

## **MEMORANDUM OF UNDERSTANDING**

Public health risks from *Legionella pneumophila* and related species in healthcare and community settings.

*Between*

**THE STATE OF QUEENSLAND  
acting through QUEENSLAND HEALTH**

*and*

**THE STATE OF QUEENSLAND  
acting through THE DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL**

*and*

**THE STATE OF QUEENSLAND  
acting through THE DEPARTMENT OF HOUSING AND PUBLIC WORKS**

*and*

**THE STATE OF QUEENSLAND  
acting through THE DEPARTMENT OF ENERGY AND WATER SUPPLY**

*and*

**THE QUEENSLAND BUILDING AND CONSTRUCTION COMMISSION**

## MEMORANDUM OF UNDERSTANDING

DATED this 17<sup>th</sup> day of June 2015

**BETWEEN** The State of Queensland acting through Queensland Health of 147 – 163 Charlotte Street, Brisbane, Queensland 4000 (“QH”)

**AND** The State of Queensland acting through the Department of Justice and Attorney-General of the State Law Building, 50 Ann Street, Brisbane Queensland 4000 (“DJAG”)

**AND** The State of Queensland acting through the Department of Housing and Public Works of 80 George Street, Brisbane Queensland 4000 (“DHPW”)

**AND** The State of Queensland acting through the Department of Energy and Water Supply of 41 George Street, Brisbane QLD 4000 (“DEWS”)

**AND** The Queensland Building and Construction Commission of 299 Montague Road West End (“QBCC”)

(“the parties”)

### BACKGROUND

This Memorandum of Understanding (MOU) is in response to the recommendation in the ‘Review of the prevention and control of *Legionella pneumophila* infection in Queensland - Chief Health Officer’s report, Chief Health Officer Branch, September 2013’:

- A memorandum of understanding be developed by relevant regulatory agencies—Department of Housing and Public Works, Department of Justice and Attorney General, Department of Energy and Water Supply and Department of Health—to clearly articulate the roles of each agency and coordination arrangements with respect to *Legionella* risks in hospitals and residential aged care facilities.

### PURPOSE

This MOU defines the responsibilities, respective obligations of parties and the working arrangements for interagency cooperation and communication with respect to *Legionella pneumophila* and related species.

## THE PARTIES AGREE AS FOLLOWS:

### 1. Interpretation

#### 1.1. In this MOU:

**Australian Standard and New Zealand Standard** means a relevant document published by Standards Australia, specifically AS/NZS 3500.4 and AS/NZS 3666.2 or their replacements.

- i. **AS/NZS 3500.4** means Australian Standard/New Zealand Standard 3500.4 entitled "Plumbing and drainage, Part 4: Heated water services" as published from time to time by Standards Australia
- ii. **AS/NZS 3666.2** means Australian Standard/New Zealand Standard 3666.2 entitled "Air-handling and water systems of buildings, Part 2: Microbial control - Operation and maintenance" as published from time to time by Standards Australia

**CHO** means the Chief Health Officer of Queensland Health as appointed under the *Hospital and Health Boards Act 2011* (Qld). The functions of the CHO include maintaining effective high-level relationships with senior Departmental, Ministerial and Hospital and Health Service staff as well as senior officials from other departments and key external stakeholders.

**CHO Report** means the report titled '*Review of the prevention and control of Legionella pneumophila infection in Queensland – Chief Health Officer's Report – September 2013*' at <http://www.health.qld.gov.au/legionnaires/docs/cho-legionella-report.pdf> ]

**Commencement Date** means the date on which all parties have signed and executed this MOU.

**Confidential Information** has the same meaning as defined:

- i. at section 139 of the *Hospitals and Health Boards Act 2011*; and
- ii. under the *Private Health Facilities Act 1999* (Qld); and
- iii. under the *Public Health Act 2005* (Qld).

**Healthcare Facility** means public and private healthcare facilities as defined in the *Hospitals and Health Boards Act 2011* and the *Private Health Facilities Act 1999*.

**Hospital and Health Service (HHS)** has the same meaning as under the *Hospital and Health Boards Act 2011*.

**Outbreak means:**

- i. Hospital/healthcare facility outbreak criteria - One or more nosocomial cases of Legionnaires' disease.
- ii. Community outbreak criteria - More than one confirmed case with a probable common exposure.

**Personal Information** has the same meaning as at section 12 of the *Information Privacy Act 2009* (Qld).

**Queensland Public Health System** means:

- i. the Department of Health, Queensland; and
- ii. the Hospital and Health Services

as detailed at section 8 of the *Hospital and Health Boards Act 2011*.

**Related species** means any water borne *Legionella* species other than *Legionella pneumophila*.

**Residential aged care facility (RACF)** means a facility offering residential care as defined in section 41-3 of the *Aged Care Act 1997* (Cth).

**The Interagency Working Group** consists of nominees of the Director-Generals (or Commissioner) from the following agencies (on an ad hoc basis):

- i. Queensland Health
- ii. The Department of Justice and Attorney-General
- iii. The Department of Housing and Public Works
- iv. The Department of Energy and Water Supply
- v. The Queensland Building and Construction Commission

## **2. Status of MOU**

- 2.1. The parties acknowledge that this MOU is not intended to be, and is not, a legally binding or enforceable document.
- 2.2. Nothing contained in this MOU will restrain or impede the exercise of discretion or the making of a decision under any law by the State of Queensland and its representatives or officers.
- 2.3. The parties agree to act and cooperate in good faith in accordance with the terms of this MOU.

## **3. Scope**

- 3.1. This MOU covers the management of risks posed by *Legionella pneumophila* and related species in healthcare and community settings.

## 4. Roles and Responsibilities

This section specifies each party's roles with respect to the prevention and control of Legionellosis including: relevant legislation and regulation; notification of and response to outbreaks and environmental detections; and policy and guidelines development.

### 4.1. Queensland Public Health System

- 4.1.1. The Department of Health (DoH) and Hospital and Health Services (HHSs) both have roles and responsibilities related to the notification, prevention and control of disease, including Legionellosis. HHSs are governed by the *Hospital and Health Boards Act 2011* and service agreements between DoH and HHSs.
- 4.1.2. Queensland Health administers the *Public Health Act 2005* which, *inter alia*:
  - requires pathology laboratories to immediately notify the chief executive of Queensland Health or delegate of a specimen from a person when the result indicates that the person has been, or is, suffering from a pathologically diagnosed notifiable condition. Legionellosis is one such notifiable condition; and
  - empowers Queensland Health to set standards for the provision of drinking water by registered drinking water service providers, and includes penalties for the provision of unsafe drinking water by registered drinking water service providers.
- 4.1.3. The Director-General of Queensland Health has issued the health service directive *Legionella pneumophila: Water Management for its Prevention and Control in Public Healthcare Facilities*. This directive requires that HHSs develop and maintain water quality risk management plans for the purpose of managing the risk from *Legionella* in public hospitals and aged care facilities.
- 4.1.4. Under the *Hospital and Health Boards Act 2011* the HHSs own and/or manage Queensland's public hospital and public residential aged care assets. They are responsible for complying with the *Work Health and Safety Act 2011* (Qld) with respect to these assets.
- 4.1.5. The DoH supports the HHSs by providing health risk assessment and compliance advice on request from the HHSs.
- 4.1.6. The Public and Environmental Health laboratories at the Department of Health's Forensic and Scientific Services provide scientific analysis and advice to support both the Department and HHSs in protecting the health of the community.
- 4.1.7. Under service agreements with DoH, HHSs are responsible for progression of public health services including:
  - a communicable disease, epidemiology and surveillance, disease prevention and control service; and
  - an environmental health service, which includes assessment and coordination of local responses to local environmental health risks.
- 4.1.8. HHSs may also engage directly with external government/non-government agencies and consultants to support the prevention and control of *Legionella* in public health facilities.

4.1.9. Through the Private Health Facilities (Standards) Notice 2000 and Physical Environment Standard under the *Private Health Facilities Act 1999*, private health facilities are required to put in place a water quality risk management plan for management of *Legionella* risk.

- compliance with the *Private Health Facilities Act 1999* is managed by the Private Health Regulation Team within the DoH's Health Care Regulation Unit.

#### **4.2. Department of Justice and Attorney-General**

4.2.1. The Department of Justice and Attorney-General (DJAG) provides services to support a fair and equitable industrial relations system, safe work environments and improved personal and public electrical safety. Workplace Health and Safety Queensland (WHSQ) administers the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulation 2011*.

4.2.2. WHSQ's goal is to foster safe and healthy work environments for all workers in Queensland. The key outcome is a reduction in work-related death, injury and disease in Queensland. WHSQ works with all stakeholders to improve workplace health and safety performance by:

- working cooperatively with other states, territories and the Commonwealth Government to improve national consistency in workplace health and safety and workers' compensation arrangements
- delivering information and education activities to improve the ability of workplace participants to identify and manage risks pertaining to workplace health and safety, including the operation and maintenance of cooling water systems at workplaces
- implementing targeted compliance and business engagement programs at state and local levels and participating in national compliance activities, including the operation and maintenance of cooling water systems at workplaces.

#### **4.3. Department of Housing and Public Works**

4.3.1. The Department of Housing and Public Works (DHPW) is responsible for the administration of legislation that controls the installation, alteration and maintenance of plumbing and drainage in Queensland as it relates to clause 4.3.2 of this MOU.

4.3.2. Specifically DHPW:

- Represents Queensland's interests in relation to the Plumbing Code of Australia (PCA) and AS/NZS 3500.4 (as referred to in the PCA); and
- administers the *Plumbing and Drainage Act 2002* (Qld) and associated regulations

4.3.3. DHPW develop policy and provide information to industry and government stakeholders on plumbing and drainage matters that are relevant to this MOU.

4.3.4. DHPW, within the scope of its responsibilities, develops guidelines, provides advice and manages government buildings, excluding assets managed by other agencies.

#### **4.4. Queensland Building and Construction Commission**

- 4.4.1. The Queensland Building and Construction Commission (QBCC) is a statutory body within the portfolio of the Minister for Housing and Public Works that regulates the building industry, including licensing contractors and building certifiers, providing remedies for defective building work, providing efficient resolution of building disputes and administering the Home Warranty Scheme.
- 4.4.2. The QBCC is responsible for the licensing of plumbers, drainers and restricted license holders under the *Plumbing and Drainage Act 2002*. This includes investigating complaints and taking necessary disciplinary action against licensees. For example, where plumbing or drainage work is found not to comply with the plumbing legislation or has been undertaken by unlicensed persons then the QBCC may take disciplinary action against or prosecute those people.
- 4.4.3. The above functions were transferred to the QBCC from the former Plumbing Industry Council. Investigators of the former PIC worked closely with local government plumbing inspectors in investigating complaints and unlicensed work and this is expected to continue with the QBCC.

#### **4.5. Department of Energy and Water Supply**

- 4.5.1. The Department Energy and Water Supply (DEWS) regulates drinking water service providers and recycled water providers under the jurisdiction of the *Water Supply (Safety and Reliability) Act 2008* (Qld). Drinking water service providers are required to be registered with DEWS and to operate under an approved drinking water quality management plan (DWQMP). A DWQMP is a service provider's risk based document about the source, storage, treatment, transmission and/ or reticulation of water for drinking.

### **5. Working arrangements for interagency cooperation**

- 5.1. An Interagency Working Group for *Legionella* will be established to facilitate the purpose of this MOU.
- 5.2. The Interagency Working Group agrees to meet at least annually for the term of this MOU.
- 5.3. The Interagency Working Group will be chaired by the DoH (CHO or delegate) as lead agency, which will also provide the secretariat functions.
- 5.4. The purpose of the Interagency Working Group is to:
  - 5.4.1. Consult on departmental policy matters that may impact on the regulation and management of risks from Legionellosis.
  - 5.4.2. Develop a whole of government position on national policies and guidelines relating to Legionellosis.
  - 5.4.3. Co-operate regarding progression of the CHO Report recommendations and in particular:
    - Progress the finalisation, as a priority, of the Australian Technical Standard for warm water systems and subsequently the updating of AS/NZS 3500.4 to include standards for warm water systems.

- Progress strengthening of AS/NZS 3666.2 in relation to the operation and maintenance of heated water systems.

5.4.4. Coordinate whole of government public communication on Legionellosis.

## **6. Outbreaks and contamination events**

- 6.1. In the event of a suspected outbreak of Legionellosis caused by *Legionella pneumophila* or related species, the Interagency Working Group will be convened and will discuss and agree on required strategies and, if necessary, ensure coordination of the operational response.
- 6.2. Where an agency becomes aware of a significant community exposure to *Legionella pneumophila* or related species, the parties agree to share information about the contamination event within the working group.

## **7. Term and Review**

- 7.1. This MOU will commence on the Commencement Date and, unless sooner terminated by the parties, will expire after three years from the Commencement Date.

## **8. Liaison**

- 8.1. Each party shall nominate in writing an individual or individuals to be the accountable person responsible for liaison between the parties. The current nominated accountable persons for the parties are detailed in Schedule 1 of this MOU.

## **9. Confidentiality and Privacy**

- 9.1. This MOU is not of itself authority for the parties to disclose Confidential Information or Personal Information to each other. Strict legislative confidentiality and privacy obligations may apply to each party, and disclosure of Confidential Information or Personal Information is prohibited from being disclosed unless authorised under the relevant legislative provisions that apply for that Confidential Information or Personal Information.

## **10. Notices**

- 10.1. Any notice or other communication to be given under this MOU must be in writing and may be delivered by hand, pre-paid post, facsimile or e-mail transmission to the other parties at their address set out in Schedule 1 of this MOU.

## **11. Variation**

- 11.1. This MOU may be varied at any time by an agreement in writing executed by all parties.
- 11.2. It will be sufficient evidence of any agreement to vary a schedule to the MOU if the parties execute and date a document purporting to be a substitute schedule.



## **12. Termination**

- 12.1. Any party may terminate this MOU by providing written notice to the other parties that this MOU will terminate on a specific date.

## **13. Co-operation**

- 13.1. Co-operation between the parties is encouraged and can be the subject of ongoing discussions.
- 13.2. The parties shall sign all documents and do all things necessary or desirable to give effect to this MOU and will procure their officers, employees and agents to sign all documents and do all things necessary or desirable to give effect to this MOU.

## **14. Entire Memorandum Of Understanding**

- 14.1. This MOU constitutes the entire memorandum of understanding between the parties with respect to disease from *Legionella pneumophila* or related species. Any prior arrangements, agreements, representations or undertakings are superseded.
- 14.2. Where existing arrangements, agreements, representations or undertakings are in place prior to the commencement of this MOU the parties agree to negotiate transitional arrangements to allow the existing arrangements, agreements, representations or undertakings to expire. Any such transitional arrangements must be documented and agreed by all parties to this MOU.

## **15. Costs**

- 15.1. Each party will bear its own costs incurred in negotiating and settling the terms of this MOU.

## SCHEDULE 1

### ACCOUNTABLE PERSONS

#### FOR QUEENSLAND HEALTH

**Position:** Executive Director, Health Protection Unit

**Address for Service:** PO Box 2368, Fortitude Valley BC, QLD 4006

**Telephone:** (07) 3328 9266

**Facsimile:** (07) 3328 9354

**E-mail:** [EDHPU@health.qld.gov.au](mailto:EDHPU@health.qld.gov.au)

#### FOR THE DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL

**Position:** Manager, Asbestos and Occupational Hygiene and Health Unit

**Address for Service:** GPO Box 69, Brisbane, QLD 4000

**Telephone:** 0411 078 020

**Facsimile:** (07) 3237 0229

**E-mail:** [Peter.McGarry@justice.qld.gov.au](mailto:Peter.McGarry@justice.qld.gov.au)

#### FOR THE DEPARTMENT OF HOUSING AND PUBLIC WORKS

**Position:** Director, Strategic Policy (Plumbing Drainage Committees and Special Projects)  
Building Codes Queensland, Building Industry And Policy

**Address for Service:** GPO Box 2457, Brisbane, QLD 4001

**Telephone:** (07) 3008 2557

**Facsimile:** (07) 3237 1248

**E-mail:** [Lindsay.Walker@hpw.qld.gov.au](mailto:Lindsay.Walker@hpw.qld.gov.au)

**FOR THE DEPARTMENT OF ENERGY AND WATER SUPPLY**

**Position:** General Manager, Queensland Water Supply  
Regulator

**Address for Service:** Level 3, 41 George street, Brisbane

**Telephone:** (07) 3199 4830

**Facsimile:** (07) 3224 7999

**E-mail:** [Bob.reilly@dews.qld.gov.au](mailto:Bob.reilly@dews.qld.gov.au)

**FOR THE QUEENSLAND BUILDING AND CONSTRUCTION COMMISSION**

**Position:** Director Compliance and Resolution Services

**Address for Service:** 299 Montague Road West End, QLD, 4101

**Telephone:** (07) 3225 2830

**Facsimile:** (07) 3235 9091

**E-mail:** [ken.edwards@qbcc.qld.gov.au](mailto:ken.edwards@qbcc.qld.gov.au)

**EXECUTION OF THE MOU Signed by the parties on the dates set out below**

**SIGNED** for and on behalf of )

**STATE OF QUEENSLAND ACTING )  
THROUGH QUEENSLAND HEALTH )**

this 17<sup>th</sup> day of June 2015 )

by Dr. Michael Cleary )  
(full name) )

Acting Director-General )  
(designation) )

who is a duly authorised officer )

in the presence of: )

[Signature] )  
(signature of witness) )

Lauren Brace )  
(print name of witness) )

Michael Cleary  
[Signature]

.....  
(signature)

SIGNED for and on behalf of )

STATE OF QUEENSLAND ACTING )  
THROUGH THE DEPARTMENT OF )  
JUSTICE AND ATTORNEY-GENERAL )

this 9th day of June 2015 )

by.....Simon Blackwood..... )  
(full name) )

.....Deputy Director-General..... )  
(designation) )

who is a duly authorised officer )

in the presence of: )

.....Kerul..... )  
(signature of witness) )

.....Suzanne Reiche..... )  
(print name of witness) )

.....Blackwood..... )  
(signature)

SIGNED for and on behalf of )

STATE OF QUEENSLAND ACTING )  
THROUGH THE DEPARTMENT OF )  
HOUSING AND PUBLIC WORKS )

this 1st day of June 2015 )

by NEIL EDWIN CASTLES )  
(full name)

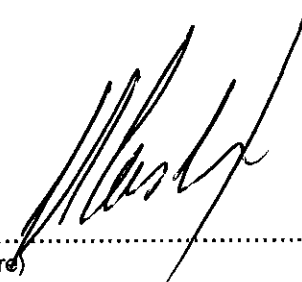
DIRECTOR - GENERAL )  
(designation)

who is a duly authorised officer )

in the presence of: )

Kevin E. Asprey )  
(signature of witness)

Kevin E. ASPREY )  
(print name of witness)



.....  
(signature)

SIGNED for and on behalf of )

STATE OF QUEENSLAND ACTING )  
THROUGH THE DEPARTMENT OF )  
ENERGY AND WATER SUPPLY )


this 2<sup>nd</sup> day of June 2015 )

by..... DAN HUNT..... )  
(full name) )

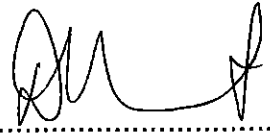
..... DIRECTOR-GENERAL..... )  
(designation) )

who is a duly authorised officer )

in the presence of: )

..... ..... )  
(signature of witness) )

..... DEBRA ANNE LAING..... )  
(print name of witness) )

  
..... )  
(signature)

**SIGNED** for and on behalf of )

**THE QUEENSLAND BUILDING AND )  
CONSTRUCTION COMMISSION )**

this *20<sup>th</sup>* day of *May* 2015 )

by *Ken Edwards* )  
(full name) )

*Director Consumer* )  
(designation) )

who is a duly authorised officer )

in the presence of: *[Signature]* )  
(signature of witness) )

*Phillip Denman* )  
(print name of witness) )

*[Signature]* )  
(signature)