

FACT SHEET

Public Health and Wellbeing Regulations 2009

The *Public Health and Wellbeing Act 2008* (PHWA) was passed by the Victorian Parliament in 2008. The PHWA commenced on 1 January 2010 and supersedes the *Health Act 1958*.

A single set of regulations, the *Public Health and Wellbeing Regulations 2009* came into effect on 1 January 2010 and replaces ten sets of regulations, which are as follows:

- *Health (Infectious Diseases) Regulations 2001*
- *Health (Immunisation) Regulations 1999*
- *Health (Legionella) Regulations 2001*
- *Health (Pest Control) Regulations 2002*
- *Health (Prescribed Accommodation) Regulations 2001*
- *Health (Registration of Premises) Regulations 2002*
- *Health (Exempt Businesses) Regulations 2005*
- *Health (Seizure) Regulations 2003*
- *Health (Consultative Council on Obstetric and Paediatric Mortality and Morbidity) Regulations 2002*
- *Health (Prescribed Consultative Councils) Regulations 2002*

The Regulations also include some aspects that relate to the regulation and management of cooling tower systems as currently regulated via the *Building (Legionella Risk Management) Regulations 2001* and the *Building Regulations 2006*.

Registered Premises and Prescribed Accommodation

Part 4 of the Regulations ensure public health risks are minimised in dwellings where numbers of people are living in close quarters by setting standards and requiring suitable essential services.

In relation to plumbing work, the Regulations stipulate that a proprietor of prescribed accommodation, that is boarding/rooming houses, other residential accommodation, student dormitories, hotels and motels, hostels and holiday camps, must provide a continuous and adequate supply of water to all toilet, bathing, kitchen, laundry and drinking water facilities and a continuous and adequate supply of hot water to all bathing, laundry and kitchen facilities.

Regulation 22 requires a proprietor of prescribed accommodation to ensure that all sewage and waste water is discharged to a reticulated sewerage system or permitted septic tank.

Regulation 25 stipulates that a proprietor of prescribed accommodation must provide at least one toilet, one bath or shower and one wash basin for every 10 persons occupying the accommodation.

Registered premises (beauty therapists, hairdressers, skin penetration businesses and colonic irrigation) are now required to provide accessible hand washing facilities to minimise the transfer of certain infectious diseases.

Cooling Tower Systems

The Regulations regulate cooling towers to protect the public by minimising outbreaks of Legionnaires disease and ensure any outbreaks are managed effectively.

Similar to the previous regulations, the Regulations prescribe maintenance and testing requirements, remedial actions to be completed following an unsatisfactory test result, details required in a risk management plan and registration requirements. The major substantive change to the Regulations is the requirement for the quarterly testing for the presence of Legionella.

As part of the completion of the risk management plan, cooling tower system design must be reviewed against AS/NZ3666 (Air handling and water systems of buildings – Microbial Control). AS/NZ3666 covers the design, installation, commissioning, operations and maintenance (including microbial testing) of cooling tower systems in relation to the control of microbes.

Under the *Plumbing Regulations 2008*, mechanical services work includes the construction, installation, replacement, repair, alteration, maintenance, testing and commissioning of cooling tower systems. However, it does not include the treatment of cooling water. Therefore, in checking compliance with AS/NZ3666 in accordance with the risk management plan, a registered or licensed plumbing practitioner will be required to determine compliance with design, installation, operations and maintenance of the system, but will not need to undertake microbial testing.

The Department of Health has developed two documents that replace particular chapters or attachments in the existing 'Guide to developing risk management plans for cooling tower systems'.

The first document 'Your legal responsibilities' replaces Chapter 3 of the Guide. It describes the key requirements of the Regulations and is available at http://www.health.vic.gov.au/environment/downloads/legal_responsibilities.pdf

The second document is an insert to 'Attachment 1: Cooling Tower System Risk Management Plan template' of the Guide and is available at www.health.vic.gov.au/environment/downloads/attach1_rmp_template.doc

Warm Water Systems

The Regulations require operators of warm water systems servicing high-risk populations to take “reasonable steps” to manage the risks of Legionnaires disease outbreaks. Reasonable steps will be determined by the responsible person in developing risk management strategies to maintain a warm water system.

Premises servicing high-risk populations are defined as premises supplying aged care, health services establishments, registered funding agencies, correctional services and commercial vehicle washes.

The previous regulations required that for premises servicing high-risk populations, the responsible person must ensure that thermostatic mixing valves (TMV's) are cleaned and maintained at least once per year. This requirement has been removed with the Regulations now placing an onus on the responsible person to manage the risks associated with the operation and use of a warm water system.

Whilst Legionella outbreak may be a leading factor for the change in approach to the maintenance of TMV's, ongoing maintenance of TMV's is necessary to prevent the risk of scalding. Regular maintenance ensures that heated water does not exceed temperatures specified in the Australian Standard.

Further Information

For more information on the Regulations see the Department of Health website (<http://www.health.vic.gov.au/phwa/>).

A copy of the Regulations can be found on the Plumbing Industry Commission website (<http://www.pic.vic.gov.au>).