



New South Wales

Public Health Amendment (Legionella Control—Testing) Regulation 2017

under the

Public Health Act 2010

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 2010*.

BRAD HAZZARD, MP
Minister for Health

Explanatory note

The object of this Regulation is to change the maintenance requirements imposed on the occupiers of premises on which water-cooling systems are installed to ensure that:

- (a) there is monthly sampling of water from the system, and testing of the samples for Legionella and heterotrophic colony count, and
- (b) any test results showing high counts are provided to the local government authority within 24 hours.

This Regulation is made under the *Public Health Act 2010*, including Division 2 of Part 3 (Legionella control) and section 134 (the regulation-making power).

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1 Name of Regulation

This Regulation is the *Public Health Amendment (Legionella Control—Testing) Regulation 2017*.

2 Commencement

This Regulation commences on 1 January 2018 and is required to be published on the NSW legislation website.

3 Amendment of Public Health Regulation 2012

(1) Clause 8 Prescribed maintenance requirements

Insert after clause 8 (4A):

- (4B) Samples of water must be taken from a water-cooling system by a duly qualified person at least once a month, in accordance with AS/NZS 3666.3:2011 *Air-handling and water systems of buildings—Microbial control—Performance-based maintenance of cooling water systems*.
- (4C) Samples taken in accordance with subclause (4B) must be tested for Legionella and heterotrophic colony count.

(2) Clause 9A

Insert after clause 9:

9A Provision of test results

- (1) The occupier of premises on which a water-cooling system is installed must ensure that any reportable test results are provided to the local government authority for the area no later than 24 hours after they are received by the occupier.
Maximum penalty: 20 penalty units.
- (2) In this clause:
reportable test results means the results of a laboratory test of a water-cooling system carried out in accordance with clause 8 (4C), being test results that show either of the following:
 - (a) that there are in excess of 1,000 colony-forming units per millilitre for Legionella,
 - (b) that there are in excess of 5,000,000 colony-forming units per millilitre for heterotrophic colony count.