Information for aged care, health services, health service establishments, registered funded agencies and correctional services

The purpose of this fact sheet is to inform aged care, health services, health service establishments, registered funded agencies and correctional services in Victoria about the Public Health and Wellbeing Regulations 2009 (the Regulations).


Requirements under the Public Health and Wellbeing Regulations 2009

Division 2—Legionella risks in certain premises

61 Application of this Division

This Division applies to premises supplying aged care, health services, health service establishments, registered funded agencies, correctional services and commercial vehicle washes.

62 Legionella risk management in certain places

The responsible person must take reasonable steps to manage the risks of Legionella in any water delivery system located at premises specified in regulation 61.

Penalty: 20 penalty units.

63 Legionella detected in a water delivery system

Within 24 hours of receiving a report that Legionella has been detected in a water sample taken from a water delivery system located at any premises specified in regulation 61, the responsible person must ensure the water delivery system is disinfected.

Penalty: 20 penalty units.

64 Water delivery system suspected or implicated as the source of infection

If the Secretary has informed the responsible person that the water delivery system is suspected or implicated as the source of infection in a case or an outbreak of Legionellosis, the responsible person must ensure that—

(a) a water sample from the water delivery system is promptly taken and delivered to a laboratory for testing and reporting on for Legionella; and

(b) the water delivery system is disinfected in accordance with any reasonable directions given to the responsible person by the Secretary.

Penalty: 20 penalty units.
Responsible person
The Regulations define the responsible person as any person who owns, manages, or controls the water delivery system.

Water delivery systems
The Regulations say that a water delivery system includes any shower plumbing, bath, pipes, water heaters, bathing facilities, water storage tanks or vehicle washing equipment used to store, deliver, transmit, treat or mix water.

Certain premises
The Regulations require certain premises with water delivery systems must “manage the risks” associated with Legionella.

The ‘certain premises’ that the regulations apply to are premises supplying:
- aged care (as defined in the Aged Care Act 1997 (Com))
- health services (as defined in the PHWA)
- health service establishments (as defined in the Health Services Act 1988)
- registered funded agencies (as defined in the Health Services Act 1988)
- correctional services (as defined in the Corrections Act 1986)
- commercial vehicle washes.

Attachment 1 provides a more comprehensive definition of certain premises.

Legionella risks
Legionella has been detected in water delivery systems associated with showers in hospitals and aged care facilities in Victoria.

Legionella is an organism that is ever-present in the environment and found in very low concentrations in the potable water supply. In the right environment, however, the Legionella bacteria are able to multiply and pose significant risks to the health of individuals exposed to the bacteria.

The risk of Legionella growth increases in water delivery systems that store water at temperatures between 30°C and 60°C.

People may contract Legionnaires’ disease if they are exposed to small droplets containing the bacteria, like those produced by showers.

Managing the risks of Legionella
In order to comply with the Regulations and reduce the risk of Legionella in your shower system, the Department of Health recommends that a Legionella Risk Management Plan be developed for your shower system.

An assessment of other water delivery systems should also be conducted to identify any systems that store water at temperatures between 30°C and 60°C combined with producing respirable sized droplets to which people might be exposed. A risk assessment should then be conducted on those systems.
Attachment 1

Premises that the Regulations apply to

The regulations apply to premises supplying:

- aged care
- health services
- health service establishments
- registered funded agencies
- correctional services
- commercial car washes

Aged Care
The Regulations apply to ‘aged care’ premises as defined in the Aged Care Act 1997 (Com). In that Act:

aged care means care of one or more of the following types:

(a) residential care;
(b) community care;
(c) flexible care

Where:

care means services, or accommodation and services, provided to a person whose physical, mental or social functioning is affected to such a degree that the person cannot maintain himself or herself independently.

Health Services
The Regulations apply to ‘health services’ as defined in the Public Health and Wellbeing Act 2008. In the PHWA:

health service means—

(a) a day procedure centre;
(b) a denominational hospital
(c) a multi purpose service;
(d) a private hospital;
(e) a public hospital—

and has effect in the context in which the term is used as if each of the services set out above referred to the premises on which the service is conducted or the proprietor of that service as required.

Health Service Establishments
The Regulations apply to ‘health service establishments’ as defined in the Health Services Act 1988 as:

health service establishment means—

(a) a day procedure centre;
(b) a private hospital; or
(c) a supported residential service

Registered Funded Agencies
The Regulations apply to ‘registered funded agencies’ as defined in the Health Services Act 1988 as:

registered funded agency means—

(a) a public hospital; or
(b) a denominational hospital; or
(c) a public health service; or
(d) any other agency registered or deemed to be registered under Division 2 of Part 3 of the Health Services Act 1998; or
(e) a State funded residential care service.
Correctional Services
The Regulations apply to ‘correctional services’ as defined by the Corrections Act 1986 as:

**correctional services** means the following services—
(a) prisons and services related to prisons or prisoners;
(b) services related to parole and programmes for persons subject to correctional orders’
(c) community corrections centres regional centres and locations and services related to community corrections centres regional centres and locations;
(d) community-based programmes and services related to the administration of community-based orders.

Commercial Vehicle Washes
The Regulations apply to ‘commercial vehicle washes’ defined in the Regulations as ‘a business where cars, trucks and other vehicles are washed’.