



New South Wales

# Public Health Amendment (Miscellaneous) Regulation 2016

under the

Public Health Act 2010

His Excellency the Lieutenant-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 as follows:

- (a) to update references to the Director-General of the Ministry of Health (who is now called the Secretary),
- (b) to increase the fee, from \$160 to \$171, for an application for approval to install a warm-water system,
- (c) to provide that an air-handling system may be maintained in accordance with AS/NZS 3666.4:2011 *Air-handling and water systems of buildings—Microbial control—Performance-based maintenance of air-handling systems (ducts and components)* as an alternate maintenance standard,
- (d) to require that a certificate, which certifies a water-cooling system, is in the form determined by the Secretary and is published on the Ministry of Health website,
- (e) to declare that eyeball tattooing, tongue piercing and tongue tattooing are skin penetration procedures,
- (f) to prescribe Middle East Respiratory Syndrome Coronavirus as an infectious disease for the purposes of Division 3 of Part 8 of the *Public Health Regulation 2012*, which relates to the handling of bodies,
- (g) to increase the fee, from \$320 to \$342, for an application for approval to exhume the remains of the body of a dead person,
- (h) to prohibit medical practitioners who are authorised to issue cremation certificates for the body of a dead person from issuing a cremation certificate for the body of a dead person who is related to them,
- (i) to prohibit a medical referee from issuing a cremation permit for the body of a dead person who is related to the medical referee or to whom (or, in the case of a still-born child, to whose mother) the medical referee has provided professional medical care or treatment in the previous 6 months,
- (j) to prescribe orders made under Division 5 of Part 6 of the *Health and Community Services Complaints Act 2004* of South Australia and Division 4 of Part 10 of the *Health Ombudsman Act 2013* of Queensland as corresponding interstate prohibition orders for the purposes of Division 3 of

Part 7 of the *Public Health Act 2010*, which relates to the provision of health services by persons subject to prohibition orders.

This Regulation is made under the *Public Health Act 2010*, including sections 5 (definition of ***skin penetration procedure***), 26 (definition of ***prescribed maintenance requirements***), 101 (definition of ***corresponding interstate prohibition order***) and 134 (the general regulation-making power).

## **Public Health Amendment (Miscellaneous) Regulation 2016**

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### **1 Name of Regulation**

This Regulation is the *Public Health Amendment (Miscellaneous) Regulation 2016*.

### **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] The whole Regulation**

Omit “Director-General” and “Director-General’s” wherever occurring.  
Insert instead “Secretary” and “Secretary’s”.

**[2] Clause 4 Interpretation**

Insert after clause 4 (1) (c):

- (d) AS/NZS 3666.4:2011 *Air-handling and water systems of buildings—Microbial control—Performance-based maintenance of air-handling systems (ducts and components)*.

**[3] Clause 6 Prescribed installation requirements**

Omit “\$160” from clause 6 (4). Insert instead “\$171”.

**[4] Clause 8 Prescribed maintenance requirements**

Omit “other than a water-cooling system” from clause 8 (2).  
Insert instead “other than an air-handling system or a water-cooling system”.

**[5] Clause 8 (4A)**

Insert after clause 8 (4):

- (4A) An air-handling system must be maintained in accordance with:
- (a) AS/NZS 3666.2:2011 *Air-handling and water systems of buildings—Microbial control—Operation and maintenance*, or
- (b) AS/NZS 3666.4:2011 *Air-handling and water systems of buildings—Microbial control—Performance-based maintenance of air-handling systems (ducts and components)*.

**[6] Clause 10 Certification of water-cooling systems**

Insert after clause 10 (1):

- (1A) The certificate is to be in the form determined by the Secretary and is required to be published on the website of the Ministry of Health.

**[7] Clause 21 Skin penetration procedures**

Omit clause 21 (1). Insert instead:

- (1) The following procedures are declared to be skin penetration procedures:
- (a) colonic lavage,
- (b) eyeball tattooing,
- (c) tongue piercing,
- (d) tongue tattooing.

**[8] Clause 53 Prescribed infectious diseases**

Insert after clause 53 (b):

- (b1) Middle East Respiratory Syndrome Coronavirus,

**[9] Clause 70 Application to exhume remains**

Omit “\$320” from clause 70 (2) (c). Insert instead “\$342”.

**[10] Clause 81 Cremation certificate**

Insert at the end of clause 81 (1) (c):

, and

- (d) if the attending practitioner is not the spouse, de facto partner, parent, grandparent, aunt, uncle, child, brother or sister of the dead person.

**[11] Clause 81 (2) (d)**

Insert at the end of clause 81 (2) (c):

, and

- (d) if the medical practitioner is not the spouse, de facto partner, parent, grandparent, aunt, uncle, child, brother or sister of the dead person.

**[12] Clause 82 Medical referee's cremation permit: dead persons who are not still-born children**

Insert at the end of clause 82 (2) (g):

, or

- (h) the medical referee has administered professional care or treatment to the dead person at any time in the 6 months preceding death, or
- (i) the medical referee is the spouse, de facto partner, parent, grandparent, aunt, uncle, child, brother or sister of the dead person.

**[13] Clause 82 (4)**

Insert after clause 82 (3):

- (4) A person, other than a medical referee, must not issue any permit required under this Division to be issued by a medical referee.  
Maximum penalty: 20 penalty units.

**[14] Clause 84 Medical referee's permit: still-born children**

Insert “, subject to subclauses (2) and (3),” after “may” in clause 84 (1).

**[15] Clause 84 (2)**

Omit “However, a medical referee”. Insert instead “A medical referee”.

**[16] Clause 84 (3)**

Insert after clause 84 (2):

- (3) A medical referee must not issue a cremation permit for the body of a still-born child if:
  - (a) the medical referee has administered professional care or treatment to the child or the child's mother at any time in the 6 months preceding death, or
  - (b) the medical referee is the parent or grandparent of the child.

**[17] Clause 93A**

Insert before clause 94 (in Part 9):

**93A Corresponding interstate prohibition order**

For the purposes of the definition of *corresponding interstate prohibition order* in section 101 (1) of the Act, the following orders are prescribed:

- (a) any order made under Division 5 of Part 6 of the *Health and Community Services Complaints Act 2004* of South Australia,
- (b) any order made under Division 4 of Part 10 of the *Health Ombudsman Act 2013* of Queensland.