he turns around to try to use their words back at them when what TasWater was doing was pleaing for help from the State government. They’ve sat on their hands effectively for three years, and now they’ve concocted an argument for political reasons.’ (16)*

When considering the merits of a council-owned model, versus a State-owned model, it will be interesting for the Legislative Council, when the proposed legislation arrives to them, to consider some further issues:

1) TasWater's CEO, Mr Brewster, has agreed, after two years of lobbying, to conduct a cost-analysis for the policy of real-time data disclosure (see the Legislative Council's definition of 'real-time'). Will this policy be implemented? In 2016 the Legislative Council voted in favour of this policy for real-time data disclosure. Is this policy more or less likely to go ahead under State ownership? Indeed, is there a genuine interest in real-time data reporting in either model of ownership for TasWater?

2) The failure to call an alert for lead (Pb) at Pioneer earlier than November, 2012. Specifically, during the three years, 2009-2012. Would this alert have been called sooner under a State-owned model? Data showing a theme of lead (Pb) during this time, 2009-2012, shows several results exceeding the Australian Health Guidelines. This data was released to Pioneer's residents after the alert was called in November 2012. (17)

Minister Gutwein has failed to reply to letters on this question in his time as the responsible Minister. The ORG's Chairman Downie has failed to do the same on this question after receiving letters. Mr. Downie's seven-word reply yesterday was the first direct reply to me on this question. Mr. Downie, Chairman of the 29 councils, the owners of TasWater and sole overseers of TasWater, wrote to me: 'Please refer your question to Mike Brewster.' And TasWater's CEO Brewster and Chairman Hampton, have long failed to directly respond to several letters on this question, as Chairman Downie is well aware...

3) Will Pioneer ultimately receive piped, treated water, from the Ringarooma Valley treatment plant? [And several residents have not yet received a rainwater tank, four years and six months after the existing alert for lead (Pb), called in 2012.]

4) Will Judbury be offered the available chemical-free treatment option ~ point-of-use ultra-violet (a small unit installed into each home) ~ an option which is approved by the Tasmanian Director of Public Health? When suitable and government-approved alternatives are available, and when the town is small, in support, and it possesses natural water of a very high quality, will TasWater use a less chemical-reliant treatment method where possible? TasWater has a legislated obligation to

balance the risks of short-term, bacterial risk (eg. e-coli), with long-term risks to health, those associated with chemical treatment, notably, chlorine. (Please refer to TasWater's Disinfection Practices Paper.)

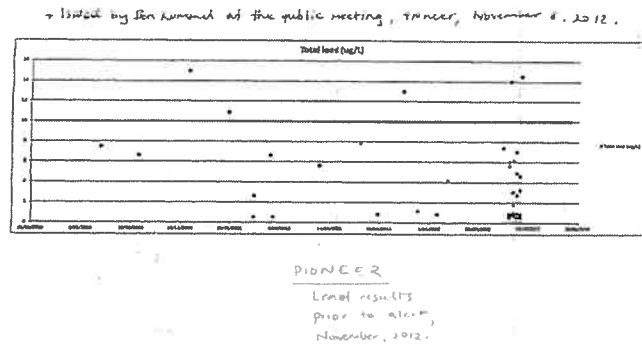
Tasmanians wish good luck to the Legislative Council's Select Committee for the proposed Sate takeover of TasWater.

It may be of interest to readers that Chairman Hampton made one further new statement yesterday to the ABC's Sarah Gillman. Chairman Hampton said that his time at TasWater would soon come to a close:

*'I had a five-year term as Chairman of TasWater, but that comes to an end at the end of January next year. I made it clear to the owners a year ago that I would not be wishing to stay on. I think there is always a time for change in leadership in organisations.'* (18)

## References:

1. The Examiner, May 10, 2017. Tasmanian councils vote on TasWater takeover on Thursday. Link: <http://www.examiner.com.au/story/4652903/vote-wont-stop-takeover/?cs=5312>
- 2, 3, 4, 5, 6, 7, 8, 9. LGAT Special General Meeting Agenda, May 11, 2017. Link: <http://www.lgat.tas.gov.au/webdata/resources/files/11%20May%202017%20Special%20General%20Meeting%20Agenda.pdf>
- 10, 11, 12, 13. ABC 936 Radio, Tasmania, May 11, 2017. Interviewer: Sarah Gillman.
14. ABC News online. TasWater fight: Councils urge upper house to block takeover plan. May 11, 2017.
- 15 & 16. ABC 936 Radio, Tasmania, May 11, 2017. Interviewer: Sarah Gillman.
17. Lead (Pb) data results (graph) for Pioneer, Tasmania, 2009 -2012. Ben Lomond Water.
18. ABC 936 Radio, Tasmania, May 11, 2017. Interviewer: Sarah Gillman.
19. LGAT Special General Meeting Agenda, May 11, 2017. Link: <http://www.lgat.tas.gov.au/webdata/resources/files/11%20May%202017%20Special%20General%20Meeting%20Agenda.pdf>



### Data Provided:

#### Annual payments from State Budget for 2018/19 – 2024/25 if TasWater becomes a GBE (3)

Council / % Distribution / Estimated loss

Launceston City 13.62% \$ 2,724,000

Clarence 11.06% \$ 2,212,000

Glenorchy 10.86% \$ 2,172,000

Hobart 10.86% \$ 2,171,000

Kingborough 6.16% \$ 1,232,000

Devonport 5.46% \$ 1,092,000

Central Coast 4.77% \$ 954,000

Burnie 4.14% \$ 828,000

West Tamar 3.28% \$ 656,000

Brighton 3.08% \$ 616,000

Waratah Wynyard 2.81% \$ 562,000

Meander Valley 2.78% \$ 556,000

Northern Midlands 2.34% \$ 468,000

Huon Valley 2.12% \$ 424,000

Glamorgan S.B. 2.07% \$ 414,000

Break O'Day 1.94% \$ 388,000

Latrobe 1.91% \$ 382,000

West Coast 1.81% \$ 362,000

Sorell 1.62% \$ 324,000

Circular Head 1.58% \$ 316,000

Derwent Valley 1.36% \$ 272,000

George Town 1.13% \$ 226,000



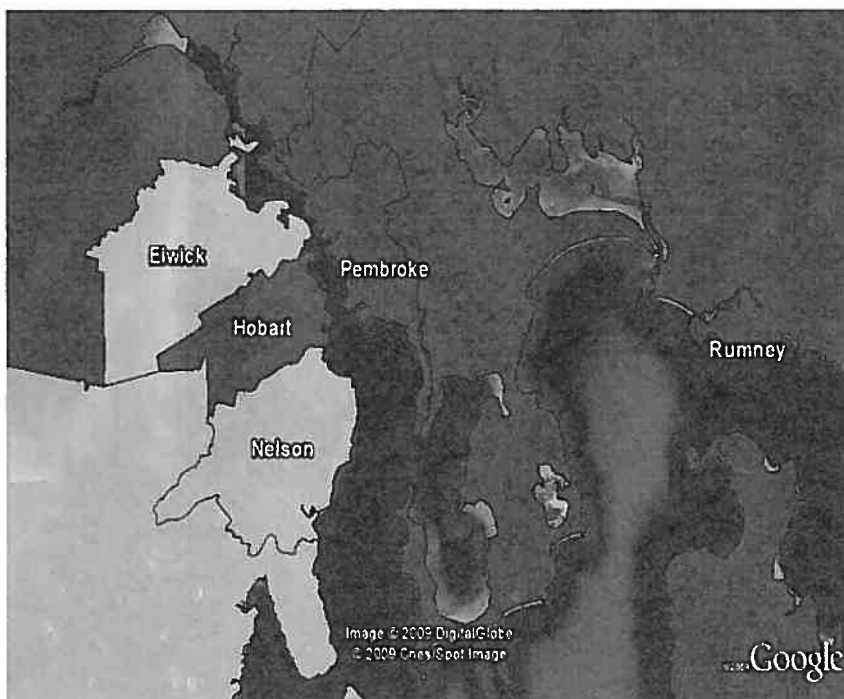
Dorset 0.97% \$ 194,000  
Southern Midlands 0.76% \$ 152,000  
Central Highlands 0.51% \$ 102,000  
Kentish 0.44% \$ 88,000  
King Island 0.33% \$ 66,000  
Flinders 0.18% \$ 36,000  
Tasman 0.05% \$ 1,000  
Total \$ 20,000,000

Tim Slade ~ Reference (19)

## Pembroke by-election is a referendum...

By **Tim Slade**

Posted on November 3, 2017



**The by-election for Pembroke today is considered by many as a referendum on the proposed State takeover of TasWater, with the Tasmanian State election due in March.**

The pending vote in Tasmania's Legislative Council, to decide upon this proposed State takeover of TasWater, has been placed on hold, by the Liberal State government, until after this by-election in Pembroke.

With the numbers in the Legislative Council reported by insiders to be finely balanced in consideration, the State Liberal government hopes that the number of Liberal members in the Upper House will be restored today, to the number enjoyed prior to the resignation, earlier this year, of their Liberal member, Vanessa Goodwin (due to cancer).

For the Tasmanian Liberal government, in hot water controversy in each ministerial portfolio, and beset with resignations, they believe that their chances for re-election in March next year may be boosted if the State takeover of TasWater is approved by the Legislative Council.

In opposition to the takeover is the Tasmanian Labor Party, the Tasmanian Greens, and an overwhelming majority of the 29 owner-councils, legislated members of the Owners' Representatives Group (ORG) and the Local Government Association of Tasmania (LGAT).

As a resident at Pioneer, a town living with an alert for lead-contamination since 2012, I have seen the Tasmanian State Liberal government ignore our town since taking government. Not one member of the Liberal State parliament has ever attended a public meeting at Pioneer. Requests by me for a meeting with Minister Peter Gutwein to discuss the detail of problems have been declined. Questions in parliament about Pioneer have been deflected by Minister Gutwein, so that they have gone unanswered. In Budget Estimates in 2016, Minister Gutwein defended TasWater, rather than stand up for Pioneer. Questions and evidence relating to failed process at TasWater, and with the 29 owner-councils, were ignored by Minister Gutwein, who the responsible Minister for drinking water, and the Minister for Local Government.

Doug Chipman, the front-runner in today's Pembroke election, has been the president of LGAT since 2015. He is also the Mayor of Clarence. Today he runs as an Independent candidate for

Pembroke. Doug Chipman's candidacy is notable because of the senior role he has held at LGAT, representing the councils in issues relating to TasWater.

**Today Doug Chipman states in this questionnaire his new view on TasWater, which is to formally support the real-time reporting of all drinking water data on TasWater's website, so long as the cost for the policy is reasonable.**

The State Liberal government candidate for Pembroke, James Walker, who supports the proposed State takeover of TasWater, would not answer Q2 of the questionnaire. It can only be assumed that he does not support the policy for real-time data reporting at TasWater. In all discussions so far in the public arena, the State Liberal government has expressed its opposition to the real-time reporting of all drinking water data on TasWater's website. (Also, in the House of Assembly this week, the State Liberal government voted against a motion which sought to adopt the real-time disclosure of money donations to political parties in Tasmania.)

So Mr Chipman's new position today, for real-time data transparency at TasWater, would be a significant new point to consider for people voting in Pembroke. Alas, it is unlikely that most folk of Pembroke will learn about his view in time for the election today. To-date, not one of the candidates has mentioned this policy in any media or public forums for discussion, leading up to today's by-election. But for readers here, Doug Chipman's new view will highlight an additional contrast to the view of the State Liberal government, with regard to their plans for TasWater.

Richard James (Independent) proves that it is possible to simultaneously support the State takeover of TasWater and support the real-time reporting of all drinking water.

On the morning of this Pembroke by-election, Tasmanians sipping their morning cup of tea may wonder (a new Boil Water Alert at Risdon Vale was lifted on Thursday) what this new view means for Tasmania's chances to adopt this policy?

Since the LGAT motion of July, 2015, which was successfully upheld, in favour of more timely and comprehensive data reporting on TasWater's website, there has been more than two years of frustrated lobbying for this policy at TasWater: state-wide, beginning at Pioneer, where an alert for lead-contaminated drinking water has been active since 2012. Indeed, until now, Doug Chipman has held a position of silent opposition to the policy for real-time data transparency.

Since 2015, this LGAT motion has travelled along a dark and endless detour, but perhaps there is now an unexpected glimmer of light at the end of the tunnel?

**Tasmanians trust that this new statement of action for transparency by Mr Chipman holds water.**

It will be a great disappointment for many Tasmanians that the State Liberal government continues to oppose this policy for real-time data transparency at TasWater.

The explicitly defined policy presently enjoys the support of Tasmania's Legislative Council (since August, 2016), the Tasmanian Labor Party, and the Tasmanian Greens.

TasWater has opposed the policy for the real-time reporting of all drinking water data; but a brief for an independent cost-analysis of this policy was recently lodged by the CEO of TasWater, Mike Brewster, following sustained lobbying. TasWater have since received the report and a quote. It is presently under consideration by TasWater and the Economic Regulator.

The report for the independent cost-analysis has not been released by TasWater for public viewing at this time.

...

### **Pembroke Questionnaire ~ Chipman's New View On TasWater**

**The Hobart electorate of Pembroke includes the eastern-shore suburbs of Bellerive, Clarence, Geilston Bay, Howrah, Lindisfarne, Montagu Bay, Mornington, Otago, Risdon, Risdon Vale, Rose Bay, Rosny, Rosny Park, Tranmere, and Warrane.**

The candidates for the Pembroke by-election today were asked two questions relating to TasWater:

**1. If you become the member for Pembroke, will you support the proposed legislation for the State takeover of TasWater?**

**Yes ~ James Walker (Liberal Party), Richard James (Independent).**

**No** ~ Doug Chipman (Independent), Bill Harvey (Greens), Jo Siejka (Labor), Hans Willink (Independent)

**2. If you become the member for Pembroke, will you support the policy of real-time reporting of all drinking water data on TasWater's website, so long as the ongoing cost for this policy is reasonable?** [The definition of *real-time* was provided to candidates.]

**Yes** ~ Doug Chipman (Independent), Jo Siejka (Labor), Bill Harvey (Greens), Hans Willink (Independent), Richard James (Independent).

**No** ~ [James Walker (Liberal Party) did not reply to this question, but State Liberal Party policy opposes real-time data reporting at TasWater.]

**Additional comments** ~ These can be found at the end of this article (see below).

**Failed to reply to the questionnaire** ~ Carlo Di Falco (Shooters, Fishers, Farmers Party).

...

NOTE:

Each candidate received this questionnaire from two sources. First, via Facebook, on November 1; and for a second time, via e-mail, on November 2. James Walker (Liberal Party) answered only one question of the questionnaire; and despite a follow-up e-mail from me, asking Mr Walker to answer both questions, he failed to reply, and so did not answer Q2.

**Additional Comments by the Candidates for Pembroke ~ TasWater Questionnaire.**

**James Walker (Liberal)**

‘Thank you for your email survey about TasWater.

Yes I support the Hodgman Liberal Government's plan to take control of TasWater.’

[Mr. Walker did not answer Q2.]

**Jo Siejka (Labor)**

Q1: No. TasWater takeover as presented currently is not supported by Tas. Labor.

Q2: Real-time reporting – yes, supported in principle, subject to costing and accuracy (a robust system in place to ensure that the validity of data sets is able to be relied upon).

### **Richard James (Independent)**

Q1: Yes. I believe water and sewerage services are essential services and have to come under the umbrella of State Government control. It must stay in public ownership and I would not support legislation to sell water and sewerage services to the private sector.

Q2: I would support the policy on the understanding a State takeover of TasWater would continue to provide real-time reporting until the State Government's capital works programme of providing fresh water to all Tasmanians is concluded. Subsequent to that an assessment should be undertaken to determine whether real-time reporting of all drinking water should occur in accordance with decisions reached between Legislative Council decision 2015, Tasmanian Labor Party and the Tasmanian Greens. Reasonable costs made available to support the reporting process.

• **Questionnaire on Facebook [HERE](#)**

## **Today's Prize-Fight for Real-Time Reporting at TasWater ... VICTORY ...**

By **Tim Slade**

Posted on April 9, 2018





TW-PAM ref: 14/23765

6 April 2018

Mr Tim Slade  
8 Moore Street  
Pioneer TAS 7264

Dear Tim

Publishing of real time water quality data

On 28 March 2018 the TasWater Board considered the merits of moving to publish real time water quality data.

A copy of your submission was provided to the Board to assist with their deliberations.

In coming to a conclusion, the Board took into account a range of relevant matters:

- A global desire for increased transparency by utilities
- The extent to which the community would receive additional health benefits from more frequent publishing of data
- The cost of publishing real time data
- Recognising the turnaround times available from commercial laboratories The adequacy of the current reporting arrangements
- The views of the Director of Health and other interested parties such as yourself
- The challenges associated with validating over 180,000 data points on a real time basis
- Current practices of other water utilities

I am pleased to advise that the Board determined to move to national best practice by publishing all water quality data on a monthly basis.

The new website will be made operational by the end of the calendar year. Thereafter, it will be reviewed on an annual basis to determine its effectiveness and assess the extent to which the community finds the website to be a valuable tool.

The Board Chair Miles Hampton and the writer acknowledge your extensive input, ongoing interest and passion for this matter which has led to the revisiting of our policy.

I look forward to seeing the new website become operational and receiving your subsequent feedback.

Yours sincerely

Michael Brewster  
Chief Executive Officer

Tasmanian Water & Sewerage Corporation Pty Ltd  
GPO Box 1791 Hobart TAS 7001  
Email: enquiries@taswater.tas.gov.au  
TAS 13 6197  
A09 62 162 24963

**First published March 29**

**Wednesday, March 28, 2018**

**In today's early morning prize-fight, the Board of TasWater shaped-up to the proposed policy for real-time reporting of all drinking water data in Tasmania.**

TasWater's sting-like-a-bee punch cost for the proposed policy is \$2K per year, per council, and a one-off start-up cost of \$3K per council.



Floating like a butterfly ~ TasWater's Board of Directors, with a combined annual salary of \$519,694 ~ the Board is no less colourful for the fact that they are also the judges of today's bout. They are: Miles Hampton (Chairman), Nick Burrows, Sally Darke, Sibylle Krieger, Helen Locher, Vincent Kelly, and Peter Lewinsky.

Touching gloves for a fair fight, after thirty months of one-sided letter writing for the proposed policy, and with a piece of Pioneer lead (Pb) in each boxing glove, the Underdog waits to land a one-chance knock-out blow to TasWater on behalf of Tasmanians.

In the corner for the Underdog, Tania Rattray MLC has penned a letter to the Board as a sharp reminder (upper-cut) of the Legislative Council's 2016 in-principle motion in support of the policy of real-time data reporting at TasWater.

Scott Bacon MP, the most popular member in Tasmania's capital city, Hobart, has penned a letter to the Board (a Lower House pump to the solar plexus) in support of the policy, on behalf of the Tasmanian Labor Party.

Cassy O'Connor, leader of the Tasmanian Greens, considered by regular watchers of the parliament as a contender for the best prize-fighter in her own right, cheers for the Underdog, her Party the longest standing supporter of the proposed policy.

In an e-mail to Tim Slade from Doug Chipman, President of the Local Government Association of Tasmania (LGAT), representing the 29 owner councils ~ 2017, in reply to a public questionnaire during the Pembroke by-election ~ Mr. Chipman nods his new support for the policy. For TasWater, Doug Chipman's new support for the proposed policy is a quiet, yet eerie, presence, standing today in the corner for the Underdog.

Meanwhile Pioneer is punch drunk after five years waiting for safe drinking water via individual rainwater tanks, in response to an alert for lead-contaminated drinking water in 2012. At Pioneer the alert for lead (Pb) was belatedly called after a three-year theme of lead (Pb), data held within the private database of Ben Lomond Water (now, TasWater), with several results exceeding the 10 ug/L Australian Drinking Water Guidelines (ADWG) health limit. A precautionary approach could have been applied by Ben Lomond Water, especially as there were decades of unknown lead data history at Pioneer, a factor which was given light weight in the Pioneer lead-contamination equation.

**Today, the prospect of a fair prize-fight was at last granted a venue and a time ...**

During today's prize-fight, short of TasWater calling the Underdogs The Gorilla in Manila, it has been reported that at one point in proceedings there was a rough whisper of The Torn Ear of Pioneer.

The following are the main knuckle taps by Tim Slade, on behalf of the Underdog, in favour of the policy:

- (1) This is an opportunity to dispel any and all public perception that TasWater is not timely, transparent or competent. \$2k per year, per council, and \$3k as a one-off start-up, can be considered to be a reasonable cost to justify the introduction of the proposed policy.
- (2) A right-to-know issue for Tasmanians. When costs are reasonable, and data has been double-checked, it is no longer reasonable to defend barriers to population-owned data and information. TasWater as a modern organisation, responsive to changing community expectations in the digital age.
- (3) TasWater can play a broader role to support each Tasmanian's awareness of personal health and environmental health. A tool for public education, fostering a day-to-day relationship with the water we drink. It will inform our broader life. The proposed policy would foster community feedback, and hence, dynamic and conscientious future planning on behalf of all Tasmanians. The benefits will be far-reaching and long-lasting for the Tasmanian community and for TasWater.
- (4) Adoption of the proposed policy will be an act of good faith for Tasmanians who have lived with Do Not Consume alerts, long-term.
- (5) The proposed policy becomes a genuine point of difference between the council-owned model of TasWater and the GBE model of ownership. The Board may adopt the proposed policy as a component of a fresh defence against a renewed bid for a hostile State takeover. The State government has allowed politics to enter the arena of drinking water policy in Tasmania. The Hodgman government's opposition to the proposed policy ~ in addition to all other forms of real-time reporting, such as for political donations [eg. Federal Hotels], Right To Information requests, Treasury budget documents, and pre-election policies ~ the Hodgman government's opposition to transparency can be framed by the Board of TasWater. With the re-election of the State Hodgman

government and their renewed push for a takeover of TasWater, endorsed by Brian Wightman of the Tasmanian Property Council as ‘a new mandate’ (ABC, March 7, 2018), the proposed policy should be considered.

(6) An opportunity to offer new employment for one Tasmanian, for the minimal cost of approximately \$2K per year, per council. A bonus which is active as part of the proposed policy, this employee may be available for other tasks unrelated to the maintenance of the proposed policy.

(7) Tasmania can be a national leader in policy for drinking water, with Australia’s remaining states and territories free to follow.

In consideration of the punches today, did the Board have an uninterrupted view of the bout, as judge and boxer? And were they shadow-boxing, as they have done in the past?

If justice prevails today, TasWater will have taken these taps squarely on the chin...

#### **Now for one final punch by the Underdog for TasWater’s consideration:**

It is logical to conclude that if improvements to policy as it relates to timely transparency, public education and right-to-know, are not progressed, then reference to the Integrity Commission, as suggested to me by the Ombudsman, becomes the unfortunate option to be considered in relation to the Pioneer question(s) ~

Should the alert for Pioneer have been called earlier? Why has every responsible person for the governance of TasWater so far ignored each and all formal written invitations to respond to this question, over many years, and on many occasions?

The Board of TasWater has the choice to throw in the towel today...

The Board of TasWater can shake hands on the proposed policy for the real-time reporting of all drinking water data. This will be viewed as a new and welcome act of good faith, for all Tasmanians...

The final bell rings loud ...

Tasmanians ~ THE WINNER IS...

[The footage (or a transcript) of today's exchange will not be made public, deemed confidential by the Executive Assistant to the CEO of TasWater...]

• **Download Report for the Board of TasWater ...Tim\_Slade ~\_Board\_of\_TasWater~\_Real-Time\_Reporting\_of\_All\_Drinking\_Water\_Data ~\_March\_15,\_2018\_.docx**

Option 1

| Publish all drinking water data on a quarterly basis |                     |
|------------------------------------------------------|---------------------|
| CAPEX/START UP COSTS                                 | Cost \$             |
| Project management                                   | \$ 3952.00          |
| Process design                                       | \$ 1409.04          |
| Documentation                                        | \$ 2079.36          |
| Report design                                        | \$ 1757.44          |
| QA/QC                                                | \$ 2348.4           |
| Publishing                                           | \$ 3018.72          |
| Sub Total                                            | \$ 16564.96         |
| Contingency (30%)                                    | \$ 4969.49          |
| <b>CAPEX TOTAL</b>                                   | <b>\$ 21,534.45</b> |
| OPEX (Ongoing costs) p/a                             | \$ 14090.4          |
| OPEX contingency                                     | \$ 4227.12          |
| <b>OPEX TOTAL p/a</b>                                | <b>\$ 18,317.52</b> |

Option 2

| Create web-site functionality to facilitate publishing real-time data |                      |
|-----------------------------------------------------------------------|----------------------|
| START UP COSTS                                                        | Cost \$              |
| Project management related tasks                                      | \$ 11,856.00         |
| Consulting support to implement public facing web portal              | \$ 14,994.80         |
| Elicit and document requirements                                      | \$ 2,348.40          |
| Duplicate AI product in DM2                                           | \$ 5,000.00          |
| Install of above                                                      | \$ 4,944.00          |
| Data integration and testing processes and procedures                 | \$ 14,090.40         |
| Process and procedures                                                | \$ 19,726.56         |
| Administration and support functions                                  | \$ 15,079.76         |
| Manager review                                                        | \$ 1,140.00          |
| Communication plan for customer enquiries                             | \$ 1,409.04          |
| Sub Total                                                             | \$ 90,538.96         |
| Contingency (30%)                                                     | \$ 27,161.69         |
| <b>Total CAPEX/START UP COSTS</b>                                     | <b>\$ 117,700.65</b> |
| ONGOING COSTS                                                         |                      |
| OPEX ongoing costs p/a                                                | \$ 61,058.40         |
| Contingency (30%)                                                     | \$ 18,317.52         |
| <b>OPEX TOTAL p/a</b>                                                 | <b>\$ 79,375.92</b>  |

## Scott Bacon MP

Labor Member for Denison

Board of Management  
TasWater  
GPO Box 1353  
HOBART TAS 7000

21 MAR 2018

Dear Board members

I am writing in support of real-time reporting of all drinking water data.

Labor recognises the move to a single corporation TasWater has significantly improved Tasmania's drinking water quality. This is due to the structured and strategic approach undertaken by TasWater to meet its key objectives over a number of years.

In addition, continuous improvement of services has been recognised as part of TasWater's Long Term Strategic Plan (LTSP). This includes improving the quality of service that Tasmanians should reasonably expect and I commend the corporation for adopting a consultative engagement strategy to hear from customers and stakeholders as part of the LTSP.

During our time in Opposition, we have had meetings with Mr Tim Slade regarding his idea for real-time reporting of all drinking water. We believe his idea has merit and in 2016, the Labor Party adopted the proposed policy for real-time reporting of all drinking water data following the Legislative Council voting in favour of an in-principle motion.

The Labor Party has a platform on Public Health which states Labor will encourage further co-ordination and linkages between public health, Local Government and local communities. Further, Labor will encourage public health campaigns in key lifestyle areas that influence health and wellbeing outcomes.

In the digital age it makes sense for the public to have access to information in real time. This allows communities to pro-actively respond to any potential changes to the quality of their drinking water before it becomes a public health issue.

For these reasons, we trust TasWater will also see the benefits of making this information accessible to the public. If you have any further questions regarding this letter of support, please feel free to contact me on 6212 2383.

Yours sincerely



Scott Bacon MP  
Labor Member for Denison

✉ 353 Main Road  
GLENORCHY TAS 7010  
☎ 03 6212 2383  
✉ scott.bacon@parliament.tas.gov.au  
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Tasmanian  
**Labor**   
Putting people first

**TANIA RATTRAY MLC**  
 INDEPENDENT MEMBER FOR MAGNETYRE

**SCOTTSDALE**

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Legislative Council

**HOBART**

Parliament House  
 HOBART TASMANIA 7000  
 Tel: (03) 6212 2330  
 Fax: (03) 6234 1839

13<sup>th</sup> March 2013

Mr Miles Hampton  
 Chairman  
 TasWater Board  
 GPO Box 1593  
 HOBART TAS 7001

Dear Mr Hampton & Directors

I am writing to add my support to the submission for the implementation of a real-time data policy.

I am aware that Mr Tim Slade of Pioneer has presented a submission urging the Board to support the availability of real time data information for drinking water for all TasWater customers. I believe implementing this policy is in the interests of our communities and will provide transparency and importantly instill community confidence in the water quality that is delivered by TasWater on behalf of its owner Local Government Councils.

There has been a great deal of discussion regarding this issue in the public arena for some time now where in August of 2016 the Legislative Council supported a Notice of Motion put forward by myself as the Member for Apsley. This motion I believe gained the support of the Legislative Council as it was evident from the information provided to Members that there would be a community benefit by having this valuable data available in real-time.

I am also aware that there has been a level of reluctance to implement the real-time reporting due to the potential financial impost which I acknowledge is a responsible approach in the first instance. Since those initial costings I am aware that there has been a cost analysis undertaken which indicates more reasonable costs associated with the model which appears to be an affordable option when the costs would be shared among the 29 member Councils.

In closing I would like to acknowledge the work and the efforts that Mr Slade has put into progressing this policy on behalf of his community and in turn to the benefit of all Tasmanian communities.

Thank you for your consideration of this matter and I trust that the Board will consider the merits of this policy through its deliberations and a favourable outcome is achieved for all.

Yours sincerely

Tania Rattray MLC

## Department of Health and Human Services

GPO Box 125, HOBART TAS 7001 Australia  
 Ph: 1300 135 513  
 Web: [www.dhhs.tas.gov.au](http://www.dhhs.tas.gov.au)



Contact: Cameron Dalgleish  
 Phone: (03) 6166 0676  
 Facsimile: (03)  
 Email: [cameron.dalgleish@dhhs.tas.gov.au](mailto:cameron.dalgleish@dhhs.tas.gov.au)  
 Fax: FPH401724

Michael Brewster  
 Chief Executive Officer  
 TasWater  
 PO Box 1393  
 HOBART TAS 7001

*M. Brewster*  
 Dear Mr Brewster

**Subject: Online Drinking Water Quality Data**

Thank you for your letter of 9 October 2017 seeking my views about real-time publication of drinking water quality data. I apologise for this late reply.

Legislation requires TasWater to publish an Annual Drinking Water Quality Report. This very substantial document provides a comprehensive and clear account of data from monitoring conducted across all supply systems. The raw data for the most recent 2015-16 Report are now available on-line in several vast documents.

Legislation requires TasWater to notify the Department of Health and Human Services (DHHS) of any water quality result that is non-compliant with the Australian Drinking Water Guidelines, or if they become aware that the drinking water that they manage poses an actual or likely threat to public health.

TasWater must notify such aberrations immediately, and investigate and act to mitigate any risk to public health. My experience of these notifications and the responses to them is that they are effective. They are typically managed in close collaboration with DHHS; I am unaware of any verified illness arising from such events. It is not uncommon for a non-compliant result arising from routine testing to not be confirmed at follow-up (due to an initial sampling or test artefact, or resolution of the cause). In such circumstances the decision on the need for actions to protect public health requires a cautious appraisal of other factors as well as the test result.

TasWater has also introduced a quarterly 'traffic light' reporting system that provides a more timely account of additional verified and quality controlled data. These reports also provide a brief account of actions taken in response to exceedances of Australian Drinking Water Guidelines criteria. I understand that TasWater is prepared to provide recent data to their customers upon request.

These routine monitoring activities and responses, along with system-wide risk assessment processes, and actions and investments to address identified risks, are the critical contributors to maintaining a safe Tasmanian public drinking water supply.

I recognise the genuine interest that members of the public have in tracking such data. However I do not believe that real time publication of water quality data would provide any additional margin of health benefit or safety above that achieved through the existing mechanisms I have noted above.

It is possible that investment in near real time public reporting of water quality data may serve to assuage some mistrust or suspicion of performance and safety. On the other hand it may risk generating misunderstandings around results, for example when the validity of sampling and testing needs to be reviewed *in vivo* rather than assumed correct *in silico*.

Should you wish to discuss in more detail, please feel free to contact me directly, or Cameron Dalgleish, State Water Officer.

Yours sincerely,



Dr Mark Veitch  
Director of Public Health

16 January 2018



## **‘Agreement reached on TasWater’**

By **Tim Slade**

Posted on April 30, 2018



**Today an historic agreement has been reached between the State Government, the Local Government Owners Chief representative and TasWater to improve water and sewerage services in Tasmania ...**

**More ...[HERE](#) and [HERE](#)**

### **MEDIA RELEASE**

Will Hodgman, Premier. Miles Hampton, Chair TasWater

01.05.18 9:35 am

Today an historic agreement has been reached between the State Government, the Local Government Owners Chief representative and TasWater to improve water and sewerage services in Tasmania.

An MoU (attached) will pave the way for a package of reforms that will be presented to council owners and, if supported by councils, tabled in Parliament.

Tasmanians will benefit from a partnership that will see a reduction in forecast price increases, accelerated infrastructure upgrades and a joint focus on major projects such as Macquarie Point, the Launceston combined system and MONA.

The Government and TasWater will also work together on trade waste and expanding water and sewerage services to parts of the State that aren't currently covered by TasWater's network.

Under the agreement, the Government will inject \$20 million per year for the next ten years into TasWater and in return will become a shareholder of TasWater.

Under the agreement, local government will retain majority ownership of TasWater and new governance arrangements will ensure that State and Local Government will work together with TasWater's board to deliver the capital program.

The Treasurer, Peter Gutwein, said it was pleasing to see all parties coming together with a clear focus on what is in the best interests of Tasmania.

"This package of reforms, if endorsed by Local Government owners and supported by Parliament, will allow the State Government to fulfil its commitments regarding prices and infrastructure investment."

Chief Owners Representative and Mayor of the Northern Midlands Council, David Downie said the agreement would allow TasWater to build on the excellent work done to date and Councils will be able to maintain a focus on local economic issues while continuing to have a major say on the direction of TasWater. This is particularly important given the impact of water and sewerage on local communities. Importantly, dividends to Local Government owners will be guaranteed and the State Government will not receive a dividend.

Doug Chipman, President LGAT, and Mayor of Clarence City Council said it was extremely pleasing to see all levels of government come together in partnership on such an important matter for Tasmanians.

The Chairman of TasWater, Miles Hampton, said the Board was pleased that the State Government and Owner Councils had reached agreement to move forward in a cooperative and collaborative manner.

"The reform of the water and sewerage sector is arguably the single most important economic reform that has been undertaken in Tasmania for many decades and we can now focus our entire effort on ensuring the benefits expected from the reform are realised."

**Memorandum of Understanding ...**

Memorandum of Understanding made at Hobart on 1 May 2018  
Progressing further reforms in Tasmania's water and sewerage industry

# 1. Key principles and objectives

1.1. The State Government, TasWater and the Chief Representative of the Owners' Representatives Group have reached in principle agreement to work together to further reform the important water and sewerage sector to achieve the following key outcomes:

a. The State Government to become a part owner of TasWater, involving revised governance arrangements, to enable Local Government and the State Government to work together to improve water and sewerage outcomes for the betterment of Tasmania;

b. TasWater will accelerate its water and sewerage infrastructure investment program;

c. future regulated water and sewerage prices in Tasmania will be capped until 30 June 2025;

d. TasWater continues to be a sustainable and financially viable corporation that delivers water and sewerage services in Tasmania effectively and efficiently.

# 2. Joint ownership of TasWater

2.1. The parties will work together to develop a joint ownership model with the objectives of ensuring that:

a. the councils of Tasmania collectively will retain majority ownership of TasWater;

b. the State becomes an owner, through a new class of shares, which will reflect the State's decision to not receive any distributions from TasWater;

c. the councils will continue to receive payments as agreed between them and the corporation and the option of legislating this commitment will be jointly explored;

d. TasWater's corporate plan is jointly agreed between the Owners' Representatives and the State, with agreed arrangements in place in the event of deadlock;

e. the State to be included in the process for the appointment of the Board and both the Chief Owners Representative and the State to be consulted regarding the appointment of the CEO;

f. the Chief Owners Representative, Chair and the CEO of TasWater are to appear at the GBE Scrutiny Committee of the lower and upper house in alternate rotation;

g. TasWater provides financial and other information to the Department of Treasury and Finance which will allow the Department to provide advice to the owners as it does for State Government businesses;

h. there are regular post Board meetings between Ministers (the Treasurer and the Minister for Primary Industries and Water) and the Chair and Chief Executive Officer of TasWater;

i. TasWater's corporate governance documents, including its Constitution and the

Shareholders' Letter of Expectation, are amended to reflect the changed governance arrangements; and

j. the State will provide contributions to TasWater, to a total of \$200 million over the ten year period commencing on 1 January 2019, with the first contribution provided in the 2018-19 financial year. The parties will work cooperatively to develop a schedule for the State's contributions over the ten year period.

2.2. The State will introduce legislation into the Parliament to allow TasWater to be jointly owned by the councils of Tasmania and the State. The Bill will reflect the revised governance arrangements agreed by the parties.

3. TasWater's Infrastructure Investment Program

3.1. The parties acknowledge that TasWater continues to refine its long term infrastructure investment program in consultation with the Tasmanian Economic Regulator, the Environment Protection Agency, the Director of Public Health and the Dam Safety Regulator.

3.2. The parties will jointly develop an accelerated infrastructure investment program, ensuring that TasWater will use best endeavours to deliver over the remainder of its most recent 10 year infrastructure plan, sufficient investment to achieve a target of \$1.8 billion of total infrastructure investment.

3.3. The parties will investigate the introduction of a community service obligation mechanism so that investment projects that are not commercial in their entirety can be considered in the context of broader benefits to the State and how these projects might be funded.

3.4. The parties will work cooperatively to progress major investment projects of special economic or environmental importance to Tasmania, which includes all reasonable endeavours to secure Australian Government funding. These projects include:

- a. the Launceston sewerage/stormwater separation project; and
- b. the works at the Macquarie Point waste water treatment plant necessary for the development of the Macquarie Point site.

3.5. The parties will investigate amendments to simplify TasWater's obligation to account for income tax equivalent payments and government guarantee fees, noting that Councils cannot be disadvantaged.

4. Water and Sewerage Pricing

4.1. Regardless of the outcome of the Tasmanian Economic Regulator's 2018 Price Determination or any subsequent Determination, TasWater provides in principle commitment to:

- a. freezing prices for regulated services for water and sewerage customers from 1 July 2019 to 30 June 2020;
- b. develop a future price profile for regulated water and sewerage services with annual price increases for target tariffs to be no greater than 3.5% comm

4.3. Subject to any requirements arising from paragraph 4.2, the current economic regulatory arrangements as set out in Water and Sewerage Industry Act 2008, the Economic Regulator Act 2009 and associated Regulations will continue to apply, noting that this will require the Tasmanian Economic Regulator to regularly review TasWater's financial performance, including the prices, operational efficiency and investment program necessary to maintain sustainability.

5. Trade Waste

5.1. The parties commit to monitor the effectiveness of recent announcements by TasWater on trade waste and work together if further enhancements are required.

6. Implementation

6.1. The parties will act in good faith and use their reasonable endeavours to implement the measures and deliver the key outcomes set out in this MOU.

6.2. Subject to paragraph 6.1, the parties will work together to develop by September 2018 the necessary Agreement(s) and documentation that will support endorsement of the proposed principles and objectives of this MOU by TasWater's owner councils and drafting of the necessary supporting Legislation.

6.3. The Agreement(s) and documentation will specify, amongst other terms:

a. the contributions to TasWater from the State specified in paragraph 2.1;  
b. the commitment by TasWater to implement the pricing measures specified in paragraph 4;

c. changes to TasWater's governance documents to reflect the changed ownership and governance arrangements for TasWater specified in paragraph 2;

d. provisions to be included in a draft bill to amend the Water and Sewerage Corporation Act 2012 to reflect agreed changes to the ownership and governance of TasWater; and

e. commitments for the accelerated infrastructure program specified in paragraph 3.

7. General

7.1. This MOU can only be changed by the agreement of each of the parties in writing.

7.2. This MOU is not legally binding and does not give rise to legally enforceable obligations or legal liability.

7.3. Nothing contained in or implied by this MOU creates or is taken to create a partnership, joint venture, agency or trust.

Signing page

Signed for and on behalf of the Crown in Right of Tasmania by:

Hon William Hodgman MP, Premier

Hon Peter Gutwein, Treasurer

Signed for and on behalf on the Tasmanian Water & Sewerage Corporation Pty Ltd ACN

162 220 653 by:

Mr Miles Hampton, Chair  
Signed for and on behalf of the Owners' Representatives of the Tasmanian Water &  
Sewerage Corporation Pty Ltd ACN 162 220 653 by  
Mayor David Downie

## **TasWater: Looking Through A Lens Of Lead (Pb)...**

By **Tim Slade**

Posted on July 24, 2018





*Thanks for this photo, Christine Booth... Meeting of July 18 at Pioneer Hall, hosted by Mayor Howard, Cnr. Stein and Cnr. Jessup (not in photo).*

**On Wednesday night Dorset's Mayor, Mr Howard, spoke to address Pioneer's continuing concerns about drinking water, with at least three homes now known to have lead-painted roofs for the collection of drinking water, as per TasWater's Service Replacement Scheme at Pioneer.**

The resolution of the meeting, called by Dorset Council, was for the Mayor to write to all residents to formalise their view about a mini-treatment plant at Pioneer, identical to the one recently installed at nearby Herrick and Gladstone.

Mayor Howard said that it is his ultimate intention to write to Minister Peter Gutwein, the responsible Minister, and our member for Bass, to seek approval for a mini-treatment plant at Pioneer.

While the Dorset Mayor's new participation on this issue is welcome, it is of concern that, at the time of writing this article, he has not yet contacted the three home-owners who have lead-painted roofs, despite having received each of their telephone numbers early last week.

And surprisingly, Mayor Howard stated that lead-painted roofs are not necessarily of concern to him. Mayor Howard said at the meeting on Wednesday that a greater problem is the 'low rainfall' at Pioneer, in conjunction with the 'small roof catchments on many of the cottages'.

TasWater wrote to me, on June 8, 2018, to say that the testing of roofs for lead paint prior to the installation of rainwater tanks at Pioneer was not their responsibility, but rather, it was the customer's responsibility to ask for a test.

TasWater and the Dorset Council have so far rejected public requests for further lead (Pb) testing at Pioneer.

The Department of Health and Human Services (DHHS) has not made any intervention, nor have they made a comment.



Mr. David Downie, president of the Owners' Representatives Group, who is employed to represent TasWater's owner-councils and to fulfill their legislated obligations, has not responded to e-mails at all in recent months.

Local Government Association President, Mr. Doug Chipman, rejected the request in a two-sentence text message to me on May 29, his reply to my detailed, formal letter to him. And another equally curt response from Mr. Chipman, another two-sentence text message, on May 29, 2018, to my second formal letter to him.

Neither has Mr. Gutwein nor Mr Ferguson replied, the responsible Ministers, as the Minister for Local Government and Minister for Health, respectively.

Mayor Howard confirmed to Pioneer's residents that the 29 councils have already agreed to proceed with the revised model for the ownership and governance of TasWater, due to be presented for approval to the Tasmanian parliament in the Spring session, 2018.

At the meeting on Wednesday night the Mayor noted that under the new model the State will contribute \$20M new money to TasWater every year.

The Mayor said that this new money could be accessed for a mini-treatment plant at Pioneer.

**Below is my July 17 letter of reply to the Board of TasWater and CEO Brewster, in response to their letter to me on June 8, 2018 ...**

Tim Slade  
Pioneer TAS 7264  
Tel: 6354 2200

July 17, 2018.

Dear CEO Brewster and the Board of TasWater (and Mrs Mercer),

First, the level of discussions we have had, and necessarily must continue to have until all matters are addressed and resolved, are beyond the scope of a General Manager of Community Relations, Mrs Mercer, despite your recent delegation of responsibility to her. So I will respond to you directly here and refer to TasWater's letter to me on June 8, 2018, as yours, CEO Brewster.

On behalf of the people here at Pioneer, I once again refute the many misrepresentations by you in your most recent letter of June 8, 2018.

Over a number of years, and in numerous private and public written communications, all of which have been brought to your personal attention, and to the attention of your Chairman and the Minister for Local Government and the ORG president and the LGAT president, I have articulated the failed processes and outcomes, and your obfuscatory actions, at Pioneer, and in relation to statewide policy.

Your letter of June 8 is sadly a rewriting of history on many of the issues you feign to address, all of which remain current, despite five years and eight months having passed since the constant alert of 2012 for lead-contaminated drinking water. And Pioneer continues to experience lead-contaminated drinking water, this time from lead-painted roof catchments.

1. In your letter of June 8, 2018, you write: ‘...Pioneer property owners have the responsibility for the ongoing maintenance of tanks, filters, pumps, gutters and roofs.’

Fact (a)

At least three homes that I am aware, new information to me in the past weeks from interviews, are confirmed lead-painted roofs:

## Main Road – Ms. [Name]. Test by MacQuarie University’s Dr Harvey, 2018, confirming lead paint. Telephone: ##### ##.

## Main Road – Test by TasWater, delivered to Mr [Name] in 2016, with no remedy to set-up. The TasWater tank was installed in late 2015. Telephone: ##### ##.

‘## Main Road – Test by TasWater, delivered to Mr [Name] with no remedy to set-up, and the tank itself not installed until late 2017.

Given this information, there is a possibility that there are more homes with lead-painted roofs at Pioneer, homes which source their drinking water from the roof catchment.

Fact (b)

The photos are examples of but a few of the roofs at Pioneer where TasWater obviously did not repair to a reasonable state in the first instance. So it is a deception to suggest formally here in your letter that all responsibility now rests with the property owner.

As such, I assert that TasWater has breached clause 4.1 (b) of the Service Replacement Contract:

Clause 4.1 states: 'Subject to the Customer completing the Customer Works in accordance with clause 6.1, TasWater must ensure that the Works are undertaken and completed...' Clause 4.1 (b): 'with due care and skill, and to a standard reasonably to be expected of a person both competent and experienced in undertaking works similar to the Works...'

There has been a blatant disregard by you as CEO to the dangers of lead-painted roofs at Pioneer, even though you have personally attended several Pioneer meetings in years gone by. As CEO you cannot say you were not personally aware of the unsafe condition of these homes. You have seen these homes with your own eyes. Your letter of June 8, 2018, only underlines this disregard.

2. In your letter of June 8, 2018, you write: 'the Pioneer Service Replacement Program... is now complete, and has been delivered in accordance with the expectations determined by the Pioneer community in 2012 and in consultation with our regulators'.

Fact (a)

The Pioneer Service Replacement Program is NOT complete, despite your June 8 written assertion that it is complete. I include here the shocking photographs of several roofs at Pioneer which are obviously not fit for purpose, and in several cases, TasWater has not connected the roofs to the rainwater tank because you are aware that these roofs are not fit for purpose and most likely lead-paint contaminated. At least three of these roofs have been shown by lab tests to be lead-painted. The fact that residents in Pioneer, five years and eight months after the alert, continue to live in such third-world conditions, knowingly by TasWater and its overseers, and that you, the CEO, write to me on June 8, 2018 to insist that all is complete, says everything about how little care or competency either yourself or your overseers have for the citizens of Pioneer. This selection of photos is not a complete folio, as there are other very poor roofs in addition to these presented here. This is obviously NOT what we agreed to at Pioneer back in 2013.

Fact (b)

In the first town meeting of 2013 where options were discussed, residents were promised that each roof would be repaired or replaced so that it was suitable for the collection of drinking water. Immediately following this particular meeting, the town organised a petition, signed by approximately 80% of homes, and submitted to the Tasmanian parliament by Bryan Wightman MP, Bass, which stated: Clause 2 (a): 'Ben Lomond Water (now, TasWater) must repair roof, gutters and downpipes, etc. to a standard suitable for collecting rainwater for drinking'. And furthermore: Clause 2 (c): 'Ben Lomond Water (now, TasWater) must provide a limited service, at a nominal rate, to the boundary of each property to meet general purpose needs.'

So in your letter of June 8, 2018, you misrepresent this fundamental promise and the expectations of residents, which of course lies at the heart of this entire issue.

Fact (c)

The alert occurred in November, 2012, so there was absolutely no discussion of options with Pioneer until 2013.

So the date you cite in your letter of June 8, 2018, is incorrect from the start.

Fact (d)

All of this when a newly built mini-treatment plant has been built at Herrick, less than 5km from Pioneer. You as CEO were asked on the public record by the editor of the North-Eastern Advertiser to say if this Herrick plant has capacity to service Pioneer. You as CEO ignored the question, while answering other questions for the newspaper. The following week, I repeated this question to you about the capacity of the Herrick scheme (and other questions), but you as CEO once again did not provide a response. But in later weeks you provided comment to the North-Eastern Advertiser on the good news of the opening of the Gladstone mini scheme. Clearly, as CEO you have avoided this central question as it relates to the people of Pioneer and their drinking water quality.

3.

In your letter of June 8, 2018, you write: '[d]uring the community consultation process it was agreed that existing roofs would be tested upon request. This testing occurred as part of the program's delivery'.

## Fact (a)

The testing of roofs for lead-paint is a duty of care which TasWater obviously must be responsible. The decision for roof testing in relation to probable dangers to human health cannot under any circumstance be deferred to a customer. This is TasWater's duty of care. All roofs should have been tested for lead (Pb) paint by TasWater.

I know that in my personal case, I was never asked directly if I wanted my roof tested for lead. From my discussions around town, I realise that this is the case for most of the town too.

4.

In your letter of June 8, 2018, you write: 'We note this [rainwater tank] testing was presented by TasWater as part of the overall replacement program and not at the direction of the Ombudsman as you have suggested. Testing was conducted for those properties owners who accepted this offer'.

## Fact (a)

Five years and eight months after the alert, TasWater offered residents a free one-off test for rainwater tanks. This is an unreasonable span of years to wait for such a test, especially given the haphazard or non-existent testing of roofs by TasWater in preceeding years. To apologise for a delay, as you do in your letter, is nothing more than an excuse for negligence.

## Fact (b)

I provide here two letters from the Ombudsman, dated June 22, 2016 and August 29, 2016, where the Ombudsman wrote to TasWater requesting that such tests for lead and other contaminants be tested for in rainwater tanks at Pioneer. Reading the Ombudsman's letters, one can see that a further delay of more than one year and six months occurred before TasWater ultimately offered an invitation to residents for tests.

## Fact (c)

TasWater bungled the invitation process in 2018. There was no mention of lead (Pb) testing in the invitation to residents. The only mention was of microbiology (bacteria). I wrote to you as CEO to request a rewriting and reissuing of your invitation. You seemed unaware of what was to be tested

for, or if lead was to be tested for at all. So the idea that this testing initiative had its origins with TasWater rather than the Ombudsman, as you would have us believe from your letter to me of June 8, holds no water at all. Letters to me from the Ombudsman are attached to this letter. As CEO, you wrote to me that you required 'time to refresh myself' on the matter. After further delay, this occurred, and new invitations were sent.

So there was confusion about what was being offered to residents, a situation of comparing apples with oranges, or rather, comparing bacteria tests with lead (Pb) tests, and this confusion was caused directly by TasWater's mismanagement. Residents were not responding to a clear or accurate question.

Common sense and a duty of care would have dictated that TasWater simply telephone directly or visit properties, if they were to achieve a high acceptance rate, as you would think TasWater would like to see. But rather, we saw an 'invitation process', via letter, bungled, and this after a five year and eight month wait. I do not accept that you have been sincere Mr Brewster as CEO. The facts tell the story, despite your protestations, and I would ask overseers to take careful note of these facts and nothing else.

5. In your letter of June 8, 2018, you write: '...we would have preferred to complete ...subsequent water quality testing in a more timely manner, and acknowledge our learning from this'.

Fact (a)

The Ombudsman's letter (see attachment) shows that you were provided with ample time. In fact, at the time of the Ombudsman's letters to you, you had already failed to enact this testing for several years. Apologies are fine, but when they are merely excuses, and without any provision of a reason for it, then they cannot be accepted as sincere. What is the nuts-and-bolts reason, please, CEO, why it took you five years and five months to conduct tests for lead and other contaminants in rainwater tank drinking water, and by invitation only? At what point do your overseers engage to sanction you?

6.

In your letter of June 8, 2018, you write: '42 of the 43 eligible properties participated in the program'.

Fact (a)

As you are well aware as the CEO, once the option for Pioneer had been decided, the only avenue to receive drinking water that was not lead-contaminated was to sign contracts giving consent. This signature represents a consent to receive the human right of safe drinking water, rather than an acceptance of each and every clause within two long and complicated contracts prepared by TasWater for more than six months, a further unreasonable process and circumstance for delay for residents.

Fact (b)

At least two eligible properties did not participate: 1. Mr. [Name]; 2. Mr and Mrs [Name].

7.

In your letter of June 8, 2018, you misrepresent my written communications to you over several years when you write: 'You note that prior to the Do Not Consume (DNC) notification in November 2012 there was an instance of consecutive quarterly results which exceeded those levels, and it was those consecutive results that activated the notification process established by the DHHS'.

Fact (a)

This is a direct misrepresentation. As you as CEO are very aware, from my many formal written communications, I was told by your Water Quality Officer, Mr Stapleton, that in fact, there is no requirement for two consecutive high readings for lead (Pb) as a prerequisite for an alert. Up until this conversation with Mr Stapleton on March 11, 2016, Pioneer had been led to believe that this was indeed a prerequisite ~ two consecutive, high results. But Mr Stapleton, as you have repeatedly been informed in writing, yet with no written reply on this question over years, the fact of the situation is that in relation to lead (Pb) a 'flexible approach' is used in the calling of alerts, with no prerequisite. In other words, TasWater can call an alert at any time they wish. TasWater do not have to wait for two consecutive, high results. Mr Stapleton went to considerable lengths in this conversation to make sure I understood this point. Mr Stapleton went on to say, in relation to Pioneer, pre-alert: 'That wouldn't happen now; I'm here now'. This was an admission that a failed process occurred at Pioneer, pre-alert. During this time there was a theme of lead, above and below

the 10ug/L ADW guideline, and furthermore, there were decades of an unknown data history for lead at Pioneer. These decades of unknown data history should have formed a major part of TasWater's consideration for calling an alert. A precautionary approach should and could have been taken at Pioneer. Instead, almost three years of a known theme of lead, as per the beginning of data for lead at Pioneer (2009), before an alert was belatedly called in November, 2012.

This is a fundamental point, and a fact which I have deferred from the Integrity Commission, until now, but given your letter of June 8, 2018, where you once again deliberately misrepresent the parameters of this issue of health dangers at Pioneer, I feel I have no choice but to proceed now to the Integrity Commission. Indeed, I have suggested to you in previous correspondences that I would regrettably have to proceed since all responsible players including yourself have refused to answer in writing, over many years, and upon many formal requests, the Pioneer question:

SHOULD THE ALERT FOR LEAD (Pb) AT PIONEER HAVE BEEN CALLED EARLIER?

If this question proves to be one for the DHHS, as well as for yourself as CEO of TasWater, then this must be tested by the Integrity Commission, in the long-standing absence of a satisfactory response, or any response at all until your letter of June 8, 2018.

8.

In your letter of June 8, 2018, you write: 'I understand that you attended community meetings at which Ben Lomond Water's water industry professionals were accompanied by representatives from DHHS, and test results were provided in both data and graph form'.

Fact (a)

This is true, but at this time residents were told that the prerequisite for an alert for lead was consecutive, high results. This is why we at the time accepted this explanation. However, at least two years further on from this meeting, in 2016 Mr Stapleton underlined that no such prerequisite exists. Thus the context for the town discussion in 2013 over graphs and data was based upon a misleading premise. We would not have accepted this explanation if we had known that there is in fact no formal prerequisite for calling an alert for lead (Pb), that 'a flexible approach' can be applied, especially in instances where there are decades of unknown lead data history. Given the formal silence of all major player on this Pioneer question since my conversation with Mr Stapleton



was communicated to you and others, and in the media, in 2016, I stand by my claim that there continues to be a lack of transparency at TasWater and at the DHHS.

9.

In your letter of June 8, 2018, you write: ‘There is no obligation to provide Board minutes to external parties’.

I maintain my request for a transcript of TasWater’s Board meeting of March 28, 2018, in discussion of the statewide monthly data reporting policy.

I wish to understand if Pioneer was discussed in relation to this subsequent adoption by the Board of this statewide policy for monthly, full data transparency. This three years after I first brought it to TasWater, then via Alderman Dale Jessup and Dorset Council, then passed via LGAT. A one-page pictorial model, quarterly, with no baseline data, designed by TasWater alone, was the grossly unsatisfactory result. And it was proven that TasWater had not shared this model with the 29 councils for either input or approval. A further two years and six months of lobbying by me was required, gaining support such as the in-principle decision in favour by the Upper House of the Tasmanian parliament, brought by Tania Rattray MLC, Apsley. And the proposed policy was also formally adopted as Party policy by Tas. Labor in 2016, and Tas. Greens in 2015.

Specifically, I wish to know if the Pioneer question was discussed by the Board on May 28, 2018 ~ Should the alert for lead at Pioneer have been called earlier?

In short, TasWater fought against this statewide policy. Furthermore, to detail merely one example for you, as CEO you named me personally in the North-Eastern Advertiser to publically state that the policy would be too expensive, that it was unnecessary, with specific assertion, quote: ‘Tim Slade’s demands...’ As a private citizen, I had to bear this attack, but you were never sanctioned by the Board.

The facts as we know them now is that the cost for this policy, as per TasWater’s belated cost-analysis, are a tiny \$2k (two-thousand dollars) per council, per year. For full data transparency on a monthly basis.

Once again, with the passage of time, the facts became known, and these disingenuous representations by you as CEO, in public, and in private written communications to key stakeholders, also sent to me by you, to the effect that the policy would be extravagantly expensive and unnecessary, were seen for what they were, obfuscatory tactics at a personal level to terminate the proposed policy.

During those three years, you as CEO used every tactic possible to destroy the policy for all Tasmanians, to misrepresent the facts to stakeholders, and to undermine my personal credibility.

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In summary, your persistent misrepresentations as CEO are, at the micro level at Pioneer, and at the macro level, statewide, unacceptable. And there has been a complete absence of oversight from Owners' Representatives Group president, Mr. Downie, LGAT president, Mr. Chipman, and the responsible Minister, the Minister for Local Government, Mr. Gutwein, notwithstanding numerous factual and polite letters to each of these members over several years.

It is unreasonable for it to be for a private citizen, a volunteer, to correct the record, not only once, but repeatedly, over many years, and across a spectrum of issues and events, as has been necessary again in my letter today in response to your letter of June 8, 2018.

The photos I provide to your Board today tell more than can be said with a thousand words... The evidence is plain to see in these photos.

I no longer have trust in you to be sincere, nor effective, in your role as the CEO of TasWater, and I submit that you be sanctioned by the Board, or relieved from your position.

Sincerely,

Tim Slade (B.Ed.)  
Pioneer, Tasmania.

**Download ...**

**Letter\_to\_Tim\_Slade\_from\_Brewster\_Mercer\_-\_Pioneer\_Service\_Replacement\_Program\_-\_8\_June\_2018.pdf**

## What Is Miles Hampton's Legacy To Tasmania...?



**By Tim Slade...**

Posted on October 10, 2018

Looking through a lens of lead (Pb), Mr. Hanks of Pioneer, who is a customer of TasWater, recently received a letter from TasWater, dated September 17, 2018, which states that the results of a test TasWater conducted in 2014, shows Mr Hanks' roof paint to contain a high component of lead (Pb).

This is the first time Mr Hanks has ever received this information in writing. TasWater's letter of September 17, 2018, reads:

'Please find attached the report for test results taken in 2014 for lead in the paint of your roof... These tests were taken prior to TasWater installing the tank at your property in 2016. The report shows that there is 6650 mg/kg of lead in the paint... so the sample is almost seven times the limit set out in 1997.'

All representations to TasWater in recent times for this information, and for a remedy to Mr Hanks unsatisfactory roof, were ignored by TasWater's CEO, Mr Brewster. This letter from TasWater was provided to Mr Hanks only at the direction of the Ombudsman, who has been investigating Mr Hanks' case.

Without any water tests at Mr Hanks' property until August this year, TasWater confirm in this letter that since 2014 they have had full knowledge of Mr Hanks' unsafe roof set-up for the collection of drinking water, as per the Pioneer Service Replacement Scheme (PSRS).

The original 2013 agreement between the residents at Pioneer and TasWater was that unsatisfactory roofs would be replaced or repaired. To the contrary, TasWater have fitted rainwater tanks to obviously unsatisfactory roofs.

In TasWater's letter of September 17, 2018, Mr Hanks was not offered any remedy to replace his lead-painted roof. Only this:

'...we would like to revisit your property in six months to take further samples from your water tanks for lead testing as a precautionary measure.'

In the most recent written statement about the Pioneer Service Replacement Scheme (PSRS), dated June 8, 2018, TasWater's Juliet Mercer writes that the PSRS is complete. Ms Mercer states:

'The Pioneer Service Replacement Scheme... is now complete, and has been delivered in accordance with the expectations determined by the Pioneer community in 2012 and in consultation with the regulators.'

At the time of Ms Mercer's letter, TasWater were aware of Mr Hanks' adverse paint test result for lead (Pb), and they had known for four years, according to their letter of September 17 to Mr Hanks.

But TasWater had not conducted any water test whatsoever at Mr Hanks' property, not in all of these years since they installed a rainwater tank as part of the PSRS. TasWater were aware that Mr Hanks' roof paint contained lead at almost seven times the legal limit, but they provided no testing, no remedy, and in their letter of June 8 this year, they stated unequivocally and defiantly that the PSRS was complete.

Mr Hanks disputes that the paint test was conducted in 2014, as TasWater state. Mr Hanks says that TasWater carried out this paint test in 2016, after his rainwater tank was installed by TasWater.

This may be an important legal point, because this would mean that Mr Hanks signed the PSRS contracts before a paint test for lead (Pb) was carried out by TasWater.

Mr Hanks says that when the paint test was taken, a lady from TasWater visited him at his home to advise him of the high lead (Pb) paint result. Mr Hanks says her visit lasted no more than five minutes, and that she did not offer any remedy to the unsafe roof catchment, notwithstanding the agreement between TasWater and Pioneer, that all unsatisfactory roofs would be replaced. Mr Hanks says he was made to feel like it was his problem, and that it was his fault for being a pensioner who lives from pay-check to pay-check. Mr Hanks was advised verbally only, with no written document of results offered to him whatsoever. Mr Hanks was left with no support at all.

In my letter of July 17, 2018, to CEO Brewster and others, including Chairman Hampton, I advised:

‘At least three homes that I (Tim Slade) am aware, new information to me in the past weeks from interviews, are confirmed lead-painted roofs. 11 Main Road... 58 Main Road... 19 Main Road...’

CEO Brewster failed to reply to this letter at all. No reply was received from any person at TasWater.

Furthermore, Mayor Howard, Chairman Downie, and the State government all ignored requests by me to contact the owners of these homes at Pioneer.

In a letter from Juliet Mercer of TasWater, September 12, 2018 – a response extracted only after an official complaint was lodged internally at TasWater by me, for failure to reply – Ms Mercer writes:

‘TasWater is working with individual residents in Pioneer as we review available information relating to the Program... As you are aware we have revisited a number of roof samples taken at that time and we are committed to addressing any issues with individual residents... TasWater believes the issues you have raised have been addressed many times in writing and we will not be providing any further commentary.’

Pioneer is one of Tasmania’s tiniest towns, and with potentially the lowest education and average income in the state. Sadly, the denial of rights to customers, and the rewriting of history by TasWater, fronted by CEO Brewster, has become a trademark of their practice at Pioneer.

The truth is that, from the three confirmed lead-painted roofs at Pioneer, only one resident is receiving any practical assistance from TasWater, this in the form of new roofing material, but with

no assistance to pay for labour to have the material installed. This roofing material has not yet been delivered, nearly 6 years after the first alert for lead (Pb) in 2012.

The other two residents are not being helped by TasWater.

Two cases are before the Ombudsman. A third case was dismissed on a technicality, despite a positive lead-paint test, and a high result for lead (Pb) from the private tank. The Ombudsman could not proceed because the resident, who had only recently bought the house, was not a party to the original contract(s) with TasWater – a case of Buyer Beware. There has been no good will from TasWater. A fourth resident's case did not proceed to application, because the resident was understandably too fearful to complain.

And TasWater refuse to conduct tests for the remainder of Pioneer, so there are likely to be other cases of lead-painted roofs collecting rainwater for the purposes of drinking.

Readers may wish to consider if there exists in Tasmania any other suburb or town wherein a customer of TasWater is required to pay for his own remediation of an unsafe drinking water supply, contrary to an agreement between TasWater and the customers, and while the customer continues to pay charges for water and service associated with the leaded reticulated supply?

At the front of mind we should understand that this grossly unsatisfactory response is the best case so far at Pioneer, with other similarly affected residents receiving nothing at all.

And of course, because TasWater will not initiate tests for roof paint or water at Pioneer, there will be other residents who are not aware that their rainwater set-ups may be contaminated from lead (Pb) paint.

Further to this, TasWater has stated in writing, in their letter of June 8, 2018, that it was not the responsibility of TasWater to conduct roof paint tests for lead (Pb), but rather, that it was the customer's responsibility to ask for this test.

But according to a provisional legal opinion provided to Pioneer in recent weeks, under general law this position by TasWater – to the effect that they have no duty of care – does not hold water.

This provisional legal advice, from an eminent Tasmanian lawyer, states clearly that TasWater had a duty of care to test for roof paint, given that the roof structure is obviously an integral component for the collection of drinking water, as per the PSRS for TasWater customers.

This legal advice states that general law will trump the unbalanced contract provided to residents to sign, if tested in the courts.

But when TasWater quotes a 99% service compliance state-wide, Tasmania's public servant overseers put down their pens.

In the Premier's first written reply to me since 2012, notwithstanding numerous letters from me to him over years, Premier Hodgman, September 10, 2018, writes:

‘...TasWater is the authority responsible for dealing with the matters you have raised... the Government cannot involve itself in TasWater's operations and is not able to compel it to provide you with a response... If you have a public health concern, you are welcome to report this to the Public Health hotline on 1800 671 738... I am happy to hear from you regarding and new matters you wish to raise, but neither myself nor any other Government Minister will be responding to further correspondence from you on this issue... Sincerely, Hon. Will Hodgman MP’

In his letter to me, Premier Hodgman made no offer whatsoever to write to TasWater on behalf of Pioneer, nor did he offer to write to the DHHS.

With no other choice available to me, I rang the hotline number...

It was confirmed to me in this conversation, September 21, 2018, with the DHHS' State Water Quality Officer, Cameron Dalglish, that these issues at Pioneer have not at any time been forwarded by TasWater to the DHHS for consideration.

Mr Dalglish confirmed that he is completely unaware of any issue related to lead-painted roofs at Pioneer. During our extended conversation, Mr Dalglish promised to contact TasWater to investigate. A subsequent letter to me from the DHHS confirms that this investigation is now active.

Returning to the individual case of Mr Hanks, in a letter from Mr Hanks to CEO Brewster, August 31, 2018, the day after the Ombudsman-initiated visit from TasWater to conduct water testing, Mr Hanks wrote:

‘...this (TasWater) tank will be mostly fresh, safe water at the moment, since I paid to have it refilled from the local tanker man only very recently, in June.’

However in TasWater's letter to Mr Hanks, September 17, 2018, where he is provided with paint and water test results, TasWater make no mention whatsoever of this important qualification by Mr Hanks, that any sample taken from this tank will not be accurate, nor valid, because the water was not sourced from the roof, but was delivered by the local tanker man after Mr Hanks ran short of water.

In TasWater's letter of September 17, Ms Sophie Rowlands states only this:

'...attached are the test results of water samples taken from the two rainwater tanks at your property on 30 August, 2018... The results all measured below the Australian Drinking Water Guidelines' health limit of 10 ug/L, and therefore do not represent any risk to health and do not warrant further immediate action by TasWater.'

The test results of Mr Hanks's second 'private' tank, according to TasWater, are within safe limits in relation to the Australian Drinking Water Guidelines (ADWG). However Mr Hanks, in a letter to the Ombudsman, October 9, 2018, questions the sampling method used to test for lead (Pb) on this tank, whereby water was scooped from the top of the tank, rather than from the outlet at the base of the tank.

Mr Hanks awaits the Ombudsman's response...

There has been no further movement from TasWater in relation to the provision of a mini-treatment plant (UV/ chlorine) at Pioneer, like those built recently at nearby Herrick and Gladstone.

TasWater have stated that they will not build a mini-treatment plant at Pioneer because the PSRS is complete, and because, as per TasWater's letter of June 8, 2018:

'...the township of Pioneer has been removed from our Serviced Land.'

However, this is opposite to the written promise by TasWater to residents in 2016, in a colour brochure sent to all residents. TasWater's brochure, titled 'Pioneer Service Replacement Program – Community Update, 2016', promises the following:

'When the service replacement scheme concludes, Pioneer properties will be removed from TasWater's serviced land area... This move will not prevent Pioneer residents from benefitting from future infrastructure upgrades. TasWater is committed to engaging with Pioneer residents if there are any potential benefits arising out of the Small Towns Water Supply Project.'



The TasWater brochure goes on to say:

‘As discussed at the October 2015 community meeting, we are looking at long-term water supply options for a number of small towns across the state, including Herrick and Gladstone. We will be looking to discuss these options with our customers in those communities next year... We are mindful of any options that have a regional application – in this case, treated water options that may potentially benefit Pioneer – and we will keep residents up-to-date as we work towards finalisation of these options.’

These facts of history at Pioneer in relation to TasWater are of course particularly important in light of the poor and unethical practices of delivery for the PSRS by TasWater, led by CEO Brewster.

Further to this, the Jacobs’ Report, a report unknown to the resident at Pioneer until this year, was commissioned by TasWater in 2015 to test the various options for water delivery to Pioneer. The report confirms, on page 33, that Pioneer could be included with Herrick and Gladstone within the plan at that time, to connect these towns to the Ringarooma Valley Scheme, via Winnaleah.

The Jacobs’ Report states that the cost to include Pioneer would have been comparable to the money spent by TasWater to service other small towns, such as Avoca, in terms of costs per house. The Jacob’s Report also confirmed that this option for Pioneer was viable from an engineering point-of-view.

There has been no meeting so far between TasWater and the Dorset Council, even though the Council held a public meeting with residents ten weeks ago, on July 18.

My e-mails on a key question of complaint to Dorset’s General Manager, Mr Watson, have gone unanswered in fifty days, notwithstanding two replies from Mr Watson and several e-mail reminders from me.

My central question to Mr Watson of August 20, 2018, was as follows:

‘I wish to bring to your attention that many of your alderman, and indeed the Mayor, are persistently failing to acknowledge important, polite, factual, detailed and considered e-mails on a serious long-standing issue here at Pioneer. What will you do to correct this? Does your Code Of Conduct govern this?’

Mr Watson has failed to make any mention of these questions, nor his planned actions. In Mr Watson’s e-mails to me he has made no reference to the Code Of Conduct, as I cited; nor did he

refer me to the appropriate independent complaints forum. To this day I have not received advice from the General Manager on this matter.

Further to this, the tone of Mr Watson's e-mail to me on August 22 was of concern to me, especially as my letter to him was polite, factual, and, indeed, it was the first e-mail I had ever written to him. Mr Watson wrote to me:

'I have answered your questions and I do not intend to engage in any further discourse with yourself on this matter...'

It is noted by me, however, that following my e-mail to Mr Watston on August 20, 2018, the e-mail responsiveness of Mayor Howard and a few of the councillors improved.

Repeated e-mail representations to Chairman Downie, Owners' Representatives Group, were variously ignored or deflected, in line with previous historical representations to Mr Downie for Pioneer.

My e-mail to Mr Downie on September 21, 2018, made a final desperate plea. I wrote:

'...please...represent Pioneer without further delay. If this is not forthcoming from you, regrettably a Code Of Conduct complaint will be lodged against you.'

No reply from Mr Downie, but then, after a final e-mail from me on October 3, to ask of his representations for Pioneer in the previous twelve days, Mr Downie replied:

'Hi Tim. Thank you for your email. I shall take your issues up with Tas Water. Cheer David.'

Pioneer awaits documentation from Chairman Downie to verify that he indeed does make a sincere representation to TasWater on our behalf.

The Mayor of Dorset has advised me that a meeting will be held between TasWater and Dorset Council, after the upcoming Dorset Council election. The meeting will be to discuss the possibility of a mini-treatment plant at Pioneer. My discussions with the Mayor to date do not indicate that he wishes to raise the issue of lead-painted roofs with TasWater. As such, even if a mini-treatment plant is built at Pioneer, which is certainly not a certainty at this time, or even on the table, then this will likely take at least one year to be completed.

The Mayor states that he has communicated with TasWater by e-mail, and that in the past month he has spoken with a member of the State government.

So what of the lead-painted roofs collecting rainwater in the meantime?

With the Chairman of TasWater, Miles Hampton, due to retire in November, only one month from now, the people of Pioneer can only wonder if he will ultimately show the leadership qualities he has received awards for in the past.

Will Chairman Hampton return to his statutory declaration of March 15, 2017, where he stated his professional view about Pioneer? Chairman Hampton wrote:

‘I advised the Treasurer that based on our learnings in regard to Pioneer and Mountain River, tanks were not considered to be an equitable and viable solution and that TasWater would look to find ways to provide the remaining towns with compliant reticulated drinking water. The Treasurer noted this advice but no support was offered to address the issue.’

And Will Chairman Hampton act to sanction the CEO of TasWater, Mr Brewster, or else relieve him of his role as CEO for good, for the documented failures and disguises, historic and current, in relation to Pioneer?

If Chairman Hampton does not act before his last day, what will be his legacy to Tasmania?

Tim Slade lives at Pioneer.



TW HPE ref: 18/105000

17 September 2018

T J Hanks  
58 Main Road  
Pioneer TAS 7264

Dear Mr Hank,

**Paint & Water test results**

Please find attached the report for test results taken in 2014 for lead in the paint of your roof at 58 Main Road, Pioneer as requested in your correspondence dated 31 August 2018. These tests were taken prior to Taswater installing the tank at your property in 2016.

The report shows that there is 6650 mg/kg of lead in the paint. This, as a percentage by weight, is 0.67%. The current recommended amount of lead in domestic paint is 0.1%, so the sample is almost seven times the limit set out in 1997.

The Australian Government recommendation for lead in paint is as follows:

*"The recommended amount of lead in domestic paint has declined from 50 per cent before 1965, to 1 per cent in 1965. In 1992, it was reduced to 0.25 per cent, and in 1997 it was further reduced to 0.1 per cent."*

Also attached are the test results of water samples taken from the two rainwater tanks at your property on 30 August 2018. All sample points were purged to eliminate the potential for the plumbing to impact the results. The results all measured below the current Australian Drinking Water Guidelines' health guideline limit of 10ug/L, and therefore do not represent any risk to health and do not warrant further immediate action by TasWater.

With your permission we would like to re-visit your property in six months to take further samples from your water tanks for lead testing as a precautionary measure.

If you have any questions or require further information in relation to this matter, please contact me on 03 6333 9342 or via email [Hayley.jaggard@taswater.com.au](mailto:Hayley.jaggard@taswater.com.au). Alternatively you may also wish to refer to the Office of the Ombudsman by phoning 1800 001 170, or visiting [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au).

Yours sincerely

**Sophie Rowlands**  
Customer Relations Manager

Tasmanian Water & Sewerage Corporation Pty Ltd  
GPO Box 1353 Hobart TAS 7001  
Email: [enquiries@taswater.com.au](mailto:enquiries@taswater.com.au)  
Tel: 13 6992

ASN 67 162 220 878

**MEDIA RELEASE**

## **TasWater announces new Chairman**

**By TasWater**



Posted on October 31, 2018

The Chief Owners Representative of TasWater Mayor David Downie has announced that Dr Stephen Gumley AO has been appointed as the new Chair of TasWater's Board of Directors.

Mr Downie said that Dr Gumley is an experienced professional engineer and business manager who has held numerous Chief Executive roles since 1993 in both private and public sectors, including in the ports, irrigation, defence, aviation, and engineering industries.

Dr Gumley has also held a diverse portfolio of board positions since the 1980s including at the University of Tasmania, Tasmanian Development Authority, AMOG Holdings, the Victoria Defence Council and as a Board advisor on Goulburn Murray Water's \$2 billion irrigation asset renewal program and Murray Irrigation's \$200 million infrastructure program.

Dr Gumley was appointed to TasWater's Board of Directors in March 2018 after a rigorous nationwide merit-based selection process. The process to appoint a new Chair commenced in May 2018 and was advertised nationally.

Mr Downie said the Board Selection Committee was pleased to welcome Dr Gumley to the role which takes effect after current Chairman Miles Hampton steps down at the conclusion of the TasWater Annual General Meeting on 29 November 2018.

## **MEDIA RELEASE**

### **Legislation enabling State Government to become shareholder passes**



By **Miles Hampton**

Posted on November 1, 2018

Legislation to allow the Tasmanian Government to become a shareholder in TasWater has passed the final stages of State Parliament.

This follows Council owners voting overwhelmingly in September to allow our Memorandum of Understanding with the Government to take effect.

TasWater welcomes this final stage of the parliamentary process and looks forward to seeing the benefits of the model starting to flow for our customers and the state's economy.

"The \$200 million equity injection from the government will ensure we can keep price increases to a minimum for our customers," TasWater Chairman Miles Hampton said. "It will also allow some acceleration of our capital program to improve water and sewerage services across the state.

"I am pleased that both houses of parliament have supported this new ownership model and I thank all parliamentary members for their diligence in ensuring the best possible outcome for Tasmanians.

“We also look forward to continuing our recent collaboration with the government to progress a number of major projects that were not part of our capital program, such as the relocation of the Macquarie Point sewage treatment plant and upgrades to the Launceston Combined Stormwater and sewerage system.”

The new TasWater ownership structure is expected to be in place by the start of 2019.

**Miles Hampton** *is TasWater Chairman.*

## Mayor Howard says TasWater's Owners' Representatives Group is defunct

February 23, 2019

By **Tim Slade**



*Lead roof of a resident of Pioneer*

On tour to Pioneer for Dorset Council's general meeting, on Monday, February 18, Mayor Howard was asked why he had not written to the Owners' Representatives Group (ORG) on behalf of Pioneer...

I addressed the Mayor as follows:

'From your refusal to write to the Owners' Representatives Group on behalf of Pioneer, it would seem that you would have us believe that the ORG is a defunct group...'

Mayor Howard replied:

'It is!'

Perhaps this revelation can be seen in the light of Mayor Howard's support of the failed hostile takeover of TasWater by his personal friend (he has assured Pioneer), Minister Gutwein, whose intention was to remove TasWater from the ownership of Tasmania's 29 councils ...



The overwhelming majority of councils rejected this hostile takeover, with Mayor Howard's Dorset Council siding with a tiny minority.

The second, revised proposed model for a new-look ownership of TasWater – whereby council would retain ownership, the State gain a share-holder seat at the table for discussion, and inject \$20M new money annually for ten years – this model was agreed to by the 29 councils, and later legislated in the Upper House in October 2018.

At the Dorset Council meeting last Monday night, when Mayor Howard was repeatedly asked if he had written to the Owners' Representatives Group (ORG) on behalf of Pioneer, in relation to lead-painted roofs, and the ghostly prospect of a mini-treatment plant, Mayor Howard would not answer directly in the first instance, stating that it was '...a waste of time writing to the ORG', and that representations by him on unrelated matters had failed.

Under persistent questioning on Monday night, Mayor Howard eventually admitted that he has never written to the ORG on behalf of Pioneer.

For the residents of Pioneer, this is a truly disturbing failure by Mayor Howard to never have written to ORG, to the other 28 mayors, who are all members of this legislated group for the discussion of TasWater issues, as well as being the owners and overseers of TasWater.

Mayor Howard has been asked countless times over the past years, in writing and in person, to write to the ORG on behalf of Pioneer.

Given TasWater's 6-year history of poor leadership at Pioneer, and with active health concerns at Pioneer, the ORG are the primary group who could have made representations for Pioneer, if only the Dorset council conscientiously written to them.

In a pre-meeting meet-and-greet, which I did not attend – I and many others who arrived later for the Council meeting proper at 6pm were unaware that this time would be used by Council to hold an informal, off-the-record meeting to discuss water issues – the Mayor is reported to have said:

'Council are of the opinion that TasWater agreed to do a survey of Pioneer's residents with regard to the introduction of a reticulated water system. TasWater representatives have a different view of what was said and have told Council they will engage with Pioneer's residents once negotiations with DHHS are complete.' (North-Eastern Advertiser, 20/2/2019.)

True to form, TasWater appear to be rewriting history. But perhaps it is the first time in six years that Dorset Council has been close enough to witness it for themselves, and to be the direct casualty of it.

Also reported in the North-Eastern Advertiser is that during this pre-meeting session, the Mayor took a question on notice about a concern that fire-fighting tanks have not been properly installed, and in many cases are unable to be properly accessed, nor filled.

It should be noted that the Council workshop with TasWater in December, 2018, took place approximately five months following the Pioneer meeting with Council on July 17, 2018. This is

despite repeated e-mail correspondence to the Mayor. There was no reason for this delay by council to request a meeting or workshop with TasWater, other than a lack of conscience for the community of Pioneer.

Also, Council were unaware that TasWater had not surveyed residents since their workshop, until I brought it to the attention of Deputy Mayor Jessup two weeks ago. Council had not followed-up to check the progress of TasWater.

Further to this, until five months ago, on September 21, 2018, the DHHS were unaware of the issue relating to lead-painted roofs at Pioneer. Dorset Council had not brought it to their attention, nor had TasWater or any other responsible group or person, including the ORG and Minister Gutwein.

Dr Veitch, the Tasmanian Director of Public Health, has not replied in 66 days to my e-mail of December 18, 2018, following the revelation presented to me in a telephone conversation with DHHS's Mr Hunt – TasWater failed to apply the National Guideline Document for the Use and Installation of Rainwater Tanks.

Numerous e-mail reminders to Dr Veitch, and telephone calls to the DHHS's Hotline number, have proved fruitless.

Returning to the council meeting at Pioneer on Monday night, there was further disappointing behaviour from the Mayor, and the General Manager, Mr Watson.

I politely asked the Mayor if he would read aloud to residents the council's answers to my questions on notice, which were submitted by me seven days prior to the meeting. The Mayor refused to read aloud Council's answers for Pioneer. Then Mayor Howard refused for a second time, citing 'protocol', and saying that it was 'unnecessary', and that '... the answers are published in the Agenda for the meeting'.

Following this refusal, the General Manager, Mr Tim Watson, was asked if he would read aloud Council's (his) answers to my questions on notice – but Mr Watson refused.

Concerned about this apparent abuse of discretionary power by Dorset's Mayor and General Manager, I formally and politely asked councillors if any or all of their number would speak-up to show their support for the answers to be read aloud to the meeting.

Each councillor of Dorset sat stone-cold silent ...

Once again Pioneer had been abandoned during an open public meeting of the Dorset Council.

Included in this number were two new councillors, Wendy McLennan and Edwina Powell, who, pre-election, had written privately to me to express their strong intention to act to help Pioneer if they were elected as councillors.

Perhaps there is a competing agenda for these members, such as the train along North-East Rail Trail, which is vehemently opposed by Mayor Howard and the majority of Dorset Council, in favour of a bicycle trail.

Councillor McLennan has not replied to any written correspondence from me since before the local government elections in 2018.

Councillor Powell expressed an interest to me in the days before the Council meeting, to speak with residents who have documented lead-painted roofs for the collection of drinking water from TasWater tanks.

Astonishingly, Mayor Howard has failed to contact any of the affected residents in more than nine months, despite numerous requests, written and verbal, the telephone numbers and addresses provided to him by me to him nearly one-year ago.

It should be noted that there is no rule against the reading aloud of answers to questions on notice during a council meeting. This was confirmed to me by the Office for the Director Of Local Government, on the morning following this Dorset Council meeting.

According to Regulation 31 of the Local Government Meeting Regulations, it is at a council's discretion as to whether they read the General Manager's answers to questions on notice.

With this information at hand, it is probable that this was an abuse of discretionary power to refuse to read aloud Council's answers, when it was politely requested by a citizen of Dorset who was in attendance at the meeting.

At the end of the council meeting, Mayor Howard happily exclaimed: '... this is one of the shortest meeting we've ever had!'

The conclusion from this fact is that there was no constraint for time to justify the Mayor and GM's refusal to read the answers to questions on notice.

Transparency, work ethic, and a genuine interest in human health – these are not the strong suit of Dorset Council under Mayor Howard.

However, the suggestion by General Manager Watson during an elaborate graph presentation on the big screen during the council meeting proper – directly following his refusal to read aloud his own words in answer to Pioneer's drinking water problems – is that Dorset Council has a strong financial position – including an annual dividend to Council from TasWater last year approaching \$200k ...

All council members ignored a suggestion to the Mayor, GM, and councillors, during the post-meeting discussion, that Dorset Council should enact their own survey for Pioneer's residents in relation to a mini-treatment plant.

Once again – silence...

**My questions on notice, and Dorset Council's answers, are published for TT readers below:**

Dorset Council | Ordinary Meeting of Council | Agenda | 18 February 2019 Ref: DOC/19/1274

Item 22/19

The following questions were received on notice from Tim Slade on 12 February, 2019:

The DHHS has recently advised me verbally that TasWater failed to apply the National Guideline Document for the Use and Installation of Rainwater Tanks. Subsequently, late last year, DHHS wrote to TasWater to instruct that they must apply this document to provide potable water for Pioneer.

a.) As a member of the Owners' Representatives Group, would the Dorset Council like to make a comment about TasWater's obvious and serious failure to apply this National Guideline Document at Pioneer after six years?

Response from General Manager, Tim Watson: Any non-compliance issues are a matter for DHHS and TasWater. As Council is no longer responsible for water and sewerage Council does not involve itself in compliance issues. However, Council has been informed by TasWater that the Director of Public Health did not issue a directive to TasWater in respect to this matter and we understand further discussions are scheduled between TasWater and the Department of Health representatives.

b.) Does Dorset Council have responsibilities to inspect and approve tank set-ups at Pioneer, with reference to this National Guideline Document?

Response from General Manager, Tim Watson: The water tanks were approved by Council as the Plumbing Permit Authority which is standard practice for plumbing works. Once a Certificate of Completion is issued Council has no further responsibilities.

c.) What can Dorset Council do to make sure that this National Guideline Document is now applied at Pioneer, especially as it relates to lead contaminations from roof paint and roofing materials?

Response from General Manager, Tim Watson: Refer to previous responses.

Dorset Council's main promise in the last meeting with residents at Pioneer, exactly seven months ago, on July 18, 2018, was to write to the Minister for Local Government, Mr Gutwein, to seek a commitment to help Pioneer.

What representations or written commitments has Mr Gutwein made to Dorset Council for the residents of Pioneer? (The new State-wide ownership model for TasWater has been approved, and Mr Gutwein has a new seat at the table for TasWater negotiations.)

Response from General Manager, Tim Watson: Council is not aware of the Treasurer making a formal representation to TasWater on the Pioneer township water supply. The Treasurer and the Mayor have however discussed this matter and considering the Tasmania Government is now a TasWater shareholder, it provides the opportunity for water issues relating to Pioneer to be addressed in TasWater's corporate planning process.

Deputy Mayor Jessup advised me last week that it is his understanding that, in the last council workshop with TasWater, TasWater promised to write to residents to formally survey our views about the potential for a mini-treatment plant.

TasWater has failed to write to the residents of Pioneer to survey them. Has Dorset Council followed-up with TasWater?

Response from General Manager, Tim Watson: The Mayor has corresponded with TasWater on this matter and is informed that TasWater is of the understanding that it did not make a commitment to conduct such a survey. However, TasWater has indicated that they intend to engage with the Pioneer community following discussions with the Director of Public Health and are unsure whether Department of Health will conduct a survey or not.

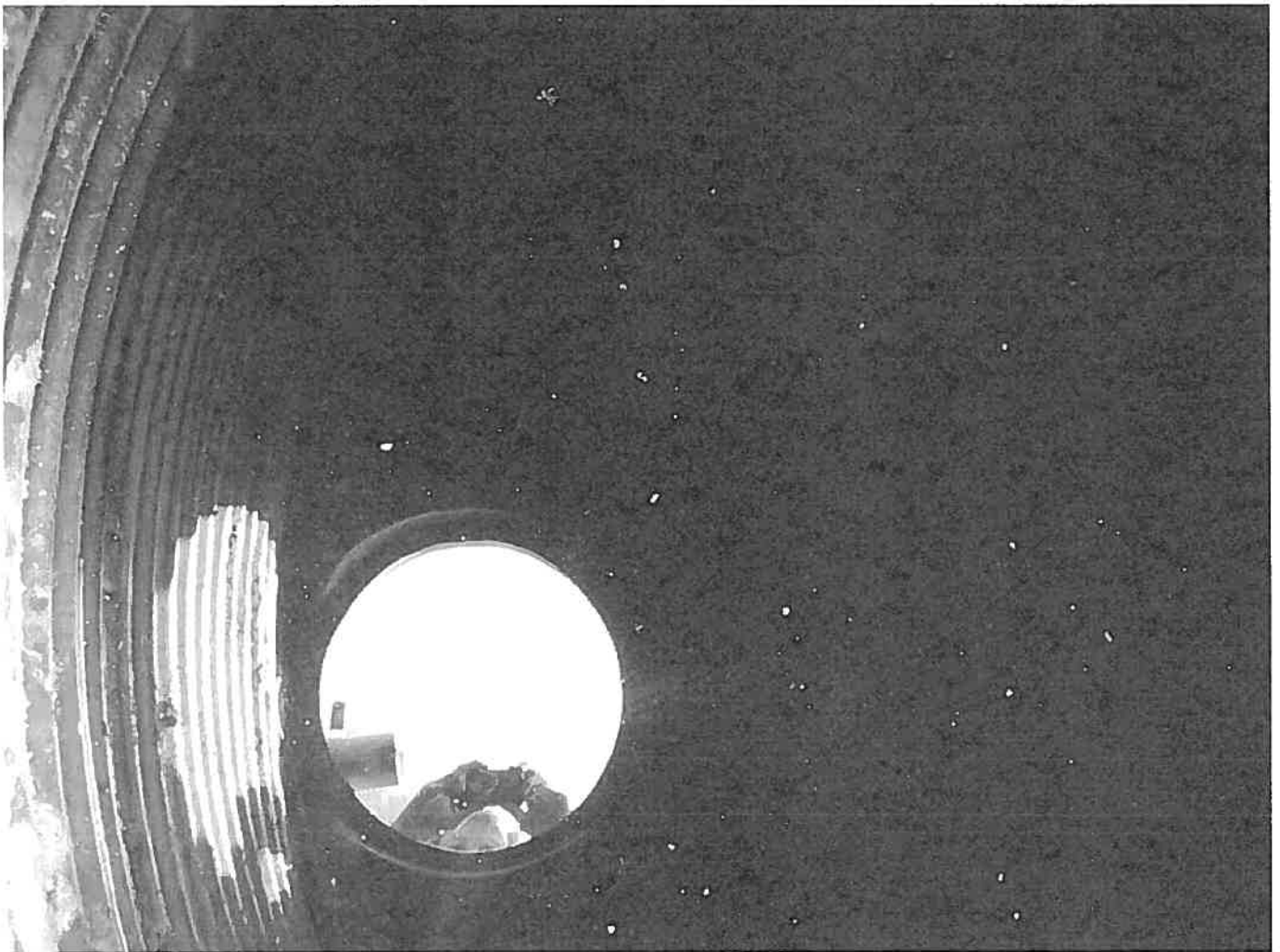
Dorset Council was asked in writing to make representations to the Owners' Representatives Group (ORG), TasWater's owner and overseer, about Pioneer's drinking water, in relation to lead-painted roofs and a mini-treatment plant.

What was the outcome of Dorset Council's representations to the Owners' Representatives Group (ORG)?

Response from General Manager, Tim Watson: The Owners' Representatives Group is not in a position to influence a corporate work plan of TasWater. Those decisions are made by management and therefore representations to the Owners' Representatives Group on an issue like this is a waste of time.

## **TasWater's new public portal for monthly data... Pioneer's data under lock and key...**

March 12, 2019.



*\* Photo of mould growing in rainwater tanks installed by TasWater at 13 Main Rd, Pioneer.*

**Welcome news this week that TasWater have activated a portal on their website for the monthly reporting of drinking water data, state-wide.**

But the portal has serious flaws...

And dismaying news from Pioneer this week that a second resident has received a high, historical test result for lead (Pb) – until now kept in TasWater’s locked vault, against the wishes of the customer – a new letter from CEO Brewster – results revealing TasWater’s historical knowledge of a high component of lead (Pb) in roof paint, and at more than five times the allowable limit...

TasWater’s new state-wide public portal for monthly data, provided for treated water systems only, can be read at the following link:

**<https://www.taswater.com.au/Community—Environment/your-drinking-water>**

I will first provide for readers here a brief and preliminary snap-shot of TasWater’s new portal, as it appears at this time. I will then contrast this new public portal with last week’s private happenings at Pioneer, the town where the campaign for real-time data reporting at TasWater began, in a public meeting in 2015.

The Public Data Portal – Pros and Cons:

Pros:

- A more timely, and publically available, reporting of drinking water data for Tasmanians.
- The first such monthly portal in Australia, which would be of benefit Australia-wide.

Cons:

- All pesticide data is missing – the portal was to display all drinking water data, but this has not occurred, contrary to the decision of the Board of TasWater in 2018.
- Health Guideline Values are not shown anywhere within the portal. The customer can have no idea if a particular data result was a breach, or close to a breach, or well within safe standards.
- Tasmanians do not know that this portal exists. TasWater have not advertised to Tasmanians in the three months since activation of the portal, nor have TasWater advised Tasmanians in any way that this new portal service is open and available for use. A letter of reply to me last week from TasWater’s Water Quality Officer, Mr Stapleton, confirms that the most

recent media release by TasWater for the portal was approximately nine months ago, mid-2018. Mr Stapleton also confirmed that this is the most recent communication from TasWater to the 29 councils-owners about the portal. Mr Stapleton did not indicate any plans whatsoever to notify Tasmanians of the portal.

- Monthly reporting – the original decision by the Board of TasWater was that all detections will be published at least monthly, but my search on March 9 found a note to say that the last update of data was on January 31 – so 37 days since the last update and still no new data from TasWater, as per their stated promise on the website for monthly reporting.
- There are no flags or notices on the main page of TasWater’s website to alert customers of the new, publically available data portal; nor are there any directions to find the portal. The portal cannot be found through the SEARCH bar on TasWater’s main page. I tried the following key words, but with no success: ‘DATA’; ‘YOUR DRINKING WATER’; ‘WATER QUALITY REPORTING’; ‘CURRENT STATUS’...
- If the customer finds the portal, there is confusing language at the portal’s page. This will deter customers. For example, the main entry to the portal is via this direction: ‘Click here to launch the Your Drinking Water application’.
- TasWater will not confirm that this portal is permanent. Given TasWater’s failure to advise customers of the portal, and in light of TasWater’s initial three-year opposition to the proposed policy to create such a portal, and a subsequent nine-month delay to activation – it is likely that visitor numbers to the portal will be low, and it is probable that TasWater will in the future formulate an argument to the Economic Regulator to close the portal on the basis of low use / low traffic to the website, notwithstanding the portal’s modest annual operating cost of two-thousand dollars per council, as per TasWater’s own cost-analysis.

### **Meanwhile at Pioneer...**

In the town where it all began for a monthly public data portal at TasWater, a second resident at Pioneer, Mr Fern (\*not his real name), has received a letter from TasWater’s CEO Brewster, March 4, 2019, confirming for the first time that a test in 2014 for lead (Pb) in roof paint, positively identifies a component of lead (Pb), and at five times the allowable limit – 5030 mg per kilogram (0.503%), where the guideline limit is 1000 mg per kilogram (0.1 %). Please find this letter below...





TasWater were to install a rainwater tank to Mr Fern's roof, but several years ago Mr Fern refused, on the basis that he suspected his ageing roof was lead-painted. Mr Fern was not provided his test result, and he was not offered a roof replacement, as per TasWater's town-meeting promise to Pioneer in 2013, that all unsatisfactory roofs would be replaced as part of the program.

This result for Mr Fern was withheld by TasWater for years, and further withheld in 2018 when Mr Fern proceeded through the Ombudsman's office.

Several more letters were written to the CEO of TasWater, the last of which dated January 13, 2019. This letter was not replied to by the CEO for more than fifty days, even with the Ombudsman's oversight.

When this letter was finally forthcoming from CEO Brewster, Mr Fern was advised that he no longer had any rights as a customer, and that TasWater has no responsibility to Mr Fern.

In this letter from CEO Brewster to Mr Fern, the CEO did not provide the missing historical test result for lead (Pb) in roof paint, nor did the CEO make any mention whatsoever of Mr Fern's repeated written and verbal request for the result.

Only after subsequent repeated letters from Mr Fern in 2018 and 2019, with the continuing oversight of the Ombudsman – CEO Brewster, just last week, provided the 2014 result from the TasWater vault, confirming that Mr Fern's roof is high in lead (Pb) component, at greater than five times the allowable limit.

CEO Brewster seeks to explain-away in his letter of March 4, 2019, writing:

'We acknowledge we misinterpreted this data when the results were first advised to you.'

But CEO Brewster's explanation does not account for the documented and long-standing denials by him to requests from Mr Fern, written and verbal, for his test results – no matter what the results are, or might be interpreted to be.

This is now the second resident at Pioneer who, with the assistance of the Ombudsman, now possesses such written confirmation from the CEO of TasWater, for high lead (Pb) content in roof paint.

The first resident, Mr Hanks, last week began discussions with lawyers from the Environmental Defenders Office in Hobart.

Denied by TasWater for years, Mr Fern and Mr Hanks' historical test results for lead in roof paint have seen no remedy from TasWater for safe drinking water.

There are others at Pioneer, but at the time of writing this article, none have received written confirmation of their test results of high lead (Pb) in roof paint. One other verbally confirmed (TasWater) lead-painted roof, was contracted by TasWater to receive new roofing materials – though with no assistance for labour to install – however in nine months this resident continues to wait for TasWater to deliver these materials.

Readers should keep in mind that there are likely many more homes, with only a minority of roofs at Pioneer tested at all for lead in roof paint, not since the roll-out period, 2013 – 2018.

The Tasmanian Director of Public Health, Dr Veitch, has not responded to repeated reminders from me, where I seek a reply to my letter to him of December 18, 2018 – eighty-five days without a clarification of the DHHS' approach to TasWater in relation to lead-painted roofs for the collection of drinking water at Pioneer, and their failure to apply the National Guideline Document for the Installation of Rainwater Tanks.

Dorset Council's Mayor and councilors continue to fail to represent, nor to contact any resident with a confirmed lead-painted roof, notwithstanding my new representations to them at the most recent council meeting, which was held at Pioneer on February 18 – twenty-three days ago.

The residents of Pioneer have not received any communication from the Premier Will Hodgman, since his letter of September 10, 2018, wherein the Premier wrote:

'...the Tasmanian government cannot involve itself in TasWater operations...If you have a public health concern, you are welcome to report it to the Public Health Hotline on 1800 671 738... I am happy to hear from you regarding any new matters you wish to raise but neither myself nor any other Government Minister will be responding to further correspondence from you on this issue.'

A new letter of reply to Federal MP for Bass, Mr Ross Hart, from CEO Brewster, March 1, 2019 – written an astounding seventy-one days after Mr Hart's letter to the CEO, December 19, 2018 – gives the following new advice:

'...We are in the process of forming an approach to address these concerns with the Director of Public Health and other Department of Health officials. Once these discussions are complete we will be in a position to outline our approach with stakeholders and the community... [W]e

anticipate these discussions are likely to continue until mid-March, 2010, we will endeavor to keep you informed as to the progress of these discussions...’

TasWater’s CEO, Mr Brewster, continues to enjoy the unwavering support of the DHHS, State government, local government and all major stakeholders...

As this will be my last article about drinking water for Tasmanian Times, my twenty-third since 2013, I would like to sincerely thank the editor, Lindsay Tuffin, who has from the very beginning given his full support to me and the people of Pioneer. Thank you, Lindsay.

TasWater: Looking Through A Lens Of Lead (Pb) – I hope that my articles (and those I will write in the future, to be shared on my Facebook page) may one day be published as a book, to document this pivotal and disturbing time at TasWater, 2013 – 2019. I welcome enquiries from publishers!

Thank you, TT readers... Farewell... Cheers...

#### References:

1. Mr Fern’s test results for lead (Pb) in roof paint, sent by CEO Brewster on March 4, 2019.
2. CEO Brewster’s letter to Mr Fern, December 17, 2018, where he denies all responsibility on behalf of TasWater, and refuses to help Mr Fern.
3. Mr Fern’s reply to CEO Brewster, January 13, 2019. (Mr Fern previously wrote to CEO Brewster on November 11, 2018, and to the Ombudsman on September 8 and October 6, 2018.)
4. CEO Brewster to Mr Fern, January 25, 2019, with news that he may re-open Mr Fern’s complaint, with a potential site inspection – but with no timeline is offered.



TW HPE ref: 19/22212

4 March 2019

[REDACTED]  
Pioneer TAS 7264

Dear [REDACTED]

Drinking water quality concerns [REDACTED] Pioneer

Thank you for your correspondence dated 18 February 2019 in relation to concerns about the quality of drinking water collected via the roof of your property at [REDACTED] Pioneer.

As you may be aware we have also received recent correspondence in relation this matter from the Director of Public Health and Hon. Ross Hart MP (Member for Bass).

In 2014 an independent entity, the Environmental division of ALS group undertook tests of the paint on your roof to establish the content of lead in the paint. The test result is enclosed; please refer to page 3 for the details (results related to another property has been blacked out for privacy reasons).

Further information on understanding the test result is available at  
<http://www.environment.gov.au/protection/chemicals-management/lead/lead-in-house-paint>

The content of lead in the paint was 5030 milligram per kilogram (0.503%). The content of lead in the paint is above current limit of 0.1 percent lead in domestic paint as per the Australian Government – Department of the Environment and Energy. This information is available at  
<http://www.environment.gov.au/protection/chemicals-management/lead/lead-in-house-paint>.

We acknowledge we misinterpreted this data when the results were first advised to you.

We are in discussions with the Director of Public Health and other Department of Health officials regarding the National Guideline for the Use and Installation of Rainwater Tanks. We anticipate these discussions are likely to continue over the next few months and we will keep you informed as to the progress of these discussions.

If you have any questions or require further information in relation to this matter, please contact our customer services team on 13 6992 or via email [complaints@taswater.com.au](mailto:complaints@taswater.com.au). Alternatively you may also wish to refer to the Office of the Ombudsman by phoning 1800 001 170 or visiting [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "Michael Brewster".

**Michael Brewster**  
Chief Executive Officer

Tasmanian Water & Sewerage Corporation Pty Ltd  
GPO Box 1393 Hobart Tas 7001  
Email: [enquiries@taswater.com.au](mailto:enquiries@taswater.com.au)  
Tel: 13 6992

ABN: 47 162 220 652

Sunday, January 13, 2019.

To: 1. CEO of TasWater, Michael Brewster.  
2. Ombudsman's Office, [REDACTED]

Dear CEO Brewster and [REDACTED]

First, I must tell you that I work in the bush every day, so I am not contactable by telephone at any time during business hours, Monday to Friday. The only way to contact me during business hours, and the only way I can contact others during business hours, is by letter. And I do not have a computer or an e-mail address.

The CEO of TasWater's letter to me was on December 17, in the last business days before Christmas, and 35 days after my letter to TasWater, November 12, as directed by your office, even though I am told that TasWater must reply within 10 days, and that they should reply to all requests.

Now that the Ombudsman's office has re-opened for the new year, I write to tell you that TasWater, in their letter to me, December 17, 2018, did not provide me with my test results for lead in paint from my roof which they carried out several years ago. Why?

However CEO Brewster writes, 'We do however strongly encourage you to undertake water samples testing of your drinking water supply should this be received via the roof catchment.'

I do not understand this, when TasWater have still not provided me with my test result for paint lead, which they conducted years ago, despite my repeated requests for it, and through the Ombudsman's office too.

The condition of my roof is the basis of my entire complaint, as it always has been, and is the reason I refused to sign a contract, so how can TasWater consider my case properly now, when they refuse to provide me with my paint test result, and they refuse to refer to the test? Why do they not mention it in their letter?

The CEO writes that, after my Expression Of Interest in July 2014, that they unsuccessfully tried to contact me by telephone in person and by phone, therefore I have no rights now, that the program is closed. TasWater are aware that I work in the bush every day, and I am uncontactable by telephone during business hours. If TasWater tried to contact me, so why has TasWater never sent to me a copy of my paint test results for lead?

From TasWater's recent letter to me, after I contacted the Ombudsman, it is clear that TasWater did not document any of my verbal complaints to Sophie Murphy and others.

I have also been told that the DHRIS has recently directed TasWater to comply with the National Guideline Document for the Installation of Rainwater Tanks, because it has come to the DHRIS's attention that TasWater failed to do this.

Apparently TasWater failed to do this for all of these years. I did not know this, nor did the DHRIS, but it is no surprise to me, because it was obvious to me and the other residents at Pioneer that TasWater were connecting rainwater tanks to unsafe roof catchments, and in most cases, without conducting tests for paint lead.

I ask the Ombudsman to please contact the DHRIS to have this confirmed, that TasWater did not apply this National Guideline Document for the Installation of Rainwater Tanks.

If this is the case, then it cannot be expected that I should have agreed to sign a contract for a program which was clearly not being conducted to National Standards, and was most likely putting people at risk.

In TasWater's most recent letter to me, they deny that I have any rights to a new roof, as per TasWater's original agreement with Pioneer. And the CEO makes no mention of the promise made to residents at the early meetings in 2013. Why does the CEO not refer to his promise to Pioneer? And now we find out that TasWater did not even apply the National Guideline document.

So how can TasWater say that, because I refused to sign a contract under these conditions, and with no test result either, I freely gave away my opportunity for a rainwater tank and roof?

Surely TasWater can not validly say this to me or to the Ombudsman's office.

I have acted honestly at all times, but I believe that the Ombudsman's office should be able to see from what I say here that TasWater have not been honest and they have not followed procedure, and that they continue to act this way with me and others in the town.

I repeat my request for my roof paint test results. And I politely repeat my request for my roof to be replaced.

Finally, [REDACTED] in your letter to me you raise the issue of TasWater not having to respond to the e-mails of Tim Slade, who has been photocopying my letters and then sending them for me, in addition to me sending them by AusPost. The reason I have asked Tim Slade to do this is because TasWater continue to not reply to me, as has been the case over years. And they have failed to document my verbal complaints. And they have failed to provide either a written or verbal copy of test results. In fact, as you know, TasWater said that I had not even complained, which I certainly had verbally many times. So I have asked Tim Slade to e-mail my letters to you and to TasWater, because I cannot afford for TasWater to say that they have not received my letters or that they have lost them. You say that Tim Slade will have received an automatic reply to acknowledge my letter to TasWater, but Tim Slade tells me that this certainly did not occur. We received no acknowledgment of my letters, neither by e-mail or AusPost, until I further complained and asked

for a response. I ask that the Ombudsman follow this up to see that such an automatic reply was never received. And as I say, all of my e-mails were also duplicated with a letter from me via AusPost, and no immediate acknowledgment was received whatsoever.

I ask that all communications with me, by TasWater and by the Ombudsman, be by letter only.

Please respond as soon as you are able.

Thank you.

Sincerely,



Pioneer TAS 7264





TW HPE ref: 19/8061

25 January 2019

Pioneer TAS 7264

Dear [REDACTED]

Service Replacement Program – Further correspondence

Thank you for your letter received on 14 January 2019 with regard to the Pioneer Service Replacement Program.

Please be assured we are continuing to review your concerns and are currently preparing a comprehensive response to ensure we are delivering a responsible and methodical approach.

To assist with our investigations an on-site inspection may be required. TasWater will communicate with you directly as to when this may occur. In addition, all timelines and updates will be communicated in writing as per your request.

If you have any questions or require further information in relation to this matter, please contact Kayla Keene Contact Centre Team Leader on 13 6992 or via email [complaints@taswater.com.au](mailto:complaints@taswater.com.au). You may also wish to refer this to the Office of the Ombudsman by phoning 1800 001 170 or visiting: [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au)

Yours sincerely

Michael Brewster  
Chief Executive Officer

Tasmanian Water & Sewerage Corporation Pty Ltd  
GPO Box 1393 Hobart Tas 7001  
Email: [enquiries@taswater.com.au](mailto:enquiries@taswater.com.au)

## TasWater's CEO Is Over-Ruled by the Tasmanian Director of Public Health –

**Pioneer to be reassessed due to ongoing lead-contamination risk, nearly seven years after the original alert.**

July 28, 2019.

The catalyst for TasWater's current program to inspect roofs for lead (Pb) paint at Pioneer, this key letter,

released publically today for the first time. written by Dr Veitch, DHHS, to CEO Brewster, TasWater... Dr Veitch writes: '...I am concerned that this assistance appears not to have been provided...' and '...the condition of roofs should have been identified as part of the scope of works, with remedial works done to ensure that rainnwater collection for drinking was compliant with contemporary standards.'

This is exactly what I and others have alerted TasWater and government to for years, only to be denied each time by all, and again as recently as May this year, by the then Minister for Health, Mr Ferguson...

It has taken TasWater a further five months, following this letter from Dr Veitch, to activate a testing program at Pioneer.

In addition to the three cases of lead-painted roofs known to TasWater since 2014, and a fourth since 2017, I am now aware that TasWater have in their possession positive test results for several additional homes at Pioneer, for lead-painted roofs and / or heavy-metal contaminated drinking water, including not only lead (Pb), but in at least one case, cadmium, arsenic and manganese.

This is TasWater, whose CEO ~ for years ~ has been in full knowledge of risk, via TasWater's own test results, and from detailed communications to him from me and others, including via the Ombudsman.

The CEO of TasWater continues to enjoy the support of his overseers, to the tune of a \$400k annual salary.

Mr Hodgman has been in full knowledge of all happenings for several years, as have the council owners, via Mr Doug Chipman (ORG & LGAT) and Mayor Howard (Dorset).

Over years, all refused to notify DHHS, despite my written requests to them to do so. DHHS have been absent for too long, for we are six years and eight months along.

I notified DHHS personally about the lead-painted roof issue in September, 2018, but it took them a further three months to write to TasWater to direct them to action. Tasmanians have the right to know that all players have swept this under the carpet for years.

This letter from the Tasmanian Director of Public Health confirms that Pioneer's residents have been in the right at all times during the past six years and eight months.

Mr Veitch's letter confirms that TasWater and its overseers have denied Pioneer's rights for all of this time.

It is the Tasmanian Director of Public Health confirming this... So why, in the seven months since his letter, have Tasmanians not heard about this breach from anyone in TasWater, or the DHHS, or Government, or from parliamentarians, or the media?

Department of Health and Human Services



GPO Box 125, HOBART TAS 7001 Australia  
Ph: 1300 135 513  
Web: [www.tas.gov.au](http://www.tas.gov.au)

Contact: Paul Hunt  
Phone: (02) 6166 6698  
Email: [paul.hunt@health.tas.gov.au](mailto:paul.hunt@health.tas.gov.au)  
Fax: 699401724

Mr Phil Brewster  
CEO  
TasWater  
GPO Box 1393  
HOBART TAS 7001

Dear Mr Brewster,

Subject: Pioneer – Rainwater Tanks / Service Replacement

The Department of Health has received correspondence and telephone calls from Mr Tim Slade about the service replacement at Pioneer. Some of the correspondence has been sent to or shared with TasWater, the Ombudsman, and members of parliament, including the Premier. The matter was also raised at the Legislative Council Government Business Scrutiny Committee on 4 December 2018 and in Federal Parliament by Mr Ross Hart MP on 5 December 2018.

Mr Slade has raised several issues. What is of concern to me is the condition of the roof catchments used to harvest drinking water at certain properties in Pioneer.

I have attached a copy of recent correspondence from the Department to Tim Slade. In this we note that roofs in poor condition and/or painted with older lead-based paints are inappropriate for collecting rainwater for drinking.

The condition of roofing material and related plumbing fixtures used to collect rainwater for consumption is generally a matter for the household to manage, but in the case of service replacement for Pioneer, the responsibility is broader.

TasWater's submission in June 2017 to the Office of the Tasmanian Economic Regulator (OTER) for the service replacement option would involve the provision of assurance to ensure roofing and guttering were adequate to supply water to the tank. The submission also cited earlier discussions and agreements (then with Ben Leonard Water) that service replacement would involve repair (of) roof, gutters and downpipes to a standard suitable for collecting rainwater for drinking (page 6).

I am concerned that this assurance appears not to have been provided. Departmental officers have discussed this matter with OTER, who have suggested that this is a contractual matter between TasWater and the Pioneer residents.

Departmental officers have also discussed the matter of plumbing compliance with the Department of Justice, who have indicated that the condition of the roof should have been identified as part of the scope.

of works, with remedial works done to ensure that rainwater collection for drinking was compliant with contemporary standards.

I understand that TasWater has done some tank water sampling, and has offered to do more. While this provides evidence of the current quality of the water in the tanks, it does not address foreseeable future risk from high lead content roof paint.

The national guidance document addresses both short and longer term health risks from using rainwater tanks (Guidance on use of rainwater tanks, Australian Government Department of Health and the Environmental Health Standing Committee).

<http://www.health.gov.au/patients/maas/submissions/consent/2018-09-18/health-rainwater-tanks-consent.pdf>). This guidance addresses catchment quality, notably at page 16 where it states 'Do not collect rainwater from roofs painted with products containing high lead concentrations (for example, pre-1970s paint).'

I believe that completion of the undertaking as expressed in the original submission to OTTER is necessary and would provide a safe drinking water supply to Pioneer residents, subject to residents following the usual advice about untreated drinking water and maintenance of tanks and related infrastructure.

I would be grateful if you could advise me how TasWater will address this issue.

Please feel free to get in touch if you would like to discuss this in more detail with me and my Departmental colleagues.

Yours sincerely,



Dr Mark Veitch  
Director of Public Health

7 December 2018

## All Roads Lead (Pb) To Rome

Posted on December 11, 2019



### **ALL ROADS LEAD (PB) TO ROME... PIONEER: TOWN TO RECEIVE TREATED DRINKING WATER AFTER SEVEN YEARS AT RISK.**

TasWater have announced a new plan to pipe treated water to Pioneer. This comes after seven long years where residents have lived with the risk of lead-contaminated drinking water, first from the reticulated supply and then from lead-painted roofs servicing rainwater tanks.

The news came during the parliament's Government Business Enterprise committee on Wednesday 4 December. According to CEO Brewster, the plan is dependent upon the Dorset Council showing unanimous support at their upcoming monthly council meeting on 16 December.

During the meeting on Wednesday, Brewster and Chairman Gumley did not freely announce the new plan in their introductory speech of achievements for the year. It was only in the final minutes of the 2-hour GBE session, when questioned by Labor's Ms O'Byrne, that they disclosed the new

plan. Both the CEO and the Chairman attempted to pin blame on the residents of Pioneer for signing a petition in 2013 for rainwater tanks. At this time a treatment plant was not an option offered to residents.

## **PUBLIC HEALTH ISSUE**

There was no admission by TasWater on Wednesday of the facts outlined in a letter last year from the Tasmanian Director of Public Health, Dr Veitch, to CEO Brewster, on 7 December 2018. In this letter Dr Veitch cited the following problems:

- TasWater's failure to acknowledge 'foreseeable risk'.
- TasWater's failure to apply Environmental Health Guidelines.
- TasWater's breach of agreement with the residents of the town.
- 

During Wednesday's parliamentary GBE, rather than admit to these facts, Chairman Gumley exclaimed "It was a unanimous petition [in 2013 for rainwater tanks], wasn't it!?"

Ms O'Byrne attempted to raise the details of individual cases where failed process is alleged to have occurred. But Ms O'Byrne was deflected by the CEO and the Chairman during the brief five minutes of questioning. This sweeping away included the now documented fact that TasWater were aware from their own tests in 2014 that at least three roofs were lead-painted. Only a handful of roofs were tested at this time. TasWater now assert that they 'misinterpreted' data – even though it was their long-held policy that lead-painted roofs were not in themselves a risk anyway. It was not until 2019 that TasWater tested every roof at Pioneer for lead paint following intervention from the DHHS.

CEO Brewster waited five months from the time of the letter of overrule by Dr Veitch and DHHS before he wrote to invite residents at Pioneer to participate in the first-ever complete testing program. Twelve months on from Dr Veitch's letter of overrule, not a single roof has been replaced at Pioneer. The rainwater tanks of the twelve contaminated properties have in recent months been disconnected from rooves, then cleaned and refilled with fresh treated water.

## **NEW PLAN**

CEO Brewster said on Wednesday that the new plan for Pioneer will cost approximately \$3.5M. This is a similar cost to the mini-treatment plants recently built in the neighbouring towns of Gladstone and Herrick. Ms O'Byrne asked the CEO if it would have been cheaper to include Pioneer in the Herrick plant at the time it was built. CEO Brewster replied "Probably, I think it would have been cheaper."

Prior to the GBE meeting, all members received a detailed written briefing by me, Tim Slade, which consisted of a 23-page letter of reply to Chairman Gumley. During the meeting Liberal government members did not ask a single question about the active crisis of lead-contaminated drinking water at Pioneer.

Liberal MHAs Rylah and Tucker were silent about Pioneer as was the Greens' Rosalie Woodruff. Meeting Chair Ms Petrusma shockingly closed the meeting early, just as further questioning was about to occur from Ms O'Byrne. Despite a protest from Ms O'Byrne the meeting was terminated in less than the two hours dedicated annually to the public questioning of TasWater. No member protested when the meeting was closed early. Peter Gutwein, the state government minister with responsibilities for drinking water, failed to attend the GBE meeting.

Nor did Mr Chipman protest – he is the president of the Owners' Representatives Group (ORG), representing the 29 council-owners of TasWater. Mr Chipman did not offer one word about Pioneer during the 2-hour meeting.

The new plan announced by TasWater is in contrast to the previous offer to twelve residents for roof works on the condition that structural repairs be paid by the customer. This seemingly unworkable solution is contrary to the 2013 agreement.

**It would be surprising if anywhere else in Tasmania, an existing customer is required to contribute thousands of dollars in order to continue to participate as a TasWater customer. Yet this was the plan of TasWater's CEO and Board until now, after seven years of crisis.**

## **BLOOD TESTS**

Dr Alison Bleaney, a GP from nearby St Helens, recently wrote a public letter wherein she stated that the DHHS had displayed 'an abrogation of their duty of care' for the residents at Pioneer. She criticised the failure of DHHS to direct blood tests for any of the twelve heavy-metal affected residents at Pioneer. On the day they were recently advised of their elevated results, there was no active recommendation by DHHS to see a doctor for blood tests. For some residents, the contamination was for lead only, but for others, the cocktail included arsenic, cadmium and manganese. There has been no reply from the DHHS in more than a month on this question of blood tests at Pioneer.

Dr Bleaney's criticism extends to CEO Brewster and the board of TasWater. In response to this question, Chairman Gumley wrote on 4 November 2019 that "it is not appropriate for TasWater to be involved in blood testing. If people raise concerns about their health with us, we advise them to see their doctor."

Tania Rattray, MLC for McIntyre, tabled a motion for an inquiry into TasWater. This motion is to be debated in early 2020.

Residents have recently acquired a pro-bono barrister to represent them, on any issue of the past seven years, and into the future. The support of this barrister has been communicated to TasWater's Board over the past several months.

Over years the residents of Pioneer have asked the Dorset Council to conduct a survey here in relation to the question of a water treatment plant. Mayor Howard finally agreed to this in October after refusing all other times. Under questioning in a council meeting nearly six months ago, and again in the Pioneer meeting several weeks ago, the Mayor admitted, but not freely, that he has never once made a formal written representation on behalf of Pioneer to the twenty-nine owner-councils of the ORG.

Mayor Howard has failed to represent Pioneer, and in this town meeting he protested, "I don't have to write to the ORG just because you say I have to." He went on to exclaim "Just shut up, Tim!" Mayor Howard had in the weeks before this meeting won an appeal in the Magistrates Court against a decision of the Director of Local Government, which had adjudicated that Mayor Howard had used disrespectful language against the community in a newspaper article. His new and disrespectful comments at the Pioneer meeting bring into question the Magistrate Court's overturning of the decision of the Director of Local Government.

## **AWA**

It appears that representations by TasWater to the Australian Water Association (AWA) have also been absent, or misleading, in relation to Pioneer. On 25 November TasWater announced that they had been granted an award from the AWA for the 24 Glasses Project, of which Pioneer is one of the towns. For the residents of Pioneer, this news was very confusing. When I visited TasWater's website the next day to investigate the status of Pioneer as part of the 24 Glasses Project, I was surprised to see in bold type that the Pioneer Service Replacement Scheme was COMPLETE. Furthermore, according to TasWater's website, community consultation was COMPLETE.



Presumably, the Australian Water Association read this page in consideration of TasWater's application for the award. AWA will have assumed that the information was true. Sadly, this does not account for the fact that I personally wrote to AWA about Pioneer early this year, several times. AWA were in full awareness of the problems at Pioneer when they granted this award last month to TasWater, even if TasWater apparently mislead them. How credible is the AWA?

It is of concern to many residents of Pioneer that in a letter from Chairman Gumley of TasWater, dated 4 November 2019, in reply to questions about the competency and fair mindedness of CEO Brewster, Mr Gumley wrote that "The Board is confident that the CEO has acted honestly and with due care and consideration. We reject any claims that the CEO has acted dishonestly or inappropriately in this matter."

In the same letter, Chairman Gumley wrote to share with residents what he believes to be the cold heart of the matter: "The recommendation regarding lead in roof materials in the Environmental Health Guideline are not legally binding."

The announcement on Wednesday by TasWater to pipe treated water to Pioneer will be welcomed by the weary community of approximately seventy. There may be a few who will have mixed feelings such as those on the brink of having a contract fulfilled and their roof replaced.

Following TasWater's new announcement, the seven-year long question continues to be:

**when will TasWater deliver safe drinking water to Pioneer?!**

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UPDATE: TasWater has written to residents of Pioneer about the decision and where to from here. See reproduction below.

UPDATE 2: On Monday 16 December 2019, Dorset Council voted unanimously in favour of a motion for TasWater to pipe treated water to Pioneer.

UPDATE 3: ABC-TV covered the issue on its nightly news bulletin on 17 December 2019. Forward to 17:05

<https://iview.abc.net.au/show/abc-news-tas/series/0/video/NU1903T301S00>

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TW HPE ref: 19/143212

6 December 2019

Mr T J Slade  
8 Moore Street  
Pioneer, TAS 7264

Dear Mr T J Slade,

**Update on a piped supply of drinking water to Pioneer**

I am writing to update you on the potential to provide a piped supply of drinking water to Pioneer.

As you are aware, we have recently undertaken inspections to make sure properties in Pioneer have a roof that can safely catch rainwater for drinking. During these inspections, some people have asked for a piped water supply. Dorset Council has also gauged the level of support for a piped supply and is considering the matter at its meeting on Monday, 16 December 2019.

If there is unanimous support by Dorset Council at this meeting and the council provide this in writing to TasWater, then we would provide a piped supply of drinking water to Pioneer and our roof replacement program would not proceed. In the event of unanimous Council support, we would:

- Consult with the Health Department and the Economic Regulator
- Consult with residents to ensure the community understands the implications of service introduction including the annual charges that go with a piped supply, and
- Begin developing a business case to design a solution for the piped supply.

Construction of a piped supply of drinking water to Pioneer would be a significant project and could take three years to complete if it proceeds. In the interim, we would:

- Continue to refill rainwater tanks at affected properties with drinking water from a tanker
- Continue to repair any defects arising from the original Service Replacement Program that concluded in 2017 (eg fix gutters/downpipes, leaking tanks and similar issues)
- Provide training for all properties on how to operate and maintain the rainwater system – including one-off roof/gutter/tank cleaning, filter cleaning/replacement and refill of tanks.

We will contact you to clarify the next steps after Dorset Council's meeting. In the interim, please contact your TasWater representative, Doug Fingland, with any questions:

- By phone: 03 6345 6364
- By mail: GPO Box 1393 Hobart Tasmania 7001
- By email: [doug.fingland@taswater.com.au](mailto:doug.fingland@taswater.com.au)

Yours sincerely,

**Juliet Mercer**  
General Manager Corporate and Community Relations

Tasmanian Water & Sewerage Corporation Pty Ltd  
GPO Box 1393 Hobart Tas 7001  
Email: [enquiries@taswater.com.au](mailto:enquiries@taswater.com.au)  
Tel: 13 6992

ASN: 17 192 229 853



*Mum's Morris Major*, by Tim Slade, was awarded Second Place in the Les Harris Short Story Competition, 2014.

### **Mum's Morris Major**

*An Elephant Never Forgets*

Sally, Pioneer's historian (*very dainty*) introduces Harry to her two sheep, Errol and Flynn. Sally spins a yarn, and Harry learns the greatest fact of his life so far.

Sally begins, 'In the early 1950s, a travelling circus visited Pioneer - the town was called Bradshaw's Creek back then - and the circus brought with them an elephant - he was tethered on *your* block, Harry, just beside the droopy old shed.'

### *Home Sweet Home*

As Basil swings into Moore Street, Harry is busy reading George Orwell's essay, 'Shooting An Elephant'; Harry is hoping that the title might be wrong.

'Basil Garribaldi, surveyor - pleased to meet you. So you're at the *Paris* end of Pioneer, Harry!' Harry has never heard of any elephant living in Paris, so he doesn't say a thing; but he is tickled pink to think of his as yet unsurveyed future at the Paris end of Pioneer - alongside the mighty Ringarooma River.

### *Full Knowledge*

Extract from: *'The Surveyor's Squint'* (1989)

At Pioneer, a defunct tin mining town in the north-east of Tasmania, a man's dunny, sometimes with the town's full knowledge, may belong to his neighbour - if one goes by the original deed.

Fencelines (no fences) are free to roam across chicken runs. Letterboxes openly display their borderline personality disorders ...

### *The Cheapest House in Australia*

Garribaldi, fishing, 'So what did you pay for this tinny catch?'

Harry, 'Forty-five rainbow trout - less fourteen, First Home Buyer's Grant - so thirty-one altogether, Basil' ...

### ***Herring, Cod and Bite Valuers - Valuation Report for 8 Moore Street, Pioneer.***

This is a rather dilapidated cottage. Gutters and several barge boards are missing. External timber decay noted. Roofing iron rusted. Internal floor movement throughout. Rooms would benefit from

redcoration. A retaining wall to the rear of the dwelling has collapsed. Outbuilding is valueless...

### *A Nice Cup of Tea?*

Garribaldi, 'Oooh... nice one, Harry. Well done. Ummm ... I know you've just moved in, but I was wondering, have you had a bo-peep at the town's water catchment? The pit at the other end of Pioneer, just past Poverty Corner, the one half-empty, with lead-contaminated water. Yeah: tin mining - that's the legacy; and things haven't exactly been helped by those bastards cutting the town from the Frome Dam three years ago, nor the skeleton staff in at TasWater...'

### *Lucky Bastard*

'Harry, you're a lucky bastard! Where can a man find affordable housing these days? Perhaps, though - my friend - hold-off on the caviar.'

Harry considers, 'The elephant's trunk is *down*'?

Garribaldi, 'My survey has your shed plopped upon the deeds of Pioneer's original school. Umm ... Harry, do you want to know something? Joseph Lyons, who later became Prime Minister of Australia, was first the school master at Pioneer - at this very school - before he hit the big time.'

### *A High Court Challenge*

Harry and Garribaldi follow the broken path to the shed. Harry wonders, 'Will I be subpoenaed to the High Court? For urging Pioneer's school master to govern the country? Into using a Canberra crapper?'

### *The Outbuilding ('Valueless')*

Lined with hand-split hard boards, the shed is empty - except for two old bales of hay. At the far end, two beams of light search the interior; and written in a cursive script - elephant-sized cursive - Harry reads:

### *Mum's Morris Major*

Reading *history*; reading *the future*: Mum's ... Morris ... Major ... An elephant: flourishing (under the tutelage of Mr. Joseph Lyons), snuffling (through the long winter), playing (in the sunshine, with the children of Bradshaw's Creek) - mother's baby.

The planet's infinite positive energy backfires through Harry's droopy old shed.

### *The Elephant's Trunk Is 'Up'*

Inside the shed, Harry is reaching one arm along the ancient flank of his people-mover. He's jumping aboard. Flicking on the news. Checking the rear-view mirrors. Hoping for good luck. And our Harry is wondering, 'When is the circus next coming to town?'

**Mum's Morris Major** – facts; not fiction.

1. Joseph Lyons was Prime Minister of Australia during the years 1932 to 1939. Lyons, born in Stanley, Tasmania, began his role as school master in 1906, in Moore Street, Pioneer (then known as Bradshaw's Creek).
2. A travelling circus, replete with an elephant, visited Pioneer in the 1950's (exact date unknown).  
Inside the outbuilding at 6 Moore Street, Pioneer, 'Morris Major' is written in large script. This outbuilding stands at precisely the location of Pioneer's original school; Mr. Joseph Lyons was school master there before entering politics and his election as Australia's tenth Prime Minister.
5. At the time of this story's publication (on this website), in September 2014, a water alert for lead contamination continues at Pioneer. Pioneer has been without safe drinking water in the home since November, 2012. Residents are awaiting the provision of rainwater tanks by TasWater - the corporation legally beholden to provide safe drinking water to Pioneer - the rainwater tank solution is supported by the overwhelming majority of townsfolk (as documented in a petition sent to each Tasmanian parliamentarian, and to TasWater). See 'Toxic Tas Water', *Tasmanian Times*.

6. Sally Warren is Pioneer's unofficial archivist of local history. Sally's other hobbies include card making, crosswords and midnight bicycle rides through the mountains.
7. The Morris Major was produced by the British Motor Corporation of Australia in the years 1958 to 1964.

The author moved in at Moore Street, Pioneer, in 2009. (He wouldn't dream of living anywhere else.)



Tim Slade was born in Tasmania's capital, Hobart, in 1976. For the past decade he has lived in Pioneer, a tiny town in Tasmania's north-east. Tim is a poet, and a freelance writer for *Tasmanian Times*.

**‘Water is the last thing to get dark’**

*Elizabeth Jolley.*

