

Fees and penalties

Public Health Act 2010 and Public Health Regulation 2022

The Public Health Regulation 2022 commenced on 1 September 2022. The Regulation carries over many of the provisions in the Public Health Regulation 2012 while also including a range of new provisions.

The *Public Health Act 2010* (the Act) and Public Health Regulation 2022 (the Regulation) allow for fees to be charged in particular circumstances. Penalty notices may also be issued when certain requirements are not complied with. (For COVID-related offences visit <https://www.nsw.gov.au/covid-19>)

Fees

Under the Regulation, a fee may be charged in the following circumstances. (Note: reapplication or updates to notifications will not incur an additional fee).

Section 7(3)	Application for approval of a warm water system installation in a hospital	\$190
Section 8(1)(b)	Notification of installation of warm-water system	\$120
Section 20(1)(b)	Notification of installation of cooling water system	\$120
Section 30(1)(b)	Notification of public swimming pool or spa pool	\$105
Section 42(1)(b)	Notification of carrying out of skin penetration procedure	\$105
Section 95(2)(c)	Application for approval to exhume remains	\$380
Section 103(5)(b)	Application for exemption for cremation documentation	\$105
Section 111(3)	Notification for register of mortuaries	\$105
Section 125	Improvement notice, or prohibition order given to occupier of premises at which there is a regulated system:	
	(a) on or after 1 July 2022 and before 1 July 2023	\$605
	(b) on or after 1 July 2023 and before 1 July 2024	\$620
	(c) on or after 1 July 2024 and before 1 July 2025	\$635
	Improvement notice, or prohibition order in any other case:	
	(a) on or after 1 July 2022 and before 1 July 2023	\$285

(b) on or after 1 July 2023 and before 1 July 2024	\$290
(c) on or after 1 July 2024 and before 1 July 2025	\$295
Re-inspection of premises subject to prohibition order — per hour	\$255

Penalty notice offences

Under the Act and Regulation, penalty notices may be issued for the following offences.

Legionella control

	Penalty for individual	Penalty for corporation
Offences under the Act		
Section 30 Failure to comply with section 11(3)(b) of the Regulation - failure to document and report a risk assessment in accordance with section 13 of the Regulation	\$220	\$440
Section 31 Failure to notify cooling water or warm water systems	\$220	\$440
Section 47 Failure to comply with Prohibition Order	\$1650	\$3300
Offences under the Regulation		
Section 10(1) Failure to display unique identification number	\$220	\$440
Section 19(1) Failure to have documents available for inspection by an authorised officer	\$220	\$440
Section 20(2) Failure to notify change of details for a cooling water system	\$220	\$440
Section 24 Failure to display a Prohibition Order	\$220	\$440

Public swimming pools and spa pools

	Penalty for individual	Penalty for corporation
Offences under the Act		
Section 35(1) Failure to comply with section 3(1) of Schedule 1 of the Regulation – failure to fit a pool with an automated or continuous metered dosing system	\$550	\$1100
Section 35(2) Failure to notify a public swimming pool or spa pool	\$220	\$440
Section 37 Failure to display a Prohibition Order	\$220	\$440
Section 47 Failure to comply with a Prohibition Order	\$1100	\$2200
Offences under the Regulation		
Section 28(4) Failure to display a temporary closure order	\$220	\$440

Skin penetration

	Penalty for individual	Penalty for corporation
Offences under the Act		
Section 38(1) Contravention of section 34(1)(b) of the Regulation – failure to have a waste disposal bin	\$110	\$220
Section 38(1) Contravention of section 34(1)(c) of the Regulation - failure to have a hand wash basin with a supply of clean, warm, potable water	\$550	\$1100
Section 38(1) for an offence involving a contravention of section 36(1) of the Regulation - failure to have an appropriate sharps container	\$550	\$1100
Section 38(2) Failure to notify skin penetration procedures	\$220	\$440
Section 47 Failure to comply with a Prohibition Order	\$1100	\$2200
Offences under the Regulation		
Section 44 Failure to display a Prohibition Order	\$220	\$440

Further information

The following resources are also available to help affected stakeholders understand the requirements of the *Public Health Act 2010* and Public Health Regulation 2022. Visit our [Public health legislation page](#) on the NSW Health website.

Fact sheets

- [Public Health Regulation 2022 – Key changes](#)

Legislation

- [Public Health Act 2010](#)
- [Public Health Regulation 2022](#)