

STATUTORY RULES 2019

S.R. No. /2019

Public Health and Wellbeing Act 2008

Public Health and Wellbeing Regulations 2019

The Governor in Council makes the following Regulations:

Dated:

Responsible Minister:

JENNY MIKAKOS

Minister for Health

ANDREW ROBINSON

Clerk of the Executive Council

TABLE OF PROVISIONS

Part 1—Preliminary	3
Part 2—Prescribed senior officers	7
Part 3—Consultative Councils.....	8
Part 4—Vector-borne infectious disease control	10
Division 1—Mosquito control	10
Division 2—Control of disease vectors other than mosquitoes.....	11
Part 5—Registration of certain business premises.....	14
Division 1—Preliminary.....	14
Division 2—Registered premises other than premises of category 1 aquatic facilities.....	15
Subdivision 1—Registration of premises other than category 1 aquatic facilities	15
Division 3—Aquatic facilities	18
Subdivision 1—Registration of category 1 aquatic facilities	18
Subdivision 2—General duties of aquatic facility operator.....	20
Part 6—Regulatory provisions administered by the Secretary	25
Division 1—Cooling tower systems	25
Division 2—Legionella risks in certain premises	30
Division 3—Pest control.....	32

Part 7—Management and control of infectious diseases, micro-organisms and medical conditions.....	33
Division 1—Notifications.....	33
Division 2—Notification and directions.....	34
Division 3—Notification of anaphylaxis.....	34
Division 4—Closure of court or tribunal.....	35
Division 5—Immunisation.....	35
Division 6—Tissue donations.....	37
Division 7—Information to sex workers and clients.....	37
Part 8—Infringements.....	38
Part 9—Transitional provisions.....	39
Part 10—Amendments to Public Health and Wellbeing Regulations 2009.....	40
Schedule 1—Qualifications and training.....	42
Schedule 2—Pest control operator records.....	44
Schedule 3—Registered medical practitioners—notifiable conditions and notification details.....	45
Part 1—Notifiable conditions requiring immediate notification.....	45
Part 2—Notifiable conditions requiring written notification within 5 days of initial diagnosis.....	46
Part 3—Notification details.....	47
Schedule 4—Pathology services—notifiable conditions and notification details.....	49
Part 1—Notifiable conditions requiring immediate notification.....	49
Part 2—Notifiable conditions requiring written notification within 5 days of initial diagnosis.....	50
Part 3—Notification details.....	51
Schedule 5—Micro-organisms—isolated or detected in food or drinking water supplies.....	53
Part 1—Prescribed notifiable micro-organisms.....	53
Part 2—Notification details.....	53
Schedule 6—Anaphylaxis—prescribed notification details.....	54
Schedule 7—Minimum period of exclusion from primary schools, education and care service premises and children's services centres for infectious diseases cases and contacts.....	56
Schedule 8—Infringements.....	59
Schedule 9—Transitional—Approved courses and qualifications.....	63
Schedule 10—Transitional—Courses of training and units of competency.....	66
Endnotes.....	67

Part 1—Preliminary

1 Objective

The objective of these Regulations is to prescribe matters required or permitted to be prescribed or necessary to be prescribed to give effect to the **Public Health and Wellbeing Act 2008**.

2 Authorising provisions

These Regulations are made under sections 232, 233, 234, 235, 236, 237, 238 and 239 of the **Public Health and Wellbeing Act 2008**.

3 Commencement

(1) These Regulations (except regulations 23 and 24(2) and Subdivision 1 of Division 3 of Part 5) come into operation on 14 December 2019.

(2) Regulations 23 and 24(2) and Subdivision 1 of Division 3 of Part 5 come into operation on 14 December 2020.

4 Definitions

In these Regulations—

aquatic facility means—

- (a) a category 1 aquatic facility that is not an exempt aquatic facility; or
- (b) a category 2 aquatic facility that is not an exempt aquatic facility;

aquatic facility operator means a person who owns, manages or controls an aquatic facility;

article means any appliance, instrument, container, applicator, cosmetic, dye, dressing or thing used on a living human being;

biocide means a physical or chemical agent capable of killing micro-organisms;

body piercing has the same meaning as it has in section 43(1) of the **Summary Offences Act 1966**;

category 1 aquatic facility means a swimming pool, spa pool or interactive water feature that—

- (a) is used by members of the public, whether free of charge or on payment of a fee; or
- (b) is used in association with a class or program that is offered free of charge or on payment of a fee; or
- (c) is located at the premises of an early childhood service, school or other educational institution; or
- (d) is located at premises at which residential aged care services are provided; or
- (e) is located at any of the following premises—
 - (i) a public hospital;
 - (ii) a multi purpose service;
 - (iii) a denominational hospital;
 - (iv) a private hospital;

- (v) a privately-operated hospital within the meaning of section 3(1) of the **Health Services Act 1988**;

category 2 aquatic facility means a swimming pool or spa pool that is used by members of the public and located at the premises of the following—

- (a) a residential apartment complex; or
- (b) a hotel, motel or hostel;

commercial vehicle wash means a business where cars, trucks and other vehicles are washed;

disease vector means an animal, including a bird or insect, capable of carrying a disease transmissible to human beings;

disinfect means to carry out a process which—

- (a) is intended to inactivate or remove pathogenic micro-organisms; and
- (b) in the case of a cooling tower system, consists of dosing the recirculating water inside the cooling tower system with—
 - (i) a chlorine-based compound, equivalent to at least 10 mg/L of free chlorine for at least one hour, while maintaining the pH of the water between 7.0 and 7.6; or
 - (ii) a bromine-based compound, equivalent to at least 20 mg/L of free bromine for at least one hour, while maintaining the pH of the water between 7.0 and 8.5;

drinking water has the same meaning as it has in section 3 of the **Safe Drinking Water Act 2003**;

exempt aquatic facility means any of the following—

- (a) a spa pool that is, or is intended to be, emptied of water after each use;
- (b) a floatation tank;
- (c) a spring water pool that has a turnover rate of at least 25 percent of the entire volume of the water in the pool to waste each hour;
- (d) a waterway within the meaning of section 3(1) of the **Water Act 1989**;
- (e) a private dam within the meaning of section 3(1) of the **Water Act 1989**;

floatation tank means a heated, highly saline, fluid-filled enclosed tank designed for individual therapeutic use;

food premises has the same meaning as it has in section 3 of the **Food Act 1984**;

food vending machine has the same meaning as it has in section 4(1) of the **Food Act 1984**;

healthcare identifier has the same meaning as in the Healthcare Identifiers Act 2010 of the Commonwealth;

heterotrophic colony count means an estimate of the number of the viable units of bacteria per millilitre of water;

interactive water feature means any of the following—

- (a) a water slide and its associated receiving pool that uses recirculating water;
- (b) a wave pool or water play park that uses recirculating water;

- (c) any other artificially constructed water play feature where recirculating water may be inhaled or swallowed by a person or come into contact with a person's skin or mucous membranes;

laboratory means a laboratory accredited by the National Association of Testing Authorities;

Legionella means bacteria belonging to the genus *Legionella*;

medicare number has the same meaning as in Part VII of the National Health Act 1953 of the Commonwealth;

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

nucleic acid test means any test that detects nucleic acid, including polymerase chain reaction testing;

personal service means any of the following—

- (a) hairdressing;
- (b) beauty therapy;
- (c) colonic irrigation;
- (d) tattooing, ear piercing or other process involving the penetration of the skin in a living human being;

prison has the same meaning as it has in section 3(1) of the **Corrections Act 1986**;

privately-operated hospital has the same meaning as it has in section 3(1) of the **Health Services Act 1988**;

recirculating water, in respect of a cooling tower system, means the water that circulates inside a cooling tower system;

residential apartment complex means land affected by an owners corporation (within the meaning of section 3 of the **Owners Corporations Act 2006**) where the lots consist predominantly of self-contained apartments;

RTO means—

- (a) a training organisation registered on the State Register within the meaning of section 1.1.3 of the **Education and Training Reform Act 2006**; or
- (b) a training organisation registered under section 17 of the National Vocational Education and Training Regulator Act 2011 of the Commonwealth;

self-contained apartment means a portion of a building that forms a self-contained residence, including kitchen, bathroom and toilet facilities, under the exclusive possession of the occupier;

spa pool means an artificially constructed pool to which members of the public have access that—

- (a) has facilities for circulating heated turbulent water; and
- (b) is used or intended to be used for passive recreational or therapeutic bathing;

swimming pool means any artificial structure containing water that is used or intended to be used by people for any of the following—

- (a) swimming;
- (b) diving;
- (c) recreational or therapeutic bathing;

(d) hydrotherapy;

(e) exercise;

(f) paddling;

(g) wading;

the Act means the **Public Health and Wellbeing Act 2008**;

unit of competency means a unit of competency published on the Internet site <https://training.gov.au> maintained by the Commonwealth as in force from time to time;

vaccine-preventable disease means a disease prescribed by regulation 104 to be a vaccine-preventable disease;

water delivery system includes any shower plumbing, bath, pipes, water heaters, bathing facilities, water storage tanks or vehicle washing equipment used to store, deliver, transmit, treat or mix water;

Water Quality Guidelines means the Water Quality Guidelines for Public Aquatic Facilities: Managing Public Health Risk as published by the Secretary on the Department's website from time to time.

Part 2—Prescribed senior officers

5 Prescribed senior officers

For the purposes of section 22(1)(b) of the Act, Senior Medical Advisors employed by the Department are prescribed senior officers.

DRAFT

Part 3—Consultative Councils

6 Meetings of Consultative Councils

For the purposes of section 35 of the Act—

- (a) meetings of a Consultative Council must be held at least every 3 months;
- (b) the date and time of a meeting of a Consultative Council must be fixed—
 - (i) by resolution of the Consultative Council; or
 - (ii) if no date and time is fixed by resolution, by the Chairperson.

7 Quorum of Consultative Council meetings

For the purposes of section 35 of the Act—

- (a) the quorum for meetings of a Consultative Council is more than 50 percent of the number of members of the Consultative Council;
- (b) the quorum for meetings of a Consultative Council sub-committee is more than 50 percent of the members of the Consultative Council sub-committee.

8 Fees payable to members of a Consultative Council or Consultative Council sub-committee

For the purpose of section 233(e) of the Act, the fees payable to an eligible member of a Consultative Council or eligible member of a Consultative Council sub-committee are—

- (a) 20 fee units for every half day; or
- (b) 40 fee units for every full day.

9 Prescribed Consultative Council

For the purposes of Division 2 of Part 4 of the Act, the Perioperative Consultative Council is a prescribed Consultative Council.

10 Persons to whom a prescribed Consultative Council may provide certain information

For the purposes of section 41(1)(k) of the Act, the following persons are prescribed—

- (a) the Australian Institute of Health and Welfare established by section 4 of the Australian Institute of Health and Welfare Act 1987 of the Commonwealth;
- (b) the Registrar of Births, Deaths and Marriages employed in accordance with section 5 of the **Births, Deaths and Marriages Registration Act 1996**.

11 Information for research

(1) This regulation applies, in the case of—

- (a) CCOPMM, for the purpose of carrying out its functions under section 46 of the Act; or
- (b) a prescribed Consultative Council, for the purpose of carrying out its functions under section 38 of the Act.

- (2) If this regulation applies, a Consultative Council may make available to researchers any information—
 - (a) approved by CCOPMM, and collected by the perinatal data collection unit conducted by CCOPMM for the purpose of section 46(1) of the Act; and
 - (b) that is not capable of establishing the identity of any person in respect of whom information has been collected.
- (3) Despite subregulation (2), information that identifies a person may be given by the Consultative Council to a researcher—
 - (a) if written permission has been given by the person identified in the document; and
 - (b) if possible, written permission has been given by either the medical practitioner or midwife who was in attendance at the birth; and
 - (c) where the birth occurred in a health service, written permission has been given by the chief executive officer or proprietor of the health service.

12 Time to provide birth report

For the purposes of section 48 of the Act, the prescribed period is 30 days after the birth.

Part 4—Vector-borne infectious disease control

13 Purpose of this Part

The purpose of this Part is to control disease vectors and conditions on premises—

- (a) to prevent, abate or eradicate the nuisance arising from disease vectors; and
- (b) to prevent, abate or eradicate the transmission of infectious disease by disease vectors.

14 Definition

In this Part, *conditions* means artificial, natural, permanent or temporary conditions.

Division 1—Mosquito control

15 Duty to eliminate mosquito breeding grounds

An owner or occupier of premises must take reasonable steps to—

- (a) eliminate any mosquito breeding ground on the premises; and
- (b) abate any conditions on the premises that are conducive to the establishment of a mosquito breeding ground.

Penalty: 20 penalty units.

Example

Water accumulating on premises is conducive to the establishment of a mosquito breeding ground.

16 Direction by authorised officer appointed by Council

- (1) An authorised officer appointed by a Council may give a direction under subregulation (2) to an owner or occupier of premises if the authorised officer believes on reasonable grounds that—
 - (a) there is a mosquito breeding ground on the premises; or
 - (b) conditions on the premises may lead to the establishment of a mosquito breeding ground.
- (2) The authorised officer may direct an owner or occupier of premises to do all or any of the following—
 - (a) eliminate any mosquito breeding ground on the premises;
 - (b) take the steps specified in the direction to eradicate adult mosquitoes associated with mosquito breeding grounds on the premises;
 - (c) abate any conditions on the premises that are conducive to the establishment of a mosquito breeding ground.
- (3) A direction may be given by an authorised officer either orally or in writing.
- (4) If an authorised officer gives a direction orally, it must be confirmed in writing as soon as reasonably practicable.
- (5) A person to whom a direction is given under subregulation (2) must comply with the direction.

Penalty: 20 penalty units.

17 Direction by any other authorised officer

- (1) An authorised officer, other than an authorised officer appointed by a Council, may give a direction under subregulation (2) to an owner or occupier of premises if the authorised officer believes on reasonable grounds that—
 - (a) there is a mosquito breeding ground on the premises; or
 - (b) conditions on the premises are conducive to the establishment of a mosquito breeding ground.
- (2) The authorised officer may direct an owner or occupier of premises to do all or any of the following—
 - (a) eliminate any mosquito breeding ground on the premises;
 - (b) take the steps specified in the direction to eradicate adult mosquitoes associated with mosquito breeding grounds on the premises;
 - (c) abate any conditions on the premises that are conducive to the establishment of a mosquito breeding ground.
- (3) A direction may be given by an authorised officer either orally or in writing.
- (4) If an authorised officer gives a direction orally, it must be confirmed in writing as soon as reasonably practicable.
- (5) A person to whom a direction is given under subregulation (2) must comply with the direction.

Penalty: 20 penalty units.

Division 2—Control of disease vectors other than mosquitoes

18 Division does not apply in relation to mosquitoes

This Division does not apply in relation to mosquitoes.

19 Notice by Chief Health Officer

- (1) The Chief Health Officer may issue a disease vector control notice if the Chief Health Officer is satisfied that a material risk to public health exists from a disease vector.
- (2) A disease vector control notice must—
 - (a) be in writing; and
 - (b) specify the disease vector or vectors to which it relates; and
 - (c) specify the municipal district or districts to which it relates; and
 - (d) specify control measures that may be required to reduce the risk to public health.
- (3) The control measures may include—
 - (a) the abatement of any conditions on premises conducive to any of the following—
 - (i) harbouring a disease vector;
 - (ii) breeding of a disease vector;
 - (iii) food sources for a disease vector;

- (iv) transmission of an infectious disease to humans by a disease vector; and
 - (b) the elimination or eradication of disease vectors on premises.
- (4) The Chief Health Officer may issue a notice revoking a disease vector control notice if the Chief Health Officer is satisfied the material risk to public health addressed by the notice has ceased.
 - (5) A disease vector control notice ceases to have effect when it is revoked or at the end of 6 months after it is made, whichever is earlier.
 - (6) The Chief Health Officer must give a copy of the notice to the Secretary and the Council of each municipal district to which it relates.

20 Direction by authorised officer appointed by Council

- (1) This regulation applies if the Chief Health Officer has issued a disease vector control notice in relation to a municipal district.
- (2) An authorised officer appointed by the Council may give a direction under subregulation (3) to an owner or occupier of premises in the municipal district if the authorised officer believes on reasonable grounds that any of the control measures specified in the disease vector control notice are required to reduce the risk to public health identified in the disease vector notice.
- (3) The authorised officer may direct an owner or occupier of premises to do all or any of the following—
 - (a) abate any conditions on premises conducive to any of the following—
 - (i) harbouring the disease vector;
 - (ii) breeding of a disease vector;
 - (iii) food sources for the disease vector;
 - (iv) transmission of an infectious disease to humans by the disease vector;
 - (b) take the steps specified in the direction to eliminate or eradicate the disease vectors on the premises.
- (4) A direction may be given by an authorised officer either orally or in writing.
- (5) If an authorised officer gives a direction orally, it must be confirmed in writing as soon as reasonably practicable.
- (6) A person to whom a direction is given under subregulation (3) must comply with the direction.

Penalty: 20 penalty units.

21 Direction by any other authorised officer

- (1) This regulation applies if the Chief Health Officer has issued a disease vector control notice in relation to a municipal district.
- (2) An authorised officer, other than an authorised officer appointed by the Council, may give a direction under subregulation (3) to an owner or occupier of premises in the municipal district if the authorised officer believes on reasonable grounds that any of the control measures specified in the disease vector control notice are required to reduce the risk to public health identified in the disease vector notice.
- (3) The authorised officer may direct an owner or occupier of premises to do all or any of the following—

- (a) abate any conditions on premises conducive to any of the following—
 - (i) harbouring the disease vector;
 - (ii) breeding of a disease vector;
 - (iii) food sources for the disease vector;
 - (iv) transmission of an infectious disease to humans by the disease vector;
 - (b) take the steps specified in the direction to eliminate or eradicate the disease vectors on the premises.
- (4) A direction may be given by an authorised officer either orally or in writing.
- (5) If an authorised officer gives a direction orally, it must be confirmed in writing as soon as reasonably practicable.
- (6) A person to whom a direction is given under subregulation (3) must comply with the direction.

Penalty: 20 penalty units.

DRAFT

Part 5—Registration of certain business premises

Division 1—Preliminary

22 Purpose

The purpose of this Part is to provide for the registration of premises (other than prescribed accommodation) for the purposes of Divisions 3 and 4 of Part 6 of the Act.

23 Prescribed business

For the purposes of section 68(f) of the Act, the business of operating a category 1 aquatic facility is a prescribed business.

24 Exempt businesses

- (1) For the purposes of section 69(2) of the Act, the following businesses and classes of businesses are prescribed to be exempt—
- (a) the practice of—
 - (i) a person registered in the acupuncturists' division of the register kept by the Chinese Medicine Board of Australia under the Health Practitioner Regulation National Law; or
 - (ii) a registered health practitioner whose registration is endorsed by a National Board as being qualified to practise as an acupuncturist under the Health Practitioner Regulation National Law;
 - (b) the practice of a person registered under the Health Practitioner Regulation National Law to practise in the chiropractic profession (other than as a student);
 - (c) the practice of a person registered under the Health Practitioner Regulation National Law—
 - (i) to practise in the dental profession as a dentist (other than as a student); and
 - (ii) in the dentists division of that profession;
 - (d) the practice of a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);
 - (e) the practice of a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse (other than as a midwife or as a student);
 - (f) the practice of a person registered under the Health Practitioner Regulation National Law to practise in the osteopathy profession (other than as a student);
 - (g) the practice of a person registered under the Health Practitioner Regulation National Law to practise in the physiotherapy profession (other than as a student);
 - (h) the practice of a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student) to the extent to which that practice involves work done by a person registered under that Law in the pharmacy profession (other than as a student);
 - (i) the practice of a person registered under the Health Practitioner Regulation National Law to practise in the podiatry profession (other than as a student);

- (j) the business of a collection centre for which approval has been granted under section 23DNBA of the Health Insurance Act 1973 of the Commonwealth;
 - (k) the business of a service where human tissue, human fluids or human body products are subjected to analysis for the purposes of the prevention, diagnosis or treatment of disease in human beings and that is not primarily a pathology service;
 - (l) the business of a mobile hairdresser, except in relation to the principal place of business of the hairdresser;
 - (m) the business of a mobile beauty therapist, except in relation to the principal place of business of the mobile beauty therapist;
 - (n) the business of a mobile cosmetic application service, provided the service does not involve skin penetration or tattooing, except in relation to the principal place of business of the mobile cosmetic application service;
 - (o) the business of a public hospital, denominational hospital, private hospital, privately-operated hospital, public health service, day procedure centre, multi purpose service or registered community health centre, within the meaning of section 3(1) of the **Health Services Act 1988**.
- (2) Subregulation (1)(o) does not apply to the extent that the business relates to the operation of a category 1 aquatic facility.

Division 2—Registered premises other than premises of category 1 aquatic facilities

Subdivision 1—Registration of premises other than category 1 aquatic facilities

25 Application of Division

This Division applies to the registration of premises and registered premises under Divisions 3 and 4 of Part 6 of the Act other than the premises on which category 1 aquatic facilities are located.

26 Applications for issue of registration of premises

For the purpose of section 71(c) of the Act, the prescribed particulars for an application for the issue of a registration of premises to which this Division applies are—

- (a) the date of the application; and
- (b) the name and address of the proprietor; and
- (c) the business name (if any) of the proprietor ; and
- (d) the address of the premises.

27 Applications for transfer of registration of premises

For the purpose of section 71(c) of the Act, the prescribed particulars for an application for the transfer of registration of premises to which this Division applies are—

- (a) the date of the application; and

- (b) the name and address of the proprietor; and
- (c) the business name (if any) of the proprietor; and
- (d) the address of the premises; and
- (e) the date of registration; and
- (f) the registration number; and
- (g) any conditions on the registration; and
- (h) the name and address of the person to whom the registration is to be transferred.

28 Applications for renewal of registration of premises

For the purpose of section 71(c) of the Act, the prescribed particulars for an application for the renewal of registration of premises to which this Division applies are—

- (a) the date of the application; and
- (b) the name and address of the proprietor; and
- (c) the business name (if any) of the proprietor ; and
- (d) the address of the premises; and
- (e) the date of registration; and
- (f) the registration number; and
- (g) details of any renewals of registration; and
- (h) any conditions on the registration.

29 Condition of registered premises

The proprietor or occupier of premises where a registered premises is located must ensure that the premises are kept in a clean, sanitary and hygienic condition.

Penalty: 20 penalty units.

30 Condition of skin penetrating equipment intended to be used at registered premises

The proprietor or occupier of premises where a registered premises is located must ensure that an article intended to be used for penetrating the skin of a person is sterile at the time of use.

Penalty: 20 penalty units.

31 Condition of skin penetrating equipment after use at registered premises

- (1) The proprietor or occupier of premises where a registered premises is located must ensure that an article that has penetrated the skin of a person or is contaminated with blood is—
 - (a) destroyed or disposed of as soon as practicable in a manner that prevents the infection of any other person; or
 - (b) sterilised in accordance with subregulation (2) before it is used on any other person.

Penalty: 20 penalty units.

- (2) An article is sterilised for the purposes of subregulation (1)(b) if the article has been—

- (a) thoroughly cleaned and rinsed, then sterilised by the use of steam under pressure—
 - (i) at 121°C for 15 minutes at a pressure of 103 kilopascals; or

- (ii) at 126°C for 10 minutes at a pressure of 138 kilopascals; or
 - (iii) at 132°C for 4 minutes at a pressure of 186 kilopascals; or
 - (iv) at 134°C for 3 minutes at a pressure of 203 kilopascals; or
- (b) thoroughly cleaned and rinsed, then sterilised by the use of dry heat—
- (i) at 160°C for a minimum of 120 minutes; or
 - (ii) at 180°C for a minimum of 60 minutes; or
- (c) taken from a sealed container that bears a label stating that the contents are sterile.

32 Condition of other articles used at registered premises

The proprietor or occupier of premises where a registered premises is located must ensure that an article is clean before it is used on a person.

Penalty: 20 penalty units.

33 Personal service hygiene at registered premises

The proprietor or occupier of premises where a registered premises is located must ensure that, before a personal service is carried out on another person, each person who will carry out the personal service—

- (a) is in a clean condition, including their hands;
- (b) has no exposed cuts, abrasions or wounds; and
- (c) uses drinking water, if water is to be used to carry out the personal service.

Penalty: 20 penalty units.

34 Hand washing facilities at registered premises

The proprietor or occupier of premises where a registered premises is located must ensure that accessible hand washing facilities are available for use by staff.

Penalty: 20 penalty units.

35 Information to be provided to clients—tattooing, ear piercing, body piercing and other skin penetration processes

- (1) This regulation applies to registered premises where a business is conducted that provides tattooing, ear piercing, body piercing or any other process involving skin penetration.
- (2) The proprietor or occupier of premises where a registered premises is located must ensure that, before the process is carried out on another person, written information in the form approved by the Secretary for the class of business registered for the premises is provided directly to the person about the risks and safeguards associated with the process.

Penalty: 20 penalty units.

- (3) The Secretary may approve forms for the purposes of subregulation (2).
- (4) The Secretary must publish the forms approved under subregulation (3) in the Government Gazette.

36 Information to be kept—premises that conduct tattooing, body piercing or other skin penetration process

- (1) The proprietor or occupier of registered premises where a business is conducted that provides tattooing, body piercing or any other process involving skin penetration must ensure that the name, address and telephone number of each client is recorded and stored at the registered premises for a period of 12 months following the date of the last tattooing or body piercing or skin penetration procedure on the client at the premises.

Penalty: 20 penalty units.

- (2) This regulation does not apply to—
- (a) ear piercing; or
 - (b) dry needling.

37 Advertising and registered premises

A proprietor or occupier of premises where a registered premises is located must not state or permit to be stated in any advertisement, notice or sign issued or put up in relation to the business conducted on those premises, that the premises were registered or approved for any class of business other than that set out on the certificate of registration.

Penalty: 20 penalty units.

38 Notice to be displayed at registered premises

- (1) A proprietor or occupier of premises where a registered premises is located must ensure that a notice in the form approved by the Secretary about the scope of registration for the class of business registered for the premises is displayed in a prominent position in the entry to the business conducted on those premises.

Penalty: 20 penalty units.

- (2) The Secretary may approve forms for the purposes of subregulation (1).
- (3) The Secretary must publish the forms approved under subregulation (2) in the Government Gazette.

39 Prescribed condition of registration

For the purposes of section 75(1)(c) of the Act, it is a prescribed condition on the registration of all premises required to be registered under section 69 of the Act on which a business involving tattooing or body piercing or other form of skin penetration is conducted, that a person required to keep records under regulation 36 must take reasonable steps to protect the information in the records.

Division 3—Aquatic facilities

Subdivision 1—Registration of category 1 aquatic facilities

40 Application of Division

This Division applies to the registration of premises and registered premises under Divisions 3 and 4 of Part 6 of the Act in which category 1 aquatic facilities are located.

41 Applications for issue of registration of premises

For the purpose of section 71(c) of the Act, the prescribed particulars for an application for the issue of a registration of premises to which this Division applies are—

- (a) the date of the application; and
- (b) the name and address of the aquatic facility operator; and
- (c) the business name (if any) of the proprietor; and
- (d) the address of the premises; and
- (e) the type of each aquatic facility located at the premises; and
- (f) a statement as to whether a current water quality risk management plan exists for each aquatic facility located at the premises.

42 Applications for transfer of registration of premises

For the purpose of section 71(c) of the Act, the prescribed particulars for an application for the transfer of registration of premises to which this Division applies are—

- (a) the date of the application; and
- (b) the name and address of the aquatic facility operator; and
- (c) the business name (if any) of the proprietor; and
- (d) the address of the premises; and
- (e) the date of registration; and
- (f) the registration number; and
- (g) any conditions on the registration; and
- (h) the name and address of the person to whom the registration is to be transferred; and
- (i) the type of each aquatic facility located at the premises; and
- (j) a statement as to whether a current water quality risk management plan exists for each aquatic facility located at the premises.

43 Applications for renewal of registration of premises

For the purpose of section 71(c) of the Act, the prescribed particulars for an application for the renewal of registration of premises to which this Division applies are—

- (a) the date of the application; and
- (b) the name and address of the aquatic facility operator; and
- (c) the business name (if any) of the proprietor; and
- (d) the address of the premises; and
- (e) the date of registration; and
- (f) the registration number; and
- (g) details of any renewals of registration; and
- (h) any conditions on the registration; and
- (i) the type of each aquatic facility located at the premises;

- (j) a statement as to whether a current water quality risk management plan exists for each aquatic facility located at the premises.

44 Prescribed conditions of registration

For the purposes of section 75(1)(c) of the Act, it is a prescribed condition on the registration of premises in which category 1 aquatic facilities are located that the registration holder ensures that the standards and requirements for a category 1 aquatic facility set out in Subdivision 2 are complied with.

Subdivision 2—General duties of aquatic facility operator

45 Purpose

The purpose of this Subdivision is to prescribe standards and requirements for the operation of—

- (a) category 1 aquatic facilities; and
- (b) category 2 aquatic facilities.

46 Duty to minimise risks

An aquatic facility operator must manage the risks to human health arising from pathogenic micro-organisms in the water in the aquatic facility in accordance with these Regulations and the Water Quality Guidelines.

Penalty: 20 penalty units.

47 Duty to maintain and test

An aquatic facility operator must ensure that the water in the aquatic facility is maintained and tested in the manner set out in this Subdivision.

48 Chemical testing

An aquatic facility operator must ensure that, immediately before the aquatic facility is in operation and while the facility is in operation, the water in the aquatic facility is tested as follows—

- (a) at 4-hourly intervals for—
 - (i) free chlorine and total chlorine (if chlorine is used to treat the water); and
 - (ii) free bromine and total bromine (if bromine is used to treat the water); and
 - (iii) pH; and
- (b) at weekly intervals for total alkalinity; and
- (c) at monthly intervals for cyanuric acid (if cyanuric acid is used to treat the water).

Penalty: 20 penalty units.

49 Microbiological quality of aquatic facility water

An aquatic facility operator must ensure that, immediately before the aquatic facility is in operation and while the facility is in operation, the microbiological standard of the water in the aquatic facility is maintained within the following parameters—

- (a) the heterotrophic colony count is less than 100 colony forming units per millilitre;
- (b) *Escherichia coli* is not detected in 100 millilitres;
- (c) *Pseudomonas aeruginosa* is not detected in 100 millilitres.

Penalty: 20 penalty units.

50 Procedure for responding to non-compliance with microbiological parameters

- (1) This regulation applies if an aquatic facility operator is notified by an initial laboratory report that any sample of water taken from the aquatic facility does not comply with the microbiological parameters set out in regulation 49.
- (2) Within 24 hours of receiving a notification, the aquatic facility operator must ensure that the following procedure is implemented—
 - (a) corrective action is taken to bring the water quality within the microbiological parameters set out in regulation 49; and
 - (b) any water quality risk management plan required under the Water Quality Guidelines that is in place for the aquatic facility is reviewed; and
 - (c) any faults are corrected; and
 - (d) any changes necessary to prevent a re-occurrence of those faults is implemented; and
 - (e) the Council is notified.

Penalty: 20 penalty units.

- (3) Within 48 hours of receiving a notification, the aquatic facility operator must ensure that a further sample of water is taken from the aquatic facility and provided to a laboratory to assess compliance with the microbiological parameters set out in regulation 49.

Penalty: 20 penalty units.

- (4) Within 24 hours of receiving a report from a laboratory with the results of the testing undertaken in accordance with subregulation (3), the aquatic facility operator must notify the Council of the test results.

Penalty: 20 penalty units.

- (5) If a laboratory has tested a further sample of water in accordance with subregulation (3) and reports that the sample of water does not meet the microbiological parameters set out in regulation 49, the aquatic facility operator must ensure that the steps set out in subregulations (2) to (4) are repeated within 24 hours of receiving the laboratory report.

Penalty: 20 penalty units.

- (6) If a laboratory has tested a further sample of water in accordance with subregulation (5) and reports that the sample of water does not meet the microbiological parameters set out in regulation 49, the aquatic facility operator must ensure the aquatic facility is closed and not operated until the water in the aquatic facility complies with the microbiological parameters set out in regulation 49.

Penalty: 20 penalty units.

- (7) Within 24 hours of closing the aquatic facility, the aquatic facility operator must notify the Council of the closure.

Penalty: 20 penalty units.

51 Condition of aquatic facilities

An aquatic facility operator must ensure that an aquatic facility is kept in a clean, sanitary and hygienic condition.

Penalty: 20 penalty units.

52 Clarity of aquatic facility water

An aquatic facility operator must ensure that the water in the aquatic facility is maintained in a clear condition so that the floor of the aquatic facility or any lane marking or object placed on the floor of the aquatic facility is clearly visible when viewed from any side of the aquatic facility.

Penalty: 20 penalty units.

53 Temperature

An aquatic facility operator must ensure that the water in the aquatic facility does not exceed 40 degrees Celsius.

Penalty: 20 penalty units.

54 Filtering

An aquatic facility operator must ensure that the water in the aquatic facility is filtered so that all visible extraneous matter is removed from the water.

Penalty: 20 penalty units.

55 Treatment of aquatic facility water

(1) An aquatic facility operator of an aquatic facility specified in subregulation (6) or an aquatic facility that is a spa pool must treat the aquatic facility with a chlorine based disinfectant or a bromine based disinfectant.

Penalty: 20 penalty units.

(2) An aquatic facility operator of an aquatic facility specified in subregulation (6) which is treated with a chlorine based disinfectant must ensure that the water in the facility—

- (a) contains a minimum of 1 mg per litre of free chlorine, if cyanuric acid is not used in the water; and
- (b) contains a maximum of 10 mg per litre of total chlorine, if cyanuric acid is not used in the water; and
- (c) contains a minimum of 2 mg per litre of free chlorine, if cyanuric acid is used in the water; and
- (d) contains a maximum of 10 mg per litre of total chlorine, if cyanuric acid is used in the water; and
- (e) has a pH between 7.2 and 7.8.

Penalty: 20 penalty units.

(3) An aquatic facility operator of an aquatic facility that is a spa pool which is treated with a chlorine based disinfectant must ensure that the water in the facility—

- (a) contains a minimum of 3 mg per litre of free chlorine; and
- (b) contains a maximum of 10 mg per litre of total chlorine; and

(c) has a pH between 7.2 and 7.8.

Penalty: 20 penalty units.

(4) An aquatic facility operator of an aquatic facility specified in subregulation (6) which is treated with a brominated based disinfectant must ensure that the water in the facility—

(a) contains a minimum of 2 mg per litre of free bromine; and

(b) contains a maximum of 8 mg per litre of total bromine; and

(c) has a pH between 7.2 and 8.0.

Penalty: 20 penalty units.

(5) An aquatic facility operator of an aquatic facility that is a spa pool which is treated with a brominated based disinfectant must ensure that the water in the facility—

(a) contains a minimum of 6 mg per litre of free bromine; and

(b) contains a maximum of 8 mg per litre of total bromine; and

(c) has a pH between 7.2 and 8.0.

Penalty: 20 penalty units.

(6) For the purposes of subregulations (2) and (4) the aquatic facilities are—

(a) a swimming pool;

(b) interactive water feature.

56 Cyanuric acid level

(1) This regulation applies if cyanuric acid is used to treat the water in an aquatic facility.

(2) The aquatic facility operator must ensure that the level of cyanuric acid in the water in the aquatic facility does not exceed 100 mg/L.

Penalty: 20 penalty units.

57 Total alkalinity level

An aquatic facility operator must ensure that the total alkalinity level in the water in the aquatic facility is maintained above 60 mg/L.

Penalty: 20 penalty units.

58 Combined chlorine

An aquatic facility operator must ensure that the combined chlorine of the water in the aquatic facility is—

(a) at all times less than the free chlorine residual; and

(b) measured to be less than 1 mg/L at least once in every 24 hours period.

Penalty: 20 penalty units.

59 Aquatic facility that is suspected or implicated as the source of infection

(1) The Secretary or an authorised officer must provide written notice to an aquatic facility operator if the water in the aquatic facility is suspected or implicated as the source of infection in a case or outbreak of a pathogenic micro-organism.

(2) Within 24 hours of receiving a notification under subregulation (1), the aquatic facility operator must ensure that a sample of water from the aquatic facility is taken and provided to a laboratory to test for the pathogenic micro-organism that is the subject of the notification.

Penalty: 20 penalty units.

(3) Within 24 hours of receiving a report from a laboratory with the results of the testing undertaken in accordance with subregulation (2), the aquatic facility operator must notify the Secretary or the authorised officer who gave the notice of the test results.

(4) The aquatic facility operator must ensure that the aquatic facility is disinfected in accordance with any reasonable directions given by the Secretary or authorised officer to the aquatic facility operator.

60 Offence to tamper with sample of aquatic facility water

A person must not tamper with a sample of water that is taken from an aquatic facility and provided to a laboratory for testing under regulation 50 or 59.

Penalty: 20 penalty units.

61 Requirement to keep aquatic facility records

(1) An aquatic facility operator must ensure that the following written records are kept in respect of each aquatic facility the aquatic facility operator owns, manages or controls—

- (a) details of all results of tests and monitoring required under this Division; and
- (b) all corrective activities undertaken in relation to the water in the aquatic facility.

Penalty: 20 penalty units.

(2) An aquatic facility operator must keep each written record referred to in subregulation (1) for 12 months from the date the record was made.

Note

It is an offence under section 210(1) of the Act to give false or misleading information or produce a document that is false or misleading to the Secretary or an authorised officer.

Part 6—Regulatory provisions administered by the Secretary

Division 1—Cooling tower systems

62 Meaning of responsible person

In this Division, *responsible person* means a person who owns, manages or controls a cooling tower system.

63 Obligations to maintain and test cooling tower systems

- (1) A responsible person must ensure that any cooling tower system that the responsible person owns, manages or controls is maintained and tested in the manner set out in this Division.
- (2) The maintenance and testing obligations set out in this Division do not apply to a cooling tower system that is shut down or otherwise not in use.

64 Applications to register or renew registration of a cooling tower system—prescribed fees

For the purposes of section 81(2)(b)(ii) of the Act, the prescribed fee for an application to register or renew the registration of a cooling tower system is the amount calculated by multiplying the number of cooling towers in the cooling tower system by the number of fee units applicable for each period of registration—

- (a) one year, 7.5 fee units;
- (b) 2 years, 14 fee units;
- (c) 3 years, 20.5 fee units.

65 Secretary may waive fees for registration or renewal of registration of a cooling tower system

For the purposes of synchronising periods of registration, the Secretary may waive the fee or part of a fee for an application to register or renew registration of a cooling tower system.

66 Risks to be addressed in cooling tower system risk management plans

For the purposes of section 91(2)(a) of the Act, risk management plans for cooling tower systems must address the risks associated with—

- (a) stagnant water, including the lack of water recirculation in a cooling tower system and the presence of dead-end pipework and other fittings in a cooling tower system; and
- (b) the presence of nutrients and microbial growth, including—
 - (i) the presence of biofilm, algae or protozoa in a cooling tower system; and
 - (ii) water temperature within a range that will support rapid growth of micro-organisms in a cooling tower system; and
 - (iii) the exposure of the water in a cooling tower system to direct sunlight; and
- (c) poor water quality, including the presence of solids, Legionella and high levels of other micro-organisms in a cooling tower system; and
- (d) deficiencies in a cooling tower system, including deficiencies in the physical design, condition or maintenance of the system; and

- (e) the location of, and access to, a cooling tower or cooling tower system, including the potential for environmental contamination of the system and the potential for people to be exposed to the aerosols of the system; and
- (f) any matters included in a report provided to the owner of the land for the purposes of section 92(2)(c) of the Act.

67 Documents to be inspected in conducting cooling tower system risk management plan audits

The documents prescribed for the purposes of section 93(4) of the Act are—

- (a) the risk management plan prepared in accordance with Division 1 of Part 7 of the Act; and
- (b) records of all repair, maintenance and testing work carried out on the cooling tower system within the period to be audited by the auditor.

68 Treatment of cooling tower system water

A responsible person must ensure that the recirculating water in a cooling tower system is continuously treated with—

- (a) one or more biocides to effectively control the growth of micro-organisms, including Legionella; and
- (b) chemicals or other agents to minimise scale formation, corrosion and fouling; and
- (c) a bio-dispersant.

Penalty: 20 penalty units.

69 Disinfection, cleaning and re-disinfection of cooling tower system

Immediately prior to a cooling tower system being put into operation for the first time, or following any shut down period of greater than one month and at intervals not exceeding 6 months, a responsible person must ensure that—

- (a) a chlorine-compatible bio-dispersant is added to the recirculating water; and
- (b) the recirculating water is disinfected; and
- (c) the interior of each cooling tower in the cooling tower system is cleaned; and
- (d) the recirculating water is re-disinfected.

Penalty: 20 penalty units.

70 Routine service and testing obligations

- (1) A responsible person must ensure that a cooling tower system is serviced at least once each month to determine whether the cooling tower system is operating without defects.

Penalty: 20 penalty units.

- (2) A responsible person must ensure that at least once each month a sample of recirculating water is taken and provided to a laboratory to determine the heterotrophic colony count of the recirculating water.

Penalty: 20 penalty units.

- (3) A responsible person must ensure that at least once every 3 months a sample of recirculating water is taken and provided to a laboratory to test for Legionella.

Penalty: 20 penalty units.

71 Procedure for responding to detection of high heterotrophic colony count

- (1) This regulation applies if a responsible person is notified by an initial laboratory report or the Secretary that the heterotrophic colony count of a sample of recirculating water taken from a cooling tower system exceeds 200 000 colony forming units per millilitre and the recirculating water has not been manually treated with additional quantities of biocide or with an alternative biocide during the period between the sample being taken and the notification.
- (2) Within 24 hours of receiving a notification, the responsible person must ensure that the following procedure is implemented—
 - (a) the recirculating water is treated with additional quantities of biocide or with an alternative biocide; and
 - (b) the water treatment program, tower operation and maintenance program of the cooling tower system are reviewed; and
 - (c) any faults are corrected; and
 - (d) any changes necessary to prevent a re-occurrence of those faults are implemented.Penalty: 20 penalty units.
- (3) Between 2 and 7 days after receiving a notification, the responsible person must ensure that a further sample of the recirculating water is taken and provided to a laboratory to determine the heterotrophic colony count of the recirculating water.
Penalty: 20 penalty units.
- (4) Within 24 hours of receiving a report from a laboratory that a sample taken in accordance with subregulation (3) has a heterotrophic colony count exceeding 200 000 colony forming units per millilitre, the responsible person must ensure that the recirculating water is disinfected.
Penalty: 20 penalty units.
- (5) Between 2 and 7 days after the recirculating water has been disinfected in accordance with subregulation (4), the responsible person must ensure that a further sample of the recirculating water is taken and provided to a laboratory to determine the heterotrophic colony count of the recirculating water.
Penalty: 20 penalty units.
- (6) If a laboratory has tested a further sample of recirculating water in accordance with subregulation (5) and reports that the heterotrophic colony count of the sample still exceeds 200 000 colony forming units per millilitre, the responsible person must—
 - (a) ensure that the disinfection and testing procedures set out in subregulations (4) and (5) are repeated until the heterotrophic colony count of the recirculating water does not exceed 200 000 colony forming units per millilitre in 2 consecutive recirculating water samples taken approximately one week apart; or
 - (b) shut down the cooling tower system until the problem has been remedied.Penalty: 20 penalty units.

72 Alternate procedure for responding to detection of high heterotrophic colony count

- (1) This regulation applies if a responsible person is notified by an initial laboratory report or the Secretary that the heterotrophic colony count of a sample of recirculating water taken

from a cooling tower system exceeds 200 000 colony forming units per millilitre and the recirculating water has been manually treated with additional quantities of biocide or with an alternative biocide during the period between the sample being taken and the notification.

- (2) Within 72 hours of receiving a notification, the responsible person must ensure that—
- (a) the water treatment program, tower operation and maintenance program of the cooling tower system are reviewed; and
 - (b) any faults are corrected; and
 - (c) any changes necessary to prevent a re-occurrence of those faults are implemented.

Penalty: 20 penalty units.

- (3) Within 7 days of receiving a notification, the responsible person must ensure that a further sample of the recirculating water is taken and provided to a laboratory to determine the heterotrophic colony count of the recirculating water.

Penalty: 20 penalty units.

- (4) Within 24 hours of receiving a report from a laboratory that a sample taken in accordance with subregulation (3) has a heterotrophic colony count exceeding 200 000 colony forming units per millilitre, the responsible person must ensure that the recirculating water is disinfected.

Penalty: 20 penalty units.

- (5) Between 2 and 7 days after the recirculating water has been disinfected in accordance with subregulation (4), the responsible person must ensure that a further sample of the recirculating water is taken and provided to a laboratory to determine the heterotrophic colony count of the recirculating water.

Penalty: 20 penalty units.

- (6) If a laboratory has tested a further sample of recirculating water in accordance with subregulation (5) and reports that the heterotrophic colony count of the sample still exceeds 200 000 colony forming units per millilitre, the responsible person must—

- (a) ensure that the disinfection and testing procedures set out in subregulations (4) and (5) are repeated until the heterotrophic colony count of the recirculating water does not exceed 200 000 colony forming units per millilitre in 2 consecutive recirculating water samples taken approximately one week apart; or
- (b) shut down the cooling tower system until the problem has been remedied.

Penalty: 20 penalty units.

73 Procedure for responding to detection of Legionella

- (1) This regulation applies if a responsible person is notified by an initial laboratory report or the Secretary that Legionella has been detected in a sample of recirculating water taken from a cooling tower system.
- (2) Within 24 hours of receiving a notification, the responsible person must ensure that—
- (a) the recirculating water is disinfected; and
 - (b) the water treatment program, tower operation and maintenance program of the cooling tower system are reviewed; and
 - (c) any faults are corrected; and
 - (d) any changes necessary to prevent a re-occurrence of those faults are implemented.

Penalty: 20 penalty units.

- (3) Between 2 and 7 days after receiving a notification, the responsible person must ensure that a further sample of the recirculating water is taken and provided to a laboratory to test for Legionella.

Penalty: 20 penalty units.

- (4) Within 24 hours of receiving a report from a laboratory that Legionella has been detected in a sample taken in accordance with subregulation (3), the responsible person must ensure that the recirculating water is disinfected, the interior of each cooling tower in the cooling tower system is cleaned and the recirculating water is re-disinfected.

Penalty: 20 penalty units.

- (5) Between 2 and 7 days after the disinfection required by subregulation (4) has been completed, the responsible person must ensure that a further sample of the recirculating water is taken and provided to a laboratory to test for Legionella.

Penalty: 20 penalty units.

- (6) If a laboratory has tested a further sample of recirculating water in accordance with subregulation (5) and reports that Legionella has still been detected, the responsible person must—
 - (a) ensure that the disinfection and testing procedures set out in subregulations (4) and (5) are repeated until Legionella is not detected in 2 consecutive recirculating water samples taken approximately one week apart; or
 - (b) shut down the cooling tower system until the problem has been remedied.

Penalty: 20 penalty units.

74 Requirement to report detections of high concentrations of Legionella to the Secretary

- (1) If a laboratory has tested a sample of recirculating water in accordance with this Division and reports that the sample contains more than 1 000 colony forming units per millilitre of Legionella, upon receiving the laboratory report the responsible person must notify the Secretary of the detection within 24 hours.

Penalty: 20 penalty units.

- (2) The Secretary may approve a form of notification for the purposes of subregulation (1).
- (3) The Secretary must publish the form approved under subregulation (2) in the Government Gazette.

75 Requirement to report 3 consecutive detections of Legionella to the Secretary

- (1) If a laboratory has tested samples of recirculating water in accordance with this Division and reported that Legionella has been detected in 3 consecutive samples, upon receiving the third laboratory report, the responsible person must notify the Secretary of the detections within 24 hours.

Penalty: 20 penalty units.

- (2) The Secretary may approve a form of notification for the purposes of subregulation (1).
- (3) The Secretary must publish the form approved under subregulation (2) in the Government Gazette.

76 Response to notification that cooling tower system is suspected or implicated as a source of infection

If the Secretary has notified a responsible person that a cooling tower system that the responsible person owns, manages or controls is suspected or implicated as the source of infection in a case or outbreak of Legionellosis, the responsible person must ensure that—

- (a) a sample of recirculating water is promptly taken and provided to a laboratory to test for Legionella; and
- (b) the cooling tower system is decontaminated in accordance with any reasonable directions given by the Secretary to the responsible person.

Penalty: 20 penalty units.

77 Offence to tamper with sample of recirculating water

A person must not tamper with a sample of recirculating water that is taken and provided to a laboratory for testing in accordance with this Division.

Penalty: 20 penalty units.

78 Offence to falsify laboratory report

A person must not falsify a laboratory report for any test undertaken in accordance with this Division.

Penalty: 20 penalty units.

79 Requirement to keep records

(1) A responsible person must ensure that the following written records are kept in respect of any cooling tower system that the responsible person owns, manages or controls—

- (a) details of all maintenance and corrective activities undertaken in relation to the cooling tower system during the preceding 12 months; and
- (b) laboratory reports for all tests undertaken in accordance with this Division during the preceding 12 months.

Penalty: 20 penalty units.

(2) A responsible person must produce the records referred to in subregulation (1) for inspection upon the request of an authorised officer.

Penalty: 20 penalty units.

Note

It is an offence under section 210(1) of the Act to give false or misleading information or produce a document that is false or misleading to the Secretary or an authorised officer.

Division 2—Legionella risks in certain premises

80 Meaning of responsible person

In this Division, *responsible person* means a person who owns, manages or controls a water delivery system located at premises specified in regulation 81.

81 Application of this Division

This Division applies to premises—

- (a) where residential aged care services are provided; and
- (b) where health services are provided (but does not include health services provided at a day procedure centre);
- (c) that are prisons;
- (d) where inpatient forensic mental health services are provided by the Victorian Institute of Forensic Mental Health; and
- (e) where commercial vehicle washes are operated.

82 Obligation to manage Legionella risks

A responsible person must take all reasonable steps to manage the risks of Legionella in any water delivery system located at premises specified in regulation 81.

Penalty: 20 penalty units.

83 Response to detection of Legionella

Within 24 hours of becoming aware that Legionella has been detected in a sample of water taken from a water delivery system at any premises referred to in regulation 81, a responsible person must ensure the water delivery system is disinfected.

Penalty: 20 penalty units.

84 Water delivery system suspected or implicated as the source of infection

If the Secretary has informed a responsible person that a water delivery system that the responsible person owns, manages or controls is suspected or implicated as the source of infection in a case or an outbreak of Legionellosis, the responsible person must ensure that—

- (a) a sample of water is promptly taken from the water delivery system and provided to a laboratory to test for Legionella; and
- (b) the water delivery system is disinfected in accordance with any reasonable directions given by the Secretary to the responsible person.

Penalty: 20 penalty units.

85 Offence to tamper with water sample

A person must not tamper with a sample of water that is taken and provided to a laboratory for testing in accordance with this Division.

Penalty: 20 penalty units.

86 Offence to falsify laboratory report

A person must not falsify a laboratory report for any test undertaken in accordance with this Division.

Penalty: 20 penalty units.

Division 3—Pest control

87 Pest control licence fees

- (1) Unless subregulation (3) applies, the licence fee for licences issued or renewed under section 101(2) of the Act is 15 fee units for each year for which the licence is issued or renewed.
- (2) The licence fee for licences issued or renewed under section 101(3) of the Act is 15 fee units.
- (3) A licence fee of 5 fee units is payable for a licence issued or renewed under section 101(2) of the Act to a person who—
 - (a) usually resides in another State or Territory; and
 - (b) holds a valid licence as an authorised user of pesticides in that State or Territory; and
 - (c) has applied for a licence to use pesticides in Victoria that are the same or similar in all respects to the pesticides that are authorised for use under the licence.

88 Qualifications for pest control licences

- (1) For the purposes of section 101(2)(b) of the Act, the prescribed qualifications for a pest control licence of a kind set out in Column 1 of the Table in Schedule 1 are the successful completion of each unit of competency set out in Column 2 of that Table in relation to that kind of licence.
- (2) It is sufficient compliance with a requirement under subregulation (1) for a person to successfully complete a unit of competency if—
 - (a) the person holds a certificate of recognition of current competencies or prior learning issued by an RTO in relation to the competencies assessed under the unit of competency; or
 - (b) the person has completed an equivalent to each unit of competency set out in the Table in Schedule 1 in relation to that kind of licence.
- (3) The Secretary may approve units of competency to be equivalent units of competency for the purposes of subregulation (2)(b).
- (4) The Secretary must publish notice of the units of competency approved for the purposes of subregulation (3) in the Government Gazette.

89 Training for supervised pest control licence holders

For the purposes of section 101(3)(b)(ii) of the Act, the prescribed units of competency in relation to a licence of a kind set out in Column 1 of the Table in Schedule 1 are the units of competency set out in Column 2 of that Table in relation to that kind of licence.

90 Records

For the purposes of section 108 of the Act—

- (a) the prescribed details are the details set out in Schedule 2; and
- (b) the prescribed period is 3 years.

Part 7—Management and control of infectious diseases, micro-organisms and medical conditions

Division 1—Notifications

91 Notifiable conditions and micro-organisms

- (1) For the purposes of the definition of *notifiable condition* in section 3(1) of the Act, the prescribed infectious diseases and the prescribed medical conditions are the infectious diseases and the medical conditions set out in Part 1 and Part 2 of Schedule 3 and Part 1 and Part 2 of Schedule 4.
- (2) For the purposes of the definition of *notifiable micro-organism* in section 3(1) of the Act, the micro-organisms listed in Part 1 of Schedule 5 are prescribed as notifiable micro-organisms.

92 Notification details

For the purposes of paragraph (a) of the definition of *notification details* in section 3(1) of the Act, the prescribed details are—

- (a) for notification under section 127(2)(a) of the Act of a notifiable condition set out in Part 1 or Part 2 of Schedule 3, the details set out in Part 3 of that Schedule;
- (b) for notification under section 128(2)(a) of the Act of a notifiable condition set out in Part 1 or Part 2 of Schedule 4, the details set out in Part 3 of that Schedule;
- (c) for a notification under section 130(2)(a) or (5)(a) of the Act of a notifiable micro-organism, the details set out in Part 2 of Schedule 5.

93 Notification of notifiable conditions—registered medical practitioners

- (1) For the purposes of section 127(2)(a) of the Act, the prescribed period is—
 - (a) for a notifiable condition set out in Part 1 of Schedule 3, immediately whether presumptive or confirmed; and
 - (b) for a notifiable condition set out in Part 2 of Schedule 3, 5 days after the day on which the medical practitioner made the initial diagnosis.
- (2) For the purposes of section 127(2)(a) of the Act—
 - (a) notification of a notifiable condition set out in Part 1 of Schedule 3 must be by telephone; and
 - (b) notification of a notifiable condition set out in Part 2 of Schedule 3 must be in writing.

94 Notification of notifiable conditions—pathology services

- (1) For the purposes of section 128(2)(a) of the Act, if the notifiable condition is set out in Part 1 of Schedule 4, the person in charge of the pathology service must notify the Secretary of the notification details—
 - (a) by telephone immediately after an initial diagnosis whether presumptive or confirmed; and
 - (b) in writing, within 5 days from the day on which the result indicating that the person has or may have any notifiable condition was obtained.
- (2) For the purposes of section 128(2)(a) of the Act, if the notifiable condition is set out in Part 2 of Schedule 4, the person in charge of the pathology service must notify the Secretary of the

notification details in writing within 5 days from the day on which the result indicating that the person has or may have any notifiable condition was obtained.

95 Notification of notifiable micro-organisms in food—laboratories and food premises

- (1) For the purposes of section 130(2)(a) of the Act, the person in charge of the pathology service must notify the Secretary of the notification details—
 - (a) by telephone immediately after obtaining the result of the test; and
 - (b) in writing, within 1 day from the day on which the result was obtained.
- (2) For the purposes of section 130(5)(a) of the Act, the proprietor of food premises or food vending machine must notify the Secretary of the notification details—
 - (a) by telephone immediately after obtaining the result of the test; and
 - (b) in writing, within 1 day from the day on which the result was obtained.

Division 2—Notification and directions

96 Secretary may notify Council

The Secretary may notify a Council of a municipal district that may be affected by a notifiable condition referred to in a notice received by the Secretary under Division 3 of Part 8 of the Act.

97 Secretary may give written directions

- (1) The Secretary may give a written direction to an authorised officer appointed by a Council if in the opinion of the Secretary it is reasonably necessary to do so for the purpose of investigating any notifiable condition notified under Division 3 of Part 8 of the Act or limiting the spread of any case of infectious disease notified under Division 3 of Part 8 of the Act.
- (2) An authorised officer appointed by a Council to whom a written direction is given must comply with the direction within the time specified in the direction.

98 Powers of authorised officer

- (1) An authorised officer appointed by a Council may give written directions to any person if in the opinion of the authorised officer it is reasonably necessary to do so for the purpose of implementing directions given by the Secretary under regulation 97(1).
- (2) A person to whom a written direction is given must comply with the direction within the time specified in the direction.

Penalty: 20 penalty units.

Division 3—Notification of anaphylaxis

99 Definitions

In this Division—

food has the same meaning as it has in section 4(1) of the **Food Act 1984**;

package has the same meaning as it has in section 4(1) of the **Food Act 1984**.

100 Prescribed notification details and manner and period for notification of anaphylaxis

For the purposes of section 130B(2) of the Act—

- (a) the prescribed notification details are the details specified in Schedule 6;
- (b) the prescribed manner for notification is electronically through the Department's website; and
- (c) the prescribed period for notification is—
 - (i) if the suspected cause of anaphylaxis is the consumption of packaged food, immediately upon the initial diagnosis of anaphylaxis; and
 - (ii) in any other case, within 5 days of the initial diagnosis of anaphylaxis.

Division 4—Closure of court or tribunal

101 Closure of court or tribunal—prescribed diseases

For the purposes of section 133 of the Act, Hepatitis C is a prescribed disease.

Division 5—Immunisation

102 Definition of immunised

For the purposes of sections 3 and 238(1)(a) of the Act, *immunised* in relation to a vaccine-preventable disease, means the child has been vaccinated for that vaccine-preventable disease.

103 Definition of early childhood service

For the purposes of paragraph (b) of the definition of *early childhood service* in section 3 of the Act, the following classes of services that are licensed under Part 3 of the **Children's Services Act 1996** are prescribed—

- (a) a standard service (within the meaning of regulation 5(1) of the Children's Services Regulations 2009), not including any part of a service that is an outside school hours care service or a school holiday care service;
- (b) a limited hours Type 2 service (within the meaning of regulation 5(1) of the Children's Services Regulations 2009), not including any part of a service that is an outside school hours care service or a school holiday care service;
- (c) a short term Type 1 service (within the meaning of regulation 5(1) of the Children's Services Regulations 2009), not including any part of a service that is an outside school hours care service or a school holiday care service;
- (d) an integrated service (within the meaning of regulation 5(1) of the Children's Services Regulations 2009)—
 - (i) to the extent that the licence to operate the service permits the operation of a standard service, a limited hours Type 2 service or a short term Type 1 service (all within the meaning of the Children's Services Regulations 2009); and
 - (ii) not including any part of a service that is an outside school hours care service or a school holiday care service.

104 Vaccine-preventable diseases

For the purposes of Division 7 of Part 8 of the Act, the following vaccine-preventable diseases are prescribed—

- (a) Diphtheria;
- (b) *Haemophilus influenzae* type b (Hib);
- (c) Hepatitis B;
- (d) Measles;
- (e) Meningococcal A;
- (f) Meningococcal C;
- (g) Meningococcal W;
- (h) Meningococcal Y;
- (i) Mumps;
- (j) Pertussis (Whooping cough);
- (k) Pneumococcal;
- (l) Poliovirus infection;
- (m) Rotavirus;
- (n) Rubella (German measles);
- (o) Tetanus;
- (p) Varicella (Chickenpox).

105 Prescribed period—interval for provision of immunisation status certificate for a child who attends an early childhood service

For the purposes of section 143E(1)(b) of the Act, the prescribed period is 7 months.

106 Retention of immunisation status certificates at primary schools

The person in charge of a primary school must keep a record of the information in each immunisation status certificate given for the period that the child in respect of whom the certificate was issued attended the school.

107 Access to immunisation status certificates

A person in charge of a primary school must allow authorised officers to access immunisation status certificates at any reasonable time.

108 Provision of information

The parent or guardian of a child attending a primary school, education and care service premises or children's services centre must inform the person in charge of the primary school, education and care service premises or children's services centre as soon as practicable if—

- (a) the child is infected with a condition that is specified as excludable in column 3 of the Table in Schedule 7; or
- (b) the child has been in contact with a person infected with a condition for which the exclusion of contacts is specified in column 4 of the Table in Schedule 7.

109 Exclusion from primary school, education and care service premises or children's services centre

A person in charge of a primary school, education and care service premises or children's services centre must not allow a child to attend the primary school, education and care service premises or children's services centre for the period or in the circumstances—

- (a) specified in column 3 of the Table in Schedule 7 if the person in charge has been informed that the child is infected with an infectious disease listed in column 2 of that Table; or
- (b) specified in column 4 of the Table in Schedule 7 if the person in charge has been informed that the child has been in contact with a person who is infected with an infectious disease listed in column 2 of that Table.

Penalty: 20 penalty units.

110 Disclosure of information to Councils by secondary schools—immunisation co-ordination

- (1) For the purposes of carrying out a function under section 24(f) of the Act, a Council may request the person in charge of a secondary school located within the municipal district to disclose the following information about a student enrolled at the school—
 - (a) the name of the student;
 - (b) the student's date of birth;
 - (c) the student's sex;
 - (d) the class or group to which the student is attached;
 - (e) the name of the parents or guardians of the student and their telephone numbers, email addresses, residential and postal addresses;
 - (f) the languages spoken at the student's home.
- (2) On receiving a request under subregulation (1), the person in charge may disclose information held by the school.

Division 6—Tissue donations

111 Use of donated semen—prescribed periods

- (1) For the purposes of section 152(3) of the Act and Item 1(c)(ii) of Table 2 of the Schedule to the Act, the prescribed period is 6 months.
- (2) For the purposes of section 152(3) of the Act and Item 1(c)(iv) of Table 2 of the Schedule to the Act, the prescribed quarantine period is 6 months.

Division 7—Information to sex workers and clients

112 Provision of information to sex workers and clients upon request

For the purposes of section 162(4) of the Act, an escort agency proprietor must provide information about the transmission of sexually transmitted infections if requested to do so by a sex worker or client.

Part 8—Infringements

113 Infringements

- (1) For the purpose of section 209 of the Act, an offence against a provision set out in Column 2 of the Tables in Schedule 8 is a prescribed offence for which an infringement notice may be served.
- (2) For the purposes of section 209(4) of the Act, the infringement penalty prescribed in respect of an infringement offence is the amount specified in Column 4 of a Table in Schedule 8 opposite that infringement offence as set out in Column 2 of that Table.

DRAFT

Part 9—Transitional provisions

114 Definitions

In this Part—

commencement day means the day on which Division 3 of Part 6 comes into operation;

transition period means the period commencing on the commencement day and ending on 31 December 2021.

115 Transitional provisions—existing pest control licence holders

- (1) Despite regulation 88(1), a person who held a pest control licence of a kind referred to in the Table in Schedule 9 immediately before the commencement day, may, during the transition period—
 - (a) continue to hold the licence; and
 - (b) renew the licence on the basis of the qualifications set out in that Table in relation to that kind of licence.
- (2) Despite regulation 89, a person who held a pest control licence of a kind referred to in the Table in Schedule 10 immediately before the commencement day, may, during the transition period—
 - (a) continue to hold the licence; and
 - (b) renew the licence on the basis of the training set out in that Table in relation to that kind of licence.

116 Transitional provisions—new pest control licences in the transition period

- (1) This regulation applies to a person who immediately before the commencement day held a pest control licence that was granted on the basis that the person was qualified under regulation 67 of the Public Health and Wellbeing Regulations 2009 to apply for the licence.
- (2) Despite regulation 88(1), the person—
 - (a) may, during the transition period, continue to hold the licence; and
 - (b) is qualified, during the transition period, to be granted a renewal of the licence if at the time of the application for renewal the person had been employed in the pest control industry for at least a total period of 2 years in the 5 year period before the application.

117 Transitional provision—new pest control licences in the transition period

Despite regulation 88, a person may, during the transition period, apply for and be issued with a pest control licence of a kind referred to in the Table in Schedule 9 on the basis of the qualifications set out in that Table in relation to that licence.

Part 10—Amendments to Public Health and Wellbeing Regulations 2009

118 Amendments to the Public Health and Wellbeing Regulations 2009

- (1) In this regulation, the Public Health and Wellbeing Regulations 2009¹ are called the Principal Regulations.
- (2) In the title of the Principal Regulations, after “Wellbeing” **insert** “(Prescribed Accommodation)”.
- (3) For regulation 1 of the Principal Regulations **substitute**—

“1 Objective

The objective of these Regulations is to prescribe matters required or permitted to be prescribed or necessary to be prescribed to give effect to the prescribed accommodation provisions of the **Public Health and Wellbeing Act 2008**.”.

- (4) For regulation 4 of the Principal Regulations **substitute**—

“4 Definitions

In these Regulations—

holiday camp means any house, building or structure, whether temporary or permanent, which is used for the accommodation of student groups, youth groups or family groups for holiday or recreational purposes;

hostel means any house, building or structure, whether temporary or permanent, which is used primarily for the accommodation of travellers;

hotel includes a residential hotel and any residential premises in respect of which a general licence or on-premises licence is granted under the **Liquor Control Reform Act 1998**;

residential accommodation means any house, building, or other structure used as a place of abode where a person or persons can live on payment of consideration to the proprietor but does not include—

- (a) a hotel or motel; or
- (b) a hostel; or
- (c) a student dormitory; or
- (d) a holiday camp; or
- (e) a rooming house;

rooming house means a building in which there is one or more rooms available for occupancy on payment of rent in which the total number of people who may occupy that room or those rooms is not less than 4;

student dormitory means any dormitory, student hostel, hall of residence or residential college for the accommodation of students which is controlled by or operated under an arrangement with or affiliated with—

- (a) an institution providing educational services for children of **compulsory school age** within the meaning of section 1.1.3(1) of the **Education and Training Reform Act 2006**; or
- (b) adult, community and further education services; or

- (c) an *autonomous college* or *adult education institution* within the meaning of those definitions in section 1.1.3(1) of the **Education and Training Reform Act 2006**;

temporary crisis accommodation means temporary crisis accommodation provided on a non profit basis by an agency which receives homelessness support funding from the Government of Victoria;

the Act means the **Public Health and Wellbeing Act 2008**;

water supplier has the same meaning as it has in section 3 of the **Safe Drinking Water Act 2003**.”.

- (5) Regulations 5 to 12, 15, 16(d), 28 to 33, 34(b) and 35 to 87 of the Principal Regulations are **revoked**.
- (6) For regulation 88 of the Principal Regulations **substitute**—
- “**88 Infringements**
- (1) For the purposes of section 209 of the Act, offences against the following provisions are prescribed offences—
- (a) section 67 of the Act;
 - (b) regulation 17(2);
 - (c) regulation 20(1);
 - (d) regulation 25;
 - (e) regulation 27.
- (2) For the purposes of section 209(4) of the Act—
- (a) the prescribed penalty for the offence prescribed by subregulation (1)(a) is 10 penalty units in the case of a body corporate and 4 penalty units in the case of a natural person; and
 - (b) the prescribed penalty for an offence prescribed by subregulation (1)(b), (c), (d) or (e) is 4 penalty units.
- (7) Regulation 89 of the Principal Regulations is **revoked**.
- (8) Schedules 1 to 8 to the Principal Regulations are **revoked**.

119 Expiry

This Part will expire on 14 December 2020.

Schedule 1—Qualifications and training

Regulation 88

In this Schedule—

pest animal has the same meaning as in the **Catchment and Land Protection Act 1994**;

timber pests means pests that attack, infest or destroy timber or timber products.

Table

<i>Column 1</i> A licence that only authorises the use of—	<i>Column 2</i> Units of competency
Pesticides (excluding fumigants) formulated to control pests other than pest animals and timber pests. Note: Pests covered by this licence include rodents and birds.	CPPPMT3005 – Manage pests without applying pesticides CPPPMT3006 – Manage pests by applying pesticides CPPPMT3018 – Maintain equipment and pesticide storage area in pest management vehicles
Pesticides (excluding fumigants) formulated to control pests other than pest animals. Note: Pests covered by this licence include rodents, birds and timber pests.	CPPPMT3005 – Manage pests without applying pesticides CPPPMT3006 – Manage pests by applying pesticides CPPPMT3008 – Inspect for and report on timber pests CPPPMT3010 – Control timber pests CPPPMT3018 – Maintain equipment and pesticide storage area in pest management vehicles
Pesticides (excluding fumigants) formulated to control pest animals and to protect— (a) an area in a building used for commercial purposes; or (b) domestic premises; or (c) privately owned land adjacent to domestic premises.	AHCCHM304 – Transport and store chemicals AHCCHM307 – Prepare and apply chemicals to control pest, weeds and diseases AHCPMG309 – Apply pest animal control techniques
Pesticides (including fumigants) to control pest animals and to protect— (a) an area in a building used for commercial purposes; or (b) domestic premises; or (c) privately owned land adjacent to	AHCCHM304 – Transport and store chemicals AHCCHM307 – Prepare and apply chemicals to control pest, weeds and diseases AHCCHM310 – Conduct manual fumigation of vertebrate and invertebrate pests AHCPMG309 – Apply pest animal control techniques

domestic premises.

Pesticides in the form of fumigants

CPPPMT3011 – Manage organisms by applying fumigants to commodities and environments

DRAFT

Schedule 2—Pest control operator records

Regulation 90

1 Details of pesticide

- 1.1 Trade name
- 1.2 Batch number
- 1.3 Specific precautions to be observed, including the re-entry period

2 Details of pesticide application

- 2.1 Date of application
- 2.2 Start and finish times of application
- 2.3 Location of the pesticide application (including street address of property, if applicable)
- 2.4 Specific location of the pesticide application within the property
- 2.5 Pests treated
- 2.6 Method of application (spray or bait)
- 2.7 Quantity of pesticide applied
- 2.8 Rate of pesticide application or sufficient information to allow the rate of pesticide application to be determined
- 2.9 If applied outdoors, the ambient temperature, wind direction and speed at the time of application

3 Details of operators and clients

- 3.1 Name and licence number of the person applying the pesticide
- 3.2 Name and licence number of the person supervising the application (if applicable)
- 3.3 Trading name, address and phone number of the business employing, engaging or owned by the person applying the pesticide
- 3.4 Name, phone number and address of the person for whom the application was carried out

4 Signature

The signature of the person completing the record

Schedule 3—Registered medical practitioners—notifiable conditions and notification details

Regulation 91

Part 1—Notifiable conditions requiring immediate notification

- 1 Anthrax
- 2 Botulism
- 3 Cholera
- 4 Diphtheria
- 5 Food-borne and water-borne illness (two or more related cases)
- 6 Haemolytic Uraemic Syndrome (HUS)
- 7 Haemophilus influenza, type b infection (meningitis, epiglottitis, other invasive infections)
- 8 Hepatitis A
- 9 Japanese encephalitis
- 10 Legionellosis
- 11 Listeriosis
- 12 Measles
- 13 Meningococcal infection (invasive)
- 14 Middle East Respiratory Syndrome coronavirus (MERS-CoV)
- 15 Murray Valley encephalitis virus infection
- 16 Paratyphoid
- 17 Plague
- 18 Poliovirus infection
- 19 Rabies
- 20 Severe Acute Respiratory Syndrome (SARS)
- 21 Smallpox
- 22 Tularaemia
- 23 Typhoid
- 24 Viral haemorrhagic fevers
- 25 Yellow fever

**Part 2—Notifiable conditions requiring written notification within 5 days
of initial diagnosis**

- 1 Brucellosis
- 2 Chikungunya virus infection
- 3 Creutzfeldt-Jakob disease (CJD)
- 4 Variant Creutzfeldt-Jakob disease (vCJD)
- 5 Cryptosporidiosis
- 6 Dengue virus infection
- 7 *Donovanosis
- 8 *Gonococcal infection
- 9 Hepatitis B (newly acquired)
- 10 Hepatitis B (unspecified)
- 11 Hepatitis C (newly acquired)
- 12 Hepatitis C (unspecified)
- 13 Hepatitis D
- 14 Hepatitis E
- 15 *Human Immunodeficiency Virus (HIV) infection
- 16 Leprosy
- 17 Lyssavirus—Australian Bat lyssavirus
- 18 Lyssavirus—other (specify)
- 19 Malaria
- 20 Mumps
- 21 *Mycobacterium ulcerans*
- 22 Pertussis
- 23 Pneumococcal infection (invasive)
- 24 Q Fever
- 25 Rubella
- 26 Congenital Rubella
- 27 Salmonellosis
- 28 Shigatoxin and verotoxin producing *Escherichia coli* (STEC/VTEC)
- 29 Shigellosis
- 30 *Syphilis (less than 2 years duration)
- 31 *Syphilis (2 years or more duration or unspecified)

- 32 *Congenital syphilis
- 33 Tetanus
- 34 Tuberculosis
- 35 Varicella zoster infection (chickenpox)
- 36 Varicella zoster infection (shingles)
- 37 West Nile/Kunjin virus infection

Note

Part 3 of this Schedule sets out different reporting requirements for notifiable conditions marked with *.

Part 3—Notification details

Item 1—Case information

- 1.1 Family name (First two letters of family name only for those conditions marked with *)
- 1.2 Given name(s) (First two letters of given name only for those conditions marked with *)
- 1.3 Healthcare identifier (not notified for those conditions marked with *)
- 1.4 Medicare number (not notified for those conditions marked with *)
- 1.5 Date of birth
- 1.6 Sex
- 1.7 Aboriginal or Torres Strait Islander status
- 1.8 Residential address (postcode only for those conditions marked with *)
- 1.9 Contact details of patient/parent/guardian (not notified for those conditions marked with *)

Item 2—Clinical information

- 2.1 Notifiable condition
- 2.2 Mortality details
- 2.3 Morbidity details
- 2.4 Illness history and details

Item 3—Risk factor information

3.1 Risk factor details

Item 4—Reporting medical practitioner information

4.1 Family name

4.2 Given name(s)

4.3 Health service/clinic/practice name

4.4 Health service/clinic/practice address

4.5 Contact details

4.6 Medicare provider number or AHPRA registration number

4.7 Report date

DRAFT

Schedule 4—Pathology services—notifiable conditions and notification details

Regulation 91

Part 1—Notifiable conditions requiring immediate notification

- 1 Anthrax
- 2 Botulism
- 3 *Candida auris*
- 4 Carbapenemase-producing *Enterobacterales*
- 5 Cholera
- 6 Diphtheria
- 7 Food-borne and water-borne illness (two or more related cases)
- 8 Haemophilus influenza, type b infection (meningitis, epiglottitis, other invasive infections)
- 9 Hepatitis A
- 10 Japanese encephalitis
- 11 Legionellosis
- 12 Listeriosis
- 13 Measles
- 14 Meningococcal infection (invasive)
- 15 Middle East Respiratory Syndrome coronavirus (MERS-CoV)
- 16 Murray Valley encephalitis virus infection
- 17 Paratyphoid
- 18 Plague
- 19 Poliovirus infection
- 20 Rabies
- 21 Severe Acute Respiratory Syndrome (SARS)
- 22 Smallpox
- 23 Tularaemia
- 24 Typhoid
- 25 Viral haemorrhagic fevers
- 26 Yellow fever

**Part 2—Notifiable conditions requiring written notification within 5 days
of initial diagnosis**

- 1 Arbovirus infections—other arbovirus infections
- 2 Barmah Forest virus infection
- 3 Blood lead greater than 5µg/dL
- 4 Brucellosis
- 5 Campylobacter infection
- 6 Carbapenemase-producing *Pseudomonas* spp.
- 7 Carbapenemase-producing *Acinetobacter* spp.
- 8 Chikungunya virus infection
- 9 **Chlamydia trachomatis* infection
- 10 Creutzfeldt-Jakob disease (CJD)
- 11 Variant Creutzfeldt-Jakob disease (vCJD)
- 12 Cryptosporidiosis
- 13 Dengue virus infection
- 14 *Donovanosis (*Klebsiella granulomatis* infection)
- 15 *Gonococcal infection
- 16 Hepatitis B (newly acquired)
- 17 Hepatitis B (unspecified)
- 18 Hepatitis C (newly acquired)
- 19 Hepatitis C (unspecified)
- 20 Hepatitis D
- 21 Hepatitis E
- 22 Hepatitis (other viral)
- 23 *Human Immunodeficiency Virus (HIV) infection
- 24 Influenza
- 25 Leprosy
- 26 Leptospirosis
- 27 Lyssavirus—Australian Bat lyssavirus
- 28 Lyssavirus—other (specify)
- 29 Malaria
- 30 Mumps
- 31 *Mycobacterium ulcerans*

- 32 Pertussis
- 33 Pneumococcal infection (invasive)
- 34 Psittacosis (ornithosis)
- 35 Q Fever
- 36 Ross River virus infection
- 37 Rotavirus infection
- 38 Rubella
- 39 Congenital rubella
- 40 Salmonellosis
- 41 Shigatoxin and verotoxin producing *Escherichia coli* (STEC/VTEC)
- 42 Shigellosis
- 43 *Syphilis (less than 2 years duration)
- 44 *Syphilis (2 years or more duration or unspecified)
- 45 *Congenital syphilis
- 46 Tetanus
- 47 Tuberculosis
- 48 VanA-type vancomycin-resistant *Enterococcus* (VRE)
- 49 Varicella zoster infection
- 50 Kunjin virus infection

Note

Part 3 of this Schedule sets out different reporting requirements for notifiable conditions marked with *.

Part 3—Notification details

Item 1—Notification details—case information

- 1.1 Family name (First two letters of family name only for those conditions marked with *)
- 1.2 Given name(s) (First two letters of given name only for those conditions marked with *)
- 1.3 Healthcare identifier (not notified for those conditions marked with *)
- 1.4 Medicare number (not notified for those conditions marked with *)
- 1.5 Date of birth
- 1.6 Sex
- 1.7 Aboriginal or Torres Strait Islander status
- 1.8 Residential address (postcode only for those conditions marked with *)

Item 2—Notification details—clinical information

2.1 Notifiable condition

2.2 If the notifiable condition is blood lead greater than 5µg/dL, whether or not the test was requested as part of routine biological monitoring as prescribed by regulation 196, 197 or 198 of the Occupational Health and Safety Regulations 2017

2.3 Specimen details

2.4 Clinical notes

Item 3—Notification details—testing information

3.1 Test details (including details of any nucleic acid test performed)

3.2 Result details (including results of any nucleic acid test performed)

3.3 Results of all antimicrobial susceptibility testing (including minimum inhibitory concentration values)

Item 4—Notification details—requesting medical practitioner information

4.1 Family name

4.2 Given name(s)

4.3 Health service/clinic/practice name

4.4 Health service/clinic/practice address

4.5 Contact details

4.6 Medicare provider number or AHPRA registration number

4.7 Request date

Item 5—Notification details—pathology service information

5.1 Name of person authorising results

5.2 Pathology service name

5.3 Pathology service address

5.4 Contact telephone number

5.5 NATA accreditation number

5.6 Report date

Schedule 5—Micro-organisms—isolated or detected in food or drinking water supplies

Regulation 92

Part 1—Prescribed notifiable micro-organisms

- 1 *Campylobacter spp*
- 2 *Cryptosporidium spp*
- 3 *Cyclospora spp*
- 4 *Escherichia coli* (including but not limited to STEC or VTEC)
- 5 *Giardia* cysts
- 6 Hepatitis A
- 7 *Listeria monocytogenes*
- 8 Norovirus
- 9 *Salmonella spp*
- 10 *Vibrio spp*

Part 2—Notification details

- 1 Micro-organism isolated or detected:
- 2 Date of isolation or detection:
- 3 Source: food or water:
- 4 If the source is food, the type of food product and the brand of the food product (if known):
- 5 Type: batch identification (if appropriate):
- 6 Name, postal and email address and telephone number of notifying laboratory:
- 7 Name, postal and email address and telephone number of person or company that submitted sample for testing:

Schedule 6—Anaphylaxis—prescribed notification details

Regulation 100

Item 1—Notification details—case information

- 1.1 Family name
- 1.2 Given name(s)
- 1.3 Date of birth
- 1.4 Sex
- 1.5 Aboriginal or Torres Strait Islander status
- 1.6 Residential address
- 1.7 Contact details of the person/parent(s)/guardian(s)

Item 2—Notification details—clinical information

- 2.1 Mortality details
- 2.2 Morbidity details
- 2.3 Allergies or other history of anaphylaxis reported by the person
- 2.4 Date of presentation for treatment for anaphylaxis

Item 3—Notification details—details of anaphylaxis reporting body

- 3.1 Name and address of anaphylaxis reporting body
- 3.2 Telephone number and email address of anaphylaxis reporting body
- 3.3 Name and telephone number of registered medical practitioner who formed the reasonable belief that the person had anaphylaxis
- 3.4 Report date

Item 4—Notification details—suspected cause of anaphylaxis

The notification details are to include one of the causes listed in column A of the Table as the suspected cause of the anaphylaxis of the person presenting for treatment, and the details in column B of the Table to the extent known to the anaphylaxis reporting body.

Table

<i>Column A</i>	<i>Column B</i>
<i>Suspected cause of anaphylaxis</i>	<i>Additional notification details</i>
Consumption of packaged food	Type of food product Brand of food product Date and time of consumption
Unpackaged food from a food premises	Details of the food consumed

<i>Column A</i>	<i>Column B</i>
<i>Suspected cause of anaphylaxis</i>	<i>Additional notification details</i>
	Name of food premises
	Date and time of consumption
Consumption of any other food	Details of the food consumed
Drug	Type of drug Name of drug
Blood-derived products	Name of product Batch number
Vaccine	Type of vaccine Name of vaccine Expiry date of vaccine (if known) Batch number of vaccine (if known)
Insect venom	Type of insect
Other	Details of the suspected cause of anaphylaxis
Unknown	Any relevant details

Schedule 7—Minimum period of exclusion from primary schools, education and care service premises and children's services centres for infectious diseases cases and contacts

Regulations 108 and 109

In this Schedule—

diarrhoeal illness includes to the following—

- (a) Amoebiasis (*Entamoeba histolytica*);
- (b) *Campylobacter*;
- (c) *Salmonella*, *Shigella*;
- (d) Intestinal worms;

medical certificate means a certificate of a registered medical practitioner.

Table

<i>Column 1 Number</i>	<i>Column 2 Conditions</i>	<i>Column 3 Exclusion of cases</i>	<i>Column 4 Exclusion of Contacts</i>
1	Chickenpox	Exclude until all blisters have dried. This is usually at least 5 days after the rash appears in unimmunised children, but may be less in previously immunised children	Any child with an immune deficiency (for example, leukaemia) or receiving chemotherapy should be excluded for their own protection. Otherwise not excluded
2	Conjunctivitis	Exclude until discharge from eyes has ceased	Not excluded
3	Cytomegalovirus (CMV) infection	Exclusion is not necessary	Not excluded
4	Diarrhoeal illness	Exclude until there has not been vomiting or a loose bowel motion for 24 hours	Not excluded
5	Diphtheria	Exclude until medical certificate of recovery is received following at least two negative throat swabs, the first not less than 24 hours after finishing a course of antibiotics and the other 48 hours later	Exclude family/household contacts until cleared to return by the Secretary
6	Glandular fever (Epstein-Barr Virus infection)	Exclusion is not necessary	Not excluded
7	Hand, Foot and Mouth disease	Exclude until all blisters have dried	Not excluded
8	<i>Haemophilus influenzae</i> type b (Hib)	Exclude until at least 48 hours of appropriate antibiotic treatment has been completed	Not excluded
9	Hepatitis A	Exclude until a medical certificate of recovery is received, but not before 7 days after the onset of jaundice or illness	Not excluded
10	Hepatitis B	Exclusion is not necessary	Not excluded
11	Hepatitis C	Exclusion is not necessary	Not excluded

12	Herpes (<i>cold sores</i>)	Young children unable to comply with good hygiene practices should be excluded while the lesion is weeping. Lesions to be covered by dressing, where possible	Not excluded
13	Human immunodeficiency virus infection (HIV)	Exclusion is not necessary	Not excluded
14	Impetigo	Exclude until appropriate treatment has commenced. Sores on exposed surfaces must be covered with a watertight dressing	Not excluded
15	Influenza and influenza like illnesses	Exclude until well	Not excluded unless considered necessary by the Secretary
16	Leprosy	Exclude until approval to return has been given by the Secretary	Not excluded
17	Measles	Exclude for at least 4 days after onset of rash	Immunised contacts not excluded. Unimmunised contacts should be excluded until 14 days after the first day of appearance of rash in the last case. If unimmunised contacts are vaccinated within 72 hours of exposure with any infectious case, or received Normal Human Immunoglobulin (NHIG) within 144 hours of exposure of any infectious case, they may return to the facility
18	Meningitis (bacteria—other than meningococcal meningitis)	Exclude until well	Not excluded
19	Meningococcal infection	Exclude until adequate carrier eradication therapy has been completed	Not excluded if receiving carrier eradication therapy
20	Mumps	Exclude for 5 days or until swelling goes down (whichever is sooner)	Not excluded
21	Molluscum contagiosum	Exclusion is not necessary	Not excluded
22	Pertussis (Whooping cough)	Exclude the child for 21 days after the onset of cough or until they have completed 5 days of a course of antibiotic treatment	Contacts aged less than 7 years in the same room as the case who have not received three effective doses of pertussis vaccine should be excluded for 14 days after the last exposure to the infectious case, or until they have taken 5 days of a course of effective antibiotic treatment
23	Poliovirus infection	Exclude for at least 14 days from onset. Re-admit after receiving medical certificate of recovery	Not excluded
24	Ringworm, scabies, pediculosis (head)	Exclude until the day after appropriate treatment has commenced	Not excluded

	lice)		
25	Rubella (German measles)	Exclude until fully recovered or for at least four days after the onset of rash	Not excluded
26	Severe Acute Respiratory Syndrome (SARS)	Exclude until medical certificate of recovery is produced	Not excluded unless considered necessary by the Secretary
27	Shigatoxin or Verotoxin producing <i>Escherichia coli</i> (STEC or VTEC)	Exclude if required by the Secretary and only for the period specified by the Secretary	Not excluded
28	Streptococcal infection (including scarlet fever)	Exclude until the child has received antibiotic treatment for at least 24 hours and the child feels well	Not excluded
29	Tuberculosis	Exclude until receipt of a medical certificate from the treating physician stating that the child is not considered to be infectious	Not excluded
30	Typhoid fever (including paratyphoid fever)	Exclude until approval to return has been given by the Secretary	Not excluded unless considered necessary by the Secretary

Schedule 8—Infringements

Regulation 113

Table 1—Infringement Offences in these Regulations

<i>Column 1 Item</i>	<i>Column 2 Infringement offence</i>	<i>Column 3 Infringement penalty</i>
1	R. 16(5)	4 penalty units
2	R. 17(5)	4 penalty units
3	R. 20(6)	4 penalty units
4	R. 21(6)	4 penalty units
5	R. 29	4 penalty units
6	R. 30	4 penalty units
7	R. 31(1)	4 penalty units
8	R. 32	4 penalty units
9	R. 33	4 penalty units
10	R. 34	4 penalty units
11	R. 35(2)	4 penalty units
12	R. 36(1)	4 penalty units
13	R. 37	4 penalty units
14	R. 38(1)	2 penalty units
15	R. 48	4 penalty units
16	R. 49	4 penalty units
17	R. 50(3)	4 penalty units
18	R. 50(4)	4 penalty units
19	R. 50(5)	4 penalty units
20	R. 50(6)	4 penalty units

<i>Column 1 Item</i>	<i>Column 2 Infringement offence</i>	<i>Column 3 Infringement penalty</i>
21	R. 50(7)	4 penalty units
22	R. 51	4 penalty units
23	R. 52	4 penalty units
24	R. 53	4 penalty units
25	R. 54	4 penalty units
26	R. 55(1)	4 penalty units
27	R. 55(2)	4 penalty units
28	R. 55(3)	4 penalty units
29	R. 55(4)	4 penalty units
30	R. 55(5)	4 penalty units
31	R. 56(2)	4 penalty units
32	R. 57	4 penalty units
33	R. 58	4 penalty units
34	R. 59(2)	4 penalty units
35	R. 61(1)	4 penalty units
36	R. 68	4 penalty units
37	R. 69	4 penalty units
38	R. 70(1)	4 penalty units
39	R. 70(2)	4 penalty units
40	R. 70(3)	4 penalty units
41	R. 71(3)	4 penalty units
42	R. 71(4)	4 penalty units
43	R. 71(5)	4 penalty units
44	R. 71(6)	4 penalty units

<i>Column 1 Item</i>	<i>Column 2 Infringement offence</i>	<i>Column 3 Infringement penalty</i>
45	R. 72(3)	4 penalty units
46	R. 72(4)	4 penalty units
47	R. 72(5)	4 penalty units
48	R. 72(6)	4 penalty units
49	R. 73(3)	4 penalty units
50	R. 73(4)	4 penalty units
51	R. 73(5)	4 penalty units
52	R. 73(6)	4 penalty units
53	R. 74(1)	4 penalty units
54	R. 75(1)	4 penalty units
55	R. 76	4 penalty units
56	R. 79(1)	4 penalty units
57	R. 79(2)	4 penalty units
58	R. 84	4 penalty units
59	R. 98(2)	4 penalty units
60	R. 108	4 penalty units

Table 2—Infringement Offences in the Act

<i>Column 1 Item</i>	<i>Column 2 Infringement offence</i>	<i>Column 3 Infringement penalty</i>
61	S. 69(1)	In the case of a body corporate, 10 penalty units In the case of a natural person, 4 penalty units

<i>Column 1 Item</i>	<i>Column 2 Infringement offence</i>	<i>Column 3 Infringement penalty</i>
62	S. 80	In the case of a body corporate, 24 penalty units In the case of a natural person, 10 penalty units
63	S. 87(2)	In the case of a body corporate, 10 penalty units In the case of a natural person, 2 penalty units
64	S. 95	4 penalty units
65	S. 99	4 penalty units
66	S. 108	In the case of a body corporate, 4 penalty units In the case of a natural person, 2 penalty units
67	S. 127(2)	4 penalty units
68	S.128(2)	4 penalty units

Schedule 9—Transitional—Approved courses and qualifications

Regulation 115(1)

In this Schedule—

registered education and training organisation has the same meaning as in the **Education and Training Reform Act 2006**.

<i>Column 1</i> <i>A licence that only authorises the use of—</i>	<i>Column 2</i> <i>Qualification</i>
Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest except a pest animal.	<p>Completion of at least one of—</p> <p>Victoria</p> <p>Certificate in Pest Control (conducted by Commercial Pest Training Services and TAFE Colleges in Victoria).</p> <p>Statement of Attainment in Units 5, 6 and 18 of Certificate II in Asset Maintenance (Pest Management—Technical) issued by a registered education and training organisation.</p> <p>Statement of Attainment in Units 5, 6 and 18 of Certificate III in Asset Maintenance (Pest Management—Technical) issued by a registered education and training organisation.</p> <p>Certificate for recognition of current competencies or prior learning in pest control issued by a registered education and training organisation.</p> <p>Pest Control Correspondence Course (conducted by Australian Environmental Pest Managers Association).</p> <p>South Australia</p> <p>South Australia Pest Control Certificate Course (conducted by Gilles Plains College of TAFE).</p> <p>New South Wales</p> <p>New South Wales Urban Pest Control Course (conducted by New South Wales Department of TAFE at Sydney, Ryde and Werrington Colleges).</p> <p>New South Wales Urban Pest Control Correspondence Course (conducted by New South Wales Department of TAFE, Open Training and Education Network).</p> <hr/> <p>Western Australia</p> <p>Western Australia Pesticide Safety, Pest Control Principles, and Pest Control Domestic and Commercial Courses (conducted by Bentley College of TAFE and Western Australia Department of TAFE Division of External Studies).</p> <p>Northern Territory</p>

Northern Territory Pest Control Operators Course (conducted by Northern Territory Institute of TAFE External Studies Centre) plus final unit of Victorian Certificate Course in Pest Control.

Queensland

Queensland Pest Control Course (conducted by Queensland Distance Education Centre) plus final unit of Victorian Certificate Course in Pest Control.

Urban Pest Control Course (conducted by Ithaca College of TAFE, Grovely Campus).

Pesticides—

- (i) that have been formulated for the control of any pest animal; and
- (ii) to protect an area or place in a building used for commercial purposes or domestic premises or privately owned land adjacent to domestic premises.

Completion of at least one of—

Victoria

Pest Animal Management Course (conducted by Victorian College of Agriculture and Horticulture and Victorian Colleges of TAFE).

Statement of Attainment in the Pest Animal Management Unit of the Diploma of Applied Science (Natural Resource Management) issued by a registered education and training organisation.

Statement of Attainment in Units RTD2101A, RTD2126A, RTD4403A and RTE3406A of Certificate III in Conservation and Land Management issued by a registered education and training organisation.

Certificate for recognition of current competencies or prior learning in pest animal control issued by a registered education and training organisation.

Pesticides that are in the form of fumigants.

Completion of at least one of—

Victoria

Methyl Bromide Fumigation Course (conducted by Victorian College of Agriculture and Horticulture and University of Melbourne).

Statement of Attainment in Unit 6 of Certificate II and Unit 11 of Certificate III in Asset Maintenance (Pest Management—Technical) issued by a registered education and training organisation.

Statement of Attainment in Unit 11 of Certificate III in Asset Maintenance (Pest Management—Technical) issued by a registered education and training organisation on or after 1 January 2005.

Certificate for recognition of current competencies or prior learning in the use of fumigants in pest control issued by a registered education and training organisation.

Phosphine Fumigation Course conducted by The Grain Elevators Board, VicGrain or GrainCorp.

New South Wales

New South Wales Fumigation Course
(conducted by New South Wales WorkCover
Authority).

South Australia

South Australia Fumigation Course
(conducted by Gilles Plains College of
TAFE).

DRAFT

Schedule 10—Transitional—Courses of training and units of competency

Regulation 115(2)

<i>A licence that only authorises the use of—</i>	<i>Course of training</i>	<i>Units of competency</i>
Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest except a pest animal.	Certificate III in Asset Maintenance (Pest Management—Technical)	Units 5, 6 and 18 of Certificate III in Asset Maintenance (Pest Management—Technical)
Pesticides— (i) that have been formulated for the control of any pest animal; and (ii) to protect an area or place in a building used for commercial purposes or domestic premises or privately owned land adjacent to domestic premises.	Certificate III in Conservation and Land Management; or Pest Animal Management Course	Units RTD2101A, RTD2126A, RTD4403A and RTE3406A of Certificate III in Conservation and Land Management; or Units of competency related to pest animal management course
Pesticides that are in the form of fumigants.	Certificate III in Asset Maintenance (Pest Management—Technical)	Unit 11 of Certificate III in Asset Maintenance (Pest Management—Technical)

Endnotes

1 Explanatory details

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2019 is \$14.81. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

In accordance with section 11 of the **Monetary Units Act 2004**, the value of a penalty unit for the financial year commencing 1 July 2019 is \$165.22.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter is included in S.R. No. [X]/2019 in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 4(1) (definition of <i>Water Management Quality Guidelines</i>)	Water Quality Guidelines for Public Aquatic Facilities: Managing Public Health Risk as published by Department of Health and Human Services on [insert date].	the whole

¹ Reg. 117(1): S.R. No. 178/2009 as amended by S.R. Nos 79/2010, 57/2011, 72/2011, 109/2013, 137/2013, 143/2013, 170/2015, 3/2016, 58/2016, 53/2017, 99/2018, 148/2018 and 47/2019.

DRAFT