

Public Health Regulation 2022

Key changes

The Public Health Regulation 2022 (the Regulation) 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.

Overview of key changes

The Regulation contains provisions to support the *Public Health Act 2010*, including in relation to legionella control, disposal of bodies, control of skin penetration procedures, control of public swimming pools and spa pools, and codes of conduct for non-registered health practitioners.

Following consultation, a number of changes have been introduced to enhance the operation of the regulation and to improve public health in NSW. Some key changes to the Regulation are:

- simplification of paperwork requirements for cremation applications ([Part 8 Disposal of bodies](#))
- clarification of equipment requirements for premises that carry out skin penetration procedures ([Part 4 Skin penetration](#))
- two new penalty notice offences for legionella control ([Part 2 Legionella control](#))
- simplification of monitoring requirements to ensure pools are properly disinfected ([Part 3 Public swimming pools and spa pools](#))
- creation of a new code of conduct that is to apply to health organisations arising from changes to the Public Health Act in 2020 ([Part 9 Miscellaneous](#)).

Part 2 Legionella control

- Strengthening of the independence requirements for auditors in section 15 to address concerns around conflict of interest.
- Two new penalty notice offences for:
 - failing to have documents available for inspection by an authorised officer
 - failing to notify the local government authority when details relating to a cooling water system change.

Part 3 Public swimming pools and spa pools

- New requirement excluding water play parks and other recreational structures from the definition of swimming pool or spa pool if they use a public water supply, do not use a recirculation system and do not store water.
- Removal of ORP (Oxidation Reduction Potential) as a method of measuring disinfection effectiveness. ORP systems may still be used however disinfectant levels and monitoring must comply with Schedule 1 requirements.

Part 4 Skin penetration

- Hand basins must not be obstructed or used for storage.
- Equipment must be cleaned in a dedicated sink.
- Hand basins must be supplied with liquid soap **and** alcohol based cleaner.
- The requirement to comply with AS2182:1998 has been removed as this standard was rescinded and will not be remade.
- New requirements for autoclaves to be calibrated every 12 months.
- Autoclave is defined.
- New requirement to notify the local government authority **before** skin penetration procedures are carried out.

Part 6 Scheduled medical conditions

- Removal of references to AIDS, as it is no longer a category 2 condition.
- The matters that must be considered by an authorised medical practitioner in deciding whether

to make a public health order has been expanded to include whether reasonable attempts have been made to provide the person with information about the effects of the contact order condition.

- Who may give advice to a person suffering from a Category 2 or 3 condition has been expanded.
- The definition of relevant health practitioner now includes a person who provides public and population health services for the purposes of notifying a person who may have been in contact with a person suffering from a Category 2, 3 or 4 condition.

Part 7 Other disease control measures

- A new exemption from pre-enrolment immunisation requirements relating to childcare facilities to allow the principal of a childcare facility to permit enrolment of a child that meets certain requirements.

Part 8 Disposal of bodies

- The length of time a body can be kept in a hospital has been increased from 5 to 21 days.
- The requirement to comply with the 'Australian Guidelines for the Prevention and Control of Infection in Healthcare' published by the National Health and Medical Research Council (NHMRC) has been removed.
- To improve the process for registration of bodies, mortuaries are to register bodies immediately after the body is delivered to the mortuary for preparation instead of after the body is prepared.

- The Secretary of the Ministry of Health (the Secretary) can now grant a general exemption, in addition to an individual exemption, for shallow burials (less than 900mm below the natural surface level of the soil).
- Removal of the requirement for the Secretary to approve the material used to hermetically enclose a body when buried in a vault.
- A cremation certificate is no longer required.
- A relevant medical practitioner needs to provide written advice about the physical risk of cremation of the body of a deceased person.
- A relevant medical practitioner in this context is a medical practitioner who:
 - attended the person immediately before or during the illness terminating in the death of the person, or
 - has relevant knowledge of the dead person's medical history.
- Medical referees are no longer required to make an external examination of the body as a condition to issue a cremation permit, however they may conduct one if they think it is necessary.

Part 9 Miscellaneous

A new code of conduct has been prescribed for the purposes of section 100 of the Act for the provision of health services by a relevant health organisation. This new code of conduct is similar to the existing code of conduct for nonregistered health practitioners.

Further advice and resources

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

Legislation and Standards

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

Other

- [Standards Australia](#)

Further resources to help affected stakeholders understand the requirements of the Act and Regulation can be found on the [Public health legislation](#) page of the NSW Health website:

- Legionella control
- Public swimming pools and spa pools
- Skin penetration
- Safety measures for drinking water
- Scheduled medical conditions
- Other disease control measures
- Final arrangements of the deceased
- Code of Conduct