

STAKEHOLDER: OCCUPIER

Legionella control in cooling water systems

Cooling water systems must be managed safely in order to prevent the growth and transmission of *Legionella* bacteria.

Occupiers must ensure that their cooling water systems comply with the *Public Health Act 2010* (the Act) and the *Public Health Regulation 2012* (the Regulation).

In 2018, NSW Health strengthened the Regulation to require a performance based (or risk management) approach to managing cooling water systems.

Occupiers have new responsibilities under the amended Regulation.

3. Providing certificates of RMP completion and audit completion to the local government authority
4. Sampling and testing for *Legionella* and heterotrophic colony count – monthly
5. Notifying reportable laboratory test results (*Legionella* count $\geq 1,000$ cfu/mL or heterotrophic colony count $\geq 5,000,000$ cfu/mL) to the local government authority within 24 hours of receiving the result from laboratory
6. Displaying unique identification numbers issued by the local government authority on all cooling towers.

Who is the occupier?

The Act defines the occupier as either the:

- Owner of a premises (e.g. building) where a cooling water system is located
- Person entitled to occupy the premises (e.g. leaseholder or tenant)
- Owners corporation of premises under a strata scheme.

What are the responsibilities of the occupier?

The occupier must ensure that the cooling water system is installed, operated and maintained in accordance with the Act, the Regulation and Australian/New Zealand Standard (AS/NZS) Parts 1, 2 and 3 (2011 edition).

This includes compliance with six new regulatory requirements or “safeguards”:

1. Assessing risk of *Legionella* contamination and preparing a Risk Management Plan (RMP) – every 5 years (or more frequently if required)
2. Independently auditing compliance with the RMP and Regulation – annually

Who can the occupier engage to help fulfil their responsibilities?

The occupier may engage industry-based contractors to meet their responsibilities such as:

- **Duly qualified person** to manage the cooling water system on a routine basis
- **Competent person** to conduct a risk assessment and develop an RMP
- **Independent auditor** to audit compliance with the RMP and Regulation.

The occupier may carry out the roles of duly qualified person and competent person if they meet the legal definitions in the Act and Regulation.

The occupier cannot audit their own system.

What issues must be notified to the local government authority?

The local government authority should be notified of the following:

- Installation of a system, by completing the notification of installation or change in particulars form (Approved Form 6) – within 1 month
- Completion of an RMP, by providing a certificate of RMP completion contained in the Risk Management Plan (Approved Form 1) – within 7 days

- Completion of an audit, by providing a certificate of audit completion contained in the audit report (Approved Form 2) - within 7 days
- Notification of a reportable test result to local government authority, by completing the notification of reportable test results form (Approved Form 4) - within 24 hours
- A change in occupier, by completing the notification of installation or change in particulars form (Approved Form 6) - within 1 month
- Any change in particulars, e.g. decommissioning, by completing the notification of installation or change in particulars form (Approved Form 6) - within 7 days.

How should unique identification numbers be displayed?

The unique identification number must be displayed on a sign on the cooling tower within 30 days of being issued by the local government authority.

The sign must be at least A5 size, clearly visible to a person examining or inspecting the cooling water system and made of a durable material.

What is the local government authority for my area?

You can find your LGA by entering the address of the cooling water system at: <https://www.olg.nsw.gov.au/find-my-council>.

What guidance and training is available?

The *NSW Guidelines for Legionella Control in Cooling Water Systems* explain the new requirements in detail, including the responsibilities of the occupier.

This series of factsheets summarises the key information for each stakeholder. The full set of factsheets can be found on the NSW Health website: www.health.nsw.gov.au/environment/legionellacontrol

NSW Health has developed the *Legionella Control in Cooling Water Systems* training program together with TAFE NSW. Occupiers are encouraged to complete this training.

FOR MORE INFORMATION

Learn more about the new requirements at www.health.nsw.gov.au/environment/legionellacontrol.

Contact your local council at <https://www.olg.nsw.gov.au/find-my-council> or call your local public health unit on 1300 066 055.

Non-English speaker? Call the Translating and Interpreting Service on 13 14 50.