

Meegan Fitzharris MLA



Member for Yerrabi

Minister for Health and Wellbeing
Minister for Transport and City Services
Minister for Higher Education, Training and Research

Mrs Guilia Jones MLA
Chair
Standing Committee on Justice and Community Safety
ACT Legislative Assembly
London Circuit
Canberra ACT 2600

Dear Mrs Jones

I am writing in response to comments made by the Standing Committee on Justice and Community Safety regarding the Public Health (Cooling Towers) Risk Activity Declaration 2017 (No 1) (the Declaration) made under section 18 of the *Public Health Act 1997*.

Amongst its comments, the Committee sought my advice about access to the Australian/New Zealand Standard *Air-handling and water systems of buildings – Microbial control Design, installation and commissioning* (the Standard) and whether it could be made available for free to the general public on a restricted basis (eg at an ACT Government office for viewing within certain hours).

It is important that people who work with cooling towers use the Standard, as it sets the appropriate requirements for cooling tower management. Viewing the Standard at an ACT Government office would not be adequate and making the Standard available in such a manner would still raise copyright issues.

I agree with the Committee's view that, as far as possible, legislation should be freely available to the general public. However, I note that the Committee also recognises that an exception to this would occur where legislation incorporates an Australian Standard and where only a certain class of people are expected to be concerned by the requirements of the Standard. This is indeed the case with cooling towers, as only those people who install, operate or manage a cooling tower are expected to be concerned with the requirements of the Standard. This class of people would most likely already be in possession of the Standard to fulfil requirements of their general business.

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The current Standard (and its previous forms) have been used by the industry and this class of people since 1991. Since at least 2000, these Standards have been referenced in such ACT legislation as the Public Health (ACT Cooling Towers and Warm Water Storage Systems) Code of Practice 2000 and the 2005 Code of Practice which subsequently replaced it. In the almost 20 years these requirements have been in place, ACT Health is not aware of issues of access to the Standard being raised. I acknowledge that it may have been useful to provide more detail on some of these matters in the Declaration's explanatory statement. I have asked that future revisions to the Declaration contain such information.

With respect to providing general access to the Standard, the distributor of the Standard (SAI Global) estimated that providing it on the ACT Legislation Register would likely cost in excess of \$360,000 per annum. A portal system that requires a login to access the Standard would also likely be expensive, as it would involve site development, ongoing administration and copyright material access costs. ACT Health believes the costs associated with these options are disproportionate to their benefits, given the relatively small number of people who require access to the Standard.

As a principle, ACT Health takes an educative approach to ensuring compliance with the Declaration. This means anyone requiring information on the Standard, or those who breach their legislative requirements because of lack of access to the Standard, would be provided with the necessary information to resolve their issue.

I trust that this information addresses the Standing Committee's comments.

Yours sincerely

Meegan Fitzharris MLA
Minister for Health and Wellbeing