

# Roles and powers of authorised officers



**Authorised officers have powers under the *Public Health Act 2010* and *Public Health Regulation 2022* to protect public health.**

## Appointment of authorised officers

The Secretary of the Ministry of Health (the Secretary) or a local government authority appoints suitably qualified and experienced authorised officers.

Following amendments to the [Public Health Act 2010](#) (the Act) in October 2022, authorised officers must be issued with an identification (ID) card that is in the approved form and contains a recent photograph. A certificate of authority that was issued prior to the amendment is taken to be an ID card until the certificate of authority expires, or an ID card is issued, whichever comes first.

## Role of authorised officers

Authorised officers may visit a skin penetration business for routine inspections or to investigate a particular incident, for example, bacterial infection. These inspections may be undertaken without notice. Officers may also provide information, education and advice to businesses and the public.

## Powers of authorised officers

The powers of authorised officers are outlined in Part 8 of the [Public Health Act 2010](#) (the Act). Generally, the powers relate to:

- entering and inspecting businesses
- inspecting and requesting copies of documents
- making copies of documents
- requiring answers in writing, in relation to suspected breaches
- direct name, name of the occupier and address to be provided for persons suspected to have contravened requirements under the Act or Public Health Regulation 2022
- taking samples for laboratory analysis or evidence
- examining and inspecting any equipment in the business

- taking photos, films and audio, video and other recordings
- taking possession of anything in connection with a breach of the legislation.

## Fees and penalties

Action may be taken if a business fails to comply with the Act or Regulation. This may include:

- An Improvement Notice or Prohibition Order accompanied by an administration fee ranging from \$285 to \$295.
- Penalty notices ranging from \$110 to \$1100 for an individual and \$220 to \$2200 for a corporation. Maximum penalties are higher for prosecutions and may include a daily penalty.
- If a Prohibition Order is issued, the business must display a copy at or near the entrance to the business where it is clearly visible to customers.
- Prohibition Order reinspections attract a fee of \$255 per hour with a minimum charge of 30 minutes and a maximum charge of 2 hours.

Under the Act it is also an offence for a person, without a reasonable excuse, to:

- fail to comply with a direction
- fail to provide documents or information, or to answer a question
- impersonate an authorised officer
- obstruct or assault a person exercising their functions as an authorised officer.

Intimidating or willfully obstructing an authorised officer can incur a maximum penalty of \$11,000 or imprisonment for 6 months, or both.

## Further advice

- Contact your [local council](#).
- Contact your local [Public Health Unit](#) by calling 1300 066 055.

## Further information

The following resources are also available to help skin penetration businesses and practitioners understand the requirements of the *Public Health Act 2010* and Public Health Regulation 2022. Visit our [Skin penetration resources](#) page on the NSW Health website:

### Fact sheets

- Beauty, body art and skin penetration industries
- Fees and penalties