



## Public Health (Microbial Control) Amendment (Miscellaneous) Regulation 2003

under the

Public Health Act 1991

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 1991*.

MORRIS IEMMA, M.P.,  
Minister for Health

### Explanatory note

The object of this Regulation is to make miscellaneous amendments to the *Public Health (Microbial Control) Regulation 2000*:

- (a) with respect to the requirements for the installation of warm-water systems, and
- (b) with respect to the requirements for water-cooling systems to be equipped with a process designed to control microbial growth, and
- (c) to insert a definition of *dwelling* in clause 4 of the Regulation, which provides an exemption from the operation of Part 4 of the *Public Health Act 1991*, and
- (d) to omit redundant words from the definition of *annually* in clause 3.

This Regulation is made under the *Public Health Act 1991*, including sections 44, 45, 46 and 82 (the general regulation-making power).

Clause 1            Public Health (Microbial Control) Amendment (Miscellaneous) Regulation  
2003

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## **Public Health (Microbial Control) Amendment (Miscellaneous) Regulation 2003**

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### **1 Name of Regulation**

This Regulation is the *Public Health (Microbial Control) Amendment (Miscellaneous) Regulation 2003*.

### **2 Amendment of Public Health (Microbial Control) Regulation 2000**

The *Public Health (Microbial Control) Regulation 2000* is amended as set out in Schedule 1.

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Amendments

Schedule 1

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## Schedule 1 Amendments

(Clause 2)

[1] **Clauses 3 (3) (a), 6 (a), 7 (1) (a) and 8 (a)**

Omit "AS/NZS 3666.1:1995". Insert instead "AS/NZS 3666.1:2002".

[2] **Clauses 3 (3) (b), 6 (b), 9 (1), 11 (1) and 11 (2) (a)**

Omit "AS/NZS 3666.2:1995". Insert instead "AS/NZS 3666.2:2002".

[3] **Clause 3 Definitions**

Omit "within 1 year after" from the definition of *annually* in clause 3 (4).

[4] **Clause 4 Certain dwellings are not regulated premises**

Insert at the end of clause 4:

(2) In this clause:

*dwelling* means a single occupancy dwelling that does not have common property and is not controlled by an owners corporation (within the meaning of the *Strata Schemes Management Act 1996*).

[5] **Clause 7 Installation of hot-water systems and warm-water systems**

Omit clause 7 (1) (b). Insert instead:

(b) if the system is being installed in a health care facility and automatically produces warm water for ablution purposes, the system must not be installed unless it is of a kind approved in writing by the Director-General.

[6] **Clause 7 (3)**

Insert after clause 7 (2):

(3) In this clause:

*health care facility* means the following:

- (a) a public hospital within the meaning of the *Health Services Act 1997*,
- (b) a private hospital or day procedure centre within the meaning of the *Private Hospitals and Day Procedure Centres Act 1988*.

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- (c) an aged care service that provides residential care within the meaning of the *Aged Care Act 1997* of the Commonwealth.

**[7] Clause 9 General operating requirements**

Omit clause 9 (2) (b) and (c). Insert instead:

- (b) must be certified by a competent person annually as being an effective process of disinfection under the range of operating conditions that could ordinarily be expected, and
- (c) must be sufficiently effective so that:
- (i) no sample taken from the system subjected to a test for total *Legionella* numbers in accordance with the relevant Australian standard has a level of *Legionella* of more than 10 colony-forming units per millilitre, or
  - (ii) no sample taken from the system subjected to a test for heterotrophic plate count in accordance with the relevant Australian Standard has a heterotrophic plate count of more than 100,000 colony forming units per millilitre, and

**[8] Clause 9 (2) (d)**

Omit "where the levels set out in paragraph (c) (i) and (ii) are".

Insert instead "where a level set out in paragraph (c) (i) or (ii) is".