



New South Wales

Private Health Facilities Amendment (Cosmetic Surgery) Regulation 2016

under the

Private Health Facilities Act 2007

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Private Health Facilities Act 2007*.

JILLIAN SKINNER, MP
Minister for Health

Explanatory note

The objects of this Regulation are:

- (a) to prescribe cosmetic surgery for the purpose of the definition of **private health facility** in the *Private Health Facilities Act 2007* to ensure private health facilities that perform cosmetic surgery are licensed under and subject to that Act, and
- (b) to prescribe licensing standards for such facilities.

This Regulation is made under the *Private Health Facilities Act 2007*, including sections 4 (1) (definition of **private health facility**), 5, 10 (1) and 65 (the general regulation-making power) and clause 1 (1) of Schedule 4.

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1 Name of Regulation

This Regulation is the *Private Health Facilities Amendment (Cosmetic Surgery) Regulation 2016*.

2 Commencement

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

Schedule 1 Amendment of Private Health Facilities Regulation 2010

[1] Clause 3 Definitions

Insert in clause 3 (1) in alphabetical order:

cosmetic surgery means:

- (a) any cosmetic surgical procedure that is intended to alter or modify a person's appearance or body and that involves anaesthesia (including a Biers Block), or
 - (b) any of the following surgical procedures (however described):
 - (i) abdominoplasty (tummy tuck),
 - (ii) belt lipectomy,
 - (iii) brachioplasty (armlift),
 - (iv) breast augmentation or reduction,
 - (v) buttock augmentation, reduction or lift,
 - (vi) calf implants,
 - (vii) facial implants that involve inserting an implant on the bone or surgical exposure to deep tissue,
 - (viii) fat transfer that involves the transfer of more than 2.5 litres of lipoaspirate,
 - (ix) liposuction that involves the removal of more than 2.5 litres of lipoaspirate,
 - (x) mastopexy or mastopexy augmentation,
 - (xi) necklift,
 - (xii) pectoral implants,
 - (xiii) penis augmentation,
 - (xiv) rhinoplasty,
 - (xv) superficial musculoaponeurotic system facelift (SMAS facelift),
 - (xvi) vaginoplasty or labiaplasty,
- but does not include any dental procedure.

[2] Clause 3A Definition of "private health facility": prescribed services or treatments

Insert after clause 3A (c):

- (c1) cosmetic surgery,

[3] Clause 5 Classes of private health facilities

Insert after clause 5 (d):

- (d1) cosmetic surgery (being a facility licensed for cosmetic surgery),

[4] Clause 25

Insert after clause 24:

25 Transitional provision for cosmetic surgery class facilities

A private health facility providing cosmetic surgery is not required to be licensed under the Act as a cosmetic surgery class private health facility until the day that is 9 months after the commencement of this clause.

[5] Schedule 2 Licensing standards

Insert after Part 18:

Part 19 Cosmetic surgery class private health facility

81 Application of certain standards

- (1) A cosmetic surgery class private health facility must comply with the anaesthesia standards listed in Part 1 of this Schedule.
- (2) Clauses 76–80 of this Schedule apply to a cosmetic surgery class private health facility in the same way as they apply to a surgical class private health facility. For that purpose, references in those clauses to a surgical procedure or surgical class procedure are to be construed as references to cosmetic surgery.
- (3) A cosmetic surgery class private health facility is not required to comply with subclause (1) to the extent that it carries out either of the following surgical procedures without anaesthesia but is, however, required to comply with the *Guidelines on Sedation and/or Analgesia for Diagnostic and Interventional Medical, Dental or Surgical Procedures* published by the Australian and New Zealand College of Anaesthetists:
 - (a) fat transfer that involves the transfer of more than 2.5 litres of lipoaspirate,
 - (b) liposuction that involves the removal of more than 2.5 litres of lipoaspirate.