

|  |
| --- |
| Cooling tower systems and *Legionella* risks in certain premises |
| Changes to the Public Health and Wellbeing Regulations  from 14 December 2019 |

On 14 December 2019, the Public Health and Wellbeing Regulations 2019 (the regulations) replaced the Public Health and Wellbeing Regulations 2009. This information sheet provides an overview of changes that relate to cooling tower systems and *Legionella* risks in certain premises.

## About the regulations

### Cooling tower systems

Victoria regulates cooling tower systems to reduce the risks associated with *Legionella* bacteria. The regulations help minimise the risk of legionellosis (commonly known as Legionnaires’ disease) and reduce service disruptions that impact on the community and businesses.

The regulations require the responsible person of a cooling tower system to maintain and test the system to manage public health risks. They also require specific remediation measures when *Legionella* bacteria are detected in cooling tower systems.

### Legionella risks in certain premises (water delivery systems)

Victoria regulates water delivery systems in certain premises to reduce the risk of Legionella bacteria, with an emphasis on premises where vulnerable populations are concentrated or facilities where cases of legionellosis have occurred.

The regulations help minimise the risk of legionellosis at car washes, correctional facilities and to vulnerable populations in health and aged care facilities. The current regulations require the responsible person to manage the risk of *Legionella* and take action if *Legionella* is suspected as a source of infection.

## What has changed in the regulations?

### Cooling tower systems

The changes:

* require the responsible person to notify the Department of Health and Human Services within 24 hours of *Legionella* being detected above 1,000 cfu/ml in a sample of recirculating water (in addition to the existing requirement to notify the department when there are three consecutive detections of *Legionella* of any level)
* introduce new offences for tampering with water samples and falsifying laboratory reports
* improve consistency and clarity of terminology by:
  + - using consistent terminology when referring to ‘samples’ to clarify that testing is required of recirculated water in cooling towers
    - referring, where relevant, to ‘cooling tower systems’ rather than ‘cooling towers’ to ensure that testing and regulatory requirements are applied to the entire system rather than a part of the system
* clarify disinfection requirements to explicitly require cleaning of the interior of each cooling tower in the system
* expand infringement penalties to most offences.

### *Legionella* risks in certain premises (water delivery systems)

The changes:

* create a clearer definition of where regulations apply based on the function of the facility
* introduce new offences for tampering with water samples and falsifying laboratory reports
* remove the requirement to disinfect the entire water delivery system within 24 hours upon detection of *Legionella*.

## Why have these changes been made?

The changes strengthen and clarify existing requirements, which will assist owners and managers better understand and meet obligations.

The changes aim to improve health outcomes and reduce the likelihood of outbreaks causing detrimental health and economic impacts.

The expansion of infringement penalties provides a more proportionate and graduated option in certain situations.

### *Legionella* risks in certain premises – water delivery systems

The removal of the requirement to disinfect the water delivery system within 24 hours upon *Legionella* detection recognises there are alternative means of managing this risk that may be more practical, less burdensome and more proportionate. Nonetheless, there remains a clear obligation in the regulations that a responsible person must take all reasonable steps to manage the risks of *Legionella* in water delivery systems.

|  |
| --- |
| To receive this publication in an accessible format phone 1300 767 469 using the National Relay Service 13 36 77 if required, or email legionella@dhhs.vic.gov.au  Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.  © State of Victoria, Department of Health and Human Services December 2019.  Please note that any advice contained in this publication is for general guidance only. The Department of Health and Human Services does not accept any liability for any loss or damage suffered as a result of reliance on the advice contained in this publication. Nothing in this publication should replace seeking appropriate legal advice.  ISBN/ISSN 978-1-76069-092-2  Available at: [www2.health.vic.gov.au/about/legislation/public-health-and-wellbeing-act/regulation-review](https://www2.health.vic.gov.au/about/legislation/public-health-and-wellbeing-act/regulation-review) |

## Implementation

A responsible person (a person who owns, manages or controls a cooling tower system or certain premises) will need to be aware of and comply with the changes. Departmental authorised officers will aim to raise awareness of the changes to make sure the responsible person understands obligations and requirements.

## How do I find out more?

For more information about the changes, please visit:

* visit [www2.health.vic.gov.au/public-health/water/legionella-risk-management-guidelines](https://www2.health.vic.gov.au/public-health/water/legionella-risk-management-guidelines)
* email [Legionella@dhhs.vic.gov.au](mailto:Legionella@dhhs.vic.gov.au)
  + phone 1300 767 469.

To view the regulations, please visit the Victorian government’s legislation website [www.legislation.vic.gov.au/](http://www.legislation.vic.gov.au/) and search ‘Public Health and Wellbeing Regulations 2019’.