

# NORTHERN TERRITORY OF AUSTRALIA

## PUBLIC AND ENVIRONMENTAL HEALTH REGULATIONS 2014

As in force at 2 November 2020

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 2 November 2020

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## PUBLIC AND ENVIRONMENTAL HEALTH REGULATIONS 2014

### Regulations under the *Public and Environmental Health Act 2011*

#### Part 1 Preliminary matters

##### 1 Citation

These Regulations may be cited as the *Public and Environmental Health Regulations 2014*.

##### 2 Commencement

These Regulations commence on 1 July 2014.

##### 3 Definitions

In these Regulations:

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

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

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

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

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

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

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

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

***high exposure use***, for Part 6, see regulation 69.

***high exposure use approval***, for Part 6, see regulation 69.

***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.

***low exposure use***, for Part 6, see regulation 69.

***major public event***, for Part 3, see regulation 24.

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

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

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

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

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

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

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

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

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

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

***product approval***, for Part 6, see regulation 69.

***public health infrastructure***, for Part 3, see regulation 24.

***recycled water***, for Part 6, see regulation 69.

***registered business***, for Part 3, see regulation 24.

***regulated activity***, for Part 3, see regulation 24.

***sanitary facilities***, 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.

**visitor**, for Part 3, see regulation 26.

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

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

**wastewater management system notification**, 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.

#### **4A Prescribed maximum fee – CHO's emergency powers**

For section 52A(1) of the Act, the prescribed maximum fee is \$10 000.

#### **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 3 Regulated activities**

### **Division 1 General matters**

#### **24 Definitions**

In this Part:

**beauty therapy**, see regulation 24A.

**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.

**major public event** means an event that is:

- (a) ticketed or open to the public at a location; and
- (b) of a size that is likely to require additional public health infrastructure given the existing public health infrastructure at the location.

**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.

**organiser**, in relation to a major public event, means:

- (a) the person that is responsible for organising and carrying out a major public event; or
- (b) if that person cannot be identified – the person in charge of or apparently in charge of the major public event.

**public health infrastructure** means fixed or temporary infrastructure that provides for potable water, wastewater disposal and ablution facilities.

**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.

#### **24A Meaning of *beauty therapy***

- (1) **Beauty therapy** is 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.
- (2) Examples of beauty therapy include the following:
  - (a) facial;
  - (b) body wrap;
  - (c) exfoliation or microdermabrasion;
  - (d) manicure or pedicure;
  - (e) epilation, waxing or threading;
  - (f) the application of semi-permanent makeup or cosmetic tattooing.
- (3) However, beauty therapy does not include:
  - (a) spray tanning; or
  - (b) the application of cosmetics.

#### **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 1999*; or
  - (ii) a caravan park site agreement under the *Caravan Parks Act 2012*; 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:
  - (a) be made in the approved form; and
  - (b) be accompanied by the prescribed fee.
- (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.
- (4) It is a defence to a prosecution for an offence against subregulation (1) or (2) if the defendant has a reasonable excuse.

## **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.

## **Division 5 Major public events**

### **53A Public health infrastructure**

- (1) The CHO may give a direction to an organiser of a major public event in relation to the public health infrastructure at the major public event.
- (2) An organiser of a major public event commits an offence if the organiser does not comply with a direction given by the CHO under subregulation (1).

Maximum penalty: 20 penalty units.

- (3) An offence against subregulation (2) 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.

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**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 1996*; 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 to practise in the midwifery profession (other than as a student).

**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 management**

### **Division 1 General matters**

#### **69 Definitions**

In this Part:

**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 Power and Water Corporation.

**high exposure use**, in relation to recycled water, includes the following:

- (a) augmentation of drinking water supplies or indirect potable reuse;
- (b) dual-pipe schemes, where the recycled water is supplied to residents for non-potable purposes such as toilet-flushing, laundry or irrigation;
- (c) irrigation of minimally processed food crops.

**high exposure use approval** means an approval under regulation 99(3) to use a wastewater management system (other than an on-site wastewater management system) to recycle water for high exposure use.

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

**low exposure use**, in relation to recycled water, includes the following:

- (a) irrigation of public open spaces, pasture and fodder crops, heavily processed food crops and non-food crops;
- (b) dust suppression on mining or construction sites.

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

**on-site wastewater management system** is a system used to treat wastewater on-site at a place where no Power and Water Corporation owned or operated reticulated sewer is available.

**prescribed code for product approval** is the *Code of Practice for Product Approval of On-site Wastewater Management Systems*, as amended from time to time.

**prescribed code for wastewater management** is the *Code of Practice for Wastewater Management*, as amended from time to time.

**prescribed code for water recycling** is the *Code of Practice for Water Recycling*, as amended from time to time.

**product approval** means a product approval as defined in the prescribed code for product approval.

**recycled water** means wastewater that has been treated for the purpose of beneficial reuse.

*Example for definition recycled water*

*Treated effluent sourced from a water utility's sewage treatment plant intended to be reused for irrigation.*

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

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

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

**wastewater** means the used water arising from domestic activities at a place consisting of all greywater or blackwater, but does not include stormwater or commercial and industrial wastewater.

**wastewater management system** means a system for the collection and management of wastewater and includes an on-site wastewater management system and a community wastewater management system.

**wastewater management system notification** means a wastewater management system notification notified under regulation 96.

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

- (1) The CHO may, in writing, exempt a person from:
  - (a) all or part of:
    - (i) the prescribed code for wastewater management; or
    - (ii) the prescribed code for product approval; or
    - (iii) the prescribed code for water recycling; or
  - (b) 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 person's circumstances require the person to be exempt from the need to comply with the code mentioned in subregulation (1) or the regulation in this Part; and
  - (b) the exemption will not cause or is not likely to cause a public health risk.
- (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 management system requirements**

#### **73 Installation of wastewater management system**

- (1) A person who holds a licence under the *Plumbers and Drainers Licensing Act 1983* to contract and undertake work of plumbing or draining commits an offence if the person:
- (a) installs a wastewater management system at a place where the *Building Act 1993* does not apply; and
  - (b) does not install the system in accordance with the prescribed code for wastewater management.

Maximum penalty: 30 penalty units.

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

#### **74 Operation, maintenance and servicing of wastewater management systems**

- (1) An owner or occupier of a place where the *Building Act 1993* does not apply commits an offence if:
- (a) there is a wastewater management system at the place; and
  - (b) the owner or occupier does not operate, maintain and service the system in accordance with the prescribed code for wastewater management.

Maximum penalty: 30 penalty units.

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

#### **89 CHO may give directions**

- (1) This regulation applies if the CHO has reasonable grounds to believe that a wastewater management system at a place is causing, or is likely to cause, a 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 management system from causing, or continuing to be, a 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 management system from causing, or continuing to be, a public health risk.
- (6) Any cost of the action taken under subregulation (5) may be recovered from the owner or occupier of the place.

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

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

- (1) An application for a product approval for an on-site wastewater management system must:
- (a) be made in the approved form to the CHO; and
  - (b) be accompanied by technical specifications and manuals for the on-site wastewater management system; and
  - (c) include, or be accompanied by other information or documents required by the prescribed code for product approval; and
  - (d) be accompanied by the prescribed fee.
- (2) The CHO may request further information 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:
- (a) be made in the approved form; and

- (b) 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) The term of a product approval is determined by the CHO when the approval 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:
  - (a) be made in the approved form; and
  - (b) 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.

#### **94A Sale of on-site wastewater management systems**

- (1) A person commits an offence if:
  - (a) the person sells a wastewater management system for use as an on-site wastewater management system; and
  - (b) the on-site wastewater management system does not have a product approval in force for the system.

Maximum penalty: 30 penalty units.

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



**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 management system notification**

**96 Notification of installation of wastewater management system**

- (1) This regulation applies in relation to the installation of either of the following at a place where the *Building Act 1993* does not apply:
  - (a) a wastewater management system that treats more than 2 000 L per day;
  - (b) a series of wastewater management systems that treat more than 2 000 L per day.
- (2) The owner or occupier of a place must notify the CHO of the owner or occupier's intention to install the wastewater management system or series of wastewater management systems at least 7 days before the start of the installation.
- (3) The wastewater management system notification must:
  - (a) be made in the approved form; and
  - (b) be accompanied by the prescribed fee.
- (4) The owner or occupier of a place commits an offence if the owner or occupier:
  - (a) starts installing a wastewater management system or series of wastewater management systems at the place; and
  - (b) has not notified the CHO under this regulation.

Maximum penalty: 30 penalty units.

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

## **Division 6 Recycled water**

### **Subdivision 1 Application of Division**

#### **97 Application of Division**

This Division applies in relation to a wastewater management system:

- (a) that has the capacity to recycle water; and
- (b) that is not an on-site wastewater management system.

### **Subdivision 2 High exposure use**

#### **98 High exposure use of recycled water required to be approved**

- (1) A person commits an offence if the person:
  - (a) supplies recycled water from a wastewater management system for high exposure use; and
  - (b) has not obtained a high exposure use approval.

Maximum penalty: 40 penalty units.

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

#### **99 Application for high exposure use approval**

- (1) An application for a high exposure use approval must:
  - (a) be made in the approved form to the CHO; and
  - (b) be accompanied by technical specifications and manuals for the wastewater management system; and
  - (c) include, or be accompanied by other information or documents required by the prescribed code for water recycling; and
  - (d) include, or be accompanied by, a recycled water management system; and
  - (e) and be accompanied by the prescribed fee.
- (2) The CHO may request:
  - (a) further information from the person making the application; or

- (b) further information or advice in relation to the application from any other person.
- (3) After considering the application, the CHO may grant the approval, subject to any conditions the CHO considers appropriate.
- (4) In this regulation:
  - recycled water management system** includes the following:
    - (a) recycled water management system manual or roadmap document;
    - (b) critical control point tables;
    - (c) proponent's or water utility's trade waste policy;
    - (d) proponent's or water utility's recycled water policy;
    - (e) end user agreements.

#### **100 Variation of conditions of high exposure use approval**

- (1) The CHO may vary the conditions of a high exposure use approval:
  - (a) on application of the approval holder; or
  - (b) on the CHO's initiative.
- (2) An application for variation must:
  - (a) be made in the approved form; and
  - (b) 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 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 approval.

**100A Term of high exposure use approval**

- (1) The term of a high exposure use approval is determined by the CHO when the approval 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 high exposure use approval.
- (4) An application to extend a high exposure use approval must:
- (a) be made in the approved form; and
  - (b) be accompanied by the prescribed fee.

**100B Cancellation of high exposure use approval**

- (1) The CHO may cancel a high exposure use 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.

**100C Register of high exposure use approvals**

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

**100D Operation, maintenance and servicing of wastewater management system supplying recycled water for high exposure use**

- (1) A person commits an offence if the person:
  - (a) supplies recycled water from a wastewater management system for high exposure use; and
  - (b) does not operate, maintain and service the system in accordance with the following:
    - (i) the conditions of the high exposure use approval;
    - (ii) the prescribed code for water recycling.

Maximum penalty: 40 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) if the defendant did not know and could not reasonably have known of the conditions.

### **Subdivision 3 Low exposure use**

#### **100E Notification of intention to supply recycled water for low exposure use**

- (1) This regulation applies if a person intends to supply recycled water for low exposure use.
- (2) The person must notify the CHO of the person's intention to supply recycled water for low exposure use at least 7 days before supplying the recycled water.
- (3) The notification must:
  - (a) be made in the approved form; and
  - (b) be accompanied by the prescribed fee.
- (4) A person commits an offence if the person:
  - (a) supplies recycled water for low exposure use; and
  - (b) has not notified the CHO under this regulation.

Maximum penalty: 30 penalty units.

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

#### **100F Operation, maintenance and servicing of wastewater management system supplying recycled water for low exposure use**

- (1) A person commits an offence if the person:
  - (a) supplies recycled water from a wastewater management system for low exposure use; and
  - (b) does not operate, maintain and service the system in accordance with the prescribed code for water recycling.

Maximum penalty: 40 penalty units.

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

#### **Subdivision 4 Notification of intention to cease supply of recycled water**

##### **100G Notification of intention to cease supply of recycled water**

- (1) This regulation applies if a person who supplies recycled water for high exposure use or low exposure use intends to cease the supply of recycled water.
- (2) The person must notify the CHO of the person's intention to cease the supply recycled water at least 7 days before ceasing the supply of recycled water.
- (3) The notification must:
  - (a) be made in the approved form; and
  - (b) be accompanied by the prescribed fee.
- (4) A person commits an offence if the person:
  - (a) ceases supplying recycled water for high exposure use or low exposure use; and
  - (b) has not notified the CHO under this regulation.

Maximum penalty: 30 penalty units.

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

#### **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 or an authorised officer reasonably believes a person has committed an infringement notice offence, the CHO or authorised officer 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 2001*, 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 2001* 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 2001*, 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 Electronic payment and payment by cheque**

- (1) If the person uses electronic means to pay the prescribed amount, payment is not effected until the amount is credited to the payee's bank account.
- (2) If the person tenders a cheque in payment of the prescribed amount, payment is not effected 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 1960* in force before the commencement of these Regulations.

***repealed hairdressing Regulations*** means the *Public Health (Barbers' Shops) Regulations 1960* in force before the commencement of these Regulations.

***repealed sanitation Regulations*** means the *Public Health (General Sanitation, Mosquito Prevention, Rat Exclusion and Prevention) Regulations 1960* 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.

**Division 3 Transitional matters for Public and Environmental  
Health Further Amendment Regulations 2020**

**118 Approval application for wastewater works design approvals**

- (1) This regulation applies if, before the commencement:
  - (a) a person made an application for a wastewater works design approval under regulation 97, as in force before the commencement; and
  - (b) the CHO had not decided the application.
- (2) The CHO must, in writing, advise the person to submit a notification under regulation 96, as in force after the commencement.
- (3) If the person paid the prescribed fee under regulation 97, as in force before the commencement, the person is not required to pay the prescribed fee under regulation 96, as in force after the commencement.

- (2) In this regulation:

**commencement** means the commencement of regulation 12 of the *Public and Environmental Health Further Amendment Regulations 2020*.

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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 to vary conditions of registration of a registered business	50
4	Application for grant of product approval	500
5	Application to vary product approval	150
6	Application to renew product approval	150
7	Wastewater management system notification	150
8	Application to vary wastewater works design approval	100
9	Low exposure use notification	500

## Schedule 5 Infringement notice offences and prescribed amounts

regulation 101

Provision	Prescribed amount in penalty units	
	for individual	for body corporate
<b><i>Public and Environmental Health Act 2011</i></b>		
section 30(1)	3	3
section 56(1)	32	160
section 113A	35	–
<b><i>Public and Environmental Health Regulations 2014</i></b>		
regulations 35(1) and (2), 60(3), 61(3), 62(2), 63(2), 64(2) and 66(3)	1	1
regulations 32(1), 40(1), 41(1), 41A(1) and (2), 42(2), 43(2), 44(1), 45(1), 46(1) and (2), 47(1) and (2), 48(1) and (2), 49(1) and (2), 50(1), 51(1), 52(2), 53(1), 53A, 55(1) and (2) and 56(3)	2	2
regulations 28(1), 72(2), 74(2), 75(1), 76(1) and 89(3)	3	3



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**Schedule 6 Repealed Regulations**

regulation 107

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

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

<i>Public Health (Shops, Eating Houses, Boarding-Houses, Hostels and Hotels) Regulations 1960</i>	Subordinate Legislation No. 17 of 1960
<i>Amendments of the Public Health (Shops, Eating-Houses, Boarding-Houses, Hostels and Hotels) Regulations 1978</i>	Subordinate Legislation No. 46 of 1978
<i>Amendments of the Public Health (Shops, Eating-Houses, Boarding-Houses, Hostels and Hotels) Regulations 1982</i>	Subordinate Legislation No. 5 of 1982
<i>Amendments of the Public Health (Shops, Eating-Houses, Boarding-Houses, Hostels and Hotels) Regulations 1982</i>	Subordinate Legislation No. 52 of 1982
<i>Amendments of Public Health (Shops, Eating-Houses, Boarding-Houses, Hostels and Hotels) Regulations 1996</i>	Subordinate Legislation No. 48 of 1996
<i>Amendments of Public Health (Shops, Eating-Houses, Boarding-Houses, Hostels and Hotels) Regulations 2004</i>	Subordinate Legislation No. 20 of 2004

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**ENDNOTES**
**1 KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**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

***Health Practitioner Regulation (National Uniform Legislation) and Other Legislation Amendment Act 2018 (Act No. 28, 2018)***

Assent date	30 November 2018
Commenced	1 December 2018 (s 2)

***Public and Environmental Health Amendment Regulations 2020 (SL No. 2, 2020)***

Notified	27 March 2020
Commenced	27 March 2020

***Public and Environmental Health Legislation Amendment Act 2020 (Act No. 14, 2020)***

Assent date	24 April 2020
Commenced	ss 5, 6, 7, 10 and 11: 25 April 2020 (s 2(2)); rem: 4 April 2020 (s 2(1))

***Public and Environmental Health Further Amendment Regulations 2020 (SL No. 14, 2020)***

Notified	17 June 2020
Commenced	2 November 2020 (r 2)

**Amending Legislation*****Public and Environmental Health Amendment (Infringement Penalties) Regulations 2020 (SL No. 22, 2020)***

Notified	16 July 2020
Commenced	16 July 2020

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**Public and Environmental Health Amendment (Infringement Penalties)  
Regulations 2020 (SL No. 22, 2020)**

Notified 16 July 2020  
Commenced 16 July 2020

### 3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 7, 25, 57, 77, 80, 81, 103 and 108 and sch 3.

### 4 LIST OF AMENDMENTS

r 3	amd No. 14, 2020, r 4
r 4A	ins Act No. 14, 2020, s 9
pt 2 hdg	rep No. 14, 2020, r 5
rr 6 – 23	rep No. 14, 2020, r 5
r 24	amd No. 14, 2020, r 6
r 24A	ins No. 14, 2020, r 7
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 37	amd No. 14, 2020, r 8
r 41A	ins No. 12, 2018, r 9 amd No. 14, 2020, r 9
r 42	amd No. 12, 2018, r 10
r 43	sub No. 12, 2018, r 11
pt 3	
div 5 hdg	ins No. 14, 2020, r 10
r 53A	ins No. 14, 2020, r 10
r 57	amd Act No. 28, 2018, s 25
pt 6 hdg	amd No. 14, 2020, r 11
r 69	amd No. 14, 2020, r 12
r 70	rep No. 14, 2020, r 13
r 71	amd No. 14, 2020, r 14
pt 6	
div 3 hdg	amd No. 14, 2020, r 15
rr 73 – 74	sub No. 14, 2020, r 16
rr 75 – 88	rep No. 14, 2020, r 16
r 89	amd No. 14, 2020, r 17
r 90	rep No. 14, 2020, r 18
pt 6	
div 4 hdg	amd No. 14, 2020, r 19
r 91	amd No. 14, 2020, r 20
r 92	amd No. 14, 2020, r 21
r 93	amd No. 14, 2020, r 22
r 94A	ins No. 14, 2020, r 23
pt 6	
div 5 hdg	sub No. 14, 2020, r 24
r 96	sub No. 14, 2020, r 24
pt 6	
div 6 hdg	ins No. 14, 2020, r 24

## ENDNOTES

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pt 6	
div 6 hdg	
sdiv 1 hdg	ins No. 14, 2020, r 24
r 97	sub No. 14, 2020, r 24
pt 6	
div 6	
sdiv 2 hdg	ins No. 14 2020, r 24
rr 98 – 100	sub No. 14, 2020, r 24
rr 100A –	
100D	ins No. 14, 2020, r 24
pt 6	
div 6	
sdiv 3 hdg	ins No. 14, 2020, r 24
rr 100E –	
100F	ins No. 14, 2020, r 24
pt 6	
div 6	
sdiv 4 hdg	ins No. 14, 2020, r 24
r 100G	ins No. 14, 2020, r 24
r 102	ins Act No. 14, 2020, s 10
r 104	sub No. 14, 2020, r 25
pt 8	
div 3 hdg	ins No. 14, 2020, r 26
r 118	ins No. 14, 2020, r 26
sch 1	amd No. 14, 2020, r 27
sch 2 – 4	rep No. 14, 2020, r 28
sch 5	amd No. 12, 2018, r 12
	sub No. 2, 2020, s 4
	amd Act No. 14, 2020, s 11; No. 22, 2020, r 4; No. 14, 2020, r 29 as amended by No. 22, 2020, r 6