Public Health Amendment (Miscellaneous) Regulation 2016
under the
Public Health Act 2010

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the Public Health Act 2010.

JILLIAN SKINNER, MP
Minister for Health

Explanatory note
The objects of this Regulation are as follows:
(a) to update references to the Director-General of the Ministry of Health (who is now called the Secretary),
(b) to increase the fee, from $160 to $171, for an application for approval to install a warm-water system,
(c) to provide that an air-handling system may be maintained in accordance with AS/NZS 3666.4:2011 Air-handling and water systems of buildings—Microbial control—Performance-based maintenance of air-handling systems (ducts and components) as an alternate maintenance standard,
(d) to require that a certificate, which certifies a water-cooling system, is in the form determined by the Secretary and is published on the Ministry of Health website,
(e) to declare that eyeball tattooing, tongue piercing and tongue tattooing are skin penetration procedures,
(f) to prescribe Middle East Respiratory Syndrome Coronavirus as an infectious disease for the purposes of Division 3 of Part 8 of the Public Health Regulation 2012, which relates to the handling of bodies,
(g) to increase the fee, from $320 to $342, for an application for approval to exhume the remains of the body of a dead person,
(h) to prohibit medical practitioners who are authorised to issue cremation certificates for the body of a dead person from issuing a cremation certificate for the body of a dead person who is related to them,
(i) to prohibit a medical referee from issuing a cremation permit for the body of a dead person who is related to the medical referee or to whom (or, in the case of a still-born child, to whose mother) the medical referee has provided professional medical care or treatment in the previous 6 months,
(j) to prescribe orders made under Division 5 of Part 6 of the Health and Community Services Complaints Act 2004 of South Australia and Division 4 of Part 10 of the Health Ombudsman Act 2013 of Queensland as corresponding interstate prohibition orders for the purposes of Division 3 of
Part 7 of the Public Health Act 2010, which relates to the provision of health services by persons subject to prohibition orders.

This Regulation is made under the Public Health Act 2010, including sections 5 (definition of skin penetration procedure), 26 (definition of prescribed maintenance requirements), 101 (definition of corresponding interstate prohibition order) and 134 (the general regulation-making power).
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1 Name of Regulation
   This Regulation is the Public Health Amendment (Miscellaneous) Regulation 2016.

2 Commencement
   This Regulation commences on the day on which it is published on the NSW legislation website.
Schedule 1  Amendment of Public Health Regulation 2012

[1] The whole Regulation
Omit “Director-General” and “Director-General’s” wherever occurring.
Insert instead “Secretary” and “Secretary’s”.

[2] Clause 4 Interpretation
Insert after clause 4 (1) (c):

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

[3] Clause 6 Prescribed installation requirements
Omit “$160” from clause 6 (4). Insert instead “$171”.

[4] Clause 8 Prescribed maintenance requirements
Omit “other than a water-cooling system” from clause 8 (2).
Insert instead “other than an air-handling system or a water-cooling system”.

[5] Clause 8 (4A)
Insert after clause 8 (4):

(4A) An air-handling system must be maintained in accordance with:

(a) AS/NZS 3666.2:2011 Air-handling and water systems of buildings—Operation and maintenance, or
(b) AS/NZS 3666.4:2011 Air-handling and water systems of buildings—Microbial control—Performance-based maintenance of air-handling systems (ducts and components).

Insert after clause 10 (1):

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

[7] Clause 21 Skin penetration procedures
Omit clause 21 (1). Insert instead:

(1) The following procedures are declared to be skin penetration procedures:

(a) colonic lavage,
(b) eyeball tattooing,
(c) tongue piercing,
(d) tongue tattooing.

[8] Clause 53 Prescribed infectious diseases
Insert after clause 53 (b):

(b1) Middle East Respiratory Syndrome Coronavirus,

[9] Clause 70 Application to exhume remains
Omit “$320” from clause 70 (2) (c). Insert instead “$342”.
[10] **Clause 81 Cremation certificate**

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

, and

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

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

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

, and

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

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

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

, or

(h) the medical referee has administered professional care or treatment to the dead person at any time in the 6 months preceding death, or

(i) the medical referee is the spouse, de facto partner, parent, grandparent, aunt, uncle, child, brother or sister of the dead person.

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

Insert after clause 82 (3):

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

Maximum penalty: 20 penalty units.

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

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

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

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

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

Insert after clause 84 (2):

(3) A medical referee must not issue a cremation permit for the body of a still-born child if:

(a) the medical referee has administered professional care or treatment to the child or the child’s mother at any time in the 6 months preceding death, or

(b) the medical referee is the parent or grandparent of the child.
Clause 93A

Insert before clause 94 (in Part 9):

93A Corresponding interstate prohibition order

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

(a) any order made under Division 5 of Part 6 of the Health and Community Services Complaints Act 2004 of South Australia,

(b) any order made under Division 4 of Part 10 of the Health Ombudsman Act 2013 of Queensland.