



Public Health Amendment (Miscellaneous) Regulation 2012

under the

Public Health Act 2010

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 2010*.

JILLIAN SKINNER, MP
Minister for Health

Explanatory note

The objects of this Regulation are:

- (a) to amend the prescribed maintenance requirements for legionella control in relation to water-cooling systems at thermal power stations to provide for alternative legionella control protocols developed specifically for thermal power stations, and
- (b) to update the definition of *health service* in the code of conduct for unregistered health practitioners to reflect the recent changes to that definition in the *Health Care Complaints Act 1993*, and
- (c) to allow only public health officers who are also registered medical practitioners to issue cremation certificates (currently any public health officer may issue these certificates), and
- (d) to allow certain other medical practitioners to issue a cremation certificate where the medical practitioner who attended the person immediately before, or during the illness terminating in, the death of the person is not available.

This Regulation is made under the *Public Health Act 2010*, including sections 26, 100 and 134 (the general regulation-making power).

2012 No 659

Clause 1 Public Health Amendment (Miscellaneous) Regulation 2012

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1 Name of Regulation

This Regulation is the *Public Health Amendment (Miscellaneous) Regulation 2012*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Public Health Regulation 2012

[1] Clause 8 Prescribed maintenance requirements

Insert after clause 8 (3):

- (3A) Despite subclause (3) (b), a water-cooling system at a thermal power station is not required to be maintained in accordance with sections 3.2 and 3.3 of AS/NZS 3666.3:2011 *Air-handling and water systems of buildings—Microbial control—Performance-based maintenance of cooling water systems* but must instead be maintained in accordance with the protocols entitled *Thermal Power Station Main Water Cooling Systems—Trigger Action Response Protocols*, published by the Ministry of Health.

[2] Clause 73 Definitions

Insert “who is a registered medical practitioner” after “public health officer” in paragraph (a) of the definition of *medical referee*.

[3] Clause 81 Cremation certificate

Omit clause 81 (4). Insert instead:

- (4) In this clause, *attending practitioner*, in relation to a dead person, means:
- (a) a medical practitioner who attended the person immediately before, or during the illness terminating in, the death of the person (the *primary attending practitioner*), or
 - (b) if the primary attending practitioner is not available, or it is not practical for him or her, to issue the cremation certificate—a medical practitioner who:
 - (i) has viewed the body of the dead person, and
 - (ii) has reviewed the dead person’s medical record, and
 - (iii) is a member of staff of the hospital where the death occurred or works at the same general practice as the primary attending practitioner.

[4] Schedule 3 Code of conduct

Omit “and nursing services” from paragraph (a) of the definition of *health service* in the note to clause 1.

Insert instead “, nursing and midwifery services”.

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Schedule 1 Amendment of Public Health Regulation 2012

[5] Schedule 3, clause 1, note, definition of “health service”

Omit paragraphs (i) and (j). Insert instead:

- (i) services provided in connection with Aboriginal and Torres Strait Islander health practices and medical radiation practices,
- (j) Chinese medicine, chiropractic, occupational therapy, optometry, osteopathy, physiotherapy, podiatry and psychology services,
- (j1) optical dispensing, dietitian, massage therapy, naturopathy, acupuncture, speech therapy, audiology and audiometry services,