

Public Health (Cooling Towers) Risk Activity Declaration 2017 (No 1)

Disallowable instrument DI2017-165

made under the

Public Health Act 1997, s 18 (Public health risk activities and procedures – declaration)

EXPLANATORY STATEMENT

Section 18 (1) of the *Public Health Act 1997* (the Act) provides that the Minister may declare an activity that may result in the transmission of disease, or that may otherwise adversely affect the health of individuals in the context of the wider health of the community, to be a public health risk activity. Section 18 (6) of the Act provides that a declaration is a disallowable instrument.

Section 18 (3) of the Act provides that a declaration made under Subsection (1) must indicate whether the declared activity is licensable, non-licensable or registrable.

This instrument declares the operation of a cooling tower to be a location-specific public health risk activity under subsection 18 (1) of the Act. The instrument further declares the operation of a cooling tower to be a registrable public health risk activity under subsection 18 (3) of the Act.

Section 18 (5) of the Act provides that a registrable public health risk activity that is location-specific is registrable separately –

- (a) for each premises where it is carried on; or
- (b) if it is carried on at more than 1 location on particular premises – for each such location.

As defined by *Air-handling and water systems of buildings – Microbial control Design, installation and commissioning* (AS/NZS 3666 1:2011) a cooling tower is a device for lowering the temperature of water by evaporative cooling in which atmospheric air is in contact with falling water, thereby exchanging heat. The term also includes those devices that incorporate a water-refrigerant or water-water heat exchanger.

AS/NZS 3666 1:2011 is incorporated into this instrument by the definition of *cooling tower*. The Legislation Act, s 47 (6) provides that an incorporated document, and any amendment or replacement of such a document, are taken to be notifiable instruments. A notifiable instrument must be notified on the legislation register under the Legislation Act. However, the Legislation Act, s 47 (6) may be displaced by the authorising law or the incorporating instrument (see s 47 (7)). The Legislation Act, s 47 (6) is displaced here because the incorporated standards are subject to copyright and may be purchased over the Internet.

This declaration aims to minimise potential risks to public health from exposure to *Legionella* bacteria arising from building water systems.