



Western Australia

## **Health (Air-handling and Water Systems) Regulations 1994**

Compare between:

[10 Jan 2017, 01-c0-00] and [24 Jan 2017, 01-d0-01]



## Health (Air-handling and Water Systems) Regulations 1994

### Part 1 — Preliminary

#### 1. Citation

These regulations may be cited as the *Health (Air-handling and Water Systems) Regulations 1994*<sup>1</sup>.

#### 2. Commencement

These regulations come into operation on the day that is 3 months after the day on which they are published in the *Government Gazette*<sup>1</sup>.

#### 3. Interpretation

- (1) In these regulations, unless the context otherwise requires —  
***air-handling system*** means an air-handling system as defined in AS 3666 but does not include a dry system which does not use water or other liquids to operate, humidify, clean, maintain, heat or cool the air;

***AS 3666*** means the standards published by Standards Australia as —

- (a) AS/NZS 3666.1:1995 Air-handling and water systems of buildings — Microbial control — Part 1: Design, installation and commissioning;

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- (b) AS/NZS 3666.1:1995/Amdt 1 — 1996 Air-handling and water systems of buildings — Microbial control — Part 1: Design, installation and commissioning;
- (c) AS/NZS 3666.2:1995 Air-handling and water systems of buildings — Microbial control — Part 2: Operation and maintenance;
- (d) AS/NZS 3666.1:1995/Amdt 1 — 1996 Air-handling and water systems of buildings — Microbial control — Part 2: Operation and maintenance; and
- (e) AS/NZS 3666.3:2000 Air-handling and water systems of buildings — Microbial control — Part 3: Performance-based maintenance of cooling water systems;

**cooling tower** means a cooling tower as defined in AS 3666 and also means any other liquid cooled heat rejection or liquid cooling equipment;

~~**Executive Director** means the Executive Director, Public Health or a delegate of that official;~~

**water system** means a piped water system within a building designed to deliver water to outlet points.

- (2) A word or phrase used in these regulations and defined in AS 3666 has the same meaning in these regulations as in AS 3666.

*[Regulation 3 amended ~~in~~ Gazette 23 Oct 2001 p. 5634-5; 10 Jan 2017 p. 257.]*

#### 4. Application

- (1) These regulations have effect in all districts.
- (2) These regulations apply in respect of all buildings, other than a building that is classified as a Class 1, Class 2 or Class 10 building under the *Building Regulations 2012* regulation 6.
- (3) These regulations apply in respect of the operation and maintenance of air-handling and water systems and cooling

towers installed in buildings and apply to a system whether it was installed before or after the commencement of these regulations.

- (4) These regulations apply in respect of the design and installation of air-handling and water systems and cooling towers to be installed in buildings where the installation of the system starts after the commencement of these regulations.

*[Regulation 4 amended ~~in~~: Gazette 23 Oct 2001 p. 5635; 30 Jul 2013 p. 3485.]*

## **Part 2 — Adoption of AS 3666**

### **5. Adoption of AS 3666**

- (1) Subject to this regulation AS 3666 is adopted and forms part of these regulations.
- (2) The provisions of these regulations are in addition to and not in derogation of the requirements of AS 3666 but where a requirement under those standards is inconsistent with a provision of these regulations the provisions of these regulations prevail to the extent of that inconsistency.

### **6. Exemption may be granted**

- (1) A person who wishes to install or modify and operate an air-handling system, water system or cooling tower which does not comply with AS 3666, who satisfies the local government that the air-handling system, water system or cooling tower is satisfactory for the purposes of these regulations, may, with the written approval of the ~~Executive Director~~[Chief Health Officer](#), install or modify and operate such an air-handling system, water system or cooling tower subject to any conditions imposed by the ~~Executive Director~~[Chief Health Officer](#).
- (2) A person who wishes to use a system of maintenance for an air-handling system, water system or cooling tower which does not comply with AS 3666, who satisfies the local government that the proposed system of maintenance of the air-handling system, water system or cooling tower is satisfactory for the purposes of these regulations, may, with the written approval of the ~~Executive Director~~[Chief Health Officer](#), maintain the air-handling system, water system or cooling tower using that proposed system, subject to any conditions imposed by the ~~Executive Director~~[Chief Health Officer](#).
- (3) The ~~Executive Director~~[Chief Health Officer](#) may amend or cancel an approval granted under this regulation.

*[Regulation 6 amended ~~in~~ Gazette 23 Oct 2001 p. 5635;  
[10 Jan 2017 p. 257.](#)]*

## **Part 3 — Design, installation, operation and maintenance of a system**

### **7. Application for approval**

- (1) A person who proposes to install, or substantially modify, an air-handling system, water system or cooling tower in a building must make an application for that purpose to the local government and obtain the written approval of the local government.
- (2) A person who contravenes subregulation (1) commits an offence.
- (3) An application under subregulation (1) in relation to an air-handling system or cooling tower must be accompanied by a plan that includes —
  - (a) details of the type, design, layout and location of the air-handling system or cooling tower;
  - (b) the location of air inlets and air exhausts, including windows which open;
  - (c) the direction of the prevailing winds and localized wind patterns;
  - (d) the location and design of other inlets and discharges which may effect or be effected by the proposed installation; and
  - (e) the position and type of any proposed developments in the vicinity of the installation of which the local government have received notice.
- (4) An application under subregulation (1) in relation to a water system must be accompanied by —
  - (a) details of the type of system; and



(b) plans of the design of the system,  
to be installed.

*[Regulation 7 amended ~~in~~ Gazette 16 Sep 1994 p. 4751;  
23 Oct 2001 p. 5635.]*

## **8. Design and installation**

Unless the local government is satisfied that the information provided under regulation 7(3) and (4) with respect to the design and installation of an air-handling system, water system or cooling tower complies with the provisions of AS 3666 applicable to the design and installation of that system, the local government shall not grant the approval referred to in regulation 7(1) nor allow the installation of such a system.

*[Regulation 8 amended ~~in~~ Gazette 23 Oct 2001 p. 5635.]*

## **9. Operation and maintenance**

- (1) A person to whom a provision of AS 3666 applicable to the operation and maintenance of an air-handling system, water system or cooling tower applies must comply with that provision.
- (2) A person who contravenes subregulation (1) commits an offence.

## **Part 4 — Requirements in addition to AS 3666**

### **10. Control of liquids and dust**

- (1) The owner or occupier of a building must ensure that —
  - (a) any liquids discharged in the course of operation or maintenance carried out under these regulations are directed to and discharged into a sewer or other waste system approved by the local government and any other relevant authority;
  - (b) any aerosols, dust or particulate matter generated during operation or maintenance are not allowed to contaminate adjoining areas and the ambient environment; and
  - (c) unless authorised by the owner or occupier, public access to any area referred to in paragraph (b) is prohibited.
- (2) A person who contravenes subregulation (1) commits an offence.

*[Regulation 10 amended ~~in~~ Gazette 23 Oct 2001 p. 5635.]*

### **11. Unsuitable materials**

- (1) If the local government is satisfied that any material is or may be unsafe for the purposes of use in an air-handling system, water system or cooling tower the local government may, with the written approval of the ~~Executive Director~~ [Chief Health Officer](#), direct that that material must not be used in the construction of such a system.
- (2) A person who uses a material in contravention of a direction given under subregulation (1) commits an offence.

*[Regulation 11 amended ~~in~~ Gazette 23 Oct 2001 p. 5635;  
[10 Jan 2017 p. 257.](#)]*

## Part 5 — Closure of systems

### 12. Local government may close air-handling system, water system or cooling tower

- (1) The local government may, by notice in writing served on the —
- (a) owner or occupier of the building; or
  - (b) the person in charge of an air-handling system, water system or cooling tower,

direct that an air-handling system, a water system or a cooling tower is closed forthwith, if the local government is satisfied that the air-handling system, water system or cooling tower could, if it continued to operate, cause a serious risk to health.

- (2) The local government must forthwith notify the ~~Executive Director~~[Chief Health Officer](#) of a closure effected by notice under subregulation (1) and, as soon as practicable, furnish the ~~Executive Director~~[Chief Health Officer](#) with a copy of such notice.
- (3) Unless confirmed in writing by the ~~Executive Director~~[Chief Health Officer](#) a notice referred to in subregulation (1) expires 48 hours after service of the notice and the air-handling system, water system or cooling tower to which the notice relates may resume operating.
- (4) The ~~Executive Director~~[Chief Health Officer](#) may amend or cancel a notice referred to in subregulation (1) in writing, within 48 hours of the service of the notice, if he or she considers it appropriate to do so and where the notice is cancelled the air-handling system, water system or cooling tower to which the notice relates may resume operating.
- (5) An owner or occupier or any person who fails to give effect to a direction under subregulation (1) commits an offence.

*[Regulation 12 amended-~~in~~: Gazette 23 Oct 2001 p. 5635;  
[10 Jan 2017 p. 257.](#)]*

**13. ~~Executive Director~~Chief Health Officer may close air-handling system, water system or cooling tower**

- (1) Notwithstanding the power conferred on a local government under regulation 12(1), the ~~Executive Director~~Chief Health Officer may, by notice in writing served on the —

- (a) owner or occupier of the building; or
- (b) the person in charge of an air-handling system, water system or cooling tower,

direct that an air-handling system, a water system or a cooling tower is closed forthwith, if he or she is satisfied that the air-handling system, water system or cooling tower could, if it continued to operate, cause a serious risk to health.

- (2) An owner or occupier or any person who fails to give effect to a direction under subregulation (1) commits an offence.

*[Regulation 13 amended ~~in~~: Gazette 23 Oct 2001 p. 5635; 10 Jan 2017 p. 257.]*

**14. Re-opening of air-handling system, water system or cooling tower**

- (1) Subject to subregulation (2), an air-handling system, water system or cooling tower which has been closed under this Part shall remain closed until —

- (a) where the local government has closed the air-handling system, water system or cooling tower under regulation 12, the local government; or
- (b) in any event, the ~~Executive Director~~Chief Health Officer,

directs in writing that the air-handling system, water system or cooling tower may be re-opened.

- (2) Subregulation (1) does not apply to an air-handling system, water system or cooling tower where the ~~Executive Director~~Chief Health Officer has —

- (a) not confirmed a notice of closure under regulation 12(3);  
or
- (b) cancelled a notice of closure under regulation 12(4).

*[Regulation 14 amended-~~in~~: Gazette 23 Oct 2001 p. 5635;  
[10 Jan 2017 p. 257.](#)]*

**15. Notice given by ~~Executive Director~~[Chief Health Officer](#) prevails**

Where there is conflict or inconsistency between the provisions in a notice given by the ~~Executive Director~~[Chief Health Officer](#) and a notice given by the local government under this Part, the provisions of the notice given by the ~~Executive Director~~[Chief Health Officer](#) to the extent of the conflict or inconsistency shall prevail.

*[Regulation 15 amended-~~in~~: Gazette 23 Oct 2001 p. 5635;  
[10 Jan 2017 p. 257.](#)]*

## **Part 6 — Offences and penalties**

### **16.       Offences and penalties**

- (1) A person who contravenes or fails to comply with any of the provisions of these regulations commits an offence.
- (2) A person who commits an offence under these regulations is liable to —
  - (a) a penalty which is not more than \$1 000 and not less than —
    - (i) in the case of a first offence, \$100;
    - (ii) in the case of a second offence, \$200; and
    - (iii) in the case of a third or subsequent offence, \$500;and
  - (b) if that offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50.

### Notes

- <sup>1</sup> This is a compilation of the *Health (Air-handling and Water Systems) Regulations 1994* and includes the amendments made by the other written laws referred to in the following table<sup>1a</sup>. The table also contains information about any reprint.

### Compilation table

Citation	Gazettal	Commencement
<i>Health (Air-handling and Water Systems) Regulations 1994</i>	24 Jun 1994 p. 2993-3004	24 Sep 1994 (see r. 2)
<i>Health (Air-handling and Water Systems) Amendment Regulations 1994</i>	16 Sep 1994 p. 4751	24 Sep 1994 (see r. 2)
<i>Health (Air-handling and Water Systems) Amendment Regulations 2001</i>	23 Oct 2001 p. 5634-5	23 Oct 2001
<b>Reprint 1: The <i>Health (Air-handling and Water Systems) Regulations 1994</i> as at 29 Aug 2003</b> (includes amendments listed above)		
<i>Health (Air-handling and Water Systems) Amendment Regulations 2013</i>	30 Jul 2013 p. 3485	r. 1 and 2: 30 Jul 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 31 Jul 2013 (see r. 2(b))

- ~~<sup>1a</sup> On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.~~

### Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Health Regulations Amendment (Public Health) Regulations 2016</i> Pt. 8 <sup>2</sup>	10 Jan 2017 p. 237-308	24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165)

- ~~<sup>2</sup> On the date as at which this compilation was prepared, the *Health Regulations Amendment (Public Health) Regulations 2016* Pt. 8 had not come into operation. It reads as follows:~~

**Part 8 ~~Health (Air-handling and Water Systems)~~  
Regulations 1994 amended**

**25. ~~Regulations amended~~**

~~This Part amends the *Health (Air-handling and Water Systems) Regulations 1994*.~~

**26. ~~Regulation 3 amended~~**

~~In regulation 3(1) delete the definition of *Executive Director*.~~

**27. ~~Various references to “Executive Director” amended~~**

~~In the provisions listed in the Table delete “Executive Director” (each occurrence) and insert:~~

~~Chief Health Officer~~

**Table**

<del>r. 6(1), (2) and (3)</del>	<del>r. 11(1)</del>
<del>r. 12(2), (3) and (4)</del>	<del>r. 13(1)</del>
<del>r. 14(1)(b) and (2)</del>	<del>r. 15</del>

~~Notes:~~

~~1. The heading to amended regulation 13 is to read:~~

~~**Chief Health Officer may close air-handling system, water system or cooling tower**~~

~~2. The heading to amended regulation 15 is to read:~~

~~**Notice given by Chief Health Officer prevails**~~