



Managing Public Health Risks
Associated with Cooling Towers
and Warm Water Systems in WA

**WALGA Submission to
Department of Health**

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1.0 Introduction

The Western Australian Local Government Association (WALGA) is the united voice of Local Government in Western Australia. The Association is an independent, membership-based organisation representing and supporting the work and interests of Local Governments in Western Australia.

It provides an essential voice for its members who are 138 Local Governments, 1,215 Elected Members and approximately 22,000 Local Government employees as well as over 2.2 million constituents of Local Governments in Western Australia. The Association also provides professional advice and offers services that provide financial benefits to the Local Governments and the communities they serve.

WALGA is appreciative of the extensive consultation with Local Government that the Department of Health (DOH) has undertaken in the review of legislations and regulations.

2.0 Background

Local Government is an enforcement agency under the *Public Health Act 2016* (the Public Health Act), with Local Government Environmental Health Officers (EHOs) playing a key role in administering the Public Health Act and Regulations. To ensure broad representation of Local Government responses to the Discussion Paper, and within this submission, WALGA invited submissions on the Discussion Paper through our communication channels to Local Governments, as well as via direct emails and phone calls to various Local Governments and Local Government networks of officers working in environmental health.

WALGA received three responses from Local Governments, one was general comments from the Shire of Dandaragan, one was a formal submission from the City of Joondalup and another was a formal submission from the Metropolitan Environmental Health Officers Group (MEHMG), which is supported by the majority of MEHMG members. Additionally, WALGA officers responsible for the areas of Planning and Community policy have provided comment to the submission. A list of engagement avenues and responses received is included in Appendix 1.

3.0 Comments

WALGA supports proposed Option C: Develop new regulations to manage this public health risks with building requirements addressed by the Building Code of Australia. This is supported by the MEHMG submission, City of Joondalup and the Shire of Dandaragan.

Q2. Based on your answer to question 1, please indicate why this is your preferred option

WALGA and MEHMG have identified C as the preferred option because:

- There is clearly an identified public health disease risk with these systems; and the existing legislation has to date not been able to be effectively implemented

- Utilising the Building Code of Australia would align Western Australia with the approach of other states.

Whilst the development of regulations to mitigate risk is supported, the discussion paper fails to provide any information on the nature of air-handling and water systems that might be captured and what controls would be put in place. Therefore, it is difficult to determine the full impact to Local Government.

WALGA requests further clarification and discussion prior to the drafting of any new regulation.

Q3. Do you have suggestions for alternative options that have not been considered in the discussion paper?

WALGA suggests investigating the Victorian approach (as outlined in the paper), where a centralised model has three officers who look after 1000 inspections per year for their 3000 towers, which seems to be a comparable number to Western Australia. The preferred option C, seems to give at least 30 Local Governments more responsibilities, and with the more training, infringement notices and fee structures to be set up. It may be a more effective and efficient approach to adopt a centralised model, run through State Governments, as occurs in Victoria.

As proposed by MEHMG, WALGA supports (under Option C) the development of new regulations to focus on cooling towers and warm water systems; while misting systems (not currently covered) could be considered by the development of a Guideline. Guidelines would clarify the application of the general public health duty and provide information about the measures that may constitute compliance or non-compliance. This would also allow the issuing of improvement notices or enforcement orders to address any identified problems in relation to these systems.

Q4. Do you have any other comments about controlling the public health risks related to air handling and warm water systems in WA?

The Discussion Paper is not clear on the proposed application of regulations regarding the varying nature of air handling and water systems and to what extent any proposed legislation may apply. Therefore, it is not clear what the implications may be to Local Government, and hence further consultation is requested prior to the development of any proposed regulation.

The current discussion paper fails to address outdoor misting systems and car washes, which unlike cooling towers are not captured under the BCA and therefore have no clear mechanism for management. Whilst not as significant, they still have the capacity to put the public at risk, so there needs to be some guidance in place around these systems (see comments above about these systems).

Q5. Do you have any comments or advice about costs and benefits of these options, including the alternative option suggested under Question 3?

There is limited detail provided about Option C, so it is difficult to clearly evaluate the impact of this on Local Government. So whilst in principle Option C is supported, further investigation

is required to determine the resource, training and liability implications for Local Government if this is to go ahead.

The evidence to date does not demonstrate that air handling and water systems have been a serious issue in WA. Whilst it is clear that the consequence of an outbreak would be severe, there should be consideration of the cost and resource requirements of additional regulation, which may not be justified when compared to other public health risks.

4.0 Conclusion

Thank you again for the opportunity to make comment on the *Management of Public Health Risks associated with cooling towers and warm water systems in Western Australia* Discussion Paper. Local Governments are appreciative of the opportunity to provide input on the development of the *Public Health Act 2016* regulations, and it is anticipated that integrating the experiences and knowledge of Local Government Environmental Health Officers into regulation will lead to improved public safety.

It should be noted that this submission has not yet been considered or endorsed by WALGA's State Council and therefore is an interim submission. The Association reserves the right to modify or withdraw the comments as directed by State Council. This submission will be considered at the WALGA State Council meeting in September 2019 and you will be notified of the outcome.

WALGA looks forward to working with Department of Health on the development of new regulations should Option C be supported.

5.0 Appendix 1. Engagement Process

Written submissions received from:

- Metropolitan Environmental Health Officers Group

Comments received from:

- Shire of Dandaragan
- City of Joondalup
- WALGA Planning

Engagement Process

Newsletters:

- WALGA Local Government News
- WALGA Community News
- WALGA Planning News

Emails:

- MEHMG
- LG Environmental Health Officers Mailing List
- Regional Environmental Health Officers groups
- WALGA Teams: Governance, Planning, Environment

Submission sent to WALGA People and Place Policy Team and Executive Committee