

# NORTHERN TERRITORY OF AUSTRALIA

## PUBLIC AND ENVIRONMENTAL HEALTH REGULATIONS

As in force at 23 May 2018

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**Schedule 1 Prescribed fees**

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**Schedule 6 Repealed Regulations**

ENDNOTES



# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 23 May 2018

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## PUBLIC AND ENVIRONMENTAL HEALTH REGULATIONS

### Regulations under the *Public Health Act*

#### Part 1 Preliminary matters

##### 1 Citation

These Regulations may be cited as the *Public and Environmental Health Regulations*.

##### 2 Commencement

These Regulations commence on 1 July 2014.

##### 3 Definitions

In these Regulations:

***abnormal***, for Part 2, see regulation 6.

***Aboriginal and Torres Strait Islander Health Practitioner***, for Part 5, see regulation 57.

***appropriate interval***, for Part 2, see regulation 14.

***approved contractor***, for Part 6, see regulation 70.

***beauty therapy***, for Part 3, see regulation 24.

***body art***, for Part 3, see regulation 24.

***breeding ground***, for Part 4, see regulation 54.

***cervical examination***, for Part 2, see regulation 6.

***cervical material***, for Part 2, see regulation 6.

***cervical smear***, for Part 2, see regulation 6.

***collection***, for Part 5, see regulation 57.

**commercial visitor accommodation**, for Part 3, see regulation 25.

**community**, for Part 6, see regulation 69.

**community wastewater management system**, for Part 6, see regulation 69.

**details**, for Part 2, see regulation 6.

**episode**, for Part 5, see regulation 57.

**health practitioner**, for Part 2, see regulation 6.

**infringement notice**, see regulation 102.

**infringement notice offence**, see regulation 101(1).

**installation**, for Part 6, see regulation 69.

**instrument**, for Part 3, see regulation 24.

**laboratory**, for Part 2, see regulation 6.

**management**, for Part 6, see regulation 69.

**midwife**, for Part 5, see regulation 57.

**mobile operator**, for Part 3, see regulation 24.

**National Cervical Screening Program**, for Part 2, see regulation 6.

**National Construction Code Series**, for Part 6, see regulation 69.

**National HPV Vaccination Program Register**, for Part 2, see regulation 6.

**notifiable death of a child**, for Part 5, see regulation 57.

**notifiable death of a woman**, for Part 5, see regulation 57.

**on-site wastewater system**, for Part 6, see regulation 73.

**person in charge of a laboratory**, for Part 2, see regulation 6.

**prescribed amount**, see regulation 101(2).

**prescribed code**, for Part 6, see regulation 69.

**prescribed fee** means a fee prescribed under regulation 4.

**primary treatment**, for Part 6, see regulation 69.



- product approval**, for Part 6, see regulation 69.
- recommendation**, for Part 2, see regulation 6.
- reference code**, for Part 2, see regulation 6.
- refusal of consent marker**, for Part 2, see regulation 6.
- Register**, for Part 2, see regulation 6.
- registered business**, for Part 3, see regulation 24.
- regulated activity**, for Part 3, see regulation 24.
- request form**, for Part 2, see regulation 6.
- sanitary facilities**, for Part 6, see regulation 69.
- secondary treatment**, for Part 6, see regulation 69.
- sell**, for Part 6, see regulation 69.
- skin penetration**, for Part 3, see regulation 24.
- staff**, for Part 3, see regulation 24.
- technical specifications**, for Part 6, see regulation 69.
- test results**, for Part 2, see regulation 6.
- visitor**, for Part 3, see regulation 26.
- waste stabilisation ponds**, for Part 6, see regulation 69.
- wastewater**, for Part 6, see regulation 69.
- wastewater system**, for Part 6, see regulation 69.
- wastewater works**, for Part 6, see regulation 69.
- wastewater works design approval**, for Part 6, see regulation 69.
- wastewater works installation approval**, for Part 6, see regulation 69.
- water**, for Part 4, see regulation 54.

#### **4 Prescribed fees**

Schedule 1 prescribes the fees payable for the matters specified in it.

## 5 Australian/New Zealand Standard

- (1) In these Regulations, a reference consisting of the letters "AS" followed by a number is a reference to the standard so numbered published by or for Standards Australia Limited ABN 85 087 326 690.
- (2) In these Regulations, a reference consisting of the letters "AS/NZS" followed by a number is a reference to the standard so numbered published jointly by or for Standards Australia Limited ABN 85 087 326 690 and Standards New Zealand.

## Part 2 NT Cervical Screening Register

### 6 Definitions

In this Part:

**abnormal**, for a test result, means the test detects cancer of the cervix or a precursor of cancer of the cervix.

**appropriate interval**, see regulation 14.

**cervical examination** means an examination of the cervix or of cervical material, including the taking of cervical material by cervical smear or other means.

**cervical material** means tissue taken from the cervix.

**cervical smear** means a process for taking cervical material from a woman to determine whether or not the woman has cancer of the cervix or a precursor to cancer of the cervix.

**details** means the details specified in Schedule 2.

**health practitioner** means:

- (a) a medical practitioner; or
- (b) a person registered under the Health Practitioner Regulation National Law (other than as a student) to practise in:
  - (i) the Aboriginal and Torres Strait Islander health practice profession; or
  - (ii) the nursing profession; or
  - (iii) the midwifery profession.

**laboratory** means a place where cervical material is accepted for pathological examination.

**National Cervical Screening Program** means the National Cervical Screening Program as revised and renamed from time to time.

**National HPV Vaccination Program Register** means the register of that name established and kept under section 9BA of the *National Health Act 1953* (Cth).

**person in charge of a laboratory** includes a person authorised by a person in charge of a laboratory.

**recommendation** means a recommendation recorded in the Register that is made by:

- (a) a medical practitioner; or
- (b) a person in charge of a laboratory; or
- (c) the CHO.

**reference code** means the series of alphanumeric symbols entered in the Register in place of the name of a health practitioner or a clinic, medical centre or laboratory wherever there is a reference to the health practitioner or the clinic, medical centre or laboratory.

**refusal of consent marker** means a clearly visible marker placed on a request form to indicate that:

- (a) a woman has refused to consent to her details being recorded in the Register; and
- (b) the details are not to be provided to the CHO.

**Register** means the register known as the NT Cervical Screening Register continued in existence by regulation 7.

**request form** means an approved form relating to a cervical examination.

**test results** means the results of a cervical examination.

## 7 NT Cervical Screening Register

- (1) The register by the name of the Cervical Cytology Register that was, immediately before the commencement of these Regulations, in existence because of regulation 3(1) of the repealed Regulations, continues in existence as the NT Cervical Screening Register.

- (2) The CHO must maintain the Register, in any form (including in an electronic form) the CHO thinks appropriate.
- (3) Subject to these Regulations, the CHO must record in the Register the details provided to the CHO under these Regulations by a health practitioner or a person in charge of a laboratory in relation to a woman who:
  - (a) has a postal address within the Territory; and
  - (b) is at least 16 years of age at the time of the cervical examination.
- (4) In this regulation:

***repealed Regulations*** means the *Public Health (Cervical Cytology Register) Regulations* as in force immediately before the commencement of these Regulations.

## **8 Purpose of Register**

The purpose of the Register is to assist with reducing the incidence of cervical cancer by ensuring the effective implementation of the National Cervical Screening Program and, in so doing, to facilitate the:

- (a) notification, after the expiration of the appropriate interval, to the woman that she is due for a cervical examination; and
- (b) establishment of a record of the course of action taken, including the treatment implemented, as a consequence of an abnormal test result; and
- (c) monitoring of test results to encourage consistency of performance of health practitioners and laboratories; and
- (d) promotion of the health and well being of women whose test results are abnormal; and
- (e) assessment of participation in the National Cervical Screening Program within the Territory; and
- (f) designing of a strategy to increase public awareness of the incidence of cervical cancer; and
- (g) designing of a strategy to encourage women to:
  - (i) have a cervical examination at the appropriate interval; and

- (ii) consent to details being recorded in the Register; and
- (h) use of data (if approved by the CHO) in research programs for the prevention and treatment of cancer of the cervix; and
- (i) compilation of information in statistical form (if approved by the CHO); and
- (j) provision of data to a health practitioner who is being consulted by, or is treating, a woman for cancer of the cervix or a precursor to cancer of the cervix if the health practitioner requires the data for the purposes of the consultation or treatment; and
- (k) provision of data to a person in charge of a laboratory where the pathological examination of cervical material is being carried out if the person requires the data for the purposes of the examination.

## 9 Sharing of details

- (1) The CHO may provide details recorded in the Register about a woman to one or more of the following for a purpose mentioned in regulation 8:
  - (a) the person responsible for maintaining the National HPV Vaccination Program Register;
  - (b) a person responsible for maintaining a corresponding register;
  - (c) Medicare Australia;
  - (d) the NT Cancer Registry;
  - (e) a health practitioner for the purpose mentioned in regulation 8(j);
  - (f) a person in charge of a laboratory for the purpose mentioned in regulation 8(k).

- (2) In this regulation:

***corresponding register*** means a register that:

- (a) is established under a law of the Commonwealth, a State or another Territory; and
- (b) contains information of a kind recorded in the Register.

**10 General duties of health practitioners**

A health practitioner who carries out a cervical examination on a woman must, at the time of carrying out the examination, inform the woman:

- (a) about the existence of the Register, its purpose and the nature of the details that may be recorded in it; and
- (b) that she may refuse to consent to her details being recorded in the Register; and
- (c) that her details will be provided to the CHO and recorded in the Register unless she refuses to consent to that occurring.

**11 Duties of health practitioners if woman refuses consent**

- (1) The woman may refuse to consent by written certificate signed by the woman.
- (2) If the woman refuses consent, the health practitioner must place a refusal of consent marker on the request form for the cervical examination.
- (3) The health practitioner must not place a refusal of consent marker on the request form in any other circumstances.

**12 Duties of health practitioners if woman does not refuse consent**

- (1) This regulation applies if:
  - (a) a health practitioner carries out a cervical examination on a woman; and
  - (b) the woman does not refuse consent under regulation 11(1).
- (2) A health practitioner who is taking cervical material from the woman must enter on the request form the details specified in paragraphs (a) and (b)(i), (ii) and (iii) of Schedule 2 (but only to the extent to which the health practitioner is able to ascertain those details at the consultation).
- (3) A health practitioner who is conducting another type of cervical examination on the woman may enter on the request form the details specified in paragraphs (a) and (b)(i), (ii), (iii), (v) and (vii) of Schedule 2.

- (4) A health practitioner who takes cervical material from the woman and sends the request form to a laboratory outside the Territory must give the CHO the following:
  - (a) any details entered on the request form;
  - (b) any other details relating to the cervical examination that are provided by the laboratory.
- (5) A health practitioner who gives the CHO information under subregulation (4) must give the CHO the information within 60 days of receiving test results for the request form.

### **13 Duties of persons in charge of laboratory**

- (1) Within 60 days of receiving test results relating to a woman, the person in charge of a laboratory must give the CHO the following details relating to the woman:
  - (a) the details entered on the request form by a health practitioner under regulation 12(2) or (3);
  - (b) any other details relating to the cervical examination.

Maximum penalty: 10 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) Subregulation (1):
  - (a) applies whether or not the pathological examination takes place in the Territory; but
  - (b) does not apply if a refusal of consent marker has been placed on the request form.

### **14 Determination of appropriate interval**

- (1) The CHO must determine, having regard to the National Cervical Screening Program:
  - (a) the interval that it would be appropriate to allow to elapse (the **appropriate interval**) between the date a cervical examination is carried out on a woman who has normal test results and the date cervical material should next be taken by cervical smear from the woman; and

- (b) for each type of abnormal test result – the appropriate interval between the date a cervical examination is carried out on a woman who has the type of abnormal result and the date:
  - (i) cervical material should next be taken from the woman; or
  - (ii) a recommendation is made that some other course of action should be taken.
- (2) The appropriate interval for notifying a woman under regulation 15(1)(b) is:
  - (a) the appropriate interval determined under subregulation (1)(a); and
  - (b) the period the CHO considers it would be reasonable to wait after the expiration of that interval before sending the notification.
- (3) The appropriate interval for notifying a woman under regulation 16(1)(b), which is:
  - (a) the appropriate interval determined under subregulation (1)(b); and
  - (b) the period the CHO considers it would be reasonable to wait after the expiration of that interval before sending the notification.
- (4) The appropriate interval for notifying a health practitioner under regulation 17(1)(b) is:
  - (a) the appropriate interval determined under subregulation (1)(a); and
  - (b) the period the CHO considers it would be reasonable to wait after the expiration of that interval before sending the notification.
- (5) The appropriate interval for notifying a health practitioner for regulation 18(1)(b) is:
  - (a) the appropriate interval determined under subregulation (1)(b); and
  - (b) the period the CHO considers reasonable to wait after the expiration of that interval before sending the notification.



**15 Notification that cervical smear due – last results normal**

- (1) This regulation applies if the details recorded in the Register relating to a woman indicate that:
  - (a) the last recorded test results relating to the woman were normal; and
  - (b) the appropriate interval for this subregulation, mentioned regulation 14(2), has expired.
- (2) The CHO must take reasonable steps to:
  - (a) notify the woman that the recommended date to have a cervical smear has passed; and
  - (b) recommend that, unless the woman has since done so, she have a cervical smear as soon as practicable.

**16 Notification that cervical smear due – last results abnormal**

- (1) This regulation applies if the details recorded in the Register relating to a woman indicate that:
  - (a) the last recorded test results relating to the woman were abnormal; and
  - (b) the appropriate interval for this subregulation, mentioned in regulation 14(3), has expired.
- (2) The CHO must take reasonable steps to:
  - (a) notify the woman that the recommended date to have a cervical smear, or to have undertaken another course of action on a recommendation has passed; and
  - (b) recommend that, unless the woman has since done so, she have a cervical smear, or complete that other course of action, as soon as practicable.

**17 Notifying health practitioner – last results normal**

- (1) This regulation applies if the details recorded in the Register relating to a woman indicate that:
  - (a) the last recorded test results relating to the woman were normal; and
  - (b) the appropriate interval for this subregulation, mentioned in regulation 14(4), has expired.

- (2) The CHO must take reasonable steps to:
- (a) notify the woman's health practitioner that the recommended date for the woman to have a cervical smear has passed; and
  - (b) recommend that, unless the woman has done so, the woman be advised to have a cervical smear as soon as practicable.

- (3) In this regulation:

***clinic or medical centre*** does not include a laboratory where any cervical material taken was examined.

***woman's health practitioner*** means the health practitioner who is responsible for the management of the clinic or medical centre where the cervical examination to which the test results relate was carried out.

## **18 Notifying health practitioner – last results abnormal**

- (1) This regulation applies if the details recorded in the Register relating to a woman indicate that:
- (a) the last recorded test results relating to the woman were abnormal; and
  - (b) the appropriate interval for this subregulation, mentioned in regulation 14(5), has expired.

- (2) The CHO must take reasonable steps to:

- (a) notify the woman's health practitioner that the recommended date for the woman to have a cervical smear, or to have undertaken another course of action on a recommendation has passed; and
- (b) recommend that, unless the woman has since done so, the woman be advised to have a cervical smear, or complete that other course of action, as soon as possible.

- (3) In this regulation:

***clinic or medical centre*** does not include a laboratory where any cervical material taken was examined.

***woman's health practitioner*** means:

- (a) the health practitioner, who appears from the details to be treating the woman; or

- (b) a health practitioner who is responsible for the management of the clinic or medical centre where the cervical examination to which the test results relate was carried out.

## **19 Protection from liability**

- (1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in the exercise of a power or performance of a function under regulation 15, 16, 17 or 18.
- (2) Subregulation (1) does not affect any liability the Territory would, apart from that subregulation, have for the act or omission.
- (3) In this regulation:

**exercise**, of a power, includes the purported exercise of the power.

**performance**, of a function, includes the purported performance of the function.

## **20 Request for release of information relating to self**

- (1) A woman may request a copy of the details recorded in the Register relating to the woman.
- (2) The request must be made in writing to the CHO.
- (3) The CHO must, as soon as practicable after receipt of the request, give to the woman a copy of the information recorded in the Register relating only to the woman.

## **21 Correction of Register**

- (1) If the CHO is satisfied that a record in the Register contains an error, the CHO may correct the Register.
- (2) On making the correction, the CHO must:
  - (a) if the Register is kept in paper form – sign and date immediately under or alongside the correction; or
  - (b) if the Register is kept in electronic form – enter in association with the correction identifying symbols equivalent to the CHO's signature and the date.

## **22 Removal of details from Register**

- (1) A woman may request the details recorded in the Register that identify the woman be removed.
- (2) The request must be made in writing to the CHO.

- (3) The CHO must, as soon as practicable after receipt of the request, remove all details that could reasonably enable the woman to be identified to be removed from the Register.

### 23 Other information may be recorded in Register

The CHO may record any other information in the Register for a purpose mentioned in regulation 8.

## Part 3 Regulated activities

### Division 1 General matters

#### 24 Definitions

In this Part:

**beauty therapy** means an activity intended to maintain, alter or enhance a person's appearance other than a cosmetic surgical or medical procedure undertaken by a health practitioner registered under the Health Practitioner Regulation National Law.

*Examples of beauty therapy*

*Facial, body wrap, exfoliation, spray tanning, the application of cosmetics, manicure or pedicure, epilation, the application of semi-permanent makeup or cosmetic tattooing.*

**body art** means an activity intended to permanently decorate or adorn a person's skin or permanently alter a person's appearance other than a surgical or medical procedure.

*Examples of body art*

*Tattooing, ear piercing or body modification.*

**commercial visitor accommodation**, see regulation 25.

**instrument** means a thing intended to be used to penetrate another person's skin.

**mobile operator**, for a registered business, means an individual (whether the proprietor of the business or the agent or employee of the proprietor) who conducts operations of the business that involve carrying out a regulated activity away from the place registered as the place on which the regulated activity is carried out.

**registered business** means a business for which registration has been granted under regulation 30.

**regulated activity** means providing any of the following for payment or reward:

- (a) commercial visitor accommodation;
- (b) a place or mobile operator engaging in any of the following:
  - (i) hairdressing;
  - (ii) body art;
  - (iii) beauty therapy.

**skin penetration** means any process that involves intentional, non-medical:

- (a) piercing, cutting, scarring, branding, scraping, puncturing, tearing or penetration of the skin, mucous membrane or conjunctiva of the eye using an instrument; and
- (b) removal of, or pulling out, hair by waxing.

**staff** includes an employee or agent of a person.

**visitor**, see regulation 26.

## **25        Commercial visitor accommodation**

A person provides commercial visitor accommodation if:

- (a) the person provides temporary accommodation at a place; and
- (b) the provision of the accommodation is not subject to:
  - (i) a tenancy agreement under the *Residential Tenancies Act*, or
  - (ii) a caravan park site agreement under the *Caravan Parks Act*, and
- (c) the place is available to be separately booked and hired by multiple persons at the same time for accommodation; and
- (d) the accommodation may accommodate 7 or more visitors.

*Examples for regulation 25*

*A hotel, motel, serviced apartment, road house, wayside inn, lodge, backpacker's accommodation or hostel.*

**26            Visitor**

- (1) A visitor is a person staying in commercial visitor accommodation.
- (2) For the purpose of determining the number of visitors occupying a place:
  - (a) a single child under 3 years of age is not to be counted; and
  - (b) 2 children under 3 years of age are to be counted as one visitor.

**27            Exemption from regulations**

- (1) The CHO may, in writing, exempt a proprietor of a business from a regulation in this Part.
- (2) An application for an exemption must be in the approved form.
- (3) The CHO must be satisfied that:
  - (a) the proprietor's circumstances require the proprietor to be exempt from the need to comply with the prescribed code or the regulation; and
  - (b) an exemption will not cause or is not likely to cause a serious public health risk.
- (4) The CHO may, if the CHO considers appropriate, grant the exemption subject to any conditions.

**Division 2            Registration**

**28            Businesses required to be registered**

- (1) A person commits an offence if:
  - (a) the person is the proprietor of a business; and
  - (b) the person, or an employee or agent of the proprietor, carries out a regulated activity in the conduct of the business; and
  - (c) the business is not registered under regulation 30 for the activity before commencing the activity.

Maximum penalty:        40 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

## **29            Application for registration**

- (1) An application for the registration of a business must:
  - (a) be made in the approved form to the CHO by the proprietor of the business; and
  - (b) include the following particulars:
    - (i) the name and address of the proprietor;
    - (ii) the name under which the business will operate;
    - (iii) the address of each place where the business will be conducted;
    - (iv) the nature and location of business;
    - (v) if the regulated activity is to be carried out by a mobile operator – the name and address of the mobile operator; and
  - (c) include a set of scaled drawings not less than 1:100 or plans not less than 1:100 or specifications of where the business is to be carried out; and
  - (d) if the proprietor is a mobile operator or intends to employ a person to be a mobile operator for the business – include details of the area where the mobile operator will operate; and
  - (e) be accompanied by the prescribed fee.
- (2) The CHO may request further information from the person making the application.
- (3) The CHO may require an inspection by an authorised officer of the place where the business is to be conducted before deciding the application.
- (4) The application for registration must be made at least 28 days before the proprietor intends to commence the regulated activity.
- (5) If the proprietor of the business conducts the business from more than one place, the prescribed fee mentioned in subregulation (1)(e) applies to each place.

**30            Grant or refusal of registration**

- (1) The CHO must consider the application and decide whether to register the business.
- (2) The CHO must register the business if satisfied the proprietor will:
  - (a) carry out the regulated activities in a proper way; and
  - (b) conduct the business in accordance with its registration and these Regulations.
- (3) The CHO must give the proprietor the following:
  - (a) written notice of the CHO's decision;
  - (b) if the CHO registers the business – a registration certificate for the business;
  - (c) if the CHO refuses to register the business – written notice of the reasons for the refusal.

**31            Conditions of registration**

- (1) It is a condition of the registration of the business that the proprietor and any mobile operators for the business comply with these Regulations.
- (2) The CHO may impose any other conditions of registration that the CHO considers appropriate.

**32            Compliance with conditions by proprietor**

- (1) A person commits an offence if:
  - (a) the person is the proprietor of a registered business; and
  - (b) the registration of the business is subject to a condition; and
  - (c) the person engages in conduct that results in a contravention of the condition.

Maximum penalty:        20 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subregulation (1) if the defendant establishes a reasonable excuse.



**33            Term of registration**

The registration of a business remains in force for the period, if any, stated in the registration notice, unless it is cancelled under regulation 38.

**34            Renewal of registration**

(1AA) If a registration notice specifies a period of registration mentioned in regulation 33, the proprietor of a business may apply to renew the registration of the business.

(1) An application for the renewal of the registration of a business must:

- (a) be made in the approved form to the CHO by the proprietor of the business; and
- (b) be made before the end of the period of the registration; and
- (c) be accompanied by the prescribed fee.

(2) The CHO may require an inspection by an authorised officer of the place where the business is conducted before deciding the application.

(3) The CHO must consider the application and decide whether to renew the registration.

(4) The CHO may impose different conditions on a renewed registration than those imposed immediately before the renewal.

(5) The CHO must give the proprietor the following:

- (a) written notice of the CHO's decision;
- (b) if the CHO renews the registration – a registration notice for the business;
- (c) if the CHO refuses to renew the registration – written notice of the reasons for the refusal.

**35            Display of registration notice**

(1) A person commits an offence if:

- (a) the person is a proprietor of a registered business; and

- (b) the person does not display a copy of the registration notice for the business conspicuously at each place where the business is conducted.

Maximum penalty:        10 penalty units.

- (2) A person commits an offence if:

- (a) the person is a mobile operator of a registered business; and
- (b) the person does not carry a copy of the registration notice at all times the person is carrying out the regulated activity away from the place registered as the place on which the business is carried out.

Maximum penalty:        10 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

### **36            Registration non-transferable**

The registration of a business is not transferable.

### **37            Variation of conditions of registration**

- (1) The CHO may vary the conditions of the registration of a registered business:

- (a) on application of the proprietor to the CHO; or
- (b) on the CHO's initiative.

- (2) An application for variation must be in the approved form.

- (3) The CHO must consider the application and decide whether to vary the conditions of the registration in accordance with the application.

- (4) On deciding the application, the CHO must give written notice to the proprietor of:

- (a) the CHO's decision; and
- (b) if the CHO refuses the application – the reasons for the refusal.

- (5) Before varying any conditions on the CHO's initiative, the CHO must give the proprietor written notice:

- (a) stating the proposed variation; and

- (b) stating the reasons for the variation; and
  - (c) inviting the proprietor to submit, within a period of not less than 7 days stated in the notice, reasons why the variation should not be made.
- (6) The CHO may, having considered any submissions of the proprietor, vary the conditions of the registration as proposed in the notice or in another way the CHO considers appropriate.
- (7) The CHO must, if the CHO varies the conditions under subregulation (6), give written notice to the proprietor of the variation.
- (8) A variation of conditions of registration takes effect on the date stated in the notice.
- (9) Subregulations (2) to (8) do not apply if the variation is for a formal or clerical reason that does not alter the effect of the registration.

### **38            Cancellation of registration**

- (1) The CHO may cancel the registration of a business:
- (a) if a proprietor or a mobile operator for the business contravenes a condition of the registration; or
  - (b) if a proprietor or a mobile operator for the business is found guilty of an offence against the Act or another law of the Territory relating to the business; or
  - (c) for another reason the CHO considers appropriate.
- (2) Before cancelling the registration, the CHO must give written notice to the proprietor:
- (a) stating the CHO proposes to cancel the registration; and
  - (b) stating the reasons for cancellation; and
  - (c) inviting the proprietor to submit, within the period of not less than 7 days stated in the notice, reasons why the registration should not be cancelled.
- (3) If, having considered any submissions of the proprietor, the CHO continues to consider the registration should be cancelled, the CHO may cancel the registration by written notice to the proprietor.
- (4) The notice must state the reasons for the cancellation.
- (5) The cancellation takes effect on the date stated in the notice.

**39 Applying for registration after cancellation**

- (1) The cancellation of the registration of a business does not prevent the proprietor from applying to re-register the same business or register another business.
- (2) However, the proprietor is not entitled to re-register the same business or register another business within 12 months after the date the registration was cancelled.

**40 Changes relating to registered business to be notified**

- (1) A person commits an offence if:
  - (a) the person is a proprietor of a registered business; and
  - (b) the person does not give the CHO written notice of a change in any of the following within 14 days after the change occurs:
    - (i) the proprietor's name or address;
    - (ii) the name of the business;
    - (iii) the address of the place where the business is conducted;
    - (iv) the name or address of a mobile operator for the business.

Maximum penalty: 20 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subregulation (1) if the defendant establishes a reasonable excuse.

**Division 3 Commercial visitor accommodation**

**41 Clean linen and towels**

- (1) A proprietor of a business that provides commercial visitor accommodation commits an offence if the proprietor does not:
  - (a) provide clean linen and towels for a visitor on the visitor's first day in the accommodation; and
  - (b) provide clean linen and towels for a visitor on a weekly basis from the date of the visitor's first day in the accommodation; and

- (c) remove the linen and towels from the accommodation after the visitor has left.

Maximum penalty:     20 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

#### **41A     Maintenance of premises**

- (1) A person commits an offence if:

- (a) the person is a proprietor of a business that provides commercial visitor accommodation; and
- (b) the premises on which the business is conducted is not maintained in hygienic condition.

Maximum penalty:     20 penalty units.

- (2) A person commits an offence if:

- (a) the person is a proprietor of a business that provides commercial visitor accommodation; and
- (b) the premises on which the business is conducted is not in good repair.

Maximum penalty:     20 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

#### **42       Water and ablution facilities**

- (1) The CHO may give a proprietor of a business that provides commercial visitor accommodation directions in relation to the provision of ablution facilities at the commercial visitor accommodation.

- (2) The proprietor commits an offence if the proprietor does not do all of the following:

- (a) make drinking water available to a visitor for the visitor's consumption;
- (b) provide a continuous supply of water to all flush toilets and ablution, kitchen or laundry facilities in the commercial visitor accommodation;

- (c) provide ablution facilities in accordance with a direction from the CHO.

Maximum penalty: 20 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subregulation (2) if the defendant has a reasonable excuse.

#### **43 Minimum floor area in bedrooms**

- (1) The CHO may give a direction to a proprietor of a business that provides commercial visitor accommodation in relation to the minimum floor area of a bedroom provided for a visitor.
- (2) A person commits an offence if:
  - (a) the person is a proprietor of a business that provides commercial visitor accommodation; and
  - (b) the person does not comply with the CHO's direction in relation to the minimum floor area of a bedroom provided for a visitor.

Maximum penalty: 20 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subregulation (2) if the defendant has a reasonable excuse.

### **Division 4 Hairdressing, beauty therapy and body art**

#### **44 Staff to have skills and knowledge in relation to infection control and prevention procedure**

- (1) A person commits an offence if:
  - (a) the person is a proprietor of a business carrying out hairdressing, beauty therapy or body art; and
  - (b) the person has not taken reasonable steps to ensure that staff have the skills appropriate to ensure that the carrying out of a regulated activity at the business is not likely to pose a health risk.

Maximum penalty: 20 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

#### **45 Procedures for use of instruments**

- (1) A person commits an offence if:
- (a) the person is a proprietor of a business carrying out beauty therapy or body art; and
  - (b) the person does not have procedures in place in the business that are appropriate to ensure that the use of instruments is not likely to pose a health risk.

Maximum penalty: 20 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

#### **46 Use of instruments in accordance with procedures**

- (1) A person commits an offence if:
- (a) the person is either:
    - (i) a proprietor of a business carrying out beauty therapy or body art; or
    - (ii) a member of the staff of the proprietor; and
  - (b) the person does not use instruments in accordance with the procedures mentioned in regulation 45(1).

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if:
- (a) the person is a proprietor of a business carrying out beauty therapy or body art; and
  - (b) a member of the staff of the person does not use instruments in accordance with the procedures mentioned in regulation 45(1).

Maximum penalty: 20 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subregulation (2) if the defendant establishes that the defendant took all reasonable steps to ensure that members of the defendant's staff did not engage in the conduct mentioned in subregulation (2)(b).

#### **47 Instruments must be sterile**

- (1) A person commits an offence if:
- (a) the person is either:
    - (i) a proprietor of a business carrying out beauty therapy or body art; or
    - (ii) a member of the staff of the proprietor; and
  - (b) the person uses an instrument to penetrate another person's skin; and
  - (c) the instrument is not sterile at the time of use.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if:
- (a) the person is a proprietor of a business carrying out beauty therapy or body art; and
  - (b) a member of the staff of the person uses an instrument to penetrate another person's skin; and
  - (c) the instrument is not sterile at the time of use.

Maximum penalty: 20 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subregulation (2) if the defendant establishes that the defendant took all reasonable steps to ensure that members of the defendant's staff did not engage in the conduct mentioned in subregulation (2)(b) and (c).

#### **48 Use of needle for skin penetration**

- (1) A person commits an offence if:
- (a) the person is either:
    - (i) a proprietor of a business carrying out beauty therapy or body art; or
    - (ii) a member of the staff of the proprietor; and
  - (b) the person uses a needle for skin penetration; and



- (c) the needle has previously been used in a skin penetration procedure.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if:

- (a) the person is a proprietor of a business carrying out beauty therapy or body art; and
- (b) a member of the staff of the person uses a needle for skin penetration; and
- (c) the needle has previously been used in a skin penetration procedure.

Maximum penalty: 20 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subregulation (2) if the defendant establishes that the defendant took all reasonable steps to ensure that members of the defendant's staff did not engage in the conduct mentioned in subregulation (2)(b) and (c).

#### **49 Sterilisation and disposal of instruments and other equipment**

- (1) A person commits an offence if:

- (a) the person is either:
  - (i) a proprietor of a business carrying out hairdressing, beauty therapy or body art; or
  - (ii) a member of the staff of the proprietor; and
- (b) the person does not dispose of or sterilise an instrument or other equipment which has penetrated a person's skin, or is contaminated with bodily fluid, in accordance with AS/NZS 4815:2006 Office-based health care facilities – Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if:
- (a) the person is a proprietor of a business carrying out hairdressing, beauty therapy or body art; and
  - (b) a member of the staff of the person does not dispose of or sterilise an instrument or other equipment which has penetrated a person's skin, or is contaminated with bodily fluid, in accordance with AS/NZS 4815:2006 Office-based health care facilities – Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment.

Maximum penalty: 20 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against subregulation (2) if the defendant establishes that the defendant took all reasonable steps to ensure that members of the defendant's staff did not engage in the conduct mentioned in subregulation (2)(b).

## **50 Sharps containers**

- (1) A person commits an offence if:
- (a) the person is a proprietor of a business carrying out hairdressing, beauty therapy or body art; and
  - (b) the person does not provide containers for the collection of used sharp instruments in accordance with:
    - (i) AS/NZS 4261:1994 Reusable containers for the collection of sharp items used in human and animal medical applications; and
    - (ii) AS 4031-1992 Non-reusable containers for the collection of sharp medical items used in other health care areas.

Maximum penalty: 20 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

**51 Hand washing facilities**

- (1) A person commits an offence if:
- (a) the person is a proprietor of a business carrying out hairdressing, beauty therapy or body art; and
  - (b) the person does not provide hand washing facilities that are accessible for each member of staff at each place where the business is conducted.

Maximum penalty: 20 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

**52 CHO may give directions for hand washing facilities**

- (1) The CHO may give a direction to a proprietor of a business carrying out hairdressing, beauty therapy or body art in relation to hand washing facilities.

- (2) A person commits an offence if:
- (a) the person is a proprietor of a business carrying out beauty therapy or body art; and
  - (b) the person does not provide hand washing facilities in accordance with the CHO's direction.

Maximum penalty: 20 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

**53 Maintenance of premises**

- (1) A person commits an offence if:
- (a) the person is a proprietor of a business carrying out hairdressing, beauty therapy or body art; and
  - (b) the premises on which the business is conducted is not maintained in a clean, sanitary and hygienic condition and is not in good repair; and
  - (c) the equipment used to carry out the regulated activity is not maintained in a clean, sanitary and hygienic condition and is not in good repair.

Maximum penalty: 20 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

## Part 4 Mosquito control

### 54 Definitions

In this Part:

***breeding ground*** means a place where mosquito eggs, larvae or pupae are present.

***water*** includes any other liquid.

### 55 Requirement to ensure place is not a breeding ground for mosquitoes

(1) An owner or occupier of a place commits an offence if:

- (a) there is water at the place; and
- (b) the water is or may become a breeding ground.

Maximum penalty: 20 penalty units.

(2) An owner or occupier of a place commits an offence if:

- (a) a circumstance exists at the place that may result in the accumulation of water; and
- (b) water were to accumulate it may become a breeding ground.

Maximum penalty: 20 penalty units.

(3) An offence against subregulation (1) or (2) is an offence of strict liability.

### 56 Authorised officer may give directions

(1) This regulation applies if an authorised officer has reasonable grounds to believe that water, or something in which water may accumulate, at a place:

- (a) is a breeding ground; or
- (b) may become a breeding ground.

(2) The authorised officer may direct an owner or occupier of the place to do anything the authorised officer considers reasonably necessary to remove the breeding ground or prevent the water or circumstance from becoming a breeding ground.

- (3) An owner or occupier of a place commits an offence if:
- (a) the owner or occupier is given a direction by the authorised officer under subregulation (2); and
  - (b) the owner or occupier does not comply with the direction within the time specified in the notice.

Maximum penalty: 20 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.
- (5) If the person does not comply with the direction, an authorised officer may take any action necessary to remove the breeding ground or prevent the thing or the accumulation of water from becoming a breeding ground.
- (6) Any cost of the action taken in subregulation (5) may be recovered from the owner or occupier of the place.

## Part 5 Perinatal information

### 57 Definitions

In this Part:

**Aboriginal and Torres Strait Islander health practitioner** means a person registered under the Health Practitioner Regulation National Law (other than as a student) to practise in the Aboriginal and Torres Strait Islander health practice profession.

**collection** means the collection of perinatal information maintained by the CHO under regulation 58.

**episode** means:

- (a) the birth of a child; or
- (b) a still-birth, as defined in section 4 of the *Births Deaths and Marriages Registration Act*; or
- (c) the diagnosis of a structural or functional abnormality in a child aged up to 12 months that was present from conception or that occurs before the end of a pregnancy.

**midwife** means a person registered under the Health Practitioner Regulation National Law (other than as a student) to practise in the nursing profession as a midwife or nurse.

***notifiable death of a child*** means the death of a child within 1 year of the birth of the child.

***notifiable death of a woman*** means the death of:

- (a) a pregnant woman; or
- (b) a woman within 12 months after the end of a pregnancy.

## **58 Collection of perinatal information**

- (1) The CHO must maintain a collection of perinatal information in any form (including in an electronic form) the CHO thinks appropriate.
- (2) Subject to these Regulations, the CHO must record in the collection the information received from a person under regulations 60 to 66.

## **59 Purpose of collection**

The purposes of the collection are:

- (a) the provision of information to develop policy for the improvement of antenatal care and the wellbeing of women who are pregnant or have given birth; and
- (b) the provision of information for program evaluation and to support decision-making; and
- (c) the compilation of information in statistical form; and
- (d) the provision of information for completing the Perinatal National Minimum Data Set and for any other national reporting; and
- (e) the provision of information for research.

## **60 Giving information if episode occurs at a place other than a pathology service or imaging service**

- (1) If an episode occurs at a place other than a pathology service or imaging service, the following person is responsible for giving the CHO information about the episode:
  - (a) if a midwife is present during the episode – the midwife;
  - (b) if more than one midwife is present during the episode – the midwife responsible for the woman;

- (c) a medical practitioner if:
    - (i) the medical practitioner is present during the episode; and
    - (ii) a midwife is not present during the episode;
  - (d) if more than one medical practitioner is present during the episode – the medical practitioner responsible for the woman;
  - (e) an Aboriginal and Torres Strait Islander health practitioner if:
    - (i) the Aboriginal and Torres Strait Islander health practitioner is present during the episode; and
    - (ii) a midwife is not present during the episode; and
    - (iii) a medical practitioner is not present during the episode;
  - (f) if more than one Aboriginal and Torres Strait Islander health practitioner is present during then episode – the Aboriginal and Torres Strait Islander health practitioner responsible for the woman.
- (2) If a midwife, medical practitioner or Aboriginal and Torres Strait Islander health practitioner is not present during the episode, the mother must give information to the CHO in the approved form within 28 days after the episode has occurred.
- (3) A person commits an offence if the person:
- (a) is responsible for giving the CHO information under subregulation (1); and
  - (b) does not give the CHO information in the approved form within 28 days after the episode occurred.

Maximum penalty: 10 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.

**61 Giving information if notifiable death occurs at a place other than an imaging service**

- (1) If a notifiable death of a child or a notifiable death of a woman occurs at a place other than an imaging service, the following person is responsible for giving the CHO information about the death:
- (a) if a midwife is present during the notifiable death – the midwife;

- (b) if more than one midwife is present during the notifiable death – the midwife responsible for the child or woman;
  - (c) a medical practitioner if:
    - (i) the medical practitioner is present during the notifiable death; and
    - (ii) a midwife is not present during the notifiable death;
  - (d) if more than one medical practitioner is present during the notifiable death – the medical practitioner responsible for the child or woman;
  - (e) an Aboriginal and Torres Strait Islander health practitioner if:
    - (i) the Aboriginal and Torres Strait Islander health practitioner is present during the notifiable death; and
    - (ii) a midwife is not present during the notifiable death; and
    - (iii) a medical practitioner is not present during the notifiable death;
  - (f) if more than one Aboriginal and Torres Strait Islander health practitioner is present during the episode – the Aboriginal and Torres Strait Islander health practitioner responsible for the child or woman.
- (2) If a midwife, medical practitioner or Aboriginal and Torres Strait Islander health practitioner is not present during a notifiable death of a child, the mother must give information to the CHO in the approved form within 42 days after the death has occurred.
- (3) A person commits an offence if the person:
- (a) is responsible for giving the CHO information under subregulation (1); and
  - (b) does not give the CHO information in the approved form within 42 days after the death occurred.

Maximum penalty: 10 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.

## **62 Giving information if episode occurs at pathology service**

- (1) If an episode occurs at a pathology service, a person in charge of the pathology service is responsible for giving the CHO information about the episode.



- (2) A person commits an offence if the person:
- (a) is responsible for giving the CHO information under subregulation (1); and
  - (b) does not give the CHO information in the approved form within 28 days after the person has received written results about the episode.

Maximum penalty: 10 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

**63 Giving information if episode occurs at imaging service**

- (1) If an episode occurs at an imaging service, a person in charge of the imaging service is responsible for giving the CHO information about the episode.

- (2) A person commits an offence if the person:
- (a) is responsible for giving the CHO information under subregulation (1); and
  - (b) does not give the CHO information in the approved form within 28 days after the person has received written results about the episode.

Maximum penalty: 10 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

**64 Giving information if notifiable death occurs at imaging service**

- (1) If a notifiable death of a child or a notifiable death of a woman occurs at an imaging service, a person in charge of the imaging service is responsible for giving the CHO information about the death.

- (2) A person commits an offence if the person:
- (a) is responsible for giving the CHO information under subregulation (1); and
  - (b) does not give the CHO information in the approved form within 42 days after the death occurred.

Maximum penalty: 10 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

**65 Registrar of Births, Deaths and Marriages to give information**

The Registrar of Births, Deaths and Marriages must give the CHO information about a notifiable death of a child or a notifiable death of a woman within 42 days after the Registrar has received the registration of the death.

**66 Further information may be requested**

- (1) This regulation applies if the CHO considers further information is required in relation to an episode or a notifiable death received under regulations 60 to 65.
- (2) The CHO may give the person or any other person a notice requiring the person or other person to give further information stated in the notice to the CHO or indicate that the further information requested is not available.
- (3) A person commits an offence if the person:
  - (a) is given a notice from the CHO under subregulation (2); and
  - (b) does not comply with the notice within 14 days of receiving the notice.

Maximum penalty: 10 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.

**67 Sharing of information**

- (1) The CHO may provide information recorded in the collection to the following for a purpose mentioned in regulation 59:
  - (a) the Australian Institute of Health and Welfare;
  - (b) the Registrar of Births, Deaths and Marriages;
  - (c) the person responsible for maintaining a corresponding collection;
  - (d) a person authorised in writing by the CHO to receive that information.
- (2) In this regulation:

**corresponding collection** means a collection of information that:

- (a) is established under a law of the Territory, the Commonwealth, or another State or a Territory; and

(b) contains information of a kind held in the collection.

**68            Other information may be recorded in collection**

The CHO may record any other information in the collection for a purpose mentioned in regulation 59.

**Part 6            Wastewater**

**Division 1        General matters**

**69            Definitions**

In this Part:

***approved contractor***, see regulation 70.

***community*** means a community specified in the *Northern Territory Aboriginal Communities*, published by the Northern Territory Government, as amended from time to time.

***community wastewater management system*** means a system for the collection and management of wastewater generated in a town, regional area or other community that is not owned or operated by the Territory.

***installation***, in relation to a wastewater system, includes the commissioning of the system.

***management***, in relation to wastewater, includes the treatment, reuse and disposal of wastewater.

***National Construction Code Series*** means the National Construction Code Series, published by the Australian Building Codes Board, as amended from time to time.

***on-site wastewater system***, see regulation 73.

***prescribed code***, for an on-site wastewater system, is the *Code of Practice for On-site Wastewater Management*, as amended from time to time.

***primary treatment*** means the physical processes of screening, filtration, sedimentation, flocculation and floatation to remove organic and inorganic matter from wastewater in septic tanks and primary settling chambers.

***product approval*** means a product approval granted under regulation 91.

**sanitary facilities** includes toilets, urinals, sinks, hand basins, showers, bathing facilities, floor wastes and laundry facilities that are connected to sanitary drainage.

**secondary treatment** means the biological or physical treatment of wastewater following primary treatment, including disinfection to kill pathogens.

**sell** includes offer for sale or have possession for the purpose of sale.

**technical specifications** include technical, scientific and engineering details, plans and drawings.

**waste stabilisation ponds** means a wastewater treatment plant comprising of a series of shallow man-made basins or lagoons that is not owned or operated by the Territory.

**wastewater** means wastewater as defined in the prescribed code.

**wastewater system** means a system for the collection and management of wastewater.

**wastewater works** means one or more of the following:

- (a) the installation of a wastewater system;
- (b) the alteration of a wastewater system involving either:
  - (i) a change to the capacity of the system;
  - (ii) a change to the type of system; or
- (c) the decommissioning of a wastewater system;
- (d) the upgrade of a wastewater system.

**wastewater works design approval** means a wastewater works design approval granted under regulation 97.

**wastewater works installation approval** means a wastewater works installation approval granted under regulation 82.

## **70            Approved contractor**

An approved contractor is a person specified in Schedule 3.

## **71            Exemptions from codes or regulations**

- (1) The CHO may, in writing, exempt a person from all or part of the prescribed code or a regulation in this Part.

- (2) An application for an exemption must be in the approved form.
- (3) The CHO must be satisfied that the person's circumstances require the person to be exempt from the need to comply with the prescribed code or the regulation.
- (4) The CHO may, if the CHO considers it appropriate, grant the exemption subject to any conditions.

## **Division 2            Sanitary facilities**

### **72            Sanitary facilities to be installed**

- (1) The CHO may direct an owner or occupier of a place to install sanitary facilities on the place by a specified time.
- (2) A person commits an offence if the person:
  - (a) is an owner or occupier of a place; and
  - (b) is given a direction by the CHO under subregulation (1); and
  - (c) does not comply with the direction.

Maximum penalty:        30 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

## **Division 3            Wastewater system requirements**

### **73            On-site wastewater system**

- (1) An ***on-site wastewater system*** is a system with a daily hydraulic flow of 8 000 L or less used at a place for the on-site collection and management of wastewater generated at the place.
- (2) Examples of an on-site wastewater system include the following:
  - (a) a septic tank;
  - (b) a holding tank;
  - (c) an aerated wastewater treatment system;
  - (d) a biological treatment system;
  - (e) a composting toilet system;
  - (f) a hybrid toilet system;

(g) a pit toilet.

- (3) An on-site wastewater system may, but need not, be connected to sewage.

#### **74            Management of biosolids, septage and sludge**

- (1) The CHO may give a person a direction in relation to the management or disposal of biosolids, septage or sludge.

- (2) A person commits an offence if the person:

- (a) is given a direction by the CHO under subregulation (1); and  
(b) does not comply with the direction.

Maximum penalty:        30 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

- (4) In this regulation:

***biosolids*** means stabilised organic solids derived entirely or in part from wastewater treatment processes that can be managed safely to beneficially utilise their nutrient, soil conditioning, energy or other value, other than untreated wastewater sludge, industrial sludge or the product produced from the high temperature incineration of sewage sludge.

***septage*** means the pump out contents of an on-site wastewater system removed during desludging that include sludge, scum and tank liquid.

***sludge*** means:

- (a) any product consisting of organic matter that results from a wastewater treatment process; or  
(b) septic tank sludge that has not been treated to a standard appropriate for beneficial use.

#### **75            Undertaking of wastewater works**

- (1) A person commits an offence if the person:

- (a) undertakes wastewater works; and  
(b) is not an approved contractor.

Maximum penalty:        30 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

**76            Installation of wastewater system**

- (1) An approved contractor commits an offence if the contractor:
- (a) installs a wastewater system; and
  - (b) does not install the wastewater system in accordance with the prescribed code.

Maximum penalty:     30 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

**77            Notification of installation of wastewater system**

- (1) This regulation applies in relation to an on-site wastewater system that:
- (a) is to be installed at a place where the *Building Act* does not apply; or
  - (b) is to be installed in a Class 1a building (as defined in the National Construction Code Series) and provides a minimum of secondary treatment; or
  - (c) will discharge wastewater into sewerage at a place where the *Building Act* does not apply.
- (2) An approved contractor must notify the CHO of the approved contractor's intention to install the on-site wastewater system.
- (3) The notification must be in the approved form.
- (4) An approved contractor commits an offence if the contractor:
- (a) commences the installation of the on-site wastewater system; and
  - (c) does not notify the CHO under subregulation (2) at least 7 days before commencing the installation.

Maximum penalty:     30 penalty units.

- (5) An offence against subregulation (4) is an offence of strict liability.

**78            Inspection of installation of wastewater system**

(1) The CHO may, within 2 days of receiving a notification under regulation 77, carry out an inspection or testing of the on-site wastewater system.

(2) A person commits an offence if the person obstructs the inspection or testing.

Maximum penalty:        20 penalty units.

(3) An offence against subregulation (2) is an offence of strict liability.

**79            Notification of completion of installation of wastewater system**

(1) The approved contractor must notify the CHO of the completion of the installation of an on-site wastewater system to which regulation 77 applies.

(2) The notification must be in the approved form.

(3) The approved contractor commits an offence if the contractor:

(b) completes the installation of the on-site wastewater system;  
and

(c) does not notify the CHO under subregulation (1) within 14 days after completing the installation.

Maximum penalty:        20 penalty units.

(4) An offence against subregulation (3) is an offence of strict liability.

**80            Wastewater works that may be installed without wastewater works installation approval or notification of installation of wastewater works**

The owner or occupier of a place may install an on-site wastewater system without a wastewater works installation approval and is not required to give notification under regulation 77 or 79 if the on-site wastewater system:

(a) provides primary treatment; and

(b) is to be installed in accordance with the *Building Act*.



**81            Wastewater works required to be approved**

- (1) An approved contractor commits an offence if:
- (a) the contractor installs an on-site wastewater system in a Class 1a building (as defined in the National Construction Code Series); and
  - (b) the *Building Act* does not apply; and
  - (c) the contractor does not install the on-site wastewater system in accordance with a wastewater works installation approval.

Maximum penalty:        30 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

**82            Application for wastewater works installation approval**

- (1) An application for the approval of the installation of an on-site wastewater system must be:
- (a) made to the CHO in the approved form; and
  - (b) accompanied by the prescribed fee.
- (2) After considering the application, the CHO may grant the wastewater works installation approval, subject to any conditions the CHO considers appropriate.

**83            Variation of conditions of wastewater works installation approval**

- (1) The CHO may vary the conditions of a wastewater works installation approval:
- (a) on application of the approved contractor to the CHO; or
  - (b) on the CHO's initiative.
- (2) An application for variation must be in the approved form.
- (3) The CHO must consider the application and decide whether to vary the conditions of the approval in accordance with the application.
- (4) On deciding the application, the CHO must give written notice to the contractor of:
- (a) the CHO's decision; and

- (b) if the CHO refuses the application – the reasons for the refusal.
- (5) Before varying any conditions of an approval on the CHO's initiative, the CHO must give the contractor written notice:
  - (a) stating the proposed variation; and
  - (b) stating the reasons for the variation; and
  - (c) inviting the contractor to submit, within a period of not less than 14 days after receiving the notice, reasons why the variation should not be made.
- (6) The CHO may, having considered any submissions of the contractor, vary the conditions of the approval as proposed in the notice or in another way the CHO considers appropriate.
- (7) The CHO must, if the CHO varies the conditions under subregulation (6), give written notice to the contractor of the variation.
- (8) A variation of conditions of the approval takes effect on the date stated in the notice.
- (9) Subregulations (2) to (8) do not apply if the variation is for a formal or clerical reason that does not alter the effect of the registration.

#### **84            Cancellation of wastewater works installation approval**

- (1) The CHO may cancel a wastewater works installation approval:
  - (a) if the approved contractor contravenes a condition of the approval; or
  - (b) if the contractor is found guilty of an offence against the Act or another law of the Territory relating to the approval; or
  - (c) for another reason the CHO considers appropriate.
- (2) Before cancelling the approval, the CHO must give written notice to the contractor:
  - (a) stating the CHO proposes to cancel the approval; and
  - (b) stating the reasons for the cancellation; and
  - (c) inviting the contractor to submit, within the period of not less than 14 days after receiving the notice, reasons why the approval should not be cancelled.

- (3) If, having considered any submissions of the contractor, the CHO continues to consider the approval should be cancelled, the CHO may cancel the approval by written notice to the contractor.
- (4) The notice must state the reasons for the cancellation.
- (5) The cancellation takes effect on the date stated in the notice.

**85 Expiry of wastewater works installation approval**

A wastewater works installation approval expires if:

- (a) the wastewater works are not substantially completed within 24 months after the approval was granted; or
- (b) otherwise – on completion of the wastewater works.

**86 Approved contractor must give wastewater works installation approval to owner or occupier**

- (1) An approved contractor commits an offence if the contractor:
  - (a) installs the on-site wastewater system at a place in accordance with a wastewater works installation approval; and
  - (b) does not give the owner or occupier of the place a copy of the wastewater works installation approval.

Maximum penalty: 30 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

**87 Operation, maintenance and servicing of wastewater systems**

- (1) A person commits an offence if:
  - (a) the person is an owner or occupier of a place with a wastewater system; and
  - (b) the person does not operate, maintain and service the wastewater system in accordance with the following:
    - (i) any conditions of a wastewater works installation approval relating to the system;
    - (ii) if the wastewater system is subject to a product approval – any conditions of the approval in force at the time the wastewater system was installed;

- (iii) if the wastewater system is subject to a wastewater works design approval – any conditions of the approval in force at the time the wastewater system was installed;
- (iv) the prescribed code.

Maximum penalty: 30 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subregulation (1)(b)(i), (ii) or (iii) if the defendant did not know and could not reasonably have known of the conditions.

## **88 Reuse or disposal of wastewater from wastewater systems**

- (1) A person commits an offence if:
  - (a) the person is an owner or occupier of a place with a wastewater system; and
  - (b) the person does not comply with the following in relation to the reuse or disposal of wastewater from the system:
    - (i) if the reuse or disposal is authorised by conditions of a wastewater works installation approval relating to the system – those conditions in force at the time the wastewater system was installed;
    - (ii) if the reuse or disposal is authorised by conditions of a wastewater works design approval relating to the system – those conditions in force at the time the wastewater system was installed;
    - (iii) the prescribed code.

Maximum penalty: 30 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against subregulation (1)(b)(i) or (ii) if the defendant did not know and could not reasonably have known of the conditions.

## **89 CHO may give directions**

- (1) This regulation applies if the CHO has reasonable grounds to believe that a wastewater system at a place is causing, or is likely to cause, a serious public health risk.

- (2) The CHO may direct an owner or occupier of a place to do any thing the CHO considers reasonably necessary to prevent the wastewater system from causing, or continuing to be, a serious public health risk.
- (3) A person commits an offence if the person:
  - (a) is an owner or occupier of the place; and
  - (b) is given a direction by the CHO under subregulation (2); and
  - (c) does not comply with the direction within the time specified in the notice.

Maximum penalty: 30 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.
- (5) If the person does not comply with the direction, the CHO may take any action the CHO considers necessary to prevent the wastewater system from causing, or continuing to be, a serious public health risk.
- (6) Any cost of the action taken under subregulation (5) may be recovered from the owner or occupier of the place.

## **90 Sale of on-site wastewater systems**

- (1) A person commits an offence if:
  - (a) the person sells a wastewater system for use as an on-site wastewater system; and
  - (b) either:
    - (i) the wastewater system does not have a product approval in force for the system; or
    - (ii) if the wastewater system is a prefabricated system – the wastewater system does not bear the markings required by the prescribed code.

Maximum penalty: 30 penalty units.

- (2) A person commits an offence if:
  - (a) the person sells a wastewater system for use as an on-site wastewater system; and
  - (b) there is a product approval in force for the system; and

- (c) the person does not give a copy of the product approval and manuals for the system referred to in the product approval to the person purchasing the system.

Maximum penalty: 30 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

## **Division 4 Product approval for on-site wastewater system**

### **91 Application for product approval**

- (1) An application for a product approval for an on-site wastewater system must be:
  - (a) made to the CHO in the approved form; and
  - (b) accompanied by technical specifications and manuals for the wastewater system; and
  - (c) include, or be accompanied by other information or documents required by the prescribed code; and
  - (d) accompanied by the prescribed fee.
- (2) The CHO may request further documents from the person making the application.
- (3) After considering the application, the CHO may grant the product approval, subject to any conditions the CHO considers appropriate.

### **92 Variation of conditions of product approval**

- (1) The CHO may vary the conditions of a product approval:
  - (a) on application of the approval holder; or
  - (b) on the CHO's initiative.
- (2) An application for variation must be in the approved form and be accompanied by the prescribed fee.
- (3) The CHO must consider the application and decide whether to vary the conditions of the approval in accordance with the application.
- (4) On deciding the application, the CHO must give written notice to the approval holder of:
  - (a) the CHO's decision; and

- (b) if the CHO refuses the application – the reasons for the refusal.
- (5) Before varying any conditions of an approval on the CHO's initiative, the CHO must give the approval holder written notice:
  - (a) stating the proposed variation; and
  - (b) stating the reasons for the variation; and
  - (c) inviting the approval holder to submit, within a period of not less than 14 days after receiving the notice, reasons why the variation should not be made.
- (6) The CHO may, having considered any submissions of the approval holder, vary the conditions of the approval as proposed in the notice or in another way the CHO considers appropriate.
- (7) The CHO must, if the CHO varies the conditions under subregulation (6), give written notice to the approval holder of the variation.
- (8) A variation of conditions of registration takes effect on the date stated in the notice.
- (9) Subregulations (2) to (8) do not apply if the variation is for a formal or clerical reason that does not alter the effect of the registration.

### **93 Term of product approval**

- (1) A product approval expires 5 years after it is granted.
- (2) An approval holder may apply to the CHO for an extension of the approval.
- (3) The CHO may, on application by the approval holder, extend a product approval.
- (4) An application to extend a product approval must be accompanied by the prescribed fee.

### **94 Cancellation of product approval**

- (1) The CHO may cancel a product approval:
  - (a) if the approval holder contravenes a condition of the approval;  
or
  - (b) if the approval holder is found guilty of an offence against the Act or another law of the Territory relating to the approval; or

- (c) for another reason the CHO considers appropriate.
- (2) Before cancelling the approval, the CHO must give written notice to the approval holder:
  - (a) stating the CHO proposes to cancel the approval; and
  - (b) stating the reasons for the cancellation; and
  - (c) inviting the approval holder to submit, within the period of not less than 14 days after receiving the notice, reasons why the approval should not be cancelled.
- (3) If, having considered any submissions of the approval holder, the CHO continues to consider the approval should be cancelled, the CHO may cancel the approval by written notice to the approval holder.
- (4) The notice must state the reasons for the cancellation.
- (5) The cancellation takes effect on the date stated in the notice.

**95            Register of product approvals**

The CHO must maintain a register of product approvals in any form (including in an electronic form) the CHO thinks appropriate.

**Division 5            Wastewater works design approvals**

**96            Sale of wastewater systems**

- (1) A person commits an offence if the person:
  - (a) sells or installs a wastewater system specified in Schedule 4; and
  - (b) the wastewater system does not have a wastewater works design approval.

Maximum penalty:        30 penalty units.

- (2) A person commits an offence if the person:
  - (a) sells or installs a wastewater system specified in Schedule 4; and
  - (b) there is a wastewater works design approval in force for the system; and



- (c) the person does not give a copy of the wastewater works design approval to the person purchasing the system or the owner or occupier of the place it is installed.

Maximum penalty: 30 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

## **97 Application for wastewater works design approval**

- (1) An application for a wastewater works design approval must be:
  - (a) in the approved form; and
  - (b) accompanied by technical specifications for the wastewater works design; and
  - (c) if the works comprise the installation or alteration of a wastewater system – accompanied by:
    - (i) the proposed conditions for the operation, maintenance and servicing of the system or the system as altered; and
    - (ii) if wastewater from a wastewater system is to be reused or disposed of – proposed conditions for the reuse or disposal of wastewater; and
  - (d) accompanied by any other information or documents required by the prescribed code; and
  - (e) accompanied by the prescribed fee.
- (2) The CHO may request further documents from the person making the application.
- (3) After considering the application, the CHO may grant the wastewater works design approval, subject to any conditions the CHO considers appropriate.
- (4) Without limiting subregulation (3), the CHO may refuse to grant a wastewater works design approval if the person fails to satisfy the CHO that:
  - (a) the technical specifications for the wastewater works comply with the prescribed code; or

- (b) the wastewater works will not, if undertaken in accordance with any conditions of the approval, adversely affect or threaten public or environmental health.

**98 Variation of conditions of wastewater works design approval**

- (1) The CHO may vary the conditions of a wastewater works design approval:
  - (a) on application of the approval holder; or
  - (b) on the CHO's initiative.
- (2) An application for variation must be in the approved form and be accompanied by the prescribed fee.
- (3) The CHO must consider the application and decide whether to vary the conditions of the approval in accordance with the application.
- (4) On deciding the application, the CHO must give written notice to the approval holder of:
  - (a) the CHO's decision; and
  - (b) if the CHO refuses the application – the reasons for the refusal.
- (5) Before varying any conditions of an approval on the CHO's initiative, the CHO must give the approval holder written notice:
  - (a) stating the proposed variation; and
  - (b) stating the reasons for the variation; and
  - (c) inviting the approval holder to submit, within a period of not less than 14 days after receiving the notice, reasons why the variation should not be made.
- (6) The CHO may, having considered any submissions of the approval holder, vary the conditions of the approval as proposed in the notice or in another way the CHO considers appropriate.
- (7) The CHO must, if the CHO varies the conditions under subregulation (6), give written notice to the approval holder of the variation.
- (8) A variation of conditions of registration takes effect on the date stated in the notice.
- (9) Subregulations (2) to (8) do not apply if the variation is for a formal or clerical reason that does not alter the effect of the registration.

**99 Cancellation of wastewater works design approval**

- (1) The CHO may cancel a wastewater works design approval:
  - (a) if the approval holder contravenes a condition of the approval;  
or
  - (b) if the approval holder is found guilty of an offence against the Act or another law of the Territory relating to the approval; or
  - (c) for another reason the CHO considers appropriate.
- (2) Before cancelling the approval, the CHO must give written notice to the approval holder:
  - (a) stating the CHO proposes to cancel the approval; and
  - (b) stating the reasons for the cancellation; and
  - (c) inviting the approval holder to submit, within the period of not less than 14 days after receiving the notice, reasons why the approval should not be cancelled.
- (3) If, having considered any submissions of the approval holder, the CHO continues to consider the approval should be cancelled, the CHO may cancel the approval by written notice to the approval holder.
- (4) The notice must state the reasons for the cancellation.
- (5) The cancellation takes effect on the date stated in the notice.

**100 Expiry of wastewater works design approval**

A wastewater works design approval expires if:

- (a) the wastewater works are not substantially completed within 24 months after the approval was granted; or
- (b) otherwise – on completion of the wastewater works.

**Part 7 Infringement notice offences****101 Infringement notice offence and prescribed amount payable**

- (1) An ***infringement notice offence*** is an offence against a provision specified in Schedule 5.

- (2) The **prescribed amount** for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified for the offence in Schedule 5.

## **102 When infringement notice may be given**

If the CHO reasonably believes a person has committed an infringement notice offence, the CHO may give a notice (an ***infringement notice***) to the person.

## **103 Contents of infringement notice**

- (1) The infringement notice must specify the following:
- (a) the name and address of the person, if known;
  - (b) the date the infringement notice is given to the person;
  - (c) the date, time and place of the infringement notice offence;
  - (d) a description of the offence;
  - (e) the prescribed amount payable for the offence;
  - (f) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act*, to whom the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
- (a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;
  - (b) the person may elect under section 21 of the *Fines and Penalties (Recovery) Act* to have the matter dealt with by a court instead of under that Act by completing a statement of election and giving it to the specified enforcement agency;
  - (c) if the person does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act*, including (but not limited to) action for the following:
    - (i) suspending the person's licence to drive;
    - (ii) seizing personal property of the person;
    - (iii) deducting an amount from the person's wages or salary;

- (iv) registering a statutory charge on land owned by the person;
  - (v) making a community work order for the person and imprisonment of the person if the person breaches the order.
- (3) Also, the infringement notice must include an appropriate form for making the statement of election mentioned in subregulation (2)(b).

#### **104 Payment by cheque**

If the person tenders a cheque in payment of the prescribed amount, the amount is not taken to have been paid unless the cheque is cleared on first presentation.

#### **105 Withdrawal of infringement notice**

- (1) The CHO may withdraw the infringement notice by written notice given to the person.
- (2) The notice must be given:
- (a) within 28 days after the infringement notice is given to the person; and
  - (b) before payment of the prescribed amount.

#### **106 Application of Part 7**

- (1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice has been given unless the offence is expiated.
- (2) Also, this Part does not:
- (a) require an infringement notice to be given; or
  - (b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or
  - (c) prevent more than one infringement notice for the same offence being given to a person.
- (3) If more than one infringement notice for the same offence has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

## **Part 8 Repeals and transitional matters**

### **Division 1 Repeals**

#### **107 Repeals**

The Regulations specified in Schedule 6 are repealed.

### **Division 2 Transitional matters for Public and Environmental Health Regulations 2014**

#### **Subdivision 1 General matters**

#### **108 Definitions**

In this Part:

***commencement day*** means the day on which these Regulations commence.

***repealed commercial visitor accommodation Regulations*** means the *Public Health (Shops, Boarding-houses, Hostels and Hotels) Regulations* in force before the commencement of these Regulations.

***repealed hairdressing Regulations*** means the *Public Health (Barbers' Shops) Regulations* in force before the commencement of these Regulations.

***repealed sanitation Regulations*** means the *Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations* in force before the commencement of the amendment Regulations.

#### **Subdivision 2 Transitional matters for wastewater**

#### **109 Continuation of existing approval for a septic tank**

- (1) An existing approval for a septic tank continues in force after the commencement day as if the approval were a product approval for an on-site wastewater system under regulation 91.
- (2) The approval continues in force for:
  - (a) if the approval was for a specified term – the remainder of that term; or
  - (b) if the approval did not specify a term – for 2 years on and from the commencement day.

- (3) In this regulation:

***existing approval for a septic tank*** means an approval granted under regulation 26 of the repealed sanitation Regulations.

**110 Existing approval application for septic tanks**

- (1) The CHO must decide an existing approval application for a septic tank under the repealed sanitation Regulations as if regulation 107 had not been enacted.
- (2) An approval given under subregulation (1) is taken to be a product approval for an on-site wastewater system under regulation 91.
- (3) In this regulation:

***existing approval application for a septic tank*** means an application for an approval under regulation 26 of the repealed sanitation Regulations and which, as at the commencement day, had not been determined.

**111 Continuation of existing approvals of installation of septic tanks**

- (1) An existing approval of installation of a septic tank continues in force after the commencement day as if the approval were a wastewater works installation approval under regulation 82.
- (2) In this regulation:

***existing approval of installation of a septic tank*** means an approval granted under regulation 27 of the repealed sanitation Regulations.

**112 Existing application for approval of installation of septic tanks**

- (1) The CHO must decide an existing application for approval of installation of a septic tank under the repealed sanitation Regulations as if regulation 107 had not been enacted.
- (2) An approval given under subregulation (1) is taken to be a wastewater works installation approval under regulation 82.
- (3) In this regulation:

***existing application for approval of installation of a septic tank*** means an application for an approval made under regulation 27 of the repealed sanitation Regulations and which, as at the commencement day, had not been determined.

### **Subdivision 3 Transitional matters for hairdressing and commercial visitor accommodation**

#### **113 Continuation of existing hairdressing registration**

- (1) An existing hairdressing registration continues in force after the commencement day as if it were given registration under regulation 30.
- (2) The registration continues in force for the remainder of the term specified under the repealed hairdressing Regulations.
- (3) A certificate of registration furnished under regulation 5 of the repealed hairdressing Regulations continues as if it were a certificate under regulation 30.
- (4) In this regulation:

***existing hairdressing registration*** means a registration given under regulation 5 of the repealed hairdressing Regulations.

#### **114 Existing applications for hairdressing registration**

- (1) The CHO must decide an existing hairdressing registration application under the repealed hairdressing Regulations as if regulation 107 had not been enacted.
- (2) A registration granted under subregulation (1) is taken to be a registration under regulation 30.
- (3) A certificate issued for an existing hairdressing registration application is taken to be a certificate given under regulation 30.
- (4) In this regulation:

***existing hairdressing registration application*** means an application for registration under regulation 5 of the repealed hairdressing Regulations and which, as at the commencement day, had not been determined.

#### **115 Continuation of existing commercial visitor accommodation registration**

- (1) An existing commercial visitor accommodation registration continues in force after the commencement day as if it were given registration under regulation 30.
- (2) The registration continues in force for the remainder of the term specified under the repealed commercial visitor accommodation Regulations.



(3) A certificate of registration supplied under regulation 36 of the repealed commercial visitor accommodation Regulations continues as if it were a certificate under regulation 30.

(4) In this regulation:

***existing commercial visitor accommodation registration*** means a registration given under regulation 36 of the repealed commercial visitor accommodation Regulations.

#### **116 Existing applications for commercial visitor accommodation registration**

(1) The CHO must decide an existing commercial visitor accommodation registration application under the repealed commercial visitor accommodation Regulations as if regulation 107 had not been enacted.

(2) A registration granted under subregulation (1) is taken to be a registration under regulation 30.

(3) A certificate issued for an existing commercial visitor accommodation registration application is taken to be a certificate issued under regulation 30.

(4) In this regulation:

***existing commercial visitor accommodation registration application*** means an application for registration made under regulation 36 of the repealed commercial visitor accommodation Regulations and which, as at the commencement day, had not been determined.

#### **Subdivision 4 Other matters for beauty therapy and body art**

##### **117 Exemption from Part 3 for 6 months**

The proprietor of a business conducting beauty therapy or body art before the commencement day is exempt from Part 3 of these Regulations for 6 months on and from the commencement day.

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**Schedule 1 Prescribed fees**

regulation 4

Item	Description	Fee (revenue units)
1	Application to register or renew registration of business:	
	(a) commercial visitor accommodation	250
	(b) hairdressing	65
	(c) beauty therapy	100
	(d) body art	100
2	Application to register or renew registration of business:	
	(a) hairdressing and body art	100
	(b) hairdressing and beauty therapy	100
	(c) beauty therapy and body art	100
	(d) hairdressing, beauty therapy and body art	100
3	Application for grant of wastewater works installation approval	400
4	Application for grant of product approval	500
5	Application to vary product approval	150
6	Application to renew product approval	150
7	Application for wastewater works design approval	200
8	Application to vary wastewater works design approval	100

## **Schedule 2 Details to be recorded in Register**

regulation 7

The details that must be recorded in the Register relating to a woman who has had a cervical examination are:

- (a) the following personal details:
  - (i) full name;
  - (ii) former names or aliases, if any;
  - (iii) postal address;
  - (iv) date of birth;
  - (v) Indigenous status;
  - (vi) Medicare card number;
  - (vii) Hospital Record Number;
  - (viii) Individual Healthcare Identifier;
- (b) the following details about the cervical examination:
  - (i) date the cervical examination was carried out;
  - (ii) the procedures used for the cervical examination;
  - (iii) reference code of the clinic or medical centre where the cervical examination was carried out;
  - (iv) reference code of the health practitioner who carried out the cervical examination;
  - (v) reference code of the laboratory where any cervical material was examined;
  - (vi) test results;
  - (vii) date of the test results;
  - (viii) where the test results are abnormal, the following details:
    - (A) a recommendation that some other course of action (whether the taking of cervical material or another course of action) be taken;

- (B) period of time within which the other course of action should be taken made in the recommendation;
- (C) course of action in fact taken;
- (D) treatment implemented.

### **Schedule 3 Approved contractors**

regulation 70

- 1 A person licensed under the *Plumbers and Drainers Licensing Act*
- 2 Wastewater system manufacturer of wastewater systems providing a minimum of secondary treatment and a daily hydraulic flow exceeding 8 000 L.
- 3 Wastewater engineer who is:
  - (a) either:
    - (i) a member, or eligible to be a member, of Engineers Australia as a Chartered Professional Engineer; or
    - (ii) registered on the National Professional Engineering Register administered by Engineers Australia; and
  - (b) has experience in wastewater system or geotechnical engineering

## **Schedule 4 Wastewater works design approvals**

regulation 96

- 1 A wastewater system that provides a minimum of secondary treatment that services Class 1b, 2, 3, 4, 5, 6, 7, 8 and 9 buildings in accordance with the National Construction Code Series
- 2 A composting toilet system or hybrid toilet system that services Class 1b, 2, 3, 4, 5, 6, 7, 8 and 9 buildings in accordance with the National Construction Code Series
- 3 Third party irrigation of recycled water sourced from a wastewater system
- 4 An upgrade or new installation of a wastewater system that services a dwelling or dwellings in a community
- 5 Community wastewater management system
- 6 Waste stabilisation ponds

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**Schedule 5    Infringement notice offences and prescribed amounts**

regulation 101

Provision	Prescribed amount in penalty units
<b><i>Public and Environmental Health Regulations</i></b>	
regulations 13(1), 35(1) and (2), 60(3), 61(3), 62(2), 63(2), 64(2) and 66(3)	1
regulations 32(1), 40(1), 41, 41A(1) and (2), 42(2), 43(2), 44, 45, 46(1) and (2), 47(1) and (2), 48(1) and (2), 49(1) and (2), 50, 51, 52(2), 53, 55(1) and (2), 56(3), 78(2) and 79(3).	2
regulations 28, 72(2), 74(2), 75, 76, 77(4), 81, 86, 87(1), 88(1), 89(3), 90(1) and (2) and 96(1) and (2)	3

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**Schedule 6 Repealed Regulations**

regulation 107

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<i>Public Health (Barbers' Shops) Regulations</i>	Subordinate Legislation No. 10 of 1960
<i>Amendments of the Public Health (Barbers' Shops) Regulations</i>	Subordinate Legislation No. 7 of 1982
<i>Amendments of the Public Health (Barbers' Shops) Regulations</i>	Subordinate Legislation No. 51 of 1982
<i>Amendments of Public Health (Barbers' Shops) Regulations</i>	Subordinate Legislation No. 43 of 1996
<i>Public Health (Cervical Cytology Register) Regulations</i>	Subordinate Legislation No. 3 of 1996
<i>Public Health (Cervical Cytology Register) Amendment Regulations</i>	Subordinate Legislation No. 28 of 2007
<i>Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations</i>	Subordinate Legislation No. 13 of 1960
<i>Amendments of the Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations</i>	Subordinate Legislation No. 50 of 1978
<i>Amendments of the Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations</i>	Subordinate Legislation No. 8 of 1982
<i>Amendments of Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations</i>	Subordinate Legislation No. 44 of 1996
<i>Amendments of Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations</i>	Subordinate Legislation No. 49 of 1998
<i>Public Health (Medical and Dental Inspection of School Children) Regulations</i>	Subordinate Legislation No. 11 of 1960
<i>Amendments of the Public Health (Medical and Dental Inspection of School Children)</i>	Subordinate Legislation No. 19 of 1973



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<i>Amendments of Public Health (Medical and Dental Inspection of School Children)</i>	Subordinate Legislation No. 55 of 1991
<i>Public Health (Night-soil, Garbage, Cesspits, Wells and Water) Regulations</i>	Subordinate Legislation No. 14 of 1960
<i>Amendments of the Public Health (Night-soil, Garbage, Cesspits, Wells and Water) Regulations</i>	Subordinate Legislation No. 24 of 1961
<i>Amendments of the Public Health (Night-soil, Garbage, Cesspits, Wells and Water) Regulations</i>	Subordinate Legislation No. 48 of 1978
<i>Amendments of the Public Health (Night-soil, Garbage, Cesspits, Wells and Water) Regulations</i>	Subordinate Legislation No. 6 of 1982
<i>Amendments of Public Health (Night-soil, Garbage, Cesspits, Wells and Water) Regulations</i>	Subordinate Legislation No. 45 of 1996
<i>Amendments of Public Health (Night-soil, Garbage, Cesspits, Wells and Water) Regulations</i>	Subordinate Legislation No. 50 of 1998
<i>Public Health (Noxious Trades) Regulations</i>	Subordinate Legislation No. 15 of 1960
<i>Amendments of the Public Health (Noxious Trades) Regulations</i>	Subordinate Legislation No. 47 of 1978
<i>Amendments of the Public Health (Noxious Trades) Regulations</i>	Subordinate Legislation No. 10 of 1982
<i>Amendment of the Public Health (Noxious Trades) Regulations</i>	Subordinate Legislation No. 46 of 1996
<i>Public Health (Nuisance Prevention) Regulations</i>	Subordinate Legislation No. 16 of 1960
<i>Amendments of the Public Health (Nuisance Prevention) Regulations</i>	Subordinate Legislation No. 45 of 1978
<i>Amendments of the Public Health (Nuisance Prevention) Regulations</i>	Subordinate Legislation No. 9 of 1982
<i>Amendments of Public Health (Nuisance Prevention) Regulations</i>	Subordinate Legislation No. 47 of 1996
<i>Public Health (Shops, Eating Houses, Boarding-Houses, Hostels and Hotels) Regulations</i>	Subordinate Legislation No. 17 of 1960

<i>Amendments of the Public Health (Shops, Eating-Houses, Boarding-Houses, Hostels and Hotels) Regulations</i>	Subordinate Legislation No. 46 of 1978
<i>Amendments of the Public Health (Shops, Eating-Houses, Boarding-Houses, Hostels and Hotels) Regulations</i>	Subordinate Legislation No. 5 of 1982
<i>Amendments of the Public Health (Shops, Eating-Houses, Boarding-Houses, Hostels and Hotels) Regulations</i>	Subordinate Legislation No. 52 of 1982
<i>Amendments of Public Health (Shops, Eating-Houses, Boarding-Houses, Hostels and Hotels) Regulations</i>	Subordinate Legislation No. 48 of 1996
<i>Amendments of Public Health (Shops, Eating-Houses, Boarding-Houses, Hostels and Hotels) Regulations</i>	Subordinate Legislation No. 20 of 2004

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**ENDNOTES**
**1****KEY**

Key to abbreviations

**amd = amended**  
**app = appendix**  
**bl = by-law**  
**ch = Chapter**  
**cl = clause**  
**div = Division**  
**exp = expires/expired**  
**f = forms**  
**Gaz = Gazette**  
**hdg = heading**  
**ins = inserted**  
**lt = long title**  
**nc = not commenced**

**od = order**  
**om = omitted**  
**pt = Part**  
**r = regulation/rule**  
**rem = remainder**  
**renum = renumbered**  
**rep = repealed**  
**s = section**  
**sch = Schedule**  
**sdiv = Subdivision**  
**SL = Subordinate Legislation**  
**sub = substituted**

**2****LIST OF LEGISLATION*****Public and Environmental Health Regulations (SL No. 11, 2014)***

Notified	16 April 2014
Commenced	1 July 2014 (r 2)

***Public and Environmental Health Amendment Regulations 2018 (SL No. 12, 2018)***

Notified	23 May 2018
Commenced	23 May 2018

**3****LIST OF AMENDMENTS**

r 25	amd No. 12, 2018, r 4
r 27	amd No. 12, 2018, r 5
r 29	amd No. 12, 2018, r 6
r 33	amd No. 12, 2018, r 7
r 34	amd No. 12, 2018, r 8
r 41A	ins No. 12, 2018, r 9
r 42	amd No. 12, 2018, r 10
r 43	sub No. 12, 2018, r 11
sch 5	amd No. 12, 2018, r 12