

Explanatory Statement

Public Health (Cooling Towers, Evaporative Condensers and Warm Water Storage Systems Specialised Systems) Code of Practice 2005

Disallowable Instrument DI2005 – 234

made under the

Public Health Act 1997, s 133 (Code of practice)

Section 133 (1) of the *Public Health Act 1997* (the Act) provides that the Minister may, by instrument, determine a Code of Practice setting minimum standards or guidelines for the purposes of the Act.

Section 133 (2) of the Act provides that the Code of Practice may apply, adopt, incorporate any matter contained in the instrument or other writing as in force from time to time.

This instrument revokes instrument number 288 of 2000, Determination of a Code of Practice under the *Public Health Act 1997* dated 28 August 2000.

The *ACT Code of Practice for Cooling Towers, Evaporative Condensers and Warm Water Storage Systems (Specialised Systems) 2005* adopts, by reference, *AS/NZS 3666 – Air handling and water systems of buildings – Microbial control, Parts 1, 2 & 3*, and adds requirements or clarifies certain requirements that exist in *AS/NZS 3666*. In the event that there is a inconsistency between the Code and *AS/NZS 3666*, the Code prevails to the extent of that inconsistency.

The main changes to the new Code of Practice are as follows:

- New title – *ACT Code of Practice for Cooling Towers, Evaporative Condensers and Warm Water Storage Systems (Specialised Systems) 2005*
- Linked to *Public Health Act 1997* – terminology of ‘specialised system’ taken from the Act;
- All systems (no longer ‘high risk sites’) require three monthly cleaning unless another frequency approved in writing by a Public Health Officer;

- Water treatment – dual biocide dosing required to reduce the likelihood of resistance to one;
- Certification of warm water storage systems by a licensed plumber;
- Water sampling more descriptive – situations requiring sampling, collection, storage and testing;
- Water sampling point to be identified and labelled;
- Notification to ACT Health – Microbial levels of 1000 cfu/mL *Legionella* (increased from 100) and 5,000,000 cfu/mL for heterotrophic microorganisms (no change);
- Submission of maintenance and microbial testing records to ACT Health – no longer required;
- Occupational Health and Safety Issues - bunding of chemicals required and safe ingress and egress for all personnel;
- Risk Assessments – more details required including: Make, Model and Serial numbers of each cooling tower and condenser; identification of sampling point for all water samples; and building plans with site survey;
- Appendices A and B – aligned to corresponding tables of the Australian Standard (AS/NZS 3666).

Any Code of Practice determined under Section 133 is enforceable through the Act. Legal proceedings may follow for failure to comply with Codes of Practice.

A determination under Section 133 of the Act is a disallowable instrument for the purposes of Section 9 of the *Legislation Act 2001*.

A Regulatory Impact Statement is not required for this new Code of Practice, due to the fact that there is a reduction of reporting requirements for industry and the Code adopts an existing Australian Standard.