

# Legionella control

The *Public Health Act 2010* and the *Public Health Regulation 2012* commence on **1 September 2012**. To support implementation of the *Act* and *Regulation*, a series of Information Sheets has been developed to outline the key requirements in relation to particular areas. Visit the NSW Ministry of Health webpage at [www.health.nsw.gov.au/phact](http://www.health.nsw.gov.au/phact) for more information on the *Act* and *Regulation*.



## What is the definition of a 'regulated system' for Legionella control purposes?

Under the *Public Health Act 2010* and *Public Health Regulation 2012*, a regulated system is defined as any of the following:

- an air-handling system, a system designed to direct air in a positive and controlled manner to and from specific enclosures by various means,
- a hot water system, which heats and delivers water at a temperature of at least 60°C to each outlet point,
- a humidifying system, for adding moisture to air in order to raise its humidity,
- a warm-water system which heats and delivers water at a temperature of less than 60°C at each outlet point, or
- a water-cooling system, which is a device for lowering the temperature of water or other liquid by evaporative cooling such as a cooling tower.

However, the *Act* and *Regulation* do not apply to:

- a regulated system (other than a water-cooling system) installed in a private dwelling,
- a warm-water system that is installed in any premises other than a hospital (which is defined to include a nursing home), or
- a water-cooling system installed in any premises and used solely for making snow.

## Who do the requirements of the *Public Health Act 2010* and the *Public Health Regulation 2012* apply to, in relation to regulated systems?

The requirements of the *Act* and *Regulation* in relation to regulated systems apply to the occupier of premises where the regulated system is installed.

The requirements also apply to a contractor, known as a duly qualified person, who is engaged to install, operate or maintain the regulated system. This includes cooling tower operators and service personnel.

## Why has the legislation related to regulated systems been revised?

The revised *Regulation* is designed to better protect public health and has been updated to reflect contemporary references and practices.

The *Regulation* will also allow more streamlined and flexible enforcement practices and the penalties for breaches have been significantly increased.

The new *Regulation* replaces the *Public Health (Microbial Control) Regulation 2000*.

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### What are the key requirements under the new legislation for the occupier of premises where a regulated system is installed, and/or for the duly qualified person engaged to operate and maintain the regulated system?

An occupier of premises at which a regulated system is installed, and/or the duly qualified person engaged to operate and maintain the system, will be required to comply with the *Act* and *Regulation*. These requirements include:

- Notifying the local council of the existence of water-cooling systems and warm-water systems. Councils may charge a notification fee
- Ensuring that all regulated systems are installed, commissioned, operated and maintained in accordance with requirements prescribed in the *Regulation*
- Following the provisions of Australian / New Zealand Standard AS/NZS 3666:2011 *Air handling and water systems of buildings* which are adopted for some of the prescribed requirements of the *Regulation*
- Ensuring all water-cooling systems are equipped with a disinfection procedure designed to control microbial growth that is certified annually by a competent person and that is in operation at all times.

### Which parts of the *Act* and the *Regulation* relate to an occupier of premises at which a regulated system is installed?

*Public Health Act 2010* Division 2, Sections 26 to 33  
*Public Health Regulation* Part 2, Clauses 4 to 13

You can view the *Act* and the *Regulation* online at:  
[www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

### Where to go for further information

If you will be affected by the commencement of the *Public Health Act 2010* and the *Public Health Regulation 2012*, and you want further information, you can:

- Contact your industry association
- Contact your Council
- Contact your local Public Health Unit
- Visit the NSW Ministry of Health webpage for Environmental Health

<http://www.health.nsw.gov.au/publichealth/environment/index.asp>

- Visit the NSW Ministry of Health webpage for the *Public Health Act* and *Public Health Regulation*

[www.health.nsw.gov.au/phact](http://www.health.nsw.gov.au/phact)