

## Blue Scope Steel Limited

94	That there continue to be an obligation for the owner of land on which there is a cooling tower system to ensure that a risk management plan is prepared in relation to the system (see recommendation 215).	4.6
<b>Comment:</b> We agree, as this is consistent with the existing regulations.		
95	That there is consideration regarding whether any other people undertaking a registerable or licensable activity should be required to prepare a risk management plan. The Act would specify whether such people are required to prepare a risk management plan.	4.6
<b>Comment:</b> At the moment the health act only requires risk management plans to be in place for cooling tower activities.  We are concerned that should the revised act stipulate the requirement for other 'registerable or licensable' activities to have risk management plans in place, this would overlap the requirements already prescribed by other legislation including the Occupational Health and Safety Act, thereby creating confusion and increased bureaucracy, with little benefit to risk management practices.  Therefore, we don't support the expansion of risk management plans beyond the current requirements for cooling towers.		
208	That the provisions of the Health Act concerning offensive waterways (ss 68–72) not be included in the public health Act.	6.1
<b>Comment:</b> We agree. These provisions should be covered off by the State Environment Protection Policy and EPA Act, as well as Industrial licenses under the jurisdiction of the above-mentioned authority.		
209	That the public health Act include a consequential provision repealing section 275 of the <i>Melbourne and Metropolitan Board of Works Act 1958</i> (Vic) (which refers to Division 4 of Part 4 of the Health Act).	6.1
<b>Comment:</b> We agree that this piece of legislation is redundant. The <i>Melbourne and Metropolitan Board of Works</i> no longer exists.		

212 That, subject to the amendments noted below, 6.2  
Parts 5A and 5B of the *Building Act 1993* (Vic) be  
transferred to the public health Act.

**Comment:** We support the rationalisation of legislation into one Act, the Health Act, as this would lead to simplified lines of communication and regulation.

213 That responsibility for registration transfer from the 6.2  
Building Commission to the Secretary to the  
Department of Human Services.

**Comment:** We support the rationalisation of legislation into one Act, the Health Act, as this would lead to simplified lines of communication and regulation.

214 That the public health Act provide that the owner of 6.2  
the land on which there is a cooling tower system  
must ensure that the system is registered.

**Comment:** This proposal does not represent a change to existing legislation. We are already compliant, and support its continuation.

215 That the public health Act continue to provide that 6.2  
the owner of the land on which there is a cooling  
tower system is responsible for the obligations  
noted in sections 75EA, 75EB, 75EC, 75ED and  
75FA of the *Building Act 1993* (Vic).

**Comment:** This proposal does not represent a change to existing legislation. We are already compliant, and support its continuation.

216 That the public health Act provide that the 6.2  
Secretary is able to vary the risk management  
requirements for a particular cooling tower system  
or class of systems, including:  
(a) specified maintenance and testing  
requirements  
(b) specified aspects of risk management plans  
(c) specified audit requirements  
where the Secretary is satisfied that such an  
exemption would not pose a higher health risk.

**Comment:** We support flexible legislation that caters to the unique circumstances that exist within industry, and support the introduction of performance criteria for determining whether such flexibility should apply.

217 That the public health Act include a power to make regulations that exempt a person from complying with the requirements of the Act. These exemptions could be made subject to conditions. 6.2

**Comment:** We support flexible legislation that caters to the unique circumstances that exist within industry, and support the introduction of performance criteria for determining whether such flexibility should apply.

218 That the public health Act enable the Governor in Council to make regulations that would re-enact the provisions in Part 3 of the Health (Legionella) Regulations 2001 (Vic) (maintenance and testing of warm water systems). 6.2

**Comment:** Not Applicable

219 That the public health Act not include a provision enabling the owners of mobile cooling tower systems to register that cooling tower system and notify the Secretary where it is located. The owner of the land on which the cooling tower system is located would need to register the system. 6.2

**Comment:** We make the following comments with respect to this recommendation.

1. We support the registration of mobile cooling towers.
2. We support that mobile cooling towers need to be registered when placed at a new location.
3. We disagree that the landowner must complete the registration. Instead, we favour an either/or approach for either the equipment owner or landowner to complete the registration.