



Independent inspections Regulation 15(2)

South Australian Public Health (Legionella)
Regulations 2013

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Government
of South Australia

SA Health

- (2) The relevant authority is not required to comply with subregulation (1) if the relevant authority, at least once in every 12 months, gives the owner of each of the premises on which a high risk manufactured water system registered with the relevant authority is installed written notice—
- (a) requiring the owner, within the period specified in the notice—
 - (i) to cause an inspection of the water system to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system); and
 - (ii) to arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896—
 - (A) of at least 1 sample of water taken from a cooling water system; and
 - (B) of at least 2 samples of water taken from a warm water system,to determine the presence and number of colony forming units of Legionella in the water; and
 - (b) requiring the owner to submit to the relevant authority written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.
- (3) In subregulation (2)(a)(i) a reference to a *competent person* is a reference to a person who—
- (a) is knowledgeable in the operation and maintenance of high risk manufactured water systems; and
 - (b) is sufficiently competent to ensure that high risk manufactured water systems are operated and maintained as required by these regulations; and
 - (c) has qualifications or training in water treatment of high risk manufactured water systems.
- (4) A person to whom a notice is given under this regulation must not, without reasonable excuse, fail to comply with the requirements of the notice.

Maximum penalty: \$5 000.

Expiation fee: \$315.



Overview

- > Regulation 15(2) – now fifteen years in operation
- > Inspection forms
- > Notices and notice template
- > Pros and cons / for and against / benefits and disadvantages
- > Independent inspector issues
- > Case study
- > Responding to independent inspection reports
- > Recommendations

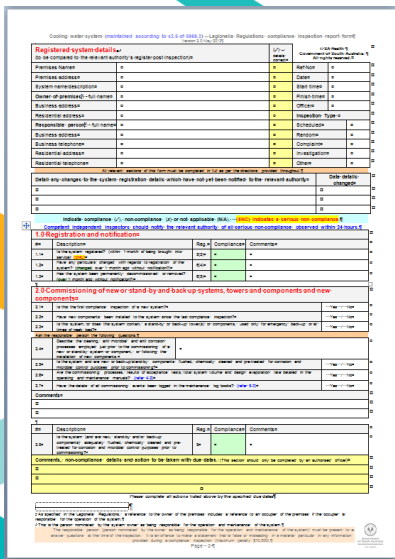


Regulation 15(2)

- > A new method of monitoring environmental health regulatory compliance in South Australia
- > Commenced with first SA *Legionella* regulations on the 1st October 2008
- > Created a new industry/profession of independent *Legionella* Regulations inspection

Inspection forms

- > Created specifically for use by independent inspectors
- > WWS 12 pages, CWS 2.5 of 3666.2 10 pages, CWS 3 of 3666.3 10 pages
- > Captures and reports on all compliance matters
- > Combine all supporting document considerations
- > Have been modified by some councils for EHO use
- > www.sahealth.sa.gov.au/legionella





Notices and notice template

- > 2021-22 annual EH report
- > Independent inspections
 - Metro 225 cws
 - Regional 127 cws
 - Metro 37 wws
 - Regional 145 wws
 - **Total 534**
- > 15(2) notices issued
 - Metro 146
 - Regional 28
 - **Total 174**

Notices and notice template

[INSERT-COUNCIL]

Notice-requiring inspection-of-cooling-water-system(s)
Issued pursuant to Regulation 15(2) of the South Australian Public Health (Legionella) Regulations 2013

NOTICE-NUMBER: → **[INSERT-REFERENCE-NUMBER]**

DATE: → **[INSERT-DATE]**

FROM: → **[INSERT-COUNCIL]**
→ **[Address-line-1]**
→ **[Address-line-2]**

TO: → **[name-or-a-description-sufficient-to-identify-person]**

ADDRESS: → **[Address-line-1]**
→ **[Address-line-2]**

ATTENTION: → **[name]**

WHEREAS you are the owner and/or occupier of the premises situated at **[insert address]**, comprised in Certificate of Title Volume **[XX]** Folio **[XX]** in the State of South Australia ("the premises"). One or more cooling water systems are installed on the premises and are registered with the **[insert Council name]** ("the Council").

TAKE-NOTE you, **[insert name]**, are hereby advised that, pursuant to regulation 15(2), you must cause an inspection of the cooling water system(s) located at the premises in accordance with the requirements listed below in the notice.

SYSTEMS-AFFECTED-BY-THIS-NOTICE
→ **insert the system details – i.e. system ID numbers from registration**

REQUIREMENTS-OF-THIS-NOTICE

You, **[insert name]**, are required to undertake the following actions:

1. → Cause an inspection of each cooling water system on the premises to be carried out by a competent person (not being the owner or person responsible for the operation and maintenance of the system).
Note: a competent person is a reference to a person who—
(a) is knowledgeable in the operation and maintenance of high risk manufactured water systems; and
(b) is sufficiently competent to ensure that high risk manufactured water systems are operated and maintained as required by these regulations; and
(c) has qualifications or training in water treatment of high risk manufactured water systems.
2. → Arrange for a NATA accredited laboratory to conduct microbiological testing, in accordance with AS/NZS 3896 — of at least 1 sample of water taken from each cooling water system to determine the presence and number of colony forming units of Legionella in the water.
3. → Submit to the **[insert Council name]** written reports setting out the findings of the inspection and the results of the microbiological testing within 1 month of receiving the reports.

1 of 3

You are required to comply with the first and second listed requirements of this notice on or before **[insert-specified-DATE]**

Signed: → → → → ...as delegate for the Council

[INSERT-NAME]
[INSERT-POSITION]

Page Break

2 of 3

TAKE-NOTE:

1. → Failure to comply with the notice is an offence

Regulation 15(4) of the South Australian Public Health (Legionella) Regulations 2013 provides that:

A person to whom a notice is given under this regulation must not, without reasonable excuse, fail to comply with the requirements of the notice.

Maximum Penalty: \$5,000

Exemption Fee: \$315

The Council reserves its rights to either issue you with an exemption fee or commence a prosecution against you if you fail to comply with this Notice.


2. → Further information

An on-line copy of the 'South Australian Public Health (Legionella) Regulations 2013' is available at www.legislation.sa.gov.au Click on 'Regulations and Rules'

An on-line copy of the 'Guidelines for the control of Legionella in Manufactured Water Systems in South Australia' is available at <http://www.health.sa.gov.au/pehs/> Click on 'Environmental Health' and then 'Legionella Regulations and Guidelines 2013'. To obtain a hard copy please contact SA Health on (08) 8226 7100.

SA Health has produced inspection and report proforma to assist independent competent inspectors in undertaking mandatory compliance inspections and producing the required reports. It is recommended that this form be completed in full when providing the local authority a copy of your report or you may be requested to provide additional documentation to support your findings.

The inspections forms are available at <https://www.sahealth.sa.gov.au/wps/wcm/connect/public/content/sa+health+internet/public+health/water+quality/legionella+regulations+and+guidelines>



3. → Contact information

Authorised officer issuing the notice:

Name:

Phone:

Email:

3 of 3



The independent inspection stakeholders

- > Local authorities (councils) - organisation
- > Environmental health officers
- > System owners / managers
- > Public health
- > Maintenance / water treatment contractors
- > Independent inspectors

Pros and cons



> Local authorities (councils)

PROS	CONS
Workload	Inadequately skilled staff
Work health and safety risk	Public health risk
	Organisational risk

> Environmental health officers

PROS	CONS
Avoid need to skill up	Work variety
	Resolving non compliance
	Disease investigations

Pros and cons



> System owners

PROS	CONS
Choose own inspector	Cost

Inspection - \$176.00 for the first system, \$117.00 for each subsequent system installed on the same premises

> Public health

PROS	CONS
Industry expertise / knowledge utilised	Questionable inspectors
	No powers to direct / ensure access
	Delays in dealing with non compliance

Pros and cons



> Contractors

PROS	CONS
Business opportunities	Inspected by competitors

> Independent inspectors

PROS	CONS
No approval – business opportunity	Liability



Independent inspector issues

- > Competence
- > Conflict of interest
- > Quality of reports
- > Consulting / advising
- > Pseudo-regulator / warnings issued
- > Honesty / integrity / misrepresentation
- > Insurance



Case study

- > Alternative decontamination application received
- > Facility already had one system approved
- > Inspection undertaken with local council
- > Previous two inspections independent
- > Multiple compliance issues identified



Issues identified

- > Wrong form used
- > One form to report on multiple systems
- > No non-compliance reported
- > Drift eliminators
- > No access to some components
- > Handwritten report illegible in parts



Outcomes

- > Notice issued
- > Existing approval revoked
- > Applications never progressed

Drift eliminators before and after



Condition: Poor. Needs urgent replacing

Clean; Yes

Compliant certificate: yes.

Access: Require a permanent ladder/scaffold to inspect monthly. Scaffolds are erected for tower cleans

Note: Drift eliminators are in a poor condition and will require urgent replacement to ensure they are compliant to the AS 3666 standards.

Something is missing

- > Approved qualifications / training
- > Guidelines for independent inspectors / auditors
- > Code of practice / conduct for independent inspectors
- > Independent inspector approval scheme
- > Published list of approved independent inspectors



Department of Health

Public register - cooling tower systems and auditors

Public register - approved auditors

Section 95 of the Public Health and Wellbeing Act 2005 states that only an approved auditor can conduct a risk management plan audit. Approved auditors are certified by the department.

Managing the Approval to Audit Cooling Water Systems
Process



Issue date: April 2023

SA Health



Responding to independent inspection reports

- > Timely assessment
- > Scrutinise thoroughly
- > Question and clarify
- > Inspect and confirm reported non-compliance
- > Undertake random verification inspections
- > Report incidents, issues and concerns



Recommendations

- > Undertake at least a portion of annual inspections
- > Focus on high risk and problematic systems
- > Unsure – phone a friend
- > Don't be intimidated
- > Use inspection forms to guide questions

Questions?

Health Protection Programs

SA Health

Ph. 8226 7100

> <http://www.sahealth.sa.gov.au/legionella>



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[Home](#) > [Public health](#) > [Water quality](#) > Legionella regulations and guidelines

Legionella regulations and guidelines



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