

NORTHERN TERRITORY OF AUSTRALIA

PUBLIC AND ENVIRONMENTAL HEALTH FURTHER AMENDMENT
REGULATIONS 2020

Subordinate Legislation No. 14 of 2020

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 14 of 2020*

Public and Environmental Health Further Amendment Regulations 2020

I, Vicki Susan O'Halloran, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Public and Environmental Health Act 2011*.

Dated 9 June 2020

V. S. O' Halloran
Administrator

By Her Honour's Command

N. K. Fyles
Minister for Health

* Notified in the *Northern Territory Government Gazette* on 17 June 2020.

1 Title

These Regulations may be cited as the *Public and Environmental Health Further Amendment Regulations 2020*.

2 Commencement

These Regulations commence on 2 November 2020.

3 Regulations amended

These Regulations amend the *Public and Environmental Health Regulations 2014*.

4 Regulation 3 amended (Definitions)

- (1) Regulation 3, definitions ***abnormal, appropriate interval, approved contractor, cervical examination, cervical material, cervical smear, community, details, health practitioner, laboratory, National Cervical Screening Program, National Construction Code Series, National HPV Vaccination Program Register, on-site wastewater system, person in charge of a laboratory, prescribed code, primary treatment, recommendation, reference code, refusal of consent marker, Register, request form, secondary treatment, test results, waste stabilisation ponds, wastewater system, wastewater works, wastewater works design approval and wastewater works installation approval***

omit

- (2) Regulation 3

insert

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

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

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

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

on-site wastewater management system, for Part 6, see regulation 69.

organiser, for Part 3, see regulation 24.

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.

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

recycled water, 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.

(3) Regulation 3, definition **beauty therapy**

omit

regulation 24

insert

regulation 24A

5 Part 2 repealed (NT Cervical Screening Register)

Part 2

repeal

6 Regulation 24 amended (Definitions)

(1) Regulation 24, definition **beauty therapy**

omit

(2) Regulation 24

insert

beauty therapy, see regulation 24A.

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.

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.

7 Regulation 24A inserted

After regulation 24

insert

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.

8 Regulation 37 amended (Variation of conditions of registration)

Regulation 37(2)

omit, insert

- (2) An application for variation must:
- (a) be made in the approved form; and
 - (b) be accompanied by the prescribed fee.

9 Regulation 41A amended (Maintenance of premises)

After regulation 41A(3)

insert

- (4) It is a defence to a prosecution for an offence against subregulation (1) or (2) if the defendant has a reasonable excuse.

10 Part 3, Division 5 inserted

After regulation 53

insert

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.

11 Part 6 heading amended (Wastewater)

Part 6, heading, after "**Wastewater**"

insert

management

12 Regulation 69 amended (Definitions)

- (1) Regulation 69, definition ***approved contractor, community, National Construction Code Series, on-site wastewater system, prescribed code, primary treatment, product approval, secondary treatment, waste stabilisation ponds, wastewater, wastewater system, wastewater works, wastewater works design approval*** and ***wastewater works installation approval***

omit

- (2) Regulation 69

insert

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.

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.

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.

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.

- (3) Regulation 69, definition **community wastewater management system**

omit

the Territory

insert

Power and Water Corporation

- (4) Regulation 69, definition **installation**, after "wastewater"

insert

management

13 Regulation 70 repealed (Approved contractor)

Regulation 70

repeal

14 Regulation 71 amended (Exemptions from codes or regulations)

(1) Regulation 71(1)

omit, insert

(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) Regulation 71(3)

omit, insert

(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.

15 Part 6, Division 3 heading amended (Wastewater system requirements)

Part 6, Division 3, heading, after "**wastewater**"

insert

management

16 Regulations 73 to 88 replaced

Regulations 73 to 88

repeal, insert

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.

17 Regulation 89 amended (CHO may give directions)

(1) Regulation 89(1), (2) and (5), after "wastewater"

insert

management

(2) Regulation 89(1), (2) and (5)

omit

serious

18 Regulation 90 repealed (Sale of on-site wastewater systems)

Regulation 90

repeal

19 Part 6, Division 4 heading amended (Product approval for on-site wastewater system)

Part 6, Division 4, heading, after "**wastewater**"

insert

management

20 Regulation 91 amended (Application for product approval)

Regulation 91(1) and (2)

omit, insert

- (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.

21 Regulation 92 amended (Variation of conditions of product approval)

Regulation 92(2)

omit, insert

- (2) An application for variation must:
 - (a) be made in the approved form; and
 - (b) be accompanied by the prescribed fee.

22 Regulation 93 amended (Term of product approval)

(1) Regulation 93(1)

omit, insert

(1) The term of a product approval is determined by the CHO when the approval is granted.

(2) Regulation 93(4)

omit, insert

(4) An application to extend a product approval must:

(a) be made in the approved form; and

(b) be accompanied by the prescribed fee.

23 Regulation 94A inserted

After regulation 94

insert

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.

24 Part 6, Division 5 replaced and Division 6 inserted

Part 6, Division 5

repeal, insert

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.

25 Regulation 104 replaced

Regulation 104

repeal, insert

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.

26 Part 8, Division 3 inserted

After regulation 117

insert

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*.

27 Schedule 1 amended (Prescribed fees)

- (1) Schedule 1, item 3
omit, insert
- 3 Application to vary conditions of registration of a registered business 50
- (2) Schedule 1, items 7 and 8
omit, insert
- 7 Wastewater management system notification 150
- 8 Application for high exposure use approval 500

9	Low exposure use notification		200
28	Schedules 2 to 4 repealed (Details to be recorded in Register, Approved contractors, Wastewater works design approvals)		
	Schedules 2 to 4		
	<i>repeal</i>		
29	Schedule 5 amended (Infringement notice offences and prescribed amounts)		
(1)	Schedule 5, before item for section 56(1)		
	<i>insert</i>		
	section 30(1)	3	3
(2)	Schedule 5		
	<i>omit</i>		
	Heath		
	<i>insert</i>		
	Health		
(3)	Schedule 5		
	<i>omit</i>		
	13(1),		
(4)	Schedule 5		
	<i>omit</i>		
	55(1) and (2), 56(3), 78(2) and 79(3)		
	<i>insert</i>		
	53A, 55(1) and (2) and 56(3)		

(5) Schedule 5

omit

, 77(4), 81(1), 86(1), 87(1), 88(1), 89(3), 90(1) and (2) and 96(1)
and (2)

insert

and 89(3)

30 Repeal of Regulations

These Regulations are repealed on the day after they commence.