Queensland

Health Act 1937

HEALTH REGULATION 1996

Reprinted as in force on 19 May 2000
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Information about this reprint

This regulation is reprinted as at 19 May 2000. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland

HEALTH REGULATION 1996

TABLE OF PROVISIONS

HEALTH REGULATION 1996

[as amended by all amendments that commenced on or before 19 May 2000]

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Health Regulation 1996*.

PART 3—CANCER REGISTRATION

Definition for part

16. In this part—

"hospital" means a private, psychiatric, public or other hospital.

Class of patient or resident—Act, s 100C(1)

17. A person belongs to the class of patient or resident to whom section 100C(1)[1] of the Act applies if the person has cancer and is—

(a) an admitted patient in a hospital; or

(b) a resident in a nursing home; or

(c) a patient attending a hospital for chemotherapy or radiotherapy.

Time for giving return—Act, s 100C(1)

18. A prescribed person must give the return mentioned in section 100C(1) of the Act within 1 month after—

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1 Section 100C (Returns about cancer to be given to chief executive)

(a) the discharge or transfer of the patient or resident from a nursing home or hospital; or

(b) the death of the patient or resident; or

(c) the patient first attended a hospital for chemotherapy or radiotherapy in any calendar year.

Person required to complete return—Act, s 100C(1)

19. The person required to complete a return under section 100C(1) of the Act is a medical superintendent, director of nursing or other competent person who has been given the function by the prescribed person for the relevant nursing home or hospital.

Classes of cancer—Act, s 100C(2)

20. Section 100C(2) of the Act applies to all classes of cancer.

Time for giving return—Act, s 100C(2) and (3)

21.(1) A person required to give a return under section 100(2)(b) must do so within 1 month after the examination.

(2) A person required to give a return under section 100(3) must do so within 1 month after the examination.

Person prescribed as contractor—Act, s 100DA(1)

21A. For section 100DA(1)[2] of the Act, the person prescribed is Queensland Cancer Fund ACN 009 784 356.

Time for giving further information—Act, s 100DC(3)(a)

21B. For section 100DC(3)[3] of the Act, the time prescribed is within 1 month after receiving a notice under the subsection.

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2 Section 100DA (Responsibility for maintenance of register)

3 Section 100DC (Further information may be required)

Disclosure of information from register—Act, s 100E(3)(e)

21BA. The agreement between the State of Queensland and the Australian Institute of Health and Welfare for the giving of certain health information by the State to the Institute dated 4 May 1999 is an agreement for section 100E(3)(e)[4] of the Act.

PART 3A—PAP SMEAR REGISTER

Clinical information—Act, s 100FA

21C.(1) For paragraph (b) of the definition "clinical information", section 100FA[5] of the Act, the following information about a woman is prescribed—

(a) whether a Pap smear or histological sample was obtained from the woman;

(b) the provider details of the provider who performed the procedure to obtain the Pap smear or histological sample;

(c) the number used by the pathology laboratory to identify the provider's request for the testing of the Pap smear or histological sample;

(d) the code used by the pathology laboratory to identify the woman;

(e) the accession code for the Pap smear or histological sample;

(f) for a Pap smear test—the recommendation code;

(g) the date the final result of the Pap smear test or histology test is given to the provider, whether or not preliminary results have also been given to the provider.

(2) In this section—

"accession code", for a Pap smear or histological sample, means a code

4 Section 100E (Confidentiality)

5 Section 100FA (Definitions for div 11)

used by a pathology laboratory to identify the Pap smear or histological sample.

"provider details", of a provider, means—

(a) if the provider is a medical practitioner—the provider's name, postal address and provider number; or

(b) if the provider is not a medical practitioner—the provider's name and postal address.

"provider number", of a provider, means the number that is allocated by the Health Insurance Commission to the provider under the *Health Insurance Act 1973* (Cwlth) and identifies the provider and the places where the provider practices his or her profession.

"recommendation code", for a Pap smear test, means a code used by a pathology laboratory to identify a recommendation made to a provider after testing the Pap smear.

PART 4—DISPENSARY

Division 1—Preliminary

Definitions

22. In this part—

"AS 1386" means Australian Standard 1386—Cleanrooms and Clean Work Stations.

"AS 2639" means Australian Standard 2639—Cytotoxic Drug Safety Cabinets—Installation and Use.

"Australian Standard" means a standard published by Standards Australia.

"dispensary" means a place used by a pharmacist to dispense a drug or poison.

"dispense" includes compound.

"equipment" includes apparatus and utensils.

"extemporaneous preparation" means a medicine made from 2 or more weighed or measured ingredients (other than a medicine obtained by merely reconstituting an existing medicine).

"Standard for the Uniform Scheduling of Drugs and Poisons" has the meaning given by the *Poisons Regulation 1973*.

"therapeutic use" means use for or in—

(a) preventing, diagnosing, curing or alleviating a disease, ailment, defect or injury; or

(b) influencing, inhibiting or modifying a physiological process; or

(c) testing the susceptibility of a person or animal to a disease or ailment.

Division 2—General requirements

Restriction on use of place as dispensary

23.(1) The occupier of a dispensary must ensure the dispensary—

(a) is adequately enclosed, ventilated, painted and lit; and

(b) has lined walls and ceilings; and

(c) has a floor covering that may be easily cleaned; and

(d) has a stainless steel sink supplied with—

(i) cold running water; and

(ii) hot running water of at least 60°C; and

(e) has a separate dispensing bench with a smooth, impervious surface.

(2) The occupier of a dispensary must ensure the dispensary is only used for a purpose associated with dispensing a drug or poison.

Maximum penalty—20 penalty units.

Standards to be maintained

24. The occupier of a dispensary must ensure—

(a) the dispensary is kept clean, and free from anything able to contaminate a drug or poison; and

(b) benches, shelves, drawers, and other places used in association with the dispensary, where drugs or poisons are placed or stored, are kept clean, and free from anything able to contaminate a drug or poison; and

(c) equipment used to dispense a drug or poison is—

(i) free from cracks and chips; and

(ii) regularly serviced, kept in an efficient state of operation, and repaired as necessary; and

(iii) kept clean, and free from anything able to contaminate a drug or poison; and

(d) containers used to hold drugs and poisons are always kept clean, and free from—

(i) cracks and chips; and

(ii) anything able to contaminate a drug or poison; and

(e) drugs and poisons are stored at appropriate temperatures.

Maximum penalty—20 penalty units.

Items to be available at dispensary

25.(1) The occupier of a dispensary must ensure the items in schedule 4 are available at the dispensary.

Maximum penalty—20 penalty units.

(2) If a dispensary is used to dispense an extemporaneous preparation, the occupier of the dispensary must ensure the additional items in schedule 5 are available at the dispensary.

Maximum penalty—20 penalty units.

(3) If an item mentioned in schedule 4 or 5 is a document, the document may be a printed, microfiche or electronic copy of the document.

Division 3—Sterile dispensing

Application of division

26.(1) This division applies to the dispensing of drugs or poisons for therapeutic use, using—

(a) an aseptic technique; or

(b) a process in which sterilisation happens as the last stage of dispensing the drugs or poisons.

(2) However, this division does not apply to the dispensing of—

(a) proprietary eye drops that are merely reconstituted; or

(b) antineoplastic drugs.

General requirements

27. The occupier of a dispensary used for drug or poison dispensing to which this division applies must ensure the dispensing happens—

(a) in a separate part of the dispensary; and

(b) under a system that controls particulate and microbial contaminants in a way appropriate to the class of drugs or poisons being dispensed; and

(c) under a high standard of hygiene; and

(d) with special care and attention to detail; and

(e) in the way specified under procedures established and validated by the pharmacist managing or supervising the dispensary; and

(f) using a properly maintained laminar flow cabinet in an area complying with parts 1 to 6 of AS 1386.

Maximum penalty—20 penalty units.

Standard operating procedures to be applied

28.(1) An occupier mentioned in section 27 must ensure—

(a) written policies and standard operating procedures are prepared—

(i) for the drug or poison dispensing; and

(ii) complying with subsection (2); and

(b) the policies and procedures are available in the dispensary; and

(c) the drug or poison dispensing complies with the policies and procedures; and

(d) the policies and procedures are reviewed at intervals of not more than 1 year.

Maximum penalty—20 penalty units.

(2) The policies and procedures mentioned in subsection (1) must provide for—

(a) the training and monitoring of staff involved in a technique or process mentioned in section 26(1); and

(b) the operation and cleaning of the part of the dispensary mentioned in section 27(a); and

(c) spillage, storage and disposal of waste; and

(d) servicing of equipment used in drug or poison dispensing; and

(e) quality assurance; and

(f) packing, labelling, handling and storage of drugs and poisons.

Maintenance

29.(1) An occupier mentioned in section 27 must ensure equipment used for sterile drug or poison dispensing, and air handling facilities for the part of the dispensary mentioned in section 27(a), are regularly maintained under a planned maintenance schedule.

(2) The occupier must also ensure the equipment and facilities mentioned in subsection (1) are maintained and tested in a way complying with AS 1386.

Maximum penalty—20 penalty units.

Division 4—Dispensing of antineoplastic drugs

Application of division

30. This division applies to the dispensing of antineoplastic drugs.

General requirements

31.(1) The occupier of a dispensary used for dispensing to which this division applies must ensure the dispensing happens—

(a) in a separate part of the dispensary; and

(b) under a system that controls particulate and microbial contaminants in a way appropriate to the class of drugs being dispensed; and

(c) under a high standard of hygiene; and

(d) with special care and attention to detail; and

(e) in the way specified under procedures established and validated by the pharmacist managing or supervising the dispensary.

(2) If it is necessary to store an antineoplastic agent within a particular temperature range to ensure that the agent will be effective when it is used, an occupier mentioned in subsection (1) who has any of the agent must ensure it is stored—

(a) in a refrigerator at the appropriate temperature; and

(b) in an enclosed container preventing the agent from contaminating other items in the refrigerator.

Maximum penalty—20 penalty units.

Dispensing

32.(1) An occupier mentioned in section 31(1) must ensure, for the purpose of the dispensing, that—

(a) AS 2639 is complied with; and

(b) vertical laminar flow cabinets complying with AS 2639 are used; and

(c) persons directly involved in the dispensing wear impervious clothing and gloves; and

(d) the compounding room and an adjoining anteroom have an air supply and extraction system separate from the air supply and extraction for any other part of the premises in which the rooms are situated; and

(e) air exhausts are sited so as not to cause pollution or toxicity outside the area where the dispensing happens.

Maximum penalty—20 penalty units.

(2) This section does not apply to the dispensing of an antineoplastic drug if it is a pre-packed product not needing further preparation.

Standard operating procedures to be applied

33.(1) An occupier mentioned in section 31(1) must ensure—

(a) written policies and standard operating procedures are prepared—

(i) for the dispensing; and

(ii) complying with subsection (2); and

(b) the policies and procedures are available in the dispensary; and

(c) the way the drugs are dispensed complies with the policies and procedures; and

(d) the policies and procedures are reviewed at intervals of not more than 1 year.

Maximum penalty—20 penalty units.

(2) The policies and procedures mentioned in subsection (1) must provide for—

(a) the training and monitoring of staff involved in the dispensing; and

(b) the operation and cleaning of the part of the dispensary mentioned in section 31(1)(a); and

(c) spillage, storage and disposal of waste; and

(d) servicing of equipment used in the dispensing; and

(e) quality assurance; and

(f) packing, labelling, handling and storage of antineoplastic drugs.

Maintenance

34. An occupier mentioned in section 31(1) must ensure equipment used to dispense antineoplastic drugs, and air handling facilities for the part of the dispensary mentioned in section 31(1)(a), are regularly maintained under a planned maintenance schedule.

Maximum penalty—20 penalty units.

PART 5—HAIRDRESSERS

Division 1—Administration of part and interpretation

Definitions

35. In this part—

"hairdresser" means every person who shaves, cuts, trims, dresses, waves, curls, stains or dyes or who in any other way treats the hair of any person for a fee or reward, and also any person who for fee or reward performs scalp or facial massage, manicure, pedicure, or in any other way whatsoever treats or otherwise deals with the head, scalp, face, hands, skin, fingernails, toenails, or feet or manipulates any form of electrical treatment, but does not include a medical practitioner, physiotherapist or podiatrist whilst engaged in the conduct of his or her profession.

"hairdresser's shop" means the premises wherein or whereon any of the operations of a hairdresser is conducted, but does not include the premises where the operations of a hairdresser are conducted pursuant to a mobile hairdressing service licence.

"licensed premises" means a hairdresser's shop or other premises, in respect of which a hairdresser's shop licence or mobile hairdressing

service licence is issued pursuant to this part, wherein, whereon or wherefrom a hairdresser conducts the operations of a hairdresser.

"mobile hairdressing service" means the practice whereby a hairdresser conducts any of the operations of a hairdresser other than at a hairdresser's shop.

"waste receptacle" means a standard commercial waste container or a standard domestic waste container within the meaning of the *Environmental Protection (Interim Waste) Regulation 1996*.

Superintendence by local governments

36.(1) This part shall be in force within the areas of all local governments.

(2) Each local government shall superintend and see to the execution of this part and shall do and provide all such acts, matters and things as may be necessary for superintending or aiding in the execution thereof.

Division 2—Licences

Licences for hairdressers' shops and mobile hairdressing services

37.(1) A person shall not use any premises as a hairdresser's shop unless the person is the holder of a current hairdresser's shop licence in the person's name in respect of such premises, granted by a local government.

(2) A person shall not establish or conduct a mobile hairdressing service unless the person is the holder of a current mobile hairdressing service licence granted by a local government.

Maximum penalty—40 penalty units.

Application for licence

38.(1) An application for—

(a) a hairdresser's shop licence shall be made to the local government in whose area the shop is situated in the approved form and shall be accompanied by—

(i) the appropriate licence fee from time to time fixed by resolution of the local government; and

(ii) a copy of specifications and drawings of the shop showing plans and elevations to a scale not smaller than 1:100, and where necessary, further detailed drawings including sections that facilitate adequate assessment of the subject matter to the application; and

(b) a mobile hairdressing service licence shall be made to the local government in whose area the service is to be conducted in the approved form and shall be accompanied by—

(i) the appropriate licence fee from time to time fixed by resolution of the local government; and

(ii) where the premises in respect of which the application is sought comprise a building or a caravan, a copy of specifications and drawings of the premises showing plans and elevations to a scale not smaller than 1:100, and where necessary, further detailed drawings including sections that facilitate adequate assessment of the subject matter to the application.

(2) Upon consideration of an application for a licence, the local government shall—

(a) grant a licence in accordance with the application; or

(b) grant a licence subject to such reasonable and relevant conditions as it deems fit; or

(c) refuse the application for good cause shown.

Application for renewal of licence

39.(1) An application for renewal of a licence issued pursuant to this part shall be—

(a) made in the approved form; and

(b) accompanied by the appropriate licence renewal fee from time to time fixed by resolution of the local government; and

(c) made at least 30 days prior to the date of expiry thereof or the next

previous renewal thereof.

(2) Upon receipt of an application for renewal of a licence, the local government shall—

(a) grant a renewal of the licence in accordance with the application; or

(b) refuse the application for good cause shown.

Form of licences and renewals

40. A licence, or renewal of a licence, must be in the approved form.

Duration of licence

41.(1) A licence issued pursuant to this part shall take effect from the date of issue thereof and unless earlier cancelled or suspended shall expire—

(a) on the 30 June next following; or

(b) on the day 12 months after the date thereof, as determined by the local government.

(2) A renewal of a licence issued pursuant to this part shall take effect from the expiry date of the licence, or as the case may be, the next previous renewal thereof and, unless earlier cancelled or suspended, shall expire on—

(a) the 30 June next following; or

(b) the day 12 months after the date thereof, as determined by the local government.

Transfer of licence

42.(1) A hairdresser's shop licence may, with the consent of the local government by which it was issued, be transferred to another person.

(2) An application to transfer a licence shall be made by the licensee and the transferee in the approved form and be accompanied by the appropriate transfer of licence fee from time to time fixed by resolution of the local government.

(3) The transfer of a licence shall be effected by the production of the

licence to the local government and the endorsement thereon by the local government of the name and address of the transferee who shall thereupon become and be the licensee under and for the purposes of this part.

Additional information to be furnished

43. An applicant for a licence, renewal of a licence or transfer of a licence shall furnish such additional information and particulars relevant to the application as the local government considers necessary and requests in writing.

Refusal of licence etc.

44. A local government may refuse to licence, renew a licence or transfer a licence if the applicant, licensee or transferee, as the case may be, has been convicted within a period of 2 years of an offence against this part.

Cancellation etc. of licence

45.(1) A local government may, subject to this section, by notice in writing to the licensee cancel or suspend a licence if—

(a) the licensee fails to observe or comply with any conditions of the licence; or

(b) the licensee is convicted of an offence against this part; or

(c) the licensed premises no longer comply with the requirements of this part.

(2) Before it gives a notice under subsection (1), a local government shall afford to the licensee an opportunity to show cause why the notice should not be given, by notifying the licensee in writing of a day (being not earlier than 30 days after the giving of the notification), a time and place when and where the licensee may show cause why the notice, which it is proposed to issue, should not be issued.

(3) Any licensee to whom a notification is given under subsection (2)—

(a) may appear at the day, time and place so notified and take such steps as are calculated to show the required cause; or

(b) may endeavour to show the required cause by writing furnished to the chief executive officer of the local government concerned at any time before the time so notified.

(4) When a local government suspends a person's licence—

(a) such licence shall not be effective; and

(b) that person shall be deemed not to be a licensee, for the period of the suspension.

Delivery of licence to local government

46.(1) When a licence is cancelled or suspended pursuant to this part, the person who was the licensee shall, upon request by notice in writing served upon the person, deliver that cancelled or suspended licence to the local government within 7 days therefrom.

Maximum penalty—40 penalty units.

(2) Upon the termination of the period of suspension of a licence delivered up to the local government in pursuance of subsection (1), the local government shall, if such licence is still in force, return it to the licensee.

Division 3—Licensed premises

Requirements for hairdresser's shop

47. A local government shall not issue a hairdresser's shop licence unless—

(a) there is provided in the premises in respect of which the application relates—

(i) in the room where customers are attended to, suitable and sufficient wash handbasins to which hot and cold running water are connected and so located as to be readily accessible to hairdressers;

(ii) an adequate supply of hot and cold water to every sink and basin in the premises;

(iii) adequate vermin-proof cupboards, cabinets or similar fittings for the storage of all clean towels, cloths or other materials that may be required to hygienically conduct the operations of a hairdresser;

(iv) sufficient receptacles—

(A) constructed of light coloured, durable, smooth and impervious material with close fitting lids; and

(B) having painted thereon or affixed thereto in letters of not less than 100 mm in height the words 'SOILED LINEN';

for the reception of all soiled towels, cloths and similar material; and

(v) sufficient receptacles constructed of a smooth and impervious material with close fitting lids for the reception of hair, paper and other waste material; and

(b) the floor of the premises on which the operations of a hairdresser are to be conducted is surfaced with a smooth, durable and impervious material; and

(c) all surfaces in the premises in respect of which the application relates on which appliances, implements, instruments, tools or things are or may be placed are of a durable, smooth and impervious material free from cracks or crevices.

Requirements for mobile hairdressing service

48. A local government shall not issue a mobile hairdressing service licence unless—

(a) there is provided in the premises in respect of which the application is made—

(i) facilities for the cleaning and disinfection of all appliances, implements, instruments and tools; and

(ii) an adequate supply of hot and cold water; and

(iii) adequate receptacles constructed of light coloured, durable, smooth and impervious material with close fitting lids for

the reception of soiled towels, cloths and similar materials; and

(iv) adequate vermin-proof cupboards, cabinets or similar fittings for the storage of all clean towels, cloths or other materials that may be required to hygienically conduct the operations of a hairdresser; and

(b) all surfaces in the premises in respect of which the application relates on which appliances, implements, instruments, tools or things are or may be placed are of a durable, smooth and impervious material free from cracks or crevices.

Division 4—Sanitary provisions

Conduct of premises

49. A licensee—

(a) shall cause all walls, floors, ceilings, floor coverings, shelves, fittings, furniture, appliances, implements, instruments, tools and things that are situated or used in the licensed premises to be maintained in good order and in a clean condition so as to ensure the hygienic conduct of the operations of hairdressers; and

(b) shall ensure that the contents of receptacles for the reception of soiled towels, cloths and similar material are removed from the licensed premises daily and are not brought back into the premises unless properly disinfected in accordance with this part; and

(c) shall provide at all times for the exclusive use of hairdressers an adequate supply of—

(i) soap or antibacterial cleansing agent of a type specified in schedule 6, part 1; and

(ii) nail brushes; and

(iii) clean towels or other suitable hand drying equipment; and

(d) in the case of a licensee of a hairdresser's shop—

(i) shall cause any hair, paper and other waste material

deposited in refuse receptacles to be disposed of at least once daily in a waste receptacle; and

(ii) shall not use the wash handbasins referred to in section 47(a)(i) for the purpose of washing or rinsing the hair or scalp of a customer; and

(iii) shall cause the floor of his or her hairdresser's shop to be completely swept at least once a day.

Maximum penalty—40 penalty units.

Hairdresser to remain clean

50. A hairdresser shall whilst conducting any of the operations of the hairdresser—

(a) at all times keep his or her clothing, hands, fingernails and body clean;

(b) thoroughly cleanse his or her hands by washing and scrubbing with soap or antibacterial agent of a type specified in schedule 6, part 1 and water and drying them with a clean towel or other suitable hand drying equipment—

(i) immediately before commencing and immediately after completing any service on a customer;

(ii) immediately after visiting or using a sanitary convenience;

(iii) immediately after smoking;

(iv) immediately after using a handkerchief or nasal tissue;

(v) immediately after handling or touching soiled towels, cloths or similar materials or waste materials used or produced in connection with the particular operation conducted;

(c) at all times when attending to a customer, wear clean clothing; and

(d) not carry combs or other appliances, implements, instruments or tools in pockets of his or her clothing.

Maximum penalty—40 penalty units.

Smoking

51. A hairdresser shall not smoke while attending to a customer.

Maximum penalty—40 penalty units.

Waste collection

52. A hairdresser conducting the operations of a hairdresser on licensed premises shall cause—

(a) all hair clippings and other waste, including shaving lather and paper, to be swept up or collected as soon as practicable after each hair treatment and placed in a refuse receptacle or waste receptacle; and

(b) all soiled towels, cloths and paper, immediately after use to be placed in the proper receptacle.

Maximum penalty—40 penalty units.

Expectorating and animals prohibited

53.(1) A person shall not expectorate in licensed premises.

(2) A person shall not keep or allow any animal to be in licensed premises.

Maximum penalty—40 penalty units.

Use of clean towels etc.

54.(1) A hairdresser shall not, in the course of carrying out any of the operations of a hairdresser, use any towel, wrap, cloth, paper, headband or any other thing which comes into contact with the skin of a customer that is not clean.

(2) A hairdresser shall place a paper strip or clean towel not previously used completely around the neck of each customer before any wrap or other protective device is fastened around the neck.

(3) A hairdresser shall not cause or permit a customer to recline in a chair or couch, unless the head rest of the chair or couch has first been covered with a clean towel, cloth or clean sheet of paper not previously used for any

other purpose.

Maximum penalty—40 penalty units.

Method of lathering

55.(1) A hairdresser shall cause all lathering and soaping required to be carried out on a customer to be effected by wetting the shaving brush with water and sprinkling it with soap, powder, cream or fluid before applying it to the skin or hair of the customer.

(2) A hairdresser shall not rub or dip a shaving brush in soap or soap preparation, nor shall the hairdresser apply soap or soap prepared directly to the skin or hair of a customer except by means of a spatula or applicator which has been disinfected prior to such use or by means of a sterile disposable spatula or applicator which the hairdresser shall immediately after use dispose of in the refuse receptacle provided or in a waste receptacle.

Maximum penalty—40 penalty units.

Use of powder puffs etc. prohibited

56.(1) A hairdresser shall not use on a customer a rotary hairbrush, sponge, powder puff, neck duster, substances in block form or any other thing or substance likely to convey infection to the customer.

(2) If a hairdresser has occasion to arrest bleeding that arises in the course of service to a customer—

(a) the hairdresser shall apply cotton wool, impregnated with a styptic in liquid or powdered form, to the site of the bleeding; and

(b) the hairdresser shall, immediately after having arrested the bleeding, deposit the cotton wool in the refuse receptacle provided or a waste receptacle.

(3) A hairdresser shall not apply to the skin of a customer any powder, rouge, or similar cosmetics other than by means of a mechanical blower or a fresh clean pad or brush.

(4) A hairdresser shall not apply, petroleum jelly or any other substance to the skin of a customer unless it is removed from its container by means

of a spatula or applicator which has been disinfected prior to such use or by means of a sterile disposable spatula or applicator which the hairdresser shall immediately after use dispose of in the receptacle provided or a waste receptacle.

(5) A hairdresser shall keep all fluids and solutions for use in permanent waving in a type of container that prevents contamination of the unused solution.

(5A) A hairdresser shall not apply to a customer fluids or solutions previously used on another customer.

(6) A hairdresser shall not apply creams or other substances used in face massage to a customer unless it is removed from a collapsible tube or alternatively from a container by means of a spatula or applicator which has been disinfected prior to use or by means of a sterile disposable spatula or applicator which the hairdresser shall immediately after use dispose of in the receptacle provided or a waste receptacle.

Maximum penalty—40 penalty units.

Depilatory wax

57. A hairdresser shall not use wax for the removal of hair from any part of the body of a person unless such wax—

(a) has not previously been used for the removal of hair from any part of the body of another person; or

(b) if it has been so used, has been cleaned by being—

(i) strained through a metal straining appliance to remove all hair and other extraneous matter; and

(ii) maintained at a temperature of not less than 130°C for not less than 15 minutes.

However, wax which has been previously used in the removal of hair from any part of the body of a person who was at the time of such use, suffering from an infectious skin disease or was infested with head lice or some other parasitic infestation of the skin or hair, shall not be used for the purpose of removal of hair from any part of the body of

another person.

Maximum penalty—40 penalty units.

Division 5—Disinfection of appliances

Disinfection of appliances etc.

58.(1) A hairdresser shall keep all appliances, implements, instruments and tools in a clean condition and shall disinfect such appliances, implements, instruments and tools before use each day and immediately after use on each customer.

(2) A hairdresser shall—

(a) keep all razors, scissors, forceps, combs and clippers, when not in use, in containers provided for that purpose; and

(b) keep the containers closed except when articles are being placed therein or removed therefrom; and

(c) wipe out the containers daily with a cloth or pad impregnated with a solution specified in schedule 6, part 2 hereto; and

(d) after being used, thoroughly clean, rinse and dry all portable bowls, basins, cups and like containers with soap or suitable detergent and keep the same dust free.

(3) A hairdresser shall disinfect appliances, implements, instruments, tools and other things in the following manner—

(a) razors, scissors, shears and combs by—

(i) washing in cold water and soap or a suitable detergent; and

(ii) drying with a clean cloth or towel; and

(iii) immersion in a solution specified in schedule 6, part 2;

(b) clippers by—

(i) brushing the clipper teeth with a clean brush dipped in methylated spirits or 95% ethyl alcohol to remove all hair; and

(ii) wiping the blades with a clean swab or cloth impregnated

with a solution specified in schedule 6, part 2;

(c) hair and shaving brushes by—

(i) washing in cold water and soap or a suitable detergent; or

(ii) by immersion in a solution specified in schedule 6, part 2;

(d) towels, cloths, wraps and other washable fabrics by—

(i) immersing in a solution specified in schedule 6, part 2; or

(ii) washing—

(A) in water at a temperature of at least 71°C for not less than 10 minutes; or

(B) in water and drying or ironing at a temperature of at least 71°C on the premises where washed;

(e) plastic wraps by—

(i) washing in cold water and soap or suitable detergent; and

(ii) drying with a clean cloth or towel;

(f) strops by wiping with a pad, cloth or sponge impregnated with a solution specified in schedule 6, part 2;

(g) hair clips and rollers used in hair waving or styling and which come into contact with the customer's hair by—

(i) washing in cold water and soap or suitable detergent; and

(ii) drying with a clean cloth or towel; and

(iii) immersing in a solution specified in schedule 6, part 2;

(h) electric heating clips and tongs used in hair waving or styling and which come into contact with the customer's hair by wiping with a clean swab or cloth impregnated with a solution specified in schedule 6, part 2;

(i) all other appliances, implements, instruments and tools capable of being immersed in liquid by immersing in a solution specified in schedule 6, part 2.

(4) A hairdresser shall not use an appliance, implement, instrument or tool which has been dropped on to the floor or otherwise contaminated unless the hairdresser has first disinfected the same in the manner

prescribed by this section.

Maximum penalty—40 penalty units.

Division 6—Miscellaneous

Infectious skin diseases etc.

59.(1) A person who knows or suspects that he or she is suffering from an infectious skin disease, or is infested with head lice or some other parasitic infestation of the skin or hair, shall not enter licensed premises.

(2) A hairdresser shall not carry out any of the operations of a hairdresser on any person in a hairdresser's shop if—

(a) the hairdresser has been notified by such person or, after inquiry by the hairdresser, by any other person that such person is or may be suffering from an infectious skin disease, or is or may be infested with head lice or some other parasitic infestation of the skin or hair; or

(b) the hairdresser knows or suspects that such person is suffering from an infectious skin disease, or is infested with head lice or some other parasitic infestation of the skin or hair.

(3) If a hairdresser knows or suspects that a person in his or her hairdresser's shop is suffering from an infectious skin disease, or is infested with head lice or some other parasitic infestation of the skin or hair, the hairdresser shall direct such person to leave the hairdresser's shop.

(4) A hairdresser suffering from an infectious skin disease, or who is infested with head lice or some other parasitic infestation of the skin or hair, shall not—

(a) carry out any of the operations of a hairdresser;

(b) enter or remain in licensed premises when the hairdresser becomes aware that the hairdresser is suffering from an infectious skin disease, or is infested with head lice or other parasitic infestation of the skin or hair.

(5) If a hairdresser observes the presence of an infectious skin disease on a customer the hairdresser shall—

(a) immediately gather together all readily movable appliances, implements, instruments, tools and things used in the services of that customer and disinfect such appliances, implements, instruments, tools and things in the manner prescribed in this part; and

(b) immediately destroy, disinfect or dispose of in a waste receptacle every paper, pad, swab, appliance, implement, tool and thing used in the service of such customer and in the case of towels, cloths and any coat or overall worn by the hairdresser, cause such towels, cloths and coat or overall to be placed in a sealed container and at the first practicable opportunity disinfect the same in the manner prescribed in this part; and

(c) cleanse his or her hands by scrubbing them with a nail brush and soap or antibacterial cleansing agent of a type specified in schedule 6, part 1.

Maximum penalty—40 penalty units.

PART 6—HYPERBARIC CHAMBER THERAPY

Definitions

60. In this part—

"compression (recompression) chamber" means a chamber in which a person may be subjected to a pressure greater than that experienced at sea level atmospheric pressure or 1 atmosphere absolute, and includes a hyperbaric oxygen therapy chamber.

"disease" means any disease or disability, whether of body or mind.

"therapeutic purpose" means a purpose of or in connection with—

(a) preventing, diagnosing, curing or alleviating any disease in any person;

(b) influencing, inhibiting or modifying a physiological process in any person.

Application

61. This part does not apply to—

(a) therapeutic recompression treatment for dysbaric illness, including decompression sickness and gas embolism, by—

(i) a person who is qualified in diving supervision and in the operation of recompression facilities—

(A) to the level of petty officer clearance diver as specified by the Royal Australian Navy;

(B) to the level of life support technician, as certified by the Association of Diving Contractors;

(C) to an equivalent level, as certified upon completion of a course approved by the chief executive;

(ii) a person who is qualified in the operation of a portable compression (recompression) chamber, as certified upon completion of a course approved by the chief executive;

(iii) a medical practitioner who is qualified and experienced in underwater and hyperbaric medicine—

(A) who has been awarded the Diploma in Diving and Hyperbaric Medicine as approved by the South Pacific Underwater Medicine Society; or

(B) who has successfully completed an equivalent course approved by the chief executive;

(b) a hospital or intensive care facility equipped with full resuscitation facilities and being used under the supervision of a medical practitioner with qualifications as referred to in paragraph (a);

(c) a person using a compression (recompression) chamber in relation to the health and safety of persons engaged in underwater diving and who is a person with the qualifications referred to in paragraph (a);

(d) a compression (recompression) chamber being used for a therapeutic purpose approved by the chief executive.

Hyperbaric oxygen therapy prohibited

62. Except as provided in section 61, a person shall not—

(a) use or permit or cause to be used a compression (recompression) chamber for a therapeutic purpose using hyperbaric oxygen, air or any other gas or a mixture thereof;

(b) have in possession a portable compression (recompression) chamber that is capable of being used for a therapeutic purpose.

Maximum penalty—20 penalty units.

PART 7—MALTREATMENT OF CHILDREN

Authorised persons—Act, s 76K(1)

63. A person who holds an office mentioned in schedule 1, column 2, 3 or 4 is an authorised person for the place set out opposite in schedule 1, column 1.

Further notification of maltreatment—Act, s 76K(3)

64. A further notification required to be given by a doctor must be in the approved form.

Order for detention of child in hospital—Act, s 76L(2)(c) or (d)

65. An order for the admission of a child to hospital, or for a child to be taken into custody and brought to a hospital, must be in the approved form.

PART 8—MOSQUITO PREVENTION AND DESTRUCTION

Division 1—Preliminary

Definitions

66. In this part—

"approved" means approved in writing by the chief executive.

"occupier", of premises, includes, if there is no person in actual occupation of the premises, a person entitled to possession of the premises.

"water or other liquid" means water or other liquid—

(a) in which mosquitoes are likely to breed; or

(b) that is likely to provide harbourage for mosquitoes.

All mosquitoes noxious

67. Mosquitoes of all species are hereby declared to be noxious.

Local governments to superintend

68. The local government shall superintend and see to the execution of this part and shall do and provide all such acts, matters, and things as may be necessary for superintending or aiding in the execution of this part.

Division 2—Measures to be adopted by manufacturers, owners and occupiers

Tanks to be protected

69.(1) A person must not construct any tank or other receptacle that is used or intended to be used for the holding or storing of water or other liquid unless the tank or other receptacle complies with subsections (3) and (4).

(2) The owner of any premises must not—

(a) install or place on the premises, whether above or below ground, any tank or other receptacle that is used or intended to be used for the holding or storing of water or other liquid; or

(b) permit or allow any such tank or other receptacle to remain on the premises;

unless the tank or other receptacle complies with subsections (3) and (4).

(3) A tank or other receptacle used or intended to be used for the holding or storing of water or other liquid must be provided with—

(a) mosquito-proof screens of brass, copper, aluminium or stainless steel gauze not coarser than 1 mm aperture mesh of substantial construction and installed in such a manner as not to cause or accelerate corrosion; or

(b) flap valves at every opening of the tank or other receptacle; or

(c) other approved means for preventing the ingress or egress of mosquitoes.

(4) Where a tank or other receptacle is provided with a manhole, the manhole must have a diameter of no more than 40 cm.

Maximum penalty—40 penalty units.

Ponds and pools to be covered or treated

70. The occupier of any premises shall at all times ensure that any pond, pool, trough, fountain, barrel, trench, or other like place or receptacle which ordinarily or occasionally contains water or other liquid is prevented from serving as a breeding place or harbourage for mosquitoes by 1 or more of the following methods, namely—

(a) by keeping the water or other liquid therein covered or treated with kerosene, other suitable oil, or other suitable substance;

(b) by keeping the water or other liquid stocked with mosquito-larvae-destroying fish;

(c) by covering all openings in the manner prescribed by section 69;

(d) by completely drawing off or emptying all water or other liquids

from the receptacle and allowing the interior to dry, or thoroughly scrubbing all parts of the interior of the receptacle after emptying, at least once in every 7 days.

Maximum penalty—40 penalty units.

Certain ponds and pools to be drained or filled

71.(1) Where there is on any premises any pond, pool, swamp, or other accumulation of water or other liquid, whether permanent or not, which is likely to serve as a breeding place or harbourage for mosquitoes if it is not drained or filled in, the owner of the premises shall effectively drain or fully fill in such pond, pool, swamp or other accumulation of water or other liquid.

(2) The owner of the premises shall—

(a) ensure that all drains are at all times properly maintained and kept free from obstruction;

(b) maintain the surface of the land at appropriate levels so that at all times the water or other liquid does not remain on any portion of the premises and flows into the drains without obstruction.

Maximum penalty—40 penalty units.

Other measures to be taken by occupiers

72.(1) The occupier of any premises shall at least once in every 7 days completely empty all water from every can, bowl, bottle, tub, bucket, pot, barrel, jug, vase, flowerpot, safe dish, or other like receptacle kept on the premises, and shall thoroughly dry and cleanse such receptacle before again filling it, so as to prevent it from serving as a breeding place or harbourage for mosquitoes.

(2) The occupier of any premises shall not permit or allow to remain on the premises any tin, bottle, can, container, or other thing which by collecting rain water or other water or other liquid is likely to serve as a breeding place or harbourage for mosquitoes.

(3) The occupier of any premises shall ensure that all open drains and channels on the premises are kept free from obstruction to prevent them holding water or other liquid that is likely to serve as a breeding place or

harbourage for mosquitoes.

Maximum penalty—40 penalty units.

Other measures to be taken by owners

73.(1) The owner of any premises shall—

(a) ensure that every gutter, drain, roof, spouting, roof gutter, and other like channel is properly maintained and kept free from obstruction, so as to prevent water or other liquid remaining in it and serving as a breeding place or harbourage for mosquitoes;

(b) cut down and remove any vegetation or undergrowth that is likely to serve as a breeding place or harbourage for mosquitoes or to obstruct any gutter, drain or watercourse.

Maximum penalty—40 penalty units.

(2) The owner of any premises shall, when so directed by a notice in writing given to the owner by an inspector—

(a) cut back and trim to the extent specified in the notice any overhanging branches of trees, so as to prevent leaves or debris being deposited in any roof gutter, tank top or other place where the free flow of water or other liquid may be obstructed, whether upon the owner's own or any adjoining premises;

(b) take such other measures that are reasonably practicable and are specified in the notice, to prevent the premises or any part thereof serving as a breeding place or harbourage for mosquitoes.

Local government premises

74. The local government shall—

(a) in respect of premises owned or occupied by it or under its management and control, take the measures prescribed by this division for owners and occupiers of premises;

(b) in respect of roads, drains and sewers, including disused drains and sewers, take such measures that are reasonably practicable and are specified in a notice given to it by the chief executive, to

prevent any road, drain or sewer or any part thereof serving as a breeding place or harbourage for mosquitoes.

Division 3—Miscellaneous

House-to-house visitation

75.(1) The local government may and when required by the chief executive by notice in writing shall undertake a house-to-house visitation within its area or part thereof and inspect all the premises therein.

(2) The local government shall in respect of every such visitation and inspection which has been required by the chief executive furnish to the chief executive within the time specified by the chief executive a full report in writing—

(a) whether the provisions of this part are being complied with by the owners and occupiers of premises; and

(b) upon the action taken or proposed to be taken by the local government with respect to any premises which were ascertained to be or to be likely to be a breeding place or harbourage for mosquitoes.

Damaging drains, screens or covers

76. A person who—

(a) destroys, damages or obstructs any drain that has been constructed or installed on any premises for any purpose of this part;

(b) destroys, damages or removes any screen or other protective covering affixed to any tank or other receptacle for any purpose of this part;

commits an offence.

Maximum penalty—40 penalty units.

Failing to fill in excavation

77. A person who cuts turfs or removes soil or other material from any premises and who does not forthwith fill in the excavation with clean, sound material, finishing off level with the surface of the surrounding ground, commits an offence, unless written permission to the contrary has been obtained from the local government.

Maximum penalty—40 penalty units.

Default of owner or occupier

78.(1) If the owner or occupier of any premises to whom a notice has been given under section 73(2) or 209 neglects to comply with such notice, or fails to comply therewith within the time specified therein, the chief executive or the local government may, whether or not that person has been proceeded against for an offence against this part, by the chief executive or local government or by the chief executive's or local government's contractor enter the premises to which the notice relates and do or cause to be done all such acts and things and perform or cause to be performed all such work as is necessary to comply with the requirements of the notice.

(2) Any expenses incurred in so doing shall be paid to the chief executive or, as the case may be, to the local government by the owner or occupier concerned within the time specified by the chief executive or local government (being not less than 30 days) after the giving to that person of a notice in writing specifying the amount of such expenses incurred and giving reasonable particulars thereof.

PART 9—PERINATAL STATISTICS

Prescribed class of child

79. For section 100G[6] of the Act, definition "child not born alive", a prescribed class of child is—

6 Section 100G (Interpretation)

(a) a child of at least 20 weeks gestation; or

(b) a child weighing at least 400 g at birth.

Returns

80. A return under section 100H[7] of the Act must be—

(a) completed by—

(i) the prescribed person for the delivery; or

(ii) a medical or nursing superintendent or another person decided by the prescribed person; and

(b) provided to the chief executive within 35 days after the day of the delivery.

Inadequate returns

81.(1) If the chief executive is satisfied that a return under section 100H(1) of the Act is inaccurate, misleading or deficient, the chief executive may give the prescribed person who provided the return a written notice, requiring the person to amend the return in the way, and in the time, stated in the notice.

(2) The person must comply with the notice, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—8 penalty units.

PART 10—PEST CONTROL OPERATORS

Application for a licence

82.(1) An application for a licence must be made to the chief executive in the approved form.

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7 Section 100H (Furnishing returns to chief executive)

(2) The application must be accompanied by the application fee set out in schedule 3.

Application for renewal of a licence

83.(1) An application for the renewal of a licence must be made to the chief executive in the approved form.

(2) The application must be accompanied by the fee set out in schedule 3.

Production of licence

84. An inspector may require a pest control operator to produce the pest control operator's licence at any time.

Storage of pesticide

85. A pest control operator shall not have a pesticide in the pest control operator's possession or at the pest control operator's order or disposition, except when in use for the purpose of controlling, destroying or preventing the growth or development of insects, mites or vermin or when being transported to premises for such purposes, unless such pesticide is stored in a room, building or other place which is—

(a) provided with a floor impervious to such pesticide; and

(b) constructed so that pesticide spillage therein can not pollute a water supply or a watercourse or a place which is accessible to a human being or a domestic animal; and

(c) kept locked except when a pesticide is being placed into or removed therefrom or is being prepared therein.

Maximum penalty—10 penalty units.

Key to pesticide storage place

86. A pest control operator shall not permit a key to a lock of a room, building or other place, used by the pest control operator for the storage of a pesticide, to be in the possession of a person who has not attained the age of

18 years.

Maximum penalty—10 penalty units.

Pesticide in vehicle

87. A pest control operator shall not have, on a vehicle, a pesticide unless—

(a) such pesticide and each apparatus or equipment used to contain it are kept so as to be inaccessible to any person other than the pest control operator or a person who has attained the age of 18 years and who is under the pest control operator's personal supervision; and

(b) that part of the vehicle, in which such pesticide and each apparatus or equipment used to contain it are kept is provided with a floor and walls which are impervious to the pesticide and in the event of a spillage would not allow it to escape from the vehicle; and

(c) the pest control operator's name, address and licence number are legibly and conspicuously displayed on the exterior of the vehicle.

Maximum penalty—10 penalty units.

Pesticide in container

88. A pest control operator shall not have a pesticide in the pest control operator's possession or at the pest control operator's order or disposition unless such pesticide is packed in a container which is—

(a) labelled in legible letters with the name of such pesticide and its percentage proportion of the contents of the container; and

(b) impervious to such pesticide; and

(c) sufficiently strong to prevent breakage or leakage arising from the ordinary risks of handling, storing or transport; and

(d) of sufficient excess capacity to prevent breakage of the container or leakage of the contents if such contents are likely to expand during handling, storage or transport; and

(e) securely closed, except when pesticides are being placed into or

removed therefrom; and

(f) not capable of causing a chemical reaction with such pesticide.

Maximum penalty—10 penalty units.

Disposal of pesticide

89. A pest control operator shall not dispose of a pesticide in a manner likely to endanger the life or safety of a human being or a domestic animal or to pollute a water supply or watercourse.

Maximum penalty—10 penalty units.

Disposal of pesticide container

90. A pest control operator shall not dispose of a pesticide container other than by 1 of the following methods—

(a) by burning so that the fumes and smoke do not endanger the life or safety of a human being or domestic animal;

(b) by reclosing the container and returning it to the supplier;

(c) by draining the contents, rinsing several times with clean water and then breaking, puncturing, flattening or otherwise rendering it unusable and thereafter burying or disposing of it in a manner not likely to endanger the life or safety of a human being or domestic animal or to pollute a water supply or watercourse.

Maximum penalty—10 penalty units.

PART 11—PLACARDING FOR HAZARDOUS SUBSTANCES

Division 1—Interpretation

Definitions

91. In this part—

"ADG code" means the Australian Code for the Transport of Dangerous Goods by Road and Rail, endorsed by the Australian Transport Advisory Council and the Ministerial Council on Road Transport.

"class" means a class of hazardous substance as determined by reference to the class numbers referred to in section 2 of the ADG code.

"class label" means the label in respect of a class signifying the character of that class of hazardous substance.

"hazardous substance" means a hazardous substance as defined by section 131WE of the Act.

"hazchem code" means the Hazchem Emergency Action Code referred to in section 9 of the ADG code.

"packaging group" means a packaging group as determined by reference to section 2.4 of the ADG code.

"tank" means a container having a capacity:—

(a) in respect of liquids—in excess of 250 l;

(b) in respect of gases—in excess of 500 l.

"underground tank" means a tank which is completely covered by at least 600 mm of earth and which has not less than half of its rated capacity buried below ground.

Adoption of ADG code

92.(1) The provisions of the ADG code expressly referred to in this part are adopted as the law of Queensland subject to any alteration, amendment, modification or variation prescribed by this part.

(2) A term occurring in the ADG code that is defined by the Act but not by the ADG code has the meaning assigned to it by the Act.

(3) Where a term is defined by the ADG code and also by the Act and there is an inconsistency between the meaning assigned to that term by the ADG code and the meaning assigned to it by the Act, the meaning assigned to it by the Act shall prevail.

Division 2—Application

Application

93.(1) This part applies to places where hazardous substances are stored, other than the following places—

(a) places where class 1 or class 7 hazardous substances are stored;

(b) places where class 3 hazardous substances are stored in an underground tank;

(c) places where only 1 particular hazardous substance of class 3, 4, 5, 6.1, 8 or 9 is stored in a total quantity less than or equal to the exemption limit prescribed by this part for the packaging group to which the hazardous substance is assigned;

(d) places where a number of hazardous substances of class 3, 4, 5, 6.1, 8 or 9 are stored and the factor determined in accordance with the method prescribed by schedule 8 is less than or equal to unity;

(e) places where a hazardous substance of class 6.2 is stored and used in a manner approved by the chief executive.

(2) This part does not apply to hazardous substances stored in amounts which do not exceed the following exemption limits—

(a) class 2 hazardous substances—the exemption limits set out in schedule 9; and

(b) hazardous substances assigned to packaging group 1—50 l or 50 kg; and

(c) hazardous substances assigned to packaging group 2—2 000 l or 2 000 kg; and

(d) hazardous substances assigned to packaging group 3—5 000 l or 5 000 kg.

(3) For the purposes of this part, the packaging group for a hazardous substance, other than a class 1, 2, 6.2 or 7 hazardous substances, shall be the packaging group assigned to the hazardous substance by the ADG code.

(3A) A hazardous substance which is not assigned to a packaging group pursuant to the provisions of the ADG code shall be assigned to packaging group 3, unless the chief executive has approved, by notification published in the gazette, that the hazardous substance is assigned to packaging group 1 or packaging group 2.

(4) This part does not apply to hazardous substances in, on or about—

(a) a mine within the meaning of the *Mines Regulation Act 1964*;

(b) a coal mine within the meaning of the *Coal Mining Act 1925*;

(c) a well, field production facility and pipeline transport facility within the meaning of the *Petroleum Act 1923*.

Division 3—Warning signs

Warning signs to be displayed

94. Where a hazardous substance is stored at any place, the occupier shall display warning signs as prescribed by this part.

Maximum penalty—20 penalty units.

Warning signs

95.(1) Warning signs shall be of the following types—

(a) outer warning sign; and

(b) emergency information sign.

(2) A warning sign shall be displayed in a position separated from any other sign or notice so that the warning sign is not obscured by or capable of being confused with such other sign or notice.

(3) A warning sign shall be made of durable and weather-resistant

material and shall be maintained in good repair and legible condition.

(4) A warning sign shall conform with the requirements prescribed by schedule 10.

Location of warning signs

96. Where a hazardous substance is stored at a place—

(a) an outer warning sign shall be prominently displayed at every vehicle point of entry to the place, so as to be clearly visible by a person approaching by road, street or railway from any direction; and

(b) an emergency information sign shall be prominently displayed within the place—

(i) at the main point of entry to any building or other place where the hazardous substance is stored; and

(ii) at every point of entry to the room, enclosure or other area where the hazardous substance is stored; and

(iii) adjacent to any outdoor area where the hazardous substance is stored; and

(iv) on the external surface of any tank where a hazardous substance is stored.

Division 4—Class labels

Requirements

97.(1) A class label identifying the class of hazardous substance to which an emergency information sign relates, shall be securely attached to each emergency information sign required to be displayed under this part.

(2) A class label in respect of a hazardous substance of class 2, 3, 4, 5, 6 or 8 shall be of the form and colour required by the ADG code in respect of the relevant class.

(3) A class label in respect of a hazardous substance of class 9 shall be in the form and colour specified in schedule 7.

(4) A class label shall be—

(a) made of durable and weather-resistant material; and

(b) maintained in good repair and legible condition; and

(c) of a minimum size of 100 mm^2.

Division 5—Hazchem code

Hazchem code

98. A hazchem code required to be displayed under this part must be—

(a) determined by reference to the ADG code; and

(b) of the form and colour specified in schedule 10.

PART 12—POISONS (FUMIGATION)

Definitions

99. In this part—

"building", without limiting the ordinary meaning, includes any vessel, room or other structure, and includes a covered grain stack, grain tank, grain bulkhead, and every structure used for the storing or holding of grain.

"fumigant" means methyl bromide, hydrocyanic acid, carbon disulphide, ethylene dibromide or any other substance so declared by the chief executive with the approval of the Governor in Council, and includes any substance capable of producing or releasing hydrogen cyanide or other fumigants where such substances are used for the express purpose of fumigation.

"fumigation" means the treatment of a building, foodstuffs, produce or goods with a fumigant.

"fumigator" means a person licensed pursuant to this part.

Use of fumigant

100.(1) A person other than a fumigator shall not use any fumigant for the purpose of fumigation.

(2) However, a fumigator may permit the fumigator's assistant to use such fumigant in the presence and under the direction of the fumigator.

Maximum penalty—2 penalty units.

Application for licence

101.(1) An application for a licence must be made to the chief executive in the approved form.

(2) The application must be accompanied by the application fee set out in schedule 3.

Time licence expires

102. A licence expires 1 year after the day the licence is granted unless it is cancelled by the chief executive or surrendered by the fumigator before the expiry day.

Application for renewal of licence

103.(1) An application for the renewal of a licence must be made to the chief executive in the approved form at least 14 days before the licence is due to expire.

(2) The application must be accompanied by the fee set out in schedule 3.

Applicant

104.(1) The chief executive shall not grant a licence unless the chief executive is satisfied that the applicant therefor is a fit and proper person to carry out fumigation.

(1A) An applicant for a licence shall furnish such information and particulars as the chief executive may require.

(2) The chief executive may at the chief executive's discretion require the

applicant to establish to the chief executive's satisfaction that the applicant has a good knowledge of the provisions of this part, and is competent to undertake fumigation using the fumigant specified in the applicant's application.

(3) Such applicant shall also satisfy the chief executive that the applicant is medically fit to do such fumigation and that the applicant is over the age of 18 years.

Medical examinations and tests

105. The chief executive may require a fumigator or the fumigator's assistant to submit himself or herself to such medical examinations and tests as the chief executive considers necessary from time to time in order to ascertain whether the exposure or continued exposure to fumigation of such fumigator or assistant has endangered or may endanger his or her health.

Suspension of licence

106.(1) The chief executive may suspend for such period as the chief executive thinks fit, the licence of a fumigator whose health, in the opinion of the chief executive, may be endangered by the fumigator's engaging further in the fumigation of buildings.

(2) Such fumigator may at any time apply for the restoration of the fumigator's licence on the ground that the fumigator's health will no longer be endangered by the fumigator's engaging in fumigations.

Notice to show cause

107.(1) The chief executive may suspend or revoke a fumigator's licence if in the chief executive's opinion such fumigator is no longer a fit and proper person to hold such licence, or has committed a breach of this part.

(2) In any such case the chief executive may by notice in writing addressed to such fumigator call upon the fumigator to show cause why the fumigator's licence should not be cancelled or suspended.

(3) If after consideration of the representations (if any) made by such fumigator, the chief executive is satisfied that such licence ought to be

cancelled or suspended for any reason specified in such notice, the chief executive may cancel or suspend it accordingly.

Accident

108. Where an accident resulting in personal injury or death of a person occurs in the course of, or arises out of, the fumigation of a building, such accident shall be reported forthwith to the chief executive by the fumigator or assistant employed in such fumigation at the time of the accident.

Maximum penalty—2 penalty units.

Exhaust system

109. A fumigator intending to use any room, vault or chamber for the purposes of fumigation with methyl bromide or other fumigant shall provide such room, vault or chamber with a mechanical exhaust system capable of completely and harmlessly removing all fumigant therefrom, and capable of providing 60 air changes therein per hour.

Maximum penalty—2 penalty units.

Mask or respirator

110.(1) A fumigator and each of the fumigator's assistants shall be equipped with and use a mask or respirator that is appropriate for the type of fumigant being used, or shall be equipped with and use a self-contained or air-line respirator capable of providing the fumigator with an independent supply of air.

(2) Such fumigator or assistant shall be closely accompanied at all times by at least 1 other person who is at least of the age of 18 years.

Maximum penalty—2 penalty units.

Smoking

111. A person shall not smoke within a building in which fumigation is being carried out, nor in the immediate vicinity of such building.

Maximum penalty—2 penalty units.

Doors and entrances

112.(1) A fumigator, when fumigating a building shall immediately after starting the fumigation process securely lock or bar every door or entrance giving access to such building, and shall keep all such doors and entrances so locked or barred until such time as the fumigation is completed.

(2) During such time the fumigator shall prominently display on every such locked or barred door or entrance of such building the following notice printed on a white background in red letters not less than 100 mm in height—

‘DANGER, KEEP OUT

FUMIGATION IN PROGRESS

POISON GAS’.

Maximum penalty—2 penalty units.

No doors and entrances

113. Where a building in which fumigation is being performed is not provided with doors and entrances reasonably capable of being locked or barred, the fumigator shall—

(a) display in conspicuous positions on such building at least 2 copies of the notice prescribed by section 112; and

(b) ensure that a reliable person approved of by the fumigator is in attendance in the immediate vicinity of such building at all times during the process of fumigation.

Maximum penalty—2 penalty units.

Re-entry into building

114. A person other than the fumigator or the fumigator’s assistant shall not enter a building in which fumigation has been carried out until such time as the fumigator considers it safe to re-enter such building.

Maximum penalty—2 penalty units.

Instructions by an officer

115. A fumigator and the fumigator's assistant shall obey and carry out all instructions that may be given the fumigator by an officer (either orally or in writing) to ensure the safety of any person within the building in which the fumigation is being carried out or of any other person who may be in the immediate vicinity of such building.

Maximum penalty—2 penalty units.

Procedures before fumigation

116. A fumigator shall not commence nor permit the fumigator's assistant to commence to fumigate a building, vessel or other enclosed space by means of a fumigant until—

(a) the fumigator has by personal inspection ascertained that all portions of the fumigation area and immediately adjacent surroundings have been vacated, and the fumigator has notified in writing all persons normally using such building that fumigation will be carried out therein; and

(b) all fires, electric radiators and naked lights within the fumigation area have been extinguished or switched off; and

(c) all liquids and foods which are liable to absorb the fumigant have been removed from the fumigation area; and

(d) all windows of the ground floor and basement of such building have been securely fastened; and

(e) all cracks, crevices or openings in or between walls, or between walls and ceilings or roofs or floors, and all windows or ventilators, and all fireplaces of such building, vessel or other enclosed space about to be fumigated have been closed in such a manner as to prevent the escape of fumes or vapour from the fumigation area; and

(f) an area of the flooring, extending 1 m beyond the fumigation area on all sides has been made impervious to methyl bromide where it is intended to use methyl bromide as the fumigant; and

(g) the officers in charge of the police station and of the fire brigade situated nearest to such building or enclosed space have been

informed of the proposed fumigation and the exact time such fumigation is to commence.

Maximum penalty—2 penalty units.

Procedures after fumigation

117. Immediately the fumigation of a building is completed, the fumigator shall—

(a) remove and safely dispose of every substance and material used in such fumigation and the sealing of the openings to such building; and

(b) ensure that all fabrics, furnishings and goods within such building are free from fumigant; and

(c) cause the building to be thoroughly ventilated with fresh air; and

(d) when hydrogen cyanide has been used, flush every water closet in such building that may have been exposed to the fumigant, and empty every receptacle therein containing water or any other liquid capable of absorbing the fumigant.

Maximum penalty—2 penalty units.

Concentration of fumigant

118. A fumigator shall take all reasonable precautions to prevent any unauthorised person from entering, occupying or using a building being fumigated by the fumigator until the fumigator has ascertained by carrying out tests in a manner approved by the chief executive having regard to the fumigant used, that the concentration of such fumigant present in any part of such building is less than—

(a) 20 parts per million by volume where the fumigant used was methyl bromide; or

(b) 10 parts per million by volume where the fumigant used was hydrogen cyanide; or

(c) such concentrations as may be determined by the chief executive

from time to time in the case of any other fumigant.

Maximum penalty—2 penalty units.

Mask

119.(1) The fumigator of a building shall not cause nor permit the release of any fumigant until it has been ascertained, by the carrying out of tests in the manner referred to in this section, immediately before it is intended to release such fumigant, that the masks to be used by the fumigator and that of each of the fumigator's assistants are airtight.

(2) A mask shall be tested to ascertain whether it is airtight by the person by whom it is to be used by holding the mask close to the person's face, closing the inlet to the mask tightly and inhaling deeply.

(3) If the mask then clings to the face for a period of 15 seconds, the mask may be regarded as airtight.

Maximum penalty—2 penalty units.

Canisters

120. A determination for establishing the efficiency of canisters shall be based on the following standards namely—

(a) in the case of hydrocyanic acid, canisters shall be capable of giving effective protection for not less than 2 hours to a concentration of hydrocyanic acid of 1 part in every 100 parts of air;

(b) in the case of methyl bromide canisters shall be capable of giving effective protection for not less than 1 hour to a concentration of methyl bromide of 1 part in every 85 parts of air;

(c) in the case of any other fumigant, to such concentrations as may be determined from time to time by the chief executive.

Fumigator using certain poisons must have halide detector

121. A fumigator must not carry out fumigation using methyl bromide or ethylene dibromide at any place, unless the fumigator has at the place a

working halide detector of a type approved by the chief executive.

Maximum penalty—2 penalty units.

Respiratory apparatus

122. A fumigator shall ensure that all respiratory apparatus used by the fumigator and the fumigator's assistants conforms at all times with Australian Standards AS 1715–1994 and AS 1716–1994 or such SAA codes on respiratory protective devices, and that such respiratory apparatus is regularly checked and maintained in efficient working order.

Maximum penalty—2 penalty units.

Period of use of canister

123.(1) A fumigator shall not use nor shall the fumigator permit the fumigator's assistant to use a canister in his or her mask that has been in use for a longer period than that for which it is reasonably expected to be efficient.

(2) The fumigator shall keep a written record of the length of time during which each canister has been in use, and when required to do so by an officer produce such record for inspection.

Maximum penalty—2 penalty units.

Storage and transportation of fumigant

124. A fumigator having the custody, control or possession of fumigant shall—

(a) cause such fumigant to be so stored as to prevent any other person gaining access thereto without the fumigator's knowledge and authority; and

(b) if such fumigant is being transported to any place, cause it to be so packed and placed so as to prevent the accidental loss or leakage of such fumigant during transit.

Maximum penalty—2 penalty units.

First aid and resuscitation equipment

125. A fumigator carrying out a fumigation shall keep immediately available at the place of fumigation first aid and resuscitation appliances and equipment such as the chief executive may from time to time direct either generally or in specific cases.

Maximum penalty—2 penalty units.

Carbon disulphide

126.(1) A fumigator and each of the fumigator's assistants whilst engaged in fumigation in which the fumigant used is carbon disulphide shall not wear footwear which contains or is composed of any nail or other metal substance of any description, nor have in his or her immediate possession any match or other form of ignition or any torch unless such torch is of an approved explosion-proof type.

(2) A person shall not use in opening a drum containing carbon disulphide a wrench that is not of a nonsparking type or not made of nonferrous metals.

(3) A fumigator shall not keep any carbon disulphide unless it is contained in a hermetically closed vessel labelled and packed, as required by the *Poisons Regulation 1973* and unless there is printed in the label attached to such container the words 'Carbon Disulphide' (or 'Carbon Bisulphide'), 'Highly Inflammable. To be Used in Fumigation by Authorised Persons Only'.

(4) A fumigator shall not have nor keep any carbon disulphide in storage unless the container thereof is kept in a cool situation or position and protected from the direct rays of the sun, and unless such situation or position has first been approved for the purpose by the local government.

Maximum penalty—2 penalty units.

Record of each fumigation procedure

127.(1) A fumigator shall keep or cause to be kept a full and complete written record of each fumigation procedure performed by the fumigator, and shall retain such record for a period of 2 years from the date of last entry therein.

(2) Such record shall contain details of time of application of fumigant, location, fumigant used and the names of all operators.

Maximum penalty—2 penalty units.

Non-application of part

128.(1) The provisions of this part shall not apply to the fumigation of a structure having an internal space measurement of less than 3 m^3, or to a grain stack, grain tank, or grain bulkhead which does not exceed 15 m^3 internal measurement, provided that such grain stack, grain tank, or grain bulkhead is situated upon the farming property of the owner thereof.

(2) A fumigation referred to in subsection (1) shall be carried out by the person performing it with all due care and precautions so as not to endanger human life.

Fumigant used for agricultural or horticultural purposes

129. The provisions of this part other than those of section 128 shall not apply to fumigation carried out by means of a fumigant which is exclusively used for agricultural or horticultural purposes.

PART 13—PRESCRIBED SUBSTANCES STANDARDS AND METHODS

Definitions

130. In this part—

"AS" means an Australian Standard published by the Standards Association of Australia.

"BS" means a British Standard published by the British Standards Institution.

"flat ware" means any plate (including soup or dessert plate), saucer, similar food receptacle or cooking utensil.

"hollow ware" means any cup, mug, jar, teapot, coffeepot or cooking utensil.

"metal" includes a compound of metal.

"prescribed substance" means a metal specified in section 132.

Adoption of Australian, British and other standards

131.(1) Prescribed methods of analysis of cooking utensils, food receptacles, toys, wallpaper or other decorative paper, paper serviettes, or paper used in the packaging, of food, hair and scalp preparations, articles and substances, for the presence of a prescribed substance shall be in accordance with and not inferior to the requirements of the relevant standard specification of the Standards Association of Australia.

(1A) In the event of a relevant standard specification of the Standards Association of Australia not existing, the relevant standard specification of the British Standards Institution shall apply.

(2) In the event of no relevant standard specification of the Standards Association of Australia or the British Standards Institution existing, the chief executive may determine a relevant standard specification which shall apply in subsection (1).

(3) However, if a relevant standard specification is subsequently determined by either of the above 2 bodies the standards specification determined by the chief executive shall lapse.

Prescribed substances

132. For part 4, division 3 of the Act, the following substances are prescribed substances—

- antimony
- arsenic
- barium
- cadmium
- chromium
- lead

- mercury
- selenium.

Prescribed proportions

133. For part 4, division 3 of the Act, the prescribed proportions of prescribed substances are specified in schedule 11.

Prescribed methods of analysis

134. For part 4, division 3 of the Act, the prescribed methods of analysis are specified in schedule 11.

PART 15—SKIN PENETRATION

Division 1—Application, interpretation and administration of part

Application

136.(1) This part shall not apply in the case of—

(a) medical practitioners in the conduct of their profession;

(b) persons acting under the direction of medical practitioners given in the conduct of their profession;

(c) dentists in the conduct of their profession;

(d) persons acting under the direction of dentists given in the conduct of their profession;

(e) chiropodists in the conduct of their profession;

(f) physiotherapists in the conduct of their profession;

(g) registered nurses in the conduct of their profession;

(h) administering injections of a substance required as a treatment for a medical condition.

(2) The provisions of division 2 shall not apply in the case of an establishment where the only process of skin penetration that is either available for a customer or carried out is ear piercing.

(3) The provisions of divisions 3 and 4 shall not apply in the case of an establishment where the only process of skin penetration that is either available for a customer or carried out is closed ear piercing.

Definitions

137.(1) In this part—

"closed ear piercing" means a process of ear piercing that is carried out by means of an apparatus that does not come in contact with the skin of a customer and that can be operated only by the use of sealed presterilised disposable fittings.

"customer" means a person receiving or seeking or awaiting the provision of some skin penetration service at an establishment.

"dentist" has the meaning given to it by the *Dental Act 1971*.

"establishment" means a place or room within which skin penetration is or may be carried out commercially or for remuneration or for the public.

"operator" means a person who carries out skin penetration.

"physiotherapist" has the meaning given to it by the *Physiotherapists Act 1964*.

"podiatrist" has the meaning given to it by the *Podiatrists Act 1969.*

"proprietor" in relation to an establishment means the owner, occupier or other person who has the control or management of the carrying out of skin penetration at that establishment.

"skin penetration" means tattooing, ear piercing, acupuncture, or any other process by which the skin of a living person is penetrated.

"waste receptacle" means a waste container within the meaning of the *Environmental Protection (Interim Waste) Regulation 1996*.

(2) For the purpose of this part, an appliance, implement, tool or thing used for skin penetration shall be deemed to be sterilised if it has been—

(a) cleansed of all visible matter by washing in cold water and then

subjected to saturated steam under pressure in a steam steriliser at 134°C for not less than 3 minutes; or

(b) cleansed of all visible matter by washing in cold water and then heated in a hot air oven at a temperature of not less than 160°C for not less than 60 minutes; or

(c) taken directly from a sealed container which bears a label affixed by the manufacturer stating that the contents thereof are sterile; or

(d) subjected to another process that has been approved in writing by the chief executive.

Superintendence by local governments

138.(1) This part shall be in force within the areas of all local governments.

(2) Each local government shall superintend and see to the execution of divisions 2, 3 and 4 within its area (except in the case of establishments where the only process of skin penetration that is either available for a customer or carried out is ear piercing) and shall do and provide all such acts, matters and things as may be necessary for superintending or aiding in the execution thereof.

Division 2—Registration

Registration of establishments

139. The proprietor of an establishment shall not carry out or permit to be carried out a process of skin penetration at that establishment unless the establishment is currently registered in accordance with this part and that process of skin penetration is authorised in a certificate of registration for such establishment.

Maximum penalty—10 penalty units.

Form of application etc.

140.(1) An application for registration or renewal of registration of an establishment shall be made by the proprietor thereof to the relevant local

government in the approved form, and shall be accompanied by the fee specified in schedule 3.

(2) A certificate of registration or renewal of registration of an establishment shall be issued in the approved form.

(3) Each local government shall keep a register of all registered establishments within its area.

Suspension etc. of registration

141.(1) A local government may refuse to register or renew, or may suspend or cancel registration of an establishment where—

(a) the establishment is unsanitary; or

(b) the drainage from or ventilation or lighting of the establishment is insufficient for the carrying out of a process of skin penetration hygienically; or

(c) the arrangements for the cleansing, disinfection or sterilisation of the fittings, appliances, implements, tools and things are unsatisfactory; or

(d) there are other reasons why the establishment is unsuitable for safeguarding the health of the operator, the operator's employees or the operator's customers.

(2) A local government may refuse to register or renew the registration of an establishment in any case where the proprietor of such establishment has been convicted within a period of 2 years for an offence against this part.

(3) Nothing in this section shall be construed as in any way limiting the power of a local government to refuse to register or renew registration of an establishment where the use of the establishment for the carrying out of skin penetration would be a use that does not conform to the provisions of a planning scheme within the meaning of the *Local Government (Planning and Environment) Act 1990*[8] or of local laws made by the local government under the *Local Government Act 1993* to implement, regulate or control the administration and execution of such a scheme or of any other Act or regulations, ordinances or by-laws made thereunder.

8 Now see *Integrated Planning Act 1997*, s 6.1.53.

Division 3—Premises

Use or conduct of premises

142. A person shall not use an establishment or permit or cause an establishment to be used for the carrying out of skin penetration unless—

(a) at least 1 basin for each 5 operator positions or part thereof is fitted within that establishment in accordance with the Standard Sewerage Law,[9] so located as to be readily accessible to such operators, the water supply to each basin being controlled by arm or foot operated cocks; and

(b) there is an adequate supply of hot and cold water to that establishment to carry out the particular process of skin penetration involved hygienically; and

(c) there is at all times available in that establishment for the exclusive personal use of the operators an adequate supply of—

(i) soap or antibacterial cleansing agent of a type specified in schedule 12, part 1; and

(ii) nailbrushes; and

(iii) clean paper; and

(iv) clean towels or other hand drying equipment which has been approved in writing by the chief executive;

for the operators to remain clean; and

(d) all walls, floors, ceilings, floor coverings, shelves, fittings, furniture, appliances, implements, tools and things that are situated or used in that establishment are maintained in good order and in a clean condition so that the particular process of skin penetration involved may be carried out hygienically; and

(e) all surfaces within that establishment on which appliances, implements, tools or things are or may be placed are of a durable, smooth and impervious material free from cracks or crevices; and

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9 Standard Sewerage Law is defined in the *Sewerage and Water Supply Act 1949*, s 4.

(f) there are within that establishment adequate vermin-proof cupboards, cabinets or similar fittings for the storage of all the clean towels, linen or other materials that may be required to carry out the particular process of skin penetration involved hygienically; and

(g) there are within that establishment adequate waste receptacles for the storage of waste matter generated in the process of skin penetration carried out therein; and

(h) there are within that establishment adequate receptacles—

(i) constructed of smooth, impervious material with close fitting lids; and

(ii) having painted thereon or affixed thereto in letters of not less than 100 mm in height the words 'SOILED LINEN';

for the reception of all soiled towels, cloths, linen and similar material; and

(i) the contents of all receptacles for the reception of soiled linen are removed from the establishment daily and are not brought back into the establishment unless and until properly cleaned.

Maximum penalty—10 penalty units.

Division 4—Sanitary provisions

Operator to remain clean

143. An operator whilst at an establishment shall—

(a) at all times keep his or her clothing, hands, fingernails and body clean; and

(b) thoroughly cleanse his or her hands by washing and brushing with soap or antibacterial cleansing agent of a type specified in schedule 12, part 1 and water and drying them with a clean towel or other hand drying equipment of a type approved in writing by the chief executive—

(i) immediately before commencing and immediately after completing a process of skin penetration;

(ii) immediately after visiting or using a sanitary convenience;

(iii) immediately after smoking;

(iv) immediately after using a handkerchief or nasal tissue;

(v) immediately after handling or touching soiled towels, linen or similar materials, biological matter or waste materials used or produced in connection with a process of skin penetration; and

(c) at all times wear a clean coat over any other garment.

Maximum penalty—10 penalty units.

Smoking

144. A person shall not smoke in an establishment except in a part of that establishment that is designed for that purpose and is clearly separate from the area where a process of skin penetration is carried out.

Maximum penalty—10 penalty units.

Notifiable diseases

145.(1) A person who knows or suspects that he or she is suffering from a notifiable disease or infectious skin disease shall not enter an establishment.

(2) An operator shall not commence or continue a process of skin penetration on any person if—

(a) the operator has been notified by such person or, after inquiry by the operator, by any other person that such person is or may be suffering from a notifiable disease or infectious skin disease; or

(b) the operator knows or suspects that such person is suffering from a notifiable disease or infectious skin disease; or

(c) such person shows yellow discolouration of the skin or sclera of the eyes.

(3) Where a proprietor or operator of an establishment knows or suspects that a person in such establishment is suffering from a notifiable disease or infectious skin disease the proprietor or operator shall direct such person to

leave the establishment.

(4) An operator suffering from a notifiable disease or infectious skin disease shall not carry out a process of skin penetration and shall not enter or remain in an establishment when the presence of such notifiable disease or infectious skin disease becomes known to the operator.

(5) If an operator observes the presence of an infectious skin disease on a customer the operator shall—

(a) immediately gather together all readily movable appliances, implements, tools and things used in the service of that customer and wash such appliances, implements, tools and things with cold water and soap or detergent and dry them with a clean towel or cloth and immerse them in a solution specified in schedule 12, part 2;

(b) immediately destroy, sterilise or dispose of in a waste receptacle every paper, pad, swab, appliance, implement, tool and thing used in the service of such customer and in the case of towels, cloths, linen and the coat or overall worn by the operator, cause such towels, cloths, linen and coat or overall to be placed in a receptacle for soiled linen and, at the first practicable opportunity, launder same in water at a temperature of 71°C at the point of washing for not less than 10 minutes;

(c) cleanse his or her hands by scrubbing them with a nail brush and soap or antibacterial cleansing agent of a type specified in schedule 12, part 1 or by applying a solution specified in schedule 12, part 2.

Maximum penalty—10 penalty units.

Cleansing surfaces etc.

146.(1) An operator shall immediately following service to a customer cause every bench, table or other article of equipment used in the carrying out of a process of skin penetration to be washed down with a solution specified in schedule 12, part 2.

(2) An operator shall, before service to a customer, cause every bench, table or other article likely to be contaminated with biological matter or waste materials that may be generated in the carrying out of skin penetration

to be covered with a clean towel, clean cloth or a clean, unused paper towel or paper cover.

(3) Whenever a paper towel or paper cover is used for the purposes of subsection (2), an operator shall cause such paper towel or paper cover to be disposed of in a waste receptacle immediately following the service to a customer and shall not use such paper towel or paper cover in the service of another customer.

Maximum penalty—10 penalty units.

Disposal of soiled linen etc.

147. An operator shall, immediately following service to a customer, cause—

(a) all soiled towels, cloths, linen and similar materials generated in the carrying out of skin penetration on that customer to be placed in a receptacle for soiled linen; and

(b) all biological matter or waste materials generated in the carrying out of skin penetration on that customer to be disposed of in a waste receptacle.

Maximum penalty—10 penalty units.

Cleansing of skin, appliances etc.

148.(1) Before commencing to carry out skin penetration on a customer an operator shall cleanse the whole of the area of the skin to be treated with a sterile swab impregnated with a solution specified in schedule 12, part 3, which solution has been taken directly from the container in which it was supplied.

(2) An operator shall cause every appliance, implement, tool and thing which is used or which comes into contact with the skin of a customer while a process of skin penetration is being carried out to be cleansed and sterilised and maintained free from contamination before its first application to another customer, before any subsequent application to the customer if it has been touched by any other person and, in the case of tattooing, before each separate dye or ink is applied.

Maximum penalty—10 penalty units.

Sterilisation of electrical actuating appliances

149. Where an electrical actuating appliance or instrument for projecting a needle or thing into the skin of a customer is used in the carrying out of a process of skin penetration the handpiece thereof shall be deemed to be sterilised if it is wiped with a clean paper towel or clean cloth soaked in methylated spirits or in 95% ethyl alcohol.

Tattooing

150.(1) In addition to any other obligations imposed by this part, an operator who has completed a process of tattooing on a customer shall—

(a) immediately following service to such customer, cause the contents of every bowl, cup, jar, or other container from which the dyes or inks used in the process of tattooing the customer were drawn to be disposed of in a waste receptacle or a fixture connected to the drainage system for the establishment concerned; and

(b) immediately following service to such customer, cause each such bowl, cup, jar or other container that is to be reused to be sterilised; and

(c) immediately following service to such customer, cause each screen, pattern or template used in the process of tattooing the customer to be cleansed thoroughly with a swab impregnated with a solution specified in schedule 12, part 3, which solution has been taken directly from the container in which it was supplied; and

(d) immediately following service to such customer, cause the handpiece of the apparatus used to actuate the needle to be sterilised; and

(e) immediately following completion of the tattooing, affix to the skin of the customer a sterile gauze dressing covering the treated area.

(2) An operator shall not use dye or ink in a process of tattooing unless it is drawn from a collapsible tube.

(3) An operator shall not apply petroleum jelly or another substance to

the skin of a customer unless it is removed from its container by means of a spatula or applicator which has been sterilised prior to such use or by means of a sterile disposable spatula or applicator which shall immediately after use be disposed of in a waste receptacle.

Maximum penalty—10 penalty units.

Expectorating, keeping animals

151.(1) A person shall not expectorate in an establishment.

(2) A person shall not keep or allow an animal to be in an establishment.

Maximum penalty—10 penalty units.

Division 5—Closed ear piercing

Use or conduct of premises etc.

152.(1) For the purposes of this section—

"establishment" means an establishment in which the only process of skin penetration carried out is closed ear piercing.

(2) A person shall not use an establishment or permit or cause any establishment to be used for closed ear piercing unless—

(a) the establishment is fitted with a reticulated water supply and at least 1 basin fitted in accordance with the Standard Sewerage Law;[10] and

(b) there is at all times available in that establishment for the use of operators an adequate supply of—

(i) soap or antibacterial cleansing agent of a type specified in schedule 12, part 1; and

(ii) clean towels or other hand drying equipment of a type approved in writing by the chief executive;

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10 Standard Sewerage Law is defined in the *Sewerage and Water Supply Act 1949*, s 4.

for the operators to remain clean.

(3) An operator at an establishment shall—

(a) thoroughly cleanse his or her hands by washing and brushing with soap or antibacterial cleansing agent of a type specified in schedule 12, part 1 and water and drying them with a clean towel or other hand drying equipment of a type approved in writing by the chief executive—

(i) immediately before commencing the procedure of loading the presterilised disposable fittings into the ear-piercing apparatus; and

(ii) immediately before commencing and immediately after completing a process of closed ear piercing on a customer; and

(b) before commencing to carry out a process of closed ear piercing on a customer, cleanse the whole of the area of the skin to be treated with a sterile swab impregnated with a solution specified in schedule 12, part 2, which solution has been taken directly from the container in which it was supplied.

Maximum penalty—10 penalty units.

PART 16—THERAPEUTIC GOODS AND OTHER DRUGS

Definitions

153.(1) In this part—

"APF" means the latest edition for the time being of the Australian Pharmaceutical Formulary and Handbook published by the Pharmaceutical Association of Australia and New Zealand.

"batch number" means any combination of letters or figures or both given by a manufacturer of therapeutic goods or other drugs to a batch thereof manufactured by the manufacturer by which that batch can be

traced in manufacture and identified in distribution.

"expiry date", when used in relation to therapeutic goods or other drugs, means the date—

(a) after which they may be expected to cease to comply with standards applicable thereto; or

(b) where there are no such standards, signifying the end of their minimum durable life.

"main label" means the face of a label on or attached to a package containing therapeutic goods or other drugs on which face the name of such goods or drugs is most prominently shown and where such name is equally prominent on 2 or more faces each such face shall be taken to be a main label.

"other drugs" means cosmetics, deodorants, dusting powders, soaps, tobaccos, unguents, other toilet articles and any other drugs prescribed to be drugs to which this part applies.

"soap" means the product called 'soap' that complies with the standard for soap prescribed by this part.

"therapeutic device" means—

(a) a device that—

(i) is included in a class of devices the sole or principal use of which is, or ordinarily is, a therapeutic use;

(ii) is represented to be, or might reasonably be taken to be, for therapeutic use;

(b) a device that—

(i) is included in a class of devices the sole or principal use of which is, or ordinarily is, a use for the purpose of or in connection with measuring or weighing therapeutic goods by the person using or administering those goods;

(ii) is represented to be, or might reasonably be taken to be, for a use of the kind referred to in subparagraph (i);

but does not include goods for animal use only.

"therapeutic goods" means a therapeutic substance or therapeutic device

and includes a package thereof.

"therapeutic substance" means—

(a) a substance that—

(i) is included in a class of substances the sole or principal use of which is, or ordinarily is, a therapeutic use;

(ii) is represented to be, or might reasonably be taken to be, for therapeutic use;

(b) a substance that—

(i) is represented to be, or might reasonably be taken to be, for use as an ingredient or the sole ingredient in the manufacture of a substance referred to in paragraph (a), whether or not the substance that is so represented or might reasonably be so taken is to be itself the subject of manufacture or of further manufacture;

(ii) is included in a class of substances the sole or principal use of which is, or ordinarily is, a use of the kind referred to in subparagraph (i)—

(c) any gelatine capsule or other substance enclosing a substance referred to in paragraph (a) or (b), if that capsule or other substance is intended to be consumed or otherwise administered together with the substance referred to;

but does not include—

(d) food within the meaning of the *Food Act 1981*;

(e) goods for animal use only;

(f) a substance consisting of a vaccine prepared from microscopic organisms from the body of a person for use only in the treatment of that person.

"therapeutic use" means a use for the purpose of or in connection with—

(a) preventing, diagnosing, curing or alleviating any disease, ailment, defect or injury in any person;

(b) influencing, inhibiting or modifying a physiological process in

any person;

(c) testing the susceptibility of any person to a disease or ailment.

References to prescribed standard

154. A reference in this part to the nature, substance, composition, strength, weight, quantity, purity or quality of any therapeutic goods or other drugs or any article or any ingredient or component thereof, shall be the prescribed standard with respect to those goods or other drugs or that article, ingredient or component.

Application of Statutory Instruments Act 1992, s 23

155. The *Statutory Instruments Act 1992*, section 23, applies to this part as if it were made on the commencement of this section.[11]

Labelling requirements generally

156.(1) A package containing therapeutic goods or other drugs shall bear on or attached to it a label on which shall be written such particulars or statements as are prescribed by this part.

Maximum penalty—20 penalty units.

(2) Particulars or statements referred to in subsection (1)—

(a) shall be written—

(i) in the English language;

(ii) on the face of the main label;

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11 The *Statutory Instruments Act 1992*, section 23, allows a statutory instrument to provide for a matter by applying another document. Section 23(2) provides—

'**(2)** If a statutory instrument made after 1 January 1992 applies, adopts or incorporates the provisions of a document, the provisions applied, adopted or incorporated are the provisions as in force from time to time unless the statutory instrument expressly provides otherwise.'.

This part contains provisions relocated from a regulation made in 1982. Section 155 clarifies how the *Statutory Instruments Act 1992*, section 23, applies, by providing that this part was made on the commencement of this section, not in 1982.

(iii) in durable, conspicuous and legible characters of not less than 1.5 mm face depth;

(iv) in such colour or colours as will ensure a distinct contrast to the background colour;

(b) shall include—

(i) the name, trade name or description of the therapeutic goods or other drugs contained in the package;

(ii) the name and business address of the manufacturer or importer or the vendor or packer, not being a post office address;

(iii) the net weight or number or true measure or, as the case requires, volume of the contents of the package;

(iv) in the case of a package containing therapeutic goods, the batch number immediately preceded by the words, or the symbol for the words, 'Batch No.';

(v) in a case where the chief executive considers that the therapeutic goods or other drugs contained in the package may have a limited durable life, the expiry date of the contents of the package immediately preceded by words clearly indicating that the date is the expiry date;

(vi) in the case of a package containing a therapeutic substance, except a substance specified in the *Poisons Regulation 1973*, schedule 3, schedule 4 or schedule 8, the precise dose and frequency of the dose required;

(c) shall not include—

(i) a reference to the Act;

(ii) any comment on, reference to or explanation of a particular or statement required by the Act or this part to be included in the label that directly or by implication contradicts, qualifies or modifies that particular or statement;

(iii) in the case of a package containing a therapeutic substance any comment or statement likely to induce or encourage the consumption of the substance except in accordance with the prescribed dose.

(3) A person who packs for sale or labels for sale therapeutic goods or other drugs in a manner contrary to or otherwise than in compliance with this part commits an offence against this part.

Maximum penalty—20 penalty units.

(4) A person shall not sell therapeutic goods or other drugs, the label on or attached to which contravenes this part.

Maximum penalty—20 penalty units.

Advertising and further labelling requirements

157.(1) The label on or attached to a package containing therapeutic goods or other drugs for sale or any advertisement relating to such goods or drugs shall not contain a statement, claim or representation pictorial or otherwise in relation to such goods or drugs, that directly or by implication indicates or suggests any matter or thing—

(a) with respect to the use of such goods or drugs for the purpose of or in connection with—

- abortifacient action
- acidity of the stomach, other than temporary relief
- alcoholism
- anaemia
- arthritis (all forms including rheumatoid arthritis), other than temporary relief of pain
- asthma, other than relief of mild spasms
- baldness
- blindness
- boils, other than treatment by local application
- bronchitis, other than relief of cough
- bust development
- carbuncles
- cardiovascular system diseases, ailments or defects

(including high or low blood pressure), other than temporary relief of varicose veins by use of elastic hosiery

- cataract
- catarrh, other than temporary relief
- chilblains, other than temporary relief of symptoms
- colds, other than temporary relief of symptoms
- coughs, other than temporary relief
- croup
- deafness, other than relief by an appliance
- diphtheria
- eczema, other than temporary relief of symptoms
- endocrine system diseases, ailments, defects or injuries (including diabetes and goitre)
- erysipelas
- fungus infections, other than treatment of tinea (athlete's foot)
- gallbladder diseases, ailments, defects or injuries
- gastric or duodenal ulcer
- genito-urinary system diseases, ailments, defects or injuries
- glandular diseases, ailments, defects or injuries (including glandular enlargement)
- glaucoma
- gout
- haemorrhoids, other than the temporary relief of discomfort by local application
- headaches, other than temporary relief
- height increase
- immune system diseases, ailments, defects or injuries including acquired immune deficiency syndrome (AIDS),

other than reduction of the risk of transmission of acquired immune deficiency syndrome by the use of condoms

- impetigo
- impotence
- indigestion, other than temporary relief
- infertility
- influenza, other than temporary relief of symptoms
- liver diseases, ailments, defects or injuries
- lupus
- menopausal diseases, ailments or defects
- menstrual diseases, ailments, defects or injuries, other than temporary relief of pain
- mouth ulcers, other than temporary relief of recurrent ulcers
- muscular aches and pains, other than temporary relief
- neoplastic diseases (including cancer and leukaemia), other than the use of sunscreening preparations as an aid in the prevention of skin cancer, being a use that is approved in writing by the chief executive
- nervous system diseases, ailments, defects or injuries (including convulsions, epilepsy, fits, mental illness or paralysis)
- overweight, other than suppression of appetite in conjunction with a medically sound diet
- phlebitis
- prostate gland diseases, ailments, defects or injuries
- psoriasis
- purpura
- pyorrhoea
- rheumatism, other than temporary relief of pain
- rupture or hernia

- scabies
- sexual intercourse and diseases arising therefrom, other than reduction in the possibility of conception or the risk of transmission of venereal disease
- sexual potency or virility
- sinus infection, other than temporary relief of sinusitis
- sleeplessness, other than temporary relief
- thrombosis
- tuberculosis
- varicose ulcers or varicose veins, other than temporary relief of symptoms by use of elastic hosiery
- whooping cough;

(b) with respect to the use or consumption of such goods or drugs, that—

(i) depicts excessive pain or suffering;

(ii) induces or is likely to induce persons to believe that they are suffering from a serious ailment;

(iii) induces or is likely to induce persons to believe that harmful consequences will result if such goods or drugs are not used or consumed;

(iv) disparages any physical or mental affliction or deformity;

(v) claims or implies or induces or is likely to induce persons to infer that such goods or drugs or their sales are recommended or used generally by medical practitioners, pharmacists, dentists, nurses or physiotherapists or by persons having or purporting to have a qualification in a health care field;

(c) with respect to the use or consumption of such goods or drugs, that such goods or drugs—

(i) are a universal panacea;

(ii) possess infallible, unfailing, sure, magical or miraculous curing properties;

(iii) possess unique or absolute properties, except where that statement, claim or representation is approved in writing by the chief executive;

(iv) are immediately or rapidly acting;

(v) are a natural remedy or nature's remedy;

(vi) possess stimulant properties;

(vii) promote vitality;

(viii) must be used for the relief of symptoms of any disease, ailment, defect or injury.

Maximum penalty—20 penalty units.

(2) A fictitious testimonial or the name of a fictitious person shall not be included in the label on or attached to or in an advertisement relating to therapeutic goods or other drugs.

Maximum penalty—20 penalty units.

(3) A person shall not publish or display in any manner or cause to be published or displayed in any manner an advertisement that contravenes this part.

Maximum penalty—20 penalty units.

(4) A person shall not attach to or permit to be attached to or allow to remain upon an automatic vending machine or similar mechanical device used for the sale or supply of condoms any advertisement, statement, claim, representation or pictorial design other than—

(a) the name and address of the manufacturer or vendor; or

(b) directions for use of the machine; or

(c) a description of the contents of the machine expressed as a brand or trade name in conjunction with the word 'condom'; or

(d) any other advertisement, statement, claim, representation or pictorial design approved by the chief executive.

Maximum penalty—20 penalty units.

(5) This section shall not be construed so as to prohibit the publication of advertisements relating to therapeutic goods or other drugs in medical journals, bona fide trade journals or price lists for the use of the retail trade.

Further labelling where claims as to presence of vitamins made

158. Where a claim is made as to the presence of vitamins in therapeutic goods or other drugs, there shall be written in the label on or attached to the package containing such goods or drugs a statement setting out separately in respect of each vitamin claimed to be so present the amount thereof in international units or milligrams in a stated quantity of such goods or drugs and a claim so made shall not be extended by the use in the label of the word 'enriched' or 'fortified' or any word or words having the same or a similar effect.

Maximum penalty—20 penalty units.

Further labelling where alcohol present

159.(1) Subject to subsection (2), there shall be written in the label on or attached to a package containing therapeutic goods or other drugs for sale for internal use by man that are compounded with ethyl alcohol in a proportion greater than 50 millilitres per litre, in boldface sans serif capital letters, the proportion of alcohol contained in such goods or drugs expressed in the form—

'ALCOHOL
THIS MIXTURE CONTAINS NOT
MORE THAN (here insert the number of
parts per centum present,
volume in volume) of ALCOHOL'.

Maximum penalty—20 penalty units.

(2) This section does not apply to therapeutic goods or other drugs dispensed and supplied on any prescription or order signed by a medical practitioner or dentist.

Further labelling where methylated spirits present

160. There shall be written in the label on or attached to a package containing therapeutic goods or other drugs for external use that are mixed or prepared with methylated spirits, in boldface sans serif capital letters, a statement declaring the presence of those spirits and the proportion thereof contained in that substance in the form—

‘THIS PREPARATION CONTAINS
(here insert the number of parts
per centum present,
volume in volume) OF ALCOHOL
IN THE FORM OF METHYLATED SPIRITS’.

Maximum penalty—20 penalty units.

Further labelling for analgesics

161.(1) Subject to subsection (2), there shall be written in the label on or attached to a package containing a preparation for internal use by man that consists of or contains any of the substances—

(a) aspirin (acetylsalicylic acid) and its salts;

(b) paracetamol;

(c) salicylic acid, its salts, derivatives and their salts other than aspirin;

a statement in 1 of the forms—

‘WARNING—This medication may
be dangerous when used in
large amounts or for a long period’

or

‘CAUTION—This preparation is for
the relief of minor and temporary
ailments and should be used
strictly as directed. Prolonged
use without medical supervision
could be harmful’.

Maximum penalty—20 penalty units.

(2) This section does not apply to a preparation dispensed by a medical practitioner or dentist or by a pharmaceutical chemist upon the prescription of a medical practitioner or dentist.

Further labelling requirements for tobacco

162.(1) This section applies to a retail package only as far as the Commonwealth regulation does not apply to the package.[12]

(2) A retail package must be labelled in the way specified in the Commonwealth regulation, as if it were a package to which the Commonwealth regulation applied.

(3) In this section—

"Commonwealth regulation" means the Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations (Cwlth).

"retail package" has the meaning given by the Commonwealth regulation.

Soap and soap mixtures

163.(1) Soap is a product prepared from the action of a solution of alkali on fats, oils or resins or a mixture of any 2 or all of them.

(2) Soap—

(a) shall contain—

(i) not less than 590 grams of fatty acids and resin acids or both per kilogram;

(ii) not more than—

(A) 1 gram of free caustic alkali;

(B) 30 grams of sodium carbonate;

per kilogram;

(b) shall not contain any other substances save water, perfume and harmless colouring matter.

Maximum penalty—20 penalty units.

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12 The Commonwealth regulation applies to a corporation, in trade or commerce, supplying goods that are intended to be used, or are of a kind likely to be used, by a consumer. See the *Trade Practices Act 1974* (Cwlth), s 65D.

This section provides for the same labelling requirements to apply to a package of tobacco under this regulation as apply to a package under the Commonwealth regulation.

(3) Soap mixture is soap mixed with mineral substances or vegetable substances or both in such proportion as to ensure that the total content of any such substance or a mixture of them does not exceed 100 grams per kilogram.

(3A) Soap mixture shall contain not less than 530 grams of fatty acids or resin acids or both per kilogram.

Maximum penalty—20 penalty units.

(3B) There shall be stamped or embossed on all bars and cakes of soap mixture for sale in that form, in boldface sans serif capital letters with a minimum letter height of 8 mm, the words—

‘SOAP MIXTURE’.

Maximum penalty—20 penalty units.

(3C) Where soap mixture is for sale enclosed in a package, there shall be written in the label on or attached to that package, in boldface sans serif capital letters with a minimum letter height of 8 mm, a statement in the form—

‘SOAP MIXTURE
SOAP MIXED WITH (here insert
in letters with a minimum letter
height of 2 millimetres the
name or names of the admixed
substance or substances)’.

Maximum penalty—20 penalty units.

(4) Abrasive soap is a preparation of soap and any abrasive substance or substances for sale as being suitable for abrasive purposes.

(4A) There shall be written in the label on or attached to a package containing abrasive soap, in boldface sans serif capital letters with a minimum letter height of 4.5 mm, the words—

‘ABRASIVE SOAP’

or

‘PUMICE SOAP’

or words having the same or a similar effect.

Maximum penalty—20 penalty units.

(4B) Where abrasive soap is for sale in unwrapped bars or cakes, the words specified shall be stamped or embossed on each such bar and cake in accordance with subsection (4A).

Maximum penalty—20 penalty units.

(5) Medicated soap is soap mixed with a drug of recognised therapeutic properties.

(5A) There shall be written in the label on or attached to a package containing medicated soap, in boldface sans serif capital letters with a minimum letter height of 4.5 mm, the word—

‘MEDICINAL’, ‘MEDICATED’,
or ‘MEDICAL’ followed
by the word ‘SOAP’.

Maximum penalty—20 penalty units.

(5B) Where medicated soap is for sale in unwrapped bars or cakes, those words shall be stamped or embossed on each such bar and cake in accordance with subsection (5A).

Maximum penalty—20 penalty units.

(6) Borax soap is soap mixed with a quantity of not less than 20 grams of borax per kilogram.

(7) Castile soap is soap prepared by the action of sodium hydroxide on olive oil.

(7A) It shall comply with the general standard for soap prescribed by this part.

(7B) The word ‘castile’ or any word or words resembling or having the same or a similar effect as ‘castile’ shall not be used on a bar or cake of or package containing soap other than soap that complies with the standard prescribed by this part for castile soap.

Maximum penalty—20 penalty units.

(8) Soft soap is a product prepared from the action of a solution of potassium hydroxide, with or without sodium hydroxide, on fats, oils or resin.

(8A) Soft soap—

(i) shall contain not less than 400 grams of fatty acids or resin acids or both per kilogram;

(ii) may contain not more than 30 grams of potassium silicate per kilogram.

Maximum penalty—20 penalty units.

(9) Shaving soap in the form of shaving sticks, shaving cakes or other solids purporting to be suitable for use in shaving shall comply with the general standard for soap prescribed by this part.

Maximum penalty—20 penalty units.

(9A) Unwrapped cakes or sticks of shaving soap for sale in that form shall be stamped or embossed with the name of the product.

Maximum penalty—20 penalty units.

(9B) The general labelling requirements prescribed by this part apply to shaving soap in any form for sale in packages.

(10) Liquid soap is a product that contains not less than 100 grams per kilogram of fatty acids or resin acids or both, combined as soap.

(10A) Liquid soap need not comply with the general standard for soap prescribed by this part.

(11) Toilet soap is soap that complies with the Australian Standard Specification for Toilet Soap published by the Standards Association of Australia (AS 1877–1976).

(12) Laundry soap or bar soap is soap that complies with the Australian Standard Specification for Laundry Tablet or Bar Soap published by the Standards Association of Australia (AS 1878–1976).

(13) The general standard for soap prescribed by this section does not apply to the product called washing powder.

(14) For the purposes of this section, a declaration of the presence of a colouring substance in any variety of soap is not required.

Requirements as to packages

164.(1) A person engaged in or in connection with the manufacture, preparation, production or packing for sale of therapeutic goods or other drugs shall ensure that—

(a) every package intended to be used by the person to hold such goods or drugs or in which they are to be packed—

(i) is scrupulously clean and free from foreign matter;

(ii) has been and is being kept stored until such time as it is used, in such manner as to protect it from contamination from any source;

(iii) is free from every ingredient capable of imparting to it any unwholesome property or poisonous or injurious matter or thing;

(iv) is free from cracks and chips;

(b) every second-hand package, intended to be used by the person, pursuant to paragraph (a), in addition to being subject to the requirements specified in that paragraph, has been properly cleaned and washed in accordance with this part;

(c) every cork, crown seal, wad or appliance intended to be used by the person in the closing or sealing of such goods or drugs is new and clean and has been and is being kept stored until it is so used, in such manner as to protect it from contamination from any source.

Maximum penalty—20 penalty units.

(2) A person shall not use for the purpose of holding any substance or thing a package intended to be used by the person for holding therapeutic goods or other drugs, if such use were such as to result in the likelihood of contaminating or affecting the quality or taste of such goods or other drugs if they were subsequently packed in that package.

Maximum penalty—20 penalty units.

(3) A person shall not use a package intended to be used by the person for holding therapeutic goods or other drugs as a receptacle for urine or sputum or for the purpose of holding, storing or preserving a pathological

specimen or any objectionable matter or thing.

Maximum penalty—20 penalty units.

Restrictions on use of certain second-hand packages

165. A person shall not pack therapeutic goods or other drugs for sale in a package that has been previously used where that package is made wholly or partly of paper, cardboard or the like absorbent material.

Maximum penalty—20 penalty units.

Requirements as to conduct of business of preparing second-hand or used packages for sale

166.(1) A person shall not conduct the business of preparing second-hand bottles or used bottles, cans or other packages for sale as packages of therapeutic goods or other drugs unless and until—

(a) the place in or at which those packages are and are to be stored;

(b) the plant to be used, methods of treatment (whether by washing, cleaning or other process) and storage of those packages;

have been approved by the chief executive.

Maximum penalty—20 penalty units.

(2) Packages that have been treated in accordance with subsection (1) shall be stored and kept stored in such place and manner as to ensure that those packages are protected from re-contamination by dust or other means.

Maximum penalty—20 penalty units.

(3) A person shall not convey a package that has been treated and stored in accordance with subsections (1) and (2) through a street or other open place by such method and in such manner as to render that package likely to be contaminated by dust or other means.

Maximum penalty—20 penalty units.

(4) A person shall not sell as fit for use as a package for therapeutic goods or other drugs a second-hand package or used package that has not been treated, stored and kept stored in accordance with subsections (1) and (2).

Maximum penalty—20 penalty units.

(5) The chief executive may at any time furnish to a person engaged in the packing of therapeutic goods or other drugs a list of persons and their business addresses whose premises and plant have been approved by the chief executive under subsection (1).

Packaging of certain therapeutic and other substances

167.(1) A person must not sell a prescribed substance unless it is packed—

(a) in a reclosable container that has directions for opening and closing the container conspicuously marked or written on it or on a label securely attached to it; or

(b) in a non-reclosable container.

Maximum penalty—8 penalty units.

(2) Subsection (1) does not apply to a prescribed substance—

(a) in a container holding 500 solid dosage units or more; or

(b) supplied to a person whom the doctor, dentist, veterinary surgeon or pharmacist prescribing or supplying the substance believes would suffer undue hardship if the person were required to open a container complying with this section; or

(c) to be used by, or administered to, a patient in a hospital or nursing home.

(3) In this section—

"non-reclosable container" means a container that—

(a) is in the form of a blister package or other sealed unit; and

(b) is made from paper, film, plastic material, metal foil or another sheet or strip material, other than cellulose film or unlaminated paper; and

(c) contains a single dosage unit, whether or not as part of a continuous series forming a strip or sheet of the same material.

"prescribed substance" means—

(a) a capsule, lozenge, pastille, suppository, tablet or similar discrete solid dosage unit, other than individually wrapped powders, containing—

(i) a therapeutic or animal use substance mentioned in schedule 14, part 1; or

(ii) an ester, salt or other derivative of a therapeutic or animal use substance mentioned in schedule 14, part 1; or

(b) a liquid preparation containing a therapeutic or animal use substance mentioned in schedule 14, part 2.

"reclosable container" means—

(a) a container fitted with a closure mentioned in schedule 13, part 1; or

(b) a container mentioned in schedule 13, part 2.

"therapeutic or animal use substance" means—

(a) a therapeutic substance; or

(b) a substance for animal use that would be a therapeutic substance if it were for human use.

Biological preparations

168.(1) In this section—

"biological preparation" means—

(a) a product prepared from animal tissue (including blood, lymph or glandular secretion) or by the agency of microscopic or ultramicroscopic organisms or ferment of any kind, used for or in relation to therapeutic use;

(b) a synthetic compound identical with or closely related to the products specified in paragraph (a) and in respect of which a claim is made that it has comparable therapeutic use.

(2) A person shall not sell a package containing a biological preparation unless the label on or attached to that package—

(a) complies with the general labelling requirements prescribed by this part;

(b) bears thereon or therein—

(i) the nature and proportion of antiseptic (if any) that has been added;

(ii) the precautions necessary for preserving the properties of the contents during the period to and including the expiry date;

(iii) in the case of diphtheria or tetanus antitoxic sera—

(A) the number of immunising units contained in any stated volume expressed in terms of the units prescribed by the Therapeutic Substances Regulations made under the *Therapeutic Substances Act 1925* (UK) or the Therapeutic Goods Regulations made under the *Therapeutic Goods Act 1989* (Cwlth), or adopted by the National Institute of Health, Washington, D.C., United States of America;

(B) whether or not the contents are free from organisms natural serum, a solution of antitoxic globulins, dried natural serum or dried antitoxic globulins;

(iv) in the case of bacterial vaccines—

(A) the identity and number of organisms per millilitre and the maximal doses for administration;

(B) whether or not the contents are free from organisms other than those peculiar to the preparation;

(v) in the case of antitoxin, whether or not the contents are sterile or contain free toxin.

Maximum penalty—20 penalty units.

(3) A biological preparation in which the growth of pathological organisms is possible shall not be packed in a rubbercapped package for repeated use unless there is present in the preparation a sufficient concentration of antiseptic to inhibit bacterial growth.

Maximum penalty—20 penalty units.

(4) Where no antiseptic is present in a biological preparation, there shall be written in the label on or attached to a package containing the preparation, in boldface sans serif capital letters, the words—

'NO ANTISEPTIC IS PRESENT IN THE CONTENTS OF THIS PACKAGE. THEY SHOULD BE USED FORTHWITH ON OPENING AND THE UNUSED PORTION SHOULD BE DISCARDED'.

Maximum penalty—20 penalty units.

(5) A person shall not sell a biological preparation unless it is packed in a package prescribed by the Therapeutic Goods Regulations made under the *Therapeutic Goods Act 1989* (Cwlth) or in a clear glass container.

Maximum penalty—20 penalty units.

Duties of manufacturer

169.(1) A person who manufactures for sale a therapeutic substance shall assign to each batch of that substance manufactured by the person a batch number and shall make and maintain records in accordance with subsection (2) indicating—

(a) the substances used in the manufacture of each batch;

(b) the analyses performed on those substances referred to in paragraph (a) and the results of those analyses;

(c) the quantities of each substance used in the manufacture of each batch;

(d) the procedures and controls applied in the course of manufacture to each batch being manufactured and the results of any measurements made on the batch or a sample from the batch taken during its manufacture;

(e) the analyses performed on each batch and the results of those analyses.

Maximum penalty—20 penalty units.

(2) The records prescribed by subsection (1) shall be maintained for—

(a) at least 1 year after the expiry date shown with respect to the therapeutic substance in question;

(b) where no expiry date is shown, at least 6 years after the date of completion of manufacture of the therapeutic substance in question.

(2A) A copy of any record made and maintained under this section, certified as correct by the manufacturer, shall be sent to the chief executive when and as often as the chief executive makes a request in that behalf.

Maximum penalty—20 penalty units.

(3) A person who manufactures for sale a therapeutic substance—

(a) shall take a sample of each substance used in the manufacture of each batch so manufactured of at least twice the quantity necessary for the tests required to establish its identity and purity;

(b) shall retain each sample taken in accordance with paragraph (a) for at least 2 years after the date of the use of the substance in such manufacture;

(c) shall take a sample of each therapeutic substance so manufactured of such quantity as is adequate to permit examination of the substance at suitable intervals of time and the investigation of possible complaints;

(d) shall store the sample taken in accordance with paragraph (c) under the conditions of storage (if any) recommended on the label otherwise under such conditions as will ensure preservation of the sample;

(e) shall retain the sample taken in accordance with paragraph (c)—

(i) for at least 1 year after the expiry date shown with respect to the therapeutic substance in question;

(ii) where no expiry date is shown, for at least 6 years after the date of completion of the manufacture of the therapeutic substance in question.

Maximum penalty—20 penalty units.

(4) Where the chief executive considers that it is necessary in the interests of public health to do so, a sample taken and retained in accordance with subsection (3)—

(a) shall be subjected to such analyses and examinations as the chief executive directs; or

(b) shall, at the direction of the chief executive, be furnished wholly or in part to an inspector for submission by the inspector to a

laboratory of the Department of Health.

(5) A person shall not use or cause to be used in the manufacture, preparation or production of a therapeutic substance for sale water other than potable water.

Maximum penalty—20 penalty units.

(6) For the purposes of this section, potable water is water—

(a) that has been obtained from an approved source; or

(b) that has been distilled, boiled, filtered or otherwise rendered sterile by an approved process.

(7) Potable water—

(a) shall contain not more than 100 micro-organisms in 1 ml;

(b) shall be colourless;

(c) shall not contain—

(i) micro-organisms of intestinal origin;

(ii) objectionable chemical constituents;

(iii) sediment;

(d) shall not be used for any purpose specified in this part requiring the use of potable water unless it has been stored and kept during the period between its collection or sterilisation and its manufacture or sale in such place and such manner as to protect and preserve it from contamination.

Maximum penalty—20 penalty units.

Specifications for places

170.(1) A person shall not establish or conduct or suffer or cause to be established or conducted a business with respect to or connected with the manufacture, preparation, production, storage, handling, packing, displaying, serving, selling or other dealing with any therapeutic substance or other drug in or at a place other than a place that complies in all respects with this part.

Maximum penalty—20 penalty units.

(2) The occupier of a place in or at which any therapeutic substance or other drug for sale or a substance used or intended to be used in the manufacture or preparation of any therapeutic substance or other drug for sale is manufactured, prepared, produced, stored, handled, packed, displayed, served, sold or otherwise dealt with, shall ensure that that place is at all times—

(a) adequate in size;

(b) properly enclosed, floored, ceiled and lined;

(c) lighted in accordance with the appropriate provisions of the *Factories and Shops Act 1960*;

(d) effectively ventilated;

(e) provided with effective subfloor ventilation, save where the floor is constructed of concrete or similar impervious material;

(f) constructed and maintained in accordance with the part 17;

(g) provided with an adequate supply of potable water, washbasins in the ratio of 1 basin to every 12 persons, conveniently located and fitted, and a constant supply of soap and clean towels;

(h) provided with—

(i) for the use of the occupier and the occupier's employees, sufficient sanitary conveniences for both sexes;

(ii) change rooms in accordance with the appropriate provisions of the *Factories and Shops Act 1960*;

(iii) sewerage and drainage in compliance with the requirements of the local government, in accordance with the *Sewerage and Water Supply Act 1949* or any other enactment relating to sewerage or drainage, maintained at all times in good and efficient working order.

Maximum penalty—20 penalty units.

Prohibition of use of certain places

171. A person shall not manufacture, prepare, produce, store, handle, pack, display, serve or sell any therapeutic substance or other drug for sale or a substance used or intended to be used in the manufacture, preparation

or production of any therapeutic substance or other drug for sale in or at a place or part of a place—

(a) that is at any time—

(i) used as a sleeping apartment or in which there is a bed or bedding or in direct communication by means of any door, window or other opening with a sleeping apartment or place in which there is a bed or bedding;

(ii) used as a sanitary convenience or in direct communication by means of any door, window or other opening with a sanitary convenience or place in which any animal or bird is allowed to be at large;

(iii) used as a change room;

(b) in or at which—

(i) work is being performed that would be likely to contaminate that substance or drug or injuriously affect its wholesomeness, quality or cleanliness;

(ii) there is an opening in direct communication with a sewer or drain;

(iii) any animal or bird is stabled, kept or allowed to be at large;

(c) that is in such an insanitary condition or so located or maintained as to be unfit for use in or in connection with a process or procedure specified in this section;

(d) that is a cellar, basement, underground room or place, save with the written consent of the chief executive.

Maximum penalty—20 penalty units.

Power of chief executive to require cessation of use of or alterations to places or equipment

172.(1) The chief executive may give a written notice requiring the owner or occupier of a place used for the manufacture, preparation, production, storing, handling, packing, displaying, serving or selling therapeutic goods or other drugs for sale, which place the chief executive has reason to believe by reason of its situation, condition, construction or disrepair is such as to

render possible contamination of those goods or drugs, to cease to use in or in connection with a process or procedure specified in this subsection or to reconstruct, alter, clean, repair or otherwise deal with, that place or any part thereof as directed and within the time specified in the notice.

(2) The chief executive, by notice in writing directed to the owner or occupier of a place used for the manufacture, preparation or production of therapeutic goods or other drugs for sale, may prohibit the use in the manufacture, preparation or production of such goods or drugs of any appliance, apparatus or equipment that the chief executive has reason to believe is unsuitable for the purpose for which it is being so used.

(3) The chief executive, by notice in writing directed to the occupier of a place used for the manufacture, preparation or production of therapeutic goods or other drugs for sale, may require the occupier to restrict, in the manner and to the extent specified in the notice or to cease within the time specified such manufacture, preparation or production.

Maintenance of places and equipment

173.(1) The occupier of a place where therapeutic goods or other drugs for sale or a substance used or intended for use in the manufacture of therapeutic goods or other drugs for sale are manufactured, prepared, produced, stored, handled, packed, displayed, served or sold, at all times, shall—

(a) maintain in a clean, serviceable and sanitary condition and a state of good repair—

(i) such place and all vehicles used in or in connection with the conveyance of such goods or other drugs;

(ii) all apparatus, appliances, implements, fittings, machinery and utensils used in or at such place in or in connection with a process or procedure specified in this section;

(b) provide adequate facilities, including hot water, for cleaning such place and all apparatus, appliances, implements, fittings or machinery used in or in connection with a process or procedure specified in this section carried out or performed in or at such place;

(c) keep or cause to be kept—

(i) such place free from rats, mice, cockroaches, flies or other vermin or insects;

(ii) for the purpose specified in subparagraph (i)—

(A) all materials used in or in connection with such place so stored, stacked and arranged as to preclude harbourage for rates, mice, cockroaches, flies or other vermin or insects;

(B) all land adjoining and every shed and outbuilding appurtenant to such place clean and free from lumber, rubbish, garbage and deleterious substances;

(iii) the interior surfaces of every wall and ceiling of every room or compartment of such place thoroughly treated with paint or other durable material;

(d) for the purpose of compliance with paragraph (c)(i), protect, so far as is practicable, all doors, windows and other openings in or at such place, by means of self-closing wire gauze doors or, as the case requires, wire gauze screens constructed from suitable mesh and materials;

(e) when required so to do by the chief executive, cause any floor of such place to be covered with impervious material;

(f) not conduct in such place, save with the consent of the chief executive, any other trade or business.

Maximum penalty—20 penalty units.

(2) A person engaged in the manufacture, preparation, production, storage, handling, packing, conveyance or delivery for sale of therapeutic goods and other drugs shall at all times take all steps and do all such acts and things as are necessary to protect such goods and drugs and every ingredient used in the manufacture thereof from rats, mice, cockroaches, flies or other vermin or insects and any contaminating or unwholesome matter, odour or thing.

Maximum penalty—20 penalty units.

Prohibition as to poisonous preparations

174. A person shall not keep, use or spread or cause or suffer to be kept, used or spread a preparation containing any poison or other objectionable, injurious or deleterious matter on, in or from any place in such manner and to such extent as to expose therapeutic goods or other drugs for sale to the risk of contamination.

Maximum penalty—20 penalty units.

Requirements as to personal cleanliness

175.(1) Subject to this subsection, a person engaged in the manufacture, preparation, production, storage, handling, packing, serving, selling, conveyance or delivery of therapeutic goods or other drugs for sale, whilst so engaged shall—

(a) not expectorate or smoke;

(b) be clean in his or her habits, body and attire;

(c) be free from any contagious or infectious disease or communicable skin infection or infected wound;

(d) not wear a bandage or dressing that may come into contact with or contaminate such goods or drugs;

(e) immediately before commencing work and upon every occasion after visiting a sanitary convenience before resuming work, wash his or her hands and brush his or her fingernails thoroughly with soap and clean water;

(f) for the purpose of the prevention of the risk of contamination to or by such goods or drugs and when so directed in writing by the chief executive so to do, wear such clothing as the person is directed to wear.

Maximum penalty—20 penalty units.

(1A) Subsection (1)(a), so far as it relates to smoking, does not apply with respect to a person engaged in or in connection with the storage, handling, conveyance or delivery of therapeutic goods or other drugs for sale in cases where such goods are enclosed in hermetically sealed packages.

(2) Subject to subsection (3), a person shall not expectorate or smoke in or at any place used in the manufacture, preparation, production, storage, handling, packing, serving, selling, conveyance or delivery of therapeutic goods or other drugs for sale or whilst on or in a vehicle engaged in the conveyance for sale of such goods or drugs.

Maximum penalty—20 penalty units.

(3) The prohibition with respect to smoking specified in subsection (2) does not apply in cases where therapeutic goods or other drugs for sale contained in hermetically sealed packages are stored, handled, conveyed or delivered.

Prohibition as to certain persons

176.(1) A person who—

(a) is suffering from—

(i) any contagious or infectious disease;

(ii) any communicable skin infection or acute respiratory infection;

(iii) any open sore or infected wound;

(b) is wearing a bandage or dressing that may come into contact with or contaminate therapeutic goods or other drugs;

shall not be engaged in or in connection with the manufacture, preparation, production, storage, handling, packing, serving, selling, conveyance or delivery of therapeutic goods or other drugs for sale.

Maximum penalty—20 penalty units.

(2) A person who is a carrier of disease shall not be engaged in, or be employed in any capacity in, a business connected with the manufacture, preparation, production, storage, handling, packing, serving, selling, conveyance or delivery of therapeutic goods or other drugs for sale or handle any instrument, package, receptacle, utensil or vessel or other thing used in or in connection with the processes or procedures specified in this subsection.

Maximum penalty—20 penalty units.

(3) The chief executive, by order in writing directed to the chief executive,

may require a person who is employed in or in connection with—

(a) manufacturing, preparing, producing, storing, handling, packing, displaying, serving, selling, conveying or delivering or otherwise dealing with therapeutic goods or other drugs for sale;

(b) handling any receptacle, utensil, vessel or other thing in, on or from which such goods or drugs are kept or served;

to submit himself or herself to any process of clinical or bacteriological examination specified in the order for the purpose of ascertaining whether such person is capable of conveying the germs of disease to a consumer of those goods or drugs and for the purpose of such examination to present himself or herself to the medical officer in charge of the hospital nearest to the place in question or some other duly qualified medical practitioner specified in the order.

(4) Where the chief executive is satisfied that a person is capable of conveying the causal agent of disease to a consumer of therapeutic goods or other drugs, the chief executive, by order in writing addressed to that person, may direct that person to forthwith cease work in or in connection with—

(a) the manufacture, preparation, production, storage, handling, serving, selling, conveying, delivering or other dealing with such goods or drugs for sale;

(b) the handling or other dealing with any receptacle, utensil, vessel or other thing in, on or from which such goods or drugs are kept or served;

and refrain from resuming such work until after the production by the person to the chief executive of satisfactory evidence that the person is fit to do so and the receipt by the person of permission in writing signed by the chief executive that the person may resume such work.

Offence as to therapeutic substance to which certain colouring substance added

177. A person shall not manufacture, prepare, produce or sell a therapeutic substance that contains a colouring substance other than a permitted colouring substance stated in Standard A5 of the Food Standards

Code.

Maximum penalty—20 penalty units.

Compliance of therapeutic goods or other drugs with certain description or standard

178.(1) Therapeutic goods and other drugs that are included in the APF shall comply with the descriptions therein specified for them.

(1A) However—

(a) wherever therapeutic goods or other drugs are included in the British pharmacopoeia, APF and the British pharmaceutical codex, the standard of the British pharmacopoeia shall prevail;

(b) wherever therapeutic goods and other drugs are included in the APF and the British pharmaceutical codex but not in the British pharmacopoeia, the standard of the APF shall prevail;

(c) where olive oil, cottonseed oil, sesame oil or arachis oil is indicated in the British pharmacopoeia or British pharmaceutical codex as a constituent of therapeutic goods or other drugs, maize oil may be used in the stead of any of those oils.

Maximum penalty—20 penalty units.

(2) Sunscreening preparations shall comply with the Australian Standard for Sunscreen Products—Evaluation and Classification (AS 2604–1993) as published by the Standards Association of Australia.

(3) A person shall not sell a sunscreening preparation which does not comply with the above standard.

Maximum penalty—20 penalty units.

Sale, supply and use of certain therapeutic goods restricted

179.(1) A person must not sell, supply or use a reagent for testing for antibodies to the human immunodeficiency virus unless permitted under this section.

Maximum penalty—20 penalty units.

(2) The reagent may be sold or supplied to a person who has the

management and control of an approved hospital or laboratory.

(3) The reagent may be used by a person in the course of the person's professional duties at an approved hospital or laboratory.

(4) The chief executive may approve a hospital or laboratory in writing for the purposes of this section if the chief executive is satisfied the reagent will be used in a safe and correct manner.

(5) The chief executive may impose conditions on the approval that the chief executive considers appropriate.

PART 17—VERMIN CONTROL

Division 1—Preliminary

Definitions

180. In this part—

"assembly place" means a place designed, constructed, adapted or used for the assembly of persons for civic, political, educational, transit, religious, social, recreational, sporting, entertainment or amusement purposes or any purpose associated with those purposes.

"occupier", of a place, includes, if there is no person in actual occupation of the place, a person entitled to possession of the place.

"permit" means a permit issued under section 194E.

"refuse" includes any thing which could be a source of food for vermin or encourage vermin to visit or frequent any place or afford or form or be likely to afford or form shelter or attraction for vermin.

"vermin" means rats, mice, guinea pigs and other rodents capable of carrying or transmitting a notifiable disease, but does not include a protected animal within the meaning of the *Nature Conservation Act 1992*.

"vermin-proof material" means any material that effectively prevents access by vermin.

All vermin noxious

181. Vermin of all species are declared to be noxious.

Local governments to superintend

182.(1) This part is in force within the areas of all local governments.

(2) Each local government must enforce this part and do and provide all acts, matters and things necessary for the enforcement of this part.

Division 2—Measures to be adopted by owners and occupiers

Buildings etc. to be vermin proofed

183. The owner of any place must cause—

(a) every floor, wall, partition, ceiling, roof and every ancillary fitting thereto of every building or other structure on such place to be so construed and maintained as to prevent the entry of vermin into such place; and

(b) every hole or opening in every floor, wall, partition, ceiling or roof and in every ancillary fitting thereto of every building or other structure on such place, to be securely covered with a suitable vermin-proof material; and

(c) every retaining wall, embankment, improvement or work of any kind or any formation, whether natural or artificial on such place, to be so constructed and maintained as not to afford or form or be likely to afford or form shelter or attraction for vermin.

Maximum penalty—40 penalty units.

Vegetation and other things not to provide shelter

184.(1) The occupier of any place must not—

(a) have or suffer or permit to remain on such place any vegetation which is growing in such a way as to afford or form or be likely to afford or form shelter or attraction for vermin; and

(b) have or suffer or permit to remain on such place any thing which is in such condition or is kept or stored in such a way as to afford or form or be likely to afford or form shelter or attraction for vermin.

Maximum penalty—40 penalty units.

(2) A reference to vermin in this section does not include vermin permitted to be kept under division 3A.

Drains etc. to be vermin proofed

185.(1) Every covered drain, sewer, pipe, covered conduit or covered channel within any place must be so trapped or otherwise protected by the owner as to prevent the ingress or egress of vermin.

(2) Every disused covered drain, disused sewer, disused pipe, disused covered conduit or disused covered channel must be removed or blocked or otherwise dealt with by the owner so as to prevent the ingress or egress of vermin.

Maximum penalty—40 penalty units.

Wharves to be vermin proofed

186. The owner of any wharf, dock or slip, must cause such place and any retaining wall thereon to be constructed and maintained so as to prevent vermin from sheltering on or in the wharf, dock, slip or wall.

Maximum penalty—40 penalty units.

Food and water not to be accessible to vermin

187.(1) The occupier of any place must cause—

(a) every thing on such place which is or may be a source of food for vermin, to be protected so as to effectively prevent access by vermin to such thing; and

(b) every supply or collection of water on such place to be protected as far as is practicable so as to effectively prevent access by vermin to such water.

Maximum penalty—40 penalty units.

(2) A reference to vermin in this section does not include vermin permitted to be kept under division 3A.

Storage of refuse, keeping of animals

188. The occupier of any place must not—

(a) have or suffer or permit to remain on such place any refuse unless such refuse is stored in accordance with the *Environmental Protection (Interim Waste) Regulation 1996*, and in the case of an assembly place all refuse must be collected and so stored immediately at the conclusion of every assembly of persons at that place; or

(b) have or keep or suffer or permit to remain or to keep on such place any bird or animal in such a way as to afford or form or be likely to afford or form shelter or attraction for vermin.

Maximum penalty—40 penalty units.

Notification of presence of vermin

189.(1) The occupier of any place must—

(a) notify in writing the relevant local government of the presence of vermin on such place immediately on becoming aware of its presence; and

(b) cause every thing which is infested with vermin to be treated in the manner directed by the local government.

Maximum penalty—40 penalty units.

(2) A reference to vermin in this section does not include vermin permitted to be kept under division 3A.

Local government premises

190. The local government must—

(a) in respect of premises owned or occupied by it or under its management or control take the measures prescribed by this

division for owners and occupiers of places; and

(b) in respect of roads, drains and sewers, including disused drains and sewers within its area, take such measures as are reasonably practicable or as are required by notice given to it by the chief executive, to prevent any road, drain or sewer from serving as a shelter or attraction for vermin.

Division 3—Destruction of vermin by local governments

Local government to destroy vermin in the area

191.(1) The local government must—

(a) do all such acts, matters and things or cause to be done all such acts, matters and things as are necessary to destroy vermin in its area; and

(b) immediately investigate any notification that any place is infested with vermin, and do all such acts, matters and things or cause to be done all such acts, matters and things as are necessary to destroy any vermin at such place.

(2) A reference to vermin in this section does not include vermin permitted to be kept under division 3A.

Vermin infested areas

192.(1) The chief executive may, if satisfied on the evidence available, that any place is infested with vermin, by notice in writing require the local government to do or cause to be done such acts, matters and things designed to destroy vermin in that place as are specified in that notice.

(2) A reference to vermin in this section does not include vermin permitted to be kept under division 3A.

Unusual sickness or mortality in vermin

193. If any unusual or suspicious sickness or any abnormal mortality rate occurs in vermin in any part of its area, the local government must immediately notify the medical officer of health, or if there is no medical

officer of health, the chief executive, of the circumstances, and at the same time provide the fullest information available relating thereto.

Local government to examine vermin specimens

194. The local government must, when required by the chief executive by notice in writing—

(a) cause such examinations as may be specified in the notice, to be made of all vermin destroyed by it or obtained by it and must provide within the time specified in the notice a full report in writing containing the results of such examinations; and

(b) obtain and submit to the Centre for Public Health Sciences or such other laboratory as may be approved by the chief executive, such vermin specimens or specimens from vermin cadavers as may be specified in the notice, and mark those specimens with the particulars specified in the notice.

Division 3A—Keeping vermin

Prohibition from keeping vermin

194A.(1) A person must not keep vermin other than under this division.

Maximum penalty—40 penalty units.

(2) A person may keep vermin, without a permit, under section 194D.

(3) A person may keep rats, mice or guinea pigs—

(a) without a permit, under section 194C; or

(b) under a permit.

Conditions under which vermin must be kept

194B. A person permitted to keep vermin under this division must keep them—

(a) under hygienic conditions; and

(b) in an enclosure from which they can not escape.

Maximum penalty—40 penalty units.

Keeping up to 100 rats, mice or guinea pigs

194C.(1) A person may keep up to 100 rats, mice or guinea pigs at a place.

(2) However, if someone else also keeps rats, mice or guinea pigs at the place, the total number kept at the place must not be more than 100.

(3) In this section—

"place" means a dwelling, shop or other separate premises.

Keeping vermin at a laboratory

194D. A person may keep any number of vermin at a laboratory or a place ancillary to a laboratory for medical, research, scientific or teaching purposes pursued at the laboratory.

Division 3B—Permits

Keeping rats, mice or guinea pigs under a permit

194E.(1) A person may keep rats, mice or guinea pigs at a place under a permit given under this section.

(2) An application for a permit, or the renewal of a permit, must be made, in the approved form, to the local government in whose area the place is situated.

(3) The local government must promptly consider the application and either grant or refuse to grant the application.

(4) If the local government decides to grant the application, it must promptly issue a permit to the applicant.

(5) A permit may be issued on reasonable conditions imposed by the local government.

(6) If the local government refuses to grant the application or issues a

permit on conditions, it must give the applicant written notice of its decision within 14 days after making it.

(7) The notice must state—

(a) the decision; and

(b) the reasons for the decision; and

(c) that the applicant may appeal against the decision to a Magistrates Court within 28 days after the applicant receives the notice.

(8) If the local government fails to decide the application within 60 days after its receipt, the failure is taken to be a decision by the local government to refuse to grant the application.

Criteria for decisions about applications

194F. In deciding the application, the local government must consider the following criteria—

(a) the security of the place where the rats, mice or guinea pigs are kept or intended to be kept;

(b) the conditions under which the rats, mice or guinea pigs are kept or intended to be kept;

(c) the design and construction of the enclosure in which the rats, mice or guinea pigs are kept or intended to be kept;

(d) the existence of a management plan, addressing the following issues—

(i) identification and minimisation of potential risks to public health;

(ii) odour and noise;

(iii) security;

(iv) escape of rats, mice or guinea pigs;

(v) sanitation;

(vi) waste disposal;

(vii) pest control;

(viii)provision of food and water;

(ix) dealing with diseased rats, mice or guinea pigs;

(x) ventilation;

(xi) training of staff in disease management;

(e) any other relevant issue.

Division 3C—Suspension or cancellation of permits

Grounds for suspension or cancellation

194G. Each of the following is a ground for the suspension or cancellation of a permit—

(a) the permit was obtained because of incorrect or misleading information;

(b) the holder of the permit has contravened a condition of the permit;

(c) the holder of the permit has been found guilty of an offence against this part.

Procedure for suspension or cancellation

194H.(1) If a local government believes a ground exists to suspend or cancel a permit (the **"proposed action"**), the local government must give the holder of the permit written notice—

(a) stating the proposed action; and

(b) stating the grounds for the proposed action; and

(c) outlining the facts and circumstances forming the basis for the local government's belief; and

(d) if the proposed action is suspension of the permit—

(i) stating the proposed suspension period; and

(ii) explaining the effect of suspension under this division; and

(e) inviting the holder to show in writing, within a stated reasonable time of at least 28 days, why the proposed action should not be

taken.

(2) If, after considering all written representations made within the stated time, the local government still considers a ground for the proposed action exists, the local government may—

(a) if the proposed action was to suspend the permit for a stated period—suspend the permit for no longer than the proposed suspension period; or

(b) if the proposed action was to cancel the permit—either cancel the permit or suspend it for a period.

(3) The local government must inform the holder of its decision by written notice.

(4) The notice must be given within 10 days after the local government makes its decision.

(5) If the local government decides to suspend or cancel the permit, the notice must state—

(a) the decision; and

(b) the reasons for the decision; and

(c) that the holder may appeal against the decision to a Magistrates Court within 28 days after the holder receives the notice.

(6) The decision takes effect on the later of the following days—

(a) the day when the notice is given to the holder;

(b) the day of effect stated in the notice.

(7) However, if the ground for the suspension or cancellation of the permit is that the holder has been found guilty of an offence against this part, the suspension or cancellation has no effect if the finding is quashed on appeal.

(8) Also, subsections (1) to (7) do not apply if the holder agrees to the local government cancelling the permit.

(9) The local government may cancel a permit under subsection (8) by written notice given to the holder.

Procedure for immediate suspension

194I.(1) This section applies if—

(a) the local government believes a ground exists to cancel or suspend a permit; and

(b) the local government considers the health of members of the public may be adversely affected if urgent action to suspend the permit is not taken.

(2) The local government may immediately suspend the permit by written notice given to the holder of the permit.

(3) The suspension takes effect immediately the notice is given to the holder.

(4) The notice must state—

(a) that the permit is suspended; and

(b) the reasons for the suspension; and

(c) that the holder may appeal against the suspension to a Magistrates Court within 28 days after the holder receives the notice.

(5) The local government must at the same time give the holder a notice under section 194H(1).

(6) The suspension of the permit continues until the first to happen of the following—

(a) the local government cancels the suspension;

(b) the local government gives the holder notice of its decision under section 194H(3);

(c) the end of 60 days after the notice under subsection (2) was given to the holder.

Division 3D—Amendment of permits

Procedure for amendment

194J.(1) The local government may amend a permit if—

(a) the holder of the permit agrees to the amendment; or

(b) the local government is reasonably satisfied the permit should be amended.

(2) If the local government is reasonably satisfied the permit should be amended under subsection (1)(b), the local government must give the holder a written notice that—

(a) states the proposed amendment and the reasons for the amendment; and

(b) outlines the facts and circumstances forming the basis for the reasons; and

(c) invites the holder to make written representations to the local government, within a stated reasonable time of at least 28 days, to show why the amendment should not be made.

(3) If, after considering the representations properly made by the holder, the local government is still reasonably satisfied the permit should be amended in the way mentioned in the notice, or in another way having regard to the representations, the local government must—

(a) issue a new permit to the holder; and

(b) give the holder a written notice that states—

(i) that the old permit has been cancelled; and

(ii) the way in which the new permit is different from the old permit; and

(iii) the reasons for the amendment; and

(iv) that the holder may appeal to a Magistrates Court against its decision within 28 days after the person receives the notice.

(4) The new permit takes effect on the later of the following days—

(a) the day when the notice is given to the holder;

(b) the day of effect stated in the notice.

(5) In this section—

"amend", a permit, means—

(a) impose conditions on the permit; or

(b) vary any conditions of the permit.

Division 3E—Appeals

Decisions open to appeal

194K.(1) An applicant for a permit may appeal against a decision of a local government to—

(a) refuse to grant the application; or

(b) impose a condition on the permit under section 194E(5).

(2) The holder of a permit may appeal against a decision of a local government to—

(a) cancel or suspend the permit; or

(b) amend the permit under section 194J(1)(b).

Starting an appeal

194L.(1) A person starts an appeal by—

(a) filing a written notice of appeal with a Magistrates Court; and

(b) serving a copy of the notice on the local government.

(2) The appeal may be made to a Magistrates Court nearest the place—

(a) where the person lives; or

(b) where the place the subject of the application or permit is situated.

(3) However, subsection (2) does not limit the jurisdiction of another Magistrates Court to hear the appeal.

(4) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

Time for starting an appeal

194M.(1) An appeal may be started at any time.

(2) However, if written notice is given of a decision, and reasons for the decision are included in the notice, an appeal against the decision by a person to whom the notice was given must be started within 28 days after the person receives the notice.

(3) A Magistrates Court may at any time extend the period for filing a notice of appeal.

Stay of operation of decisions

194N.(1) The Magistrates Court may grant a stay of the operation of the decision to secure the effectiveness of the appeal.

(2) A stay—

(a) may be granted on the conditions the court considers appropriate; and

(b) applies for the period the court states, but must not extend past the time when the court makes a decision on the appeal; and

(c) may be cancelled or amended by the court.

Hearing procedures

194O.(1) In deciding the appeal, the Magistrates Court—

(a) has the powers of the local government in relation to permits; and

(b) is not bound by the rules of evidence; and

(c) must comply with natural justice; and

(d) may hear the appeal in court or in chambers.

(2) The appeal is by way of rehearing.

Powers of court on appeal

194P.(1) In deciding the appeal, the Magistrates Court may—

(a) confirm the decision; or

(b) set aside the decision and substitute another decision; or

(c) set aside the decision and return the issue to the local government with the directions the court considers appropriate.

(2) If the Magistrates Court substitutes another decision, the substituted decision is, for this part (other than this division), taken to be that of the local government.

Appeal to District Court

194Q. An appeal to the District Court may be made from a decision of a Magistrates Court under this division, but only on a question of law.

Division 4—Miscellaneous

House-to-house visits

195.(1) The local government may, and when required by the chief executive by notice in writing must, undertake house-to-house visits within its area or that part of its area specified in the notice, and inspect every place therein.

(2) The local government must in respect of every such visitation and inspection which has been required by the chief executive, furnish to the chief executive within the time specified a full report in writing—

(a) as to whether the provisions of this part are being complied with by the owners and occupiers of such places; and

(b) upon action taken or proposed to be taken by the local government with respect to any places which were ascertained to afford or form or to be likely to afford or form shelter or attraction for vermin.

Damaging vermin-proofing measures

196. A person must not, without lawful reason, interfere with or damage or destroy any thing which has been constructed or installed or placed on any place for the purposes of this part.

Maximum penalty—40 penalty units.

Local government to employ persons for purpose of this part

197. The local government must, when required by the chief executive by notice in writing, employ at its expense such number of persons and provide such equipment, appliances and animals as may be specified in the notice for the purpose of this part.

Food not to be thrown on roads

198. A person must not throw, place, leave or have any thing in or upon any road or place so as to provide a potential source of food or sustenance for vermin.

Maximum penalty—40 penalty units.

Default of owner or occupier

200.(1) If the owner or occupier of any place to whom a notice has been given under section 209 neglects to comply with such notice, or fails to comply within the time specified, the chief executive or the local government, whether or not that person has been proceeded against for an offence against this part and without prejudice to the commencement of such proceedings, may enter the place to which the notice relates and do or cause to be done all acts and things and perform or cause to be performed all work necessary to comply with the requirements of the notice.

(2) Any expenses incurred under subsection (1) must be paid to the chief executive or, as the case may be, to the local government by the owner or occupier concerned within the time specified (being not less than 30 days) after the giving to that person of a notice in writing specifying the amount of such expenses incurred and giving reasonable particulars thereof.

Default of local government

201. If the local government makes default in carrying out or fails to do anything which by this part it is required to do, the chief executive may carry out and do such things, and in such case may recover all expenses so incurred from the local government in the manner provided by section 200.

PART 18—MISCELLANEOUS

Notifiable diseases—Act, s 32(1)

202. For section 32(1) of the Act, the diseases and disabilities listed in schedule 2, part 1, are notifiable diseases.

Controlled notifiable diseases—Act, s 48(1)

203. For section 48(1) of the Act, the notifiable diseases listed in schedule 2, part 2, are controlled notifiable diseases.

Automatic machines—Act, s 106

204. For section 106 of the Act, the sale or supply of condoms, by means of an automatic machine or similar mechanical device, is prohibited in—

- a State school or non-State school, within the meaning of the *Education (General Provisions) Act 1989*
- a grammar school, within the meaning of the *Grammar Schools Act 1975*.

Institutions—Act, s 130B

205. For section 130B of the Act, the following are institutions—

- Cairns Base Hospital
- Mackay Base Hospital
- Mental Health Building, Royal Brisbane Hospital
- Townsville General Hospital
- Wacol Rehabilitation Clinics, Wacol
- Wolston Park Hospital, Wacol.

Hazardous substances—Act, s 131WE

206. For part 4, division 9 of the Act, the following substances are hazardous substances—

- dangerous goods mentioned in the Australian Code for the Transport of Dangerous Goods by Road and Rail, section 9, published in the Commonwealth of Australia Gazette No. P15 on 7 April 1987
- halon 2402 Dibromotetrafluoroethane ($C_2F_4Br_2$).

Articles and drugs—Act, ss 132 and 134A

207.(1) In this section—

"gonk" means a cardboard cylinder, usually—

(a) covered with a fur-like fibre; and

(b) with fibre-backed vinyl feet glued to one end; and

(c) having eyes and a nose in appropriate positions.

(2) For section 132 of the Act, a gonk is an article.

(3) For section 134A of the Act, the following things are articles—

(a) anything used for storing, holding, carrying, conserving, preserving, serving, consuming, cooking or preparing—

(i) water for domestic use; or

(ii) food;

(b) paint;

(c) toys.

(4) For section 134A of the Act, drugs in tablet form, ampoules, capsules or other single dose packages are drugs.

Analyst's certificate—Act, s 136

208. An analyst's certificate must be in the approved form.

Inspector may serve notice to comply

209.(1) If an inspector believes, on reasonable grounds, that a person is committing an offence against this regulation, the inspector may give the person a written notice (**"notice to comply"**) under this section.

(2) A notice to comply must state—

(a) the act or omission comprising the alleged offence; and

(b) the action the person must take to rectify the alleged offence; and

(c) the day or time by which the person must take the action (the **"due date"**).

(3) The time between when the notice to comply is given to the person and the due date must be reasonable, having regard to the action the person must take.

(4) A person who receives a notice to comply may not be prosecuted for the alleged offence unless the person does not comply with the notice by the due date.

(5) A person may be prosecuted for an offence against this regulation even though the person has not received a notice to comply.

Fees

210. The fees payable under the Act are in schedule 3.

Expiry of regulation

211. This regulation expires on 1 July 2002.

PART 19—REPEALS

Division 1—Repeals for Subordinate Legislation 1996 No. 121

Repeals

424.(1) The following regulations made under the Act are repealed—

- Camping Ground Regulation 1987
- Cancer Registration Regulation 1981
- Hairdressers Regulation 1989
- Hazardous Substances (Placarding) Regulation 1988
- Health (Analysis Fees) Regulation 1981
- Health (Analyst's Certificate) Regulation 1993
- Health (Dispensary) Regulation 1993

- Health (Pest Control Operators) Regulation 1977
- Health (Poisons—Fumigation) Regulation 1973
- Health (Radioactive Substances) Regulation 1994
- Health (Scientific Research and Studies) Regulation 1993
- Hyperbaric Chamber Therapy Regulation 1989
- Maltreatment of Children Regulation 1980
- Mosquito Prevention and Destruction Regulation 1982
- Perinatal Statistics Regulation 1986
- Prescribed Substances Standards and Methods Regulation 1987
- Skin Penetration Regulation 1987
- Therapeutic Goods and Other Drugs Regulation 1982
- Vermin Control Regulation 1991.

(2) The instruments made under the Act as notifications and published in the gazette on the dates and at the pages stated below are repealed—

(a) 26 June 1982 at page 1643; and

(b) 22 October 1988 at page 881; and

(c) 16 June 1990 at page 962; and

(d) 4 June 1993 at page 777.

(3) The instruments made under the Act as orders in council and published in the gazette on the dates and at the pages stated below are repealed—

(a) 8 May 1971 at page 183; and

(b) 30 July 1977 at page 1695; and

(c) 1 September 1979 at page 75; and

(d) 13 August 1988 at page 3393; and

(e) 22 October 1988 at page 881; and

(f) 1 September 1990 at page 84.

Division 2—Transitional provisions for Health Amendment Regulation (No. 4) 1999

Transitional provisions for offences against repealed part

425.(1) Proceedings for an offence against the repealed part may be started or continued, and the provisions of the repealed part and the *Health Act 1937* that are necessary or convenient to be used in relation to the proceedings continue to apply, as if the *Health Amendment Regulation (No. 4) 1999* had not commenced.

(2) For subsection (1), the *Acts Interpretation Act 1954*, section 20[13] applies, but does not limit the subsection.

(3) In this section—

"repealed part" means the *Health Regulation 1996*, part 2,[14] as in force from time to time before its repeal by the *Health Amendment Regulation (No. 4) 1999.*

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13 *Acts Interpretation Act 1954*, section 20 (Saving of operation of repealed Act etc.)

14 Part 2 (Camping grounds)

SCHEDULE 1

AUTHORISED PERSONS

section 63

Place	Medical practitioners	Department of Family and Community Services officers	Police officers
Atherton	medical superintendent, Atherton Hospital	area manager, Atherton area office	officer in charge of police, Atherton
Ayr	medical superintendent, Ayr Hospital	area manager, Townsville city area office	officer in charge of police, Ayr
Beenleigh	child health medical officer, division of child health, Brisbane	area manager, Beenleigh area office	district officer assigned to Beenleigh Police District
Blackwater	medical superintendent, Blackwater Hospital	area manager, Emerald area office	officer in charge of police, Blackwater
Bowen	medical superintendent, Bowen Hospital	area manager, Bowen area office	officer in charge of police, Bowen

SCHEDULE 1 (continued)

Brisbane	medical superintendent, Royal Children's Hospital	deputy director-general (child protection and family support)	commissioner of the police service deputy commissioner of police
	medical superintendent, Mater Children's Hospital	regional director, Brisbane north regional director, Brisbane south	assistant commissioners of police inspector of police (Juvenile Aid Bureau)
	medical superintendent, Princess Alexandra Hospital	regional director, Brisbane west	superintendent of police (C.I.B.)
	medical superintendent, Prince Charles Hospital	regional director, north coast area manager, inner city area office	superintendent of police assigned to North Brisbane Police Region, Brisbane
	director of ambulatory services, Mater Children's Hospital	area manager, Corinda area office	superintendent of police assigned to South Brisbane Police Region, Brisbane
	child health medical officer, division of child health, Brisbane	area manager, Fortitude Valley area office area manager, Inala area office	detective inspector, Juvenile Aid Bureau, Brisbane

SCHEDULE 1 (continued)

medical officer in charge, Inala Community Health Services Centre	area manager, Mount Gravatt area office area manager, Nundah area office	inspector of police, assigned to Oxley Police District
	area manager, Stones Corner area office area manager, Toowong area office	detective senior sergeant, child abuse unit, Juvenile Aid Bureau, Brisbane
	area manager, Wynnum area office area manager, Redlands area office	detective sergeant, Mater S.C.A.N. team, Juvenile Aid Bureau, Brisbane
	manager, child protection support services senior resource officers, child protection manager, crisis care supervisor, sexual abuse treatment program	detective sergeant, Royal Children's Hospital S.C.A.N. team, child abuse unit, Juvenile Aid Bureau, Brisbane

SCHEDULE 1 (continued)

			detective sergeant, North Brisbane Community S.C.A.N. team, child abuse unit, Juvenile Aid Bureau, Brisbane
Bundaberg	medical superintendent, Bundaberg Hospital	area manager, Bundaberg area office	inspector of police assigned to Bundaberg Police District
Cairns	medical superintendent, Cairns hospital visiting paediatrician, Cairns Hospital	regional director, far northern area manager, Cairns area office	superintendent of police assigned to Far Northern Police Region, Cairns inspector of police assigned to Cairns Police District
Charleville	medical superintendent, Charleville Hospital	area manager, Charleville area office	inspector of police assigned to Charleville Police District
Charters Towers	medical superintendent, Charters Towers Hospital	area manager, Aitkenvale area office	officer in charge of police, Charters Towers
Cherbourg	medical superintendent, Cherbourg Hospital	area manager, Murgon area office	officer in charge of police, Cherbourg

SCHEDULE 1 (continued)

Chinchilla	medical superintendent, Chinchilla Hospital	area manager, Toowoomba area office	officer in charge of police, Chinchilla
Dalby	medical superintendent, Dalby Hospital	area manager, Toowoomba area office	inspector of police assigned to Dalby Police District
Emerald	medical superintendent, Emerald Hospital	area manager, Emerald area office	officer in charge of police, Emerald
Gladstone	medical superintendent, Gladstone Hospital	area manager, Gladstone area office	inspector of police assigned to Gladstone Police District
Gold Coast	medical superintendent, Gold Coast Hospital visiting paediatrician, Gold Coast Hospital	regional director, South Coast area manager, Southport area office area manager, Burleigh Heads area office	superintendent of police assigned to South-Eastern Police Region, Surfers Paradise superintendent of police assigned to Gold Coast Police District
Goondiwindi	medical superintendent, Goondiwindi Hospital	area manager, Warwick area office	officer in charge of police, Goondiwindi

SCHEDULE 1 (continued)

Gympie	medical superintendent, Gympie Hospital	area manager, Gympie area office	superintendent of police assigned to North Coast Police Region, Gympie
			inspector of police assigned to Gympie Police District
Ingham	medical superintendent, Ingham Hospital	area manager, Aitkenvale area office	officer in charge of police, Ingham
Innisfail	medical superintendent, Innisfail Hospital	area manager, Innisfail area office	inspector of police assigned to Innisfail Police District
Ipswich	medical superintendent, Ipswich Hospital	area manager, Ipswich area office	inspector of police assigned to Ipswich Police District
	visiting paediatrician, Ipswich Hospital		
Kingaroy	medical superintendent, Kingaroy Hospital	area manager, Murgon area office	officer in charge of police, Kingaroy

SCHEDULE 1 (continued)

Logan City	child health medical officer, division of child health, Brisbane medical officer in charge, Woodridge Community Health Services Centre	area manager, Beenleigh area office area manager, Logan City Area Office area manager, Woodridge area office	inspector of police assigned to Beenleigh Police District
Longreach	medical superintendent, Longreach Hospital	area manager, Emerald area office	inspector of police assigned to Longreach Police District
Mackay	medical superintendent, Mackay Hospital visiting paediatrician, Mackay Hospital	area manager, Mackay area office	inspector of police assigned to Mackay Police District
Maryborough	medical superintendent, Maryborough Hospital casualty area manager, Maryborough Hospital	regional director, Wide Bay area manager, Maryborough area office	inspector of police assigned to Maryborough Police District
Moranbah	medical superintendent, Moranbah Hospital	area manager, Dysart area office	officer in charge of police, Moranbah

SCHEDULE 1 (continued)

Mount Isa	medical superintendent, Mount Isa Hospital staff physician, Mount Isa Hospital	area manager, Mount Isa area office	inspector of police assigned to Mount Isa Police District
Nambour	medical superintendent, Nambour Hospital casualty area manager, Nambour Hospital	area manager, Maroochydore area office	inspector of police assigned to Sunshine Coast Police District, Maroochydore
Redcliffe	medical superintendent, Redcliffe Hospital casualty area manager, Redcliffe Hospital	area manager, Redcliffe area office area manager, Pine Rivers area office	inspector of police assigned to Redcliffe Police District
Rockhampton	medical superintendent, Rockhampton Hospital visiting paediatricians, Rockhampton Hospital	regional director, central area manager, Rockhampton area office	superintendent of police assigned to Central Police Region, Rockhampton superintendent of police assigned to Rockhampton Police District

SCHEDULE 1 (continued)

Roma	medical superintendent, Roma Hospital	area manager, Roma area office	inspector of police assigned to Roma Police District
Stanthorpe	medical superintendent, Stanthorpe Hospital	area manager, Warwick area office	officer in charge of police, Stanthorpe
St. George	medical superintendent, St. George Hospital	area manager, Roma area office	officer in charge of police, St. George
Thursday Island	medical superintendent, Thursday Island Hospital	area manager, Cairns area office	officer in charge of police, Thursday Island
Toowoomba	medical superintendent, Toowoomba Hospital visiting paediatricians, Toowoomba General Hospital	regional director, Southwest area manager, Toowoomba area office	superintendent of police assigned to Southern Police Region, Toowoomba inspector of police assigned to Toowoomba Police District
Townsville	medical superintendent, Townsville Hospital visiting paediatricians,	area manager, Aitkenvale area office area manager, Townsville area office	superintendent of police assigned to Northern Police Region, Townsville

SCHEDULE 1 (continued)

	Townsville General Hospital		superintendent of police assigned to Townsville Police District
Warwick	medical superintendent, Warwick Hospital	area manager, Warwick area office	inspector of police assigned to Warwick Police District
Winton	medical superintendent, Winton Hospital	area manager, Emerald area office	officer in charge of police, Winton

SCHEDULE 2

NOTIFIABLE AND CONTROLLED NOTIFIABLE DISEASES

sections 202 and 203

PART 1—NOTIFIABLE DISEASES

acute rheumatic fever

acute viral hepatitis

adverse event following vaccination

anthrax

arbovirus infections (specified)

- alphavirus infections (Barmah Forest, getah, Ross River, sindbis virus etc.)
- bunyaviruses infections (gan gan, mapputta, termeil, trubanaman virus etc.)
- flavivirus infections (alfuy, dengue, Edge Hill, Japanese encephalitis, kokobera, kunjin, Murray Valley encephalitis, Stratford, yellow fever, unspecified flaviviruses etc.)
- any other arbovirus infection demonstrated to cause human disease

atypical mycobacterial infection

Australian bat lyssavirus

botulism

brucellosis

campylobacter enteritis

chancroid

SCHEDULE 2 (continued)

chlamydia trachomatis infections

chlamydia trachomatis infections (excluding lymphogranuloma venereum)

lymphogranuloma venereum

cholera

ciguatera

cryptococcosis

cryptosporidiosis

diphtheria

donovanosis (granuloma inguinale)

echinococcosis (hydatid disease)

enterohaemorrhagic escherichia coli infection

equine morbillivirus infection

food-borne or water-borne illness in 2 or more associated cases

gonococcal infection

gonorrhoea

gonococcal infections (excluding gonorrhoea)

haemolytic uraemic syndrome

haemophilus influenzae type b infection (invasive)

hansen’s disease (leprosy)

hepatitis A

hepatitis B (acute, chronic and NOS)

hepatitis C

hepatitis D

hepatitis E

human immunodeficiency virus infection

SCHEDULE 2 (continued)

lead exposure (notifiable)

legionellosis

leptospirosis

listeriosis

malaria

measles

melioidosis

meningococcal infection (invasive)

pertussis

plague

poliomyelitis

pneumococcal disease (invasive)

Q fever

rabies

rubella

- rubella (congenital syndrome)

salmonellosis (NOS)

shigellosis

syphilis

- syphilis (congenital syndrome)
- syphilis (excluding congenital syndrome)

tetanus

tuberculosis

typhoid and paratyphoid

SCHEDULE 2 (continued)

viral haemorrhagic fevers (Crimean-Congo, Ebola, lassa fever and Marburg viruses)

yersiniosis

PART 2—CONTROLLED NOTIFIABLE DISEASES

chancroid

donovanosis (granuloma inguinale)

gonorrhoea

hepatitis B (acute)

human immunodeficiency virus infection

lymphogranuloma venereum

syphilis (excluding congenital syndrome)

SCHEDULE 3

FEES

section 210

		$
1.	Analysis of a drug or article by an analyst by any of the following methods—	
	(a) chemical	183.00
	(b) physical	183.00
	(c) chemical and physical	183.00
	(d) microbiological	183.00
2.	Application for, or renewal of, a licence under part 10 . .	65.00
3.	Application for, or renewal of, a licence under part 12 . .	28.00
4.	Application for, or renewal of, registration of establishment under part 15	200.00

SCHEDULE 4

ITEMS TO BE PROVIDED

section 25(1)

1. A refrigerator, fitted with a device capable of registering the minimum and maximum temperature, for use for storing therapeutic products at appropriate temperatures.

2. Three metric certified dispensing measures.

3. A funnel.

4. Two spatulas.

5. A tablet counting tray.

6. A current copy of each of the following—

(a) the Poisons Regulation 1973;

(b) the Standard for the Uniform Scheduling of Drugs and Poisons;

(c) the register of medical practitioners, Queensland;

(d) the register of dentists Queensland;

(e) the roll of veterinary surgeons of Queensland.

7. Each document specified in a code of conduct prepared under the *Pharmacy Act 1976*, section 27.

SCHEDULE 5

ADDITIONAL ITEMS

section 25(2)

1. A set of mechanical or electronic counter scales, capable of weighing up to 1 kg with an appropriate set of metric weights (if necessary).

2. A dispensing balance capable of weighing up to 50 g that is either—

(a) an electronic balance; or

(b) a mechanical balance with an appropriate set of metric weights (if necessary).

3. A certified 10 ml, 20 ml, 50 ml, 100 ml, 200 ml and 1 l dispensing measure.

4. A mortar and pestle.

5. A stirring rod.

6. An ointment slab.

7. An electric or gas heating appliance for use in dispensing a drug or poison.

SCHEDULE 6

CLEANSERS AND DISINFECTANTS

sections 49(c), 50(b), 58 and 59(5)

PART 1—ANTIBACTERIAL CLEANSING AGENTS

chlorhexidine gluconate 4%, foaming detergent

chlorhexidine gluconate 0.5%, aqueous

chlorhexidine gluconate 0.5%, in ethyl alcohol 95%, with glycerol 1%

chlorhexidine gluconate 0.5%, in isopropyl alcohol 70%

hexachlorophane 3%, antibacterial cleansing agent

PART 2—DISINFECTING SOLUTIONS

alcohol, ethyl 70%

alcohol, isopropyl 70%

hospital grade disinfectant

sodium hypochlorite 1%

SCHEDULE 7

ALTERATIONS, AMENDMENTS, MODIFICATIONS AND VARIATIONS OF THE ADG CODE

section 97(3)

1. *Class 9.* The class label shall be of the form shown in Figure 1 and shall have black sans serif capital letters and numeral and lines on a white background.

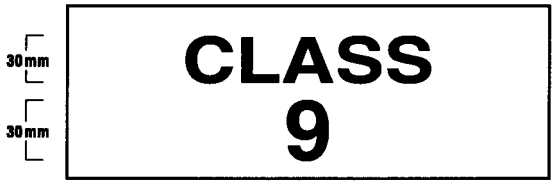

Figure 1—Class 9 Class Label

SCHEDULE 8

FACTOR CALCULATION FOR THE PURPOSES OF SECTION 93

section 93(1)

The factor is calculated as follows—

1. The total quantity of packaging group 1 divided by the exemption limit for packaging group 1 plus the total quantity of packaging group 2 divided by the exemption limit for packaging group 2 plus the total quantity of packaging group 3 divided by the exemption limit for packaging group 3.

2. When calculating the factor, where the total quantity of hazardous substances in any packaging group in any class is less than 5% of the exemption limit for that packaging group, then that quantity shall be excluded from the calculation.

3. If the total quantity of all hazardous substances in each class in each packaging group is less than the amount specified in the table below, then that quantity is exempt from calculations in determining the factor referred to above.

TABLE

Class	Packaging group 1	Packaging group 2	Packaging group 3
	l/kg	l/kg	l/kg
3	2.5	100	250
4	2.5	100	250
5	2.5	100	250
6.1	2.5	100	250
8	2.5	100	250
9	-	-	250
TOTAL	12.5	500	1 500

SCHEDULE 9

EXEMPTION LIMITS FOR CLASS 2—GASES

section 93(2)

(This table applies to both compressed and liquefiable gases)

Capacity	Exemption limit (number of cylinders)		
Cylinder size (water capacity kg)	Class 2.3 poisonous	Class 2.1 flammable/ oxidizing	Class 2.2 non poisonous /non flammable
< = 5(p)	10	100	400
> 5 & < = 10(q)	5	50	200
> 10 & < = 25(r)	2	20	80
> 25 & < = 50(s)	1	10	40
> 50 & < = 100(t)	0	5	20
> 100 & < = 250(u)	0	2	8
> 250 & < = 500(v)	0	1	4
> 500 & < = 1000(w)	0	0	2
> 1000 & < = 2000(x)	0	0	1
> 2000(y)	0	0	0

Placarding is required for mixed gases in storage when—

(a) the exemption limit in any capacity/class is exceeded;

(b) when the sum of the factors obtained by dividing the number of cylinders (where cylinders are present) in a cylinder size/class by the exemption limit for that class is greater than unity. In making this calculation, cylinder size/classes with an exemption limit of 0 will be ignored as the presence of 1 or more cylinders in any such cylinder size/class requires placarding under (a) above;

(c) where gases are kept on the same premises as other hazardous substances, a similar formula shall be used to calculate the contribution of each class of hazardous substance. If the sum of individual fractions is greater than unity, then placarding will be required;

SCHEDULE 9 (continued)

(d) if any cylinders are present in any capacity/class where the exemption limit is 0, then placarding is required irrespective of the presence of other hazardous substances;

(e) when performing the above calculations for class 2, all cylinders of gas will be included. There will be no exemptions for 'small quantities'—5% or less of the exemption limit as with classes 3, 4, 5, 6.1, 8 and 9.

SCHEDULE 10

REQUIREMENTS FOR WARNING SIGNS

sections 95(4) and 98(b)

Outer warning sign

1.(1) The arrangement of what is shown on the sign and the minimum height of letters and numerals shall be in accordance with the illustrated example in figure 2.

(2) Particulars to be displayed on outer warning sign—

(a) the expression 'HAZCHEM';

(b) the expression 'IN EMERGENCY DIAL 000 POLICE OR FIRE BRIGADE' or where there is no 000 emergency telephone service, the telephone number of the police or fire brigade in the area, followed by the expression 'POLICE OR FIRE BRIGADE' as appropriate to the telephone number.

(3) The sign shall have red sans serif capital letters and numerals on a white background.

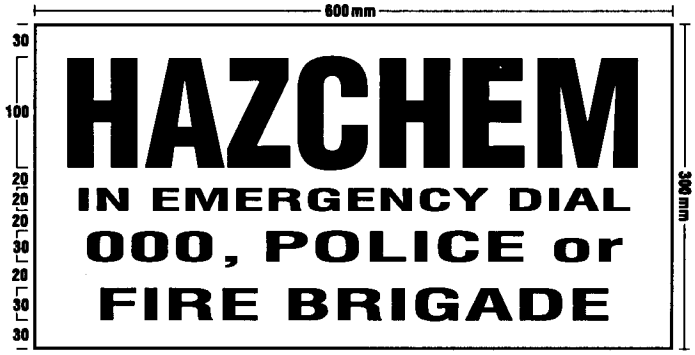

figure 2—outer warning sign

SCHEDULE 10 (continued)

Emergency information sign

2.(1) The arrangement of what is shown on the sign and the minimum height of letters and numerals shall be in accordance with the illustrated examples in figures 3, 4 and 5.

(2) The sign shall have black sans serif capital letters and numerals on a white background.

(3) Particulars to be displayed on emergency information sign at a place where a single hazardous substance is stored—

(a) correct name of hazardous substance kept;

(b) United Nations number determined from the ADG code;

(c) hazchem code determined from the ADG code;

(d) appropriate class label.

Note: An emergency telephone number may be included.

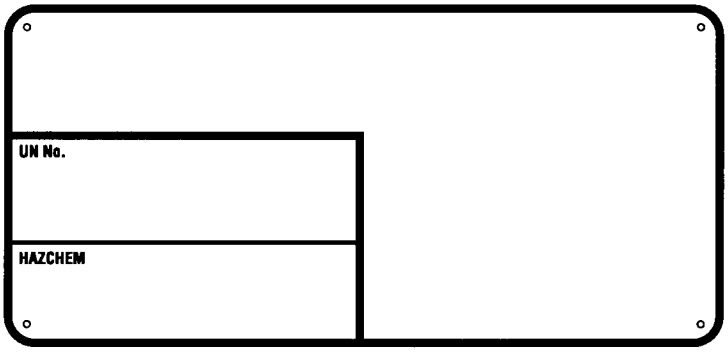

figure 3—form and dimensions of emergency information sign for single class of hazardous substance

SCHEDULE 10 (continued)

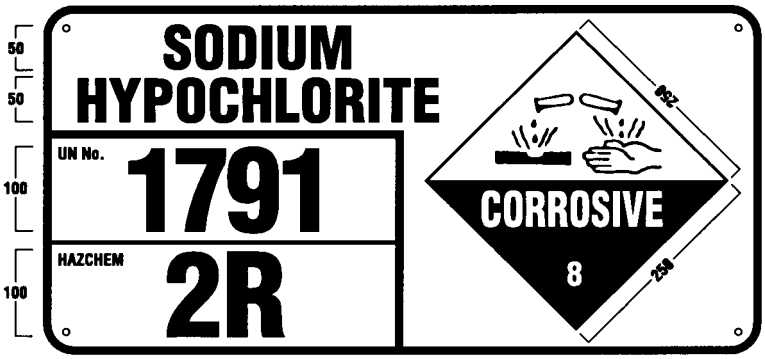

figure 4—example of completed emergency information sign for single class of hazardous substance

(4) Particulars to be displayed on emergency information sign at a place where multiple classes of hazardous substances are stored—

(a) hazchem code determined from the ADG code;

(b) appropriate class label.

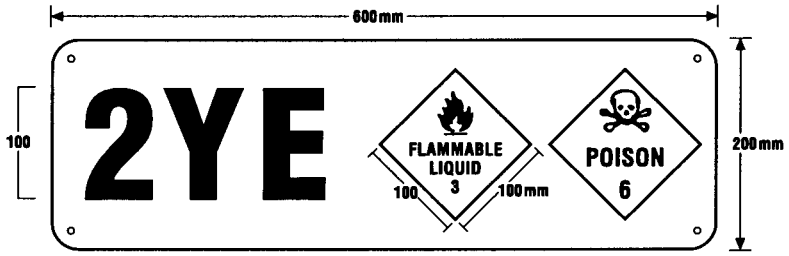

figure 5—example of completed emergency information sign for multiple classes of hazardous substances

SCHEDULE 11

PRESCRIBED METHODS OF ANALYSIS AND PERMISSIBLE LEVELS OF METAL RELEASE

sections 133 and 134

TABLE 1

Column 1	Column 2	Column 3	Column 4	
Description of article	Liquid capacity	Method of analysis	Cad-mium mg/l	lead mg/l
cooking utensils (glazed ceramic ware)	—	method specified and described in paragraph 4 (other than subparagraph 4.1) of part 2 of BS 4860:1972	0.7	7.0
cooking utensils (other)	—	method specified and described in paragraph 4 (other than subparagraph 4.1) of part 2 of BS 4860:1972	0.7	7.0
food receptacle (glazed ceramic ware)				
(a) hollow ware	1 100 ml and above	method specified and described in paragraph 4 (other than subparagraph 4.1) of part 1 of BS 4860:1972	0.2	2.0
(b) hollow ware	below 1 100 ml		0.7	7.0
(c) flat ware	any		2.0	20.0
food receptacle (other)	—	method specified and described in paragraph 4 (other than subparagraph 4.1) of part 1 of BS 4860:1972	2.0	20.0

SCHEDULE 11 (continued)

TABLE 2

Column 1	Column 2	Column 3
Description of article	Method of analysis	lead mg/kg
hair and scalp preparations	—	500
buildings (structural purposes)	—	10 000
buildings (water conservation)	—	10 000

TABLE 3

Column 1	Column 2	Column 3							
Description of article	Method of analysis	antimony mg/kg	arsenic mg/kg	barium mg/kg	cadmium mg/kg	chromium mg/kg	lead mg/kg	mercury mg/kg	selenium mg/kg
toys:									
(a) consisting wholly or in part of a prescribed substance;		—	—	—	—	—	—	—	—
(b) consisting wholly or in part of any material containing more than a prescribed proportion or a prescribed substance;		—	—	—	—	—	2 500	—	—
(c) consisting wholly or in part of any material yielding more than a prescribed amount of a prescribed substance	method specified and described in appendix A to AS 1647, part 3–1982	250	100	500	100	250	250	100	100

SCHEDULE 11 (continued)

TABLE 4

Column 1	Column 2	Column 3		
Description of article	Method of analysis	arsenic mg/kg	lead mg/kg	cadmium mg/kg
serviettes, paper used in the enclosure of food	As described in appendix A to AS 1647	10	500	50
wallpaper and other decorative paper	—	1 000	5 000	1 000

TABLE 5

Column 1	Column 2	Column 3	
Description of article	Method of analysis	arsenic mg/kg	lead mg/kg
wearing apparel (textile)	—	10	500

SCHEDULE 12

CLEANSERS

sections 142(c), 143(b), 145(5), 146(1), 148(1), 150(1) and 152

PART 1—ANTIBACTERIAL CLEANSING AGENTS

chlorhexidine gluconate 4%, foaming detergent

chlorhexidine gluconate 0.5%, aqueous

chlorhexidine gluconate 0.5%, in ethyl alcohol 95%, with glycerol 1%

chlorhexidine gluconate 0.5%, in isopropyl alcohol 70%

hexachlorophane 3%, antibacterial cleansing agent

PART 2—DISINFECTING SOLUTIONS FOR SURFACES ETC.

alcohol, ethyl 70%

alcohol, isopropyl 70%

hospital grade disinfectant

sodium hypochlorite 1%

SCHEDULE 12 (continued)

PART 3—DISINFECTING SOLUTIONS FOR TATTOOING EQUIPMENT ETC.

alcohol, ethyl 70%

alcohol, isopropyl 70%

cetrimide and chlorhexidine paint APF

chlorhexidine gluconate 0.5%, in ethyl alcohol 70%

chlorhexidine gluconate 0.5%, in isopropyl alcohol 70%

povidone-iodine 10%, in ethyl alcohol 70%

SCHEDULE 13

CLOSURES AND CONTAINERS

section 167(3), definition "reclosable container"

PART 1—CLOSURE

Name of closure	Australian registered trade mark	Australian patent number	Approved sizes	Australian distributor	Australian manufacturer
Argus-Loc	yes	none	28 33 38 mm	ACI Plastics Kingsway MOORABBIN 3189	imported
Clic-Loc	no	477954	22 24 28 33 38 mm	ACI Plastics Kingsway MOORABBIN 3189	imported
Clic-Loc	no	477954	24 28 33 38 mm	GLASS-PAK (Aust) Pty Ltd 349 Darebin Road THORNBURY 3071	imported
Easy Lok	yes	467825	28 and 38 mm	RTTA Plastics Marketing & Development Pty Ltd PO Box 443 CARINGBAH 2229	imported

SCHEDULE 13 (continued)

Kerr CR-1	yes	none	20 22 24 28 30 33 38 mm	O R Cormack Pty Ltd 13 Leeds Street RHODES 2138	20 24 28 30 33 38 mm manufactured by O R Cormack Pty Ltd 13 Leeds Street RHODES 2138 22 mm imported
Key	no	60320/80 applied for	28 mm only	Van Leer Australia Pty Ltd Plastics Division cnr Ferndell Street & Boundary Road CHESTER HILL 2162	Van Leer Australia Pty Ltd Plastics Division cnr Ferndell Street & Boundary Road CHESTER HILL 2162
Ring guard	yes	449374	20 22 24 28 33 38 mm	O R Cormack Pty Ltd 13 Leeds Street RHODES 2138	28 mm only manufactured by O R Cormack Pty Ltd 13 Leeds Street RHODES 2138 other sizes imported
Spotlock	yes	none	28 mm only	Madrega Pty Ltd 139 Green's Road DANDENONG 3175	imported

SCHEDULE 13 (continued)

Sunbeam FG	no	80696/82 applied for	28 mm only	RTTA Plastics Marketing & Development Pty Ltd PO Box 443 CARINGBAH 2229	imported
Willsafe	yes	550878	24 28 33 38 mm	Williamson Ltd & Co Pty Ltd 27 Anzac Street GREENACRE 2190	Williamson & Co Pty Ltd 27 Anzac Street GREENACRE 2190

PART 2—RECLOSABLE CONTAINER

Name of container	Australian registered trade mark	Australian patent number	Approved sizes	Australian distributor	Australian manufacturer
Loxon	yes	438899	28 mm only	Loxon Products 30 Albert Parade ASHFIELD 2131	J W S Plastics Pty Ltd 15 Stanton Road SEVEN HILLS 2147
Snap-safe	yes	PA33918/71	24 28 38 mm	OR Cormack Pty Ltd 13 Leeds Street RHODES 2138	closure–imported container manufactured by OR Cormack Pty Ltd 13 Leeds Street RHODES 2138

SCHEDULE 13 (continued)

Snap-safe Closure with Neta vial	yes	462620	20 mm only	closure–OR Cormack Pty Ltd 13 Leeds Street RHODES 2138 vial– Neta Moulders 181 Burwood Road HAWTHORN 3122	closure– imported vial– manufactured by Neta Moulders 181 Burwood Road HAWTHORN 3122

SCHEDULE 14

PRESCRIBED SUBSTANCES

section 167(3), definition "prescribed substance"

PART 1—SOLID DOSAGE UNIT

1. Antihistamines, that is all substances the principal action of which is to antagonise the effects of histamine on H_1 receptors, in preparations where the antihistamine is the only therapeutically active substance, including—

antazoline
astemizole
azatadine
bamipine
bromodiphenhydramine
brompheniramine
buclizine
carbinoxamine
cetoxime
chlorcyclizine
chloropyrilene
chlorpheniramine
chlorphenoxamine
cinnarizine
clemastine
clemizole
dexbrompheniramine
dexchlorpheniramine
dimenhydrinate
dimethindene
dimethothiazine
diphenhydramine
diphenidol
diphenylpyraline
doxylamine
embramine
halopyramine
histapyrrodine
homochlorcyclizine
hydroxyzine
isothipendyl
mebhydrolin
methdilazine
phenindamine
pheniramine
phenyltoloxamine
promethazine
prothipendyl
pyrathiazine
pyroxamine
pyrrobutamine
rotoxamine
thenalidine
thenyldiamine
thiazinamium
thonzylamine
tolpropamine
trimeprazine

SCHEDULE 14 (continued)

cycliramine	meclozine	trimethobenzamide
cyclizine	mepyramine	tripelennamine
cyproheptadine	methaphenilene	triprolidine
deproprine		

2. Tricyclic antidepressants including—

amitriptyline	imipramine	monometacrine
amoxapine	intriptyline	nortriptyline
butriptyline	iprindole	noxiptyline
cidoxepin	ketipramine	octriptyline
clomipramine	lofepramine	opipramol
desipramine	loxapine	pirandamine
dibenzepin	maprotiline	prazepine
dothiepin	melitracen	protriptyline
doxepin	mezepine	tandamine
fantridone	mianserin	trimipramine

3. Aspirin

4. Paracetamol

5. Salicylamide

6. Iron compounds, other than in preparations containing the equivalent of 5 mg or less of elemental iron in each solid dosage form

7. Digitalis glycosides

8. Quinine

9. Chloroquine

10. Monoamine oxidase inhibitors including—

iproniazid	phenelzine
isocarboxazid	tranylcypromine

SCHEDULE 14 (continued)

11. Antiarrhythmics including—

amiodarone
bretylium
disopyramide
flecainide
mexiletine
procainamide
quinidine
verapamil

12. Anticonvulsants including—

carbamazepine
phenytoin

13. Glutethimide

14. Orphenadrine

15. Lithium carbonate

16. Diphenoxylate hydrochloride with atropine sulphate

17. Fluoride salts, in packs containing the equivalent of more than 100 mg of elemental fluorine

PART 2—LIQUID PREPARATIONS

18. Paracetamol, in preparations where paracetamol is the only therapeutically active substance, except in paediatric drops in packs containing not more than 2 g of paracetamol

19. Methyl salicylate, in preparations containing more than 50% volume in volume of methyl salicylate, in a volume of 200 ml or less

20. Eucalyptus oil, in preparations containing more than 50% volume in volume of eucalyptus oil, in a volume of 200 ml or less

21. Digitalis glycosides

22. Iron, in preparations containing the equivalent of more than 250 mg of elemental iron in the total contents of the container

SCHEDULE 14 (continued)

23. Melaleuca oil, in preparations containing more than 25% of cineole and in packs of 200 ml or less

ENDNOTES

1 Index to endnotes

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 19 May 2000. Future amendments of the Health Regulation 1996 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

Note— This new regulation includes provisions relocated from several older regulations (see list of legislation). The list of annotations does not include information about the history of any provision before its relocation to the Health Regulation 1996.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	**Acts Interpretation Act 1954**	**(prev)**	=	**previously**
amd	=	**amended**	**proc**	=	**proclamation**
amdt	=	**amendment**	**prov**	=	**provision**
ch	=	**chapter**	**pt**	=	**part**
def	=	**definition**	**pubd**	=	**published**
div	=	**division**	**R[X]**	=	**Reprint No.[X]**
exp	=	**expires/expired**	**RA**	=	**Reprints Act 1992**
gaz	=	**gazette**	**reloc**	=	**relocated**
hdg	=	**heading**	**renum**	=	**renumbered**
ins	=	**inserted**	**rep**	=	**repealed**
lap	=	**lapsed**	**s**	=	**section**
notfd	=	**notified**	**sch**	=	**schedule**
o in c	=	**order in council**	**sdiv**	=	**subdivision**
om	=	**omitted**	**SIA**	=	**Statutory Instruments Act 1992**
orig	=	**original**	**SIR**	=	**Statutory Instruments Regulation 1992**
p	=	**page**			
para	=	**paragraph**	**SL**	=	**subordinate legislation**
prec	=	**preceding**	**sub**	=	**substituted**
pres	=	**present**	**unnum**	=	**unnumbered**
prev	=	**previous**			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 121 of 1996	8 July 1996
1A	to SL No. 415 of 1996	9 April 1997
2	to SL No. 74 of 1998	1 May 1998
2A	to SL No. 246 of 1998	7 September 1998
2B	to SL No. 343 of 1998	12 January 1999
2C	to SL No. 4 of 1999	8 February 1999
2D	to SL No. 13 of 1999	9 March 1999
2E	to SL No. 174 of 1999	2 November 1999
2F	to SL No. 257 of 1999	29 November 1999
2G	to SL No. 330 of 1999	11 January 2000
3	to SL No. 330 of 1999	2 March 2000

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Corrected minor errors	1, 2
Renumbered provisions	1

6 List of legislation

Health Regulation 1996 SL No. 121
made by the Governor in Council on 6 June 1996
notfd gaz 7 June 1996 pp 902–5
commenced on date of notification
exp 1 July 2002 (see s 211 as amd 1999 SL No. 13 s 3; 2000 SL No. 80 s 3)

list of legislation to Camping Ground Regulation 1987—before relocation of ss 4–17 to Health Regulation 1996 SL No. 121 as pt 2 ss 2–15 (see 1996 SL No. 121 s 226)

Camping Ground Regulation 1987
pubd gaz 6 June 1987 pp 921–30
commenced on date of publication

as amended by—

regulation published gazette (pre SL series)—
18 May 1991 pp 275–6
commenced on date of publication

Health Regulation 1996 SL No. 121 pts 1, 19 div 1, sch 15
notfd gaz 7 June 1996 pp 902–5
commenced on date of notification

list of legislation to Health (Dispensary) Regulation 1993—before relocation of divs 1–4, schs 1–2 to Health Regulation 1996 SL No. 121 as pt 4 divs 1–4, schs 4, 5 (see 1996 SL No. 121 s 246)

Health (Dispensary) Regulation 1993 SL No. 509
notfd gaz 17 December 1993 pp 1812–21
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 1994 (see s 2)

as amended by—

Health Regulation 1996 SL No. 121 pts 1, 19 div 2
notfd gaz 7 June 1996 pp 902–5
commenced on date of notification

list of legislation to Hairdressers Regulation 1989—before relocation of divs 1–6, sch 2 to Health Regulation 1996 SL No. 121 as pt 5 divs 1–6, sch 6 (see 1996 SL No. 121 s 278)

Hairdressers Regulation 1989
pubd gaz 28 January 1989 pp 537–54
commenced on date of publication

as amended by—

Health Regulation 1996 SL No. 121 pts 1, 19 div 3
notfd gaz 7 June 1996 pp 902–5
commenced on date of notification

list of legislation to Hyperbaric Chamber Therapy Regulation 1989—before relocation of ss 3–5 to Health Regulation 1996 SL No. 121 as pt 6 ss 60–62 (see 1996 SL No. 121 s 283)

Hyperbaric Chamber Therapy Regulation 1989
pubd gaz 14 October 1989 pp 1169–70
commenced on date of publication (see s 2)

as amended by—

Health Regulation 1996 SL No. 121 pts 1, 19 div 4
notfd gaz 7 June 1996 pp 902–5
commenced on date of notification

list of legislation to Mosquito Prevention and Destruction Regulation 1982—before relocation of divs 1–3 to Health Regulation 1996 SL No. 121 as pt 8 divs 1–3 (see 1996 SL No. 121 s 303)

Mosquito Prevention and Destruction Regulation 1982
pubd gaz 2 October 1982 pp 487–9
commenced on date of publication
exempted from application of Regulatory Reform Act 1986 by o in c pubd gaz 6 May 1989 pp 208–9

as amended by—

regulation published gazette (pre SL series)—
20 April 1991 pp 2570–1
commenced on date of publication

Health Regulation 1996 SL No. 121 pts 1, 19 div 5
notfd gaz 7 June 1996 pp 902–5
commenced on date of notification

list of legislation to Health (Pest Control Operators) Regulation 1977—before relocation of ss 3–12 to Health Regulation 1996 SL No. 121 as pt 10 ss 82–90 (see 1996 SL No. 121 s 308)

Health (Pest Control Operators) Regulation 1977 (prev Pest Control Operators Regulation 1977 (see 1994 SL No. 213 s 21))
pubd gaz 16 July 1977 p 1544

commenced 1 October 1977 (see s 1)
exempted from application of Regulatory Reform Act 1986 by o in c pubd gaz 6 May 1989 pp 108–9

as amended by—

regulations published gazette (pre SL series)—
23 December 1978 p 1990
commenced on date of publication

25 August 1979 p 2187
commenced on date of publication

10 November 1979 p 1097
commenced on date of publication

1 November 1980 p 1056
commenced on date of publication

3 October 1981 p 472
commenced on date of publication

27 November 1982 p 1560
commenced on date of publication

19 November 1983 p 1245
commenced on date of publication

22 September 1984 p 417
commenced on date of publication

9 November 1985 p 1316
commenced on date of publication

9 August 1986 p 2507
commenced on date of publication

26 September 1987 p 337
commenced on date of publication

22 October 1988 p 853
commenced on date of publication

23 September 1989 p 750
commenced on date of publication

15 September 1990 p 281
commenced on date of publication

Department of Health (Variation of Fees) Regulation (No. 2) 1991 SL No. 147 pts 1, 4
pubd gaz 30 November 1991 pp 1644–55
commenced on date of publication

Pest Control Operators Amendment Regulation (No. 1) 1994 SL No. 106
notfd gaz 25 March 1994 pp 1228–32
commenced on date of notification

Health Legislation Amendment Regulation (No. 1) 1994 SL No. 213 pts 1, 6
notfd gaz 24 June 1994 pp 1058–61
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 1994 (see s 2(1))

Health Regulation 1996 SL No. 121 pts 1, 19 div 6, sch 16
notfd gaz 7 June 1996 pp 902–5
commenced on date of notification

list of legislation to Hazardous Substances (Placarding) Regulation 1988—before relocation of divs 1–5, schs 1–4 to Health Regulation 1996 SL No. 121 as pt 11 divs 1–5, schs 7–10 (see 1996 SL No. 121 s 328)

Hazardous Substances (Placarding) Regulation 1988
pubd gaz 13 August 1988 pp 3381–90
commenced on date of publication

as amended by—

regulation published gazette (pre SL series)—
21 January 1989 pp 318–19
commenced on date of publication

Health Regulation 1996 SL No. 121 pts 1, 19 div 7
notfd gaz 7 June 1996 pp 902–5
commenced on date of notification

list of legislation to Health (Poisons—Fumigation) Regulation 1973—before relocation of ss 3–33 to Health Regulation 1996 SL No. 121 as pt 12 ss 99–129 (see 1996 SL No. 121 s 339)

Health (Poisons—Fumigation) Regulation 1973 (prev Poisons Fumigation Regulation 1973 (see 1994 SL No. 21 s 37))
pubd gaz 1 September 1973 pp 19–26
commenced on date of publication (see s 1)
exempted from application of Regulatory Reform Act 1986 by o in c pubd gaz 18 June 1988 p 1433

as amended by—

regulations published gazette (pre SL series)—
12 January 1974 p 133
commenced on date of publication

10 August 1974 p 2029
commenced on date of publication

3 September 1977 p 56
commenced on date of publication

8 July 1978 p 1209
commenced on date of publication

10 November 1979 p 1097
commenced on date of publication

1 November 1980 p 1056
commenced on date of publication

25 July 1981 pp 2089–90
commenced on date of publication

31 October 1981 p 961
commenced on date of publication

19 November 1983 p 1246
commenced on date of publication

7 July 1984 p 1630
commenced on date of publication

22 September 1984 p 416
commenced on date of publication

9 November 1985 p 1313
commenced on date of publication

9 August 1986 p 2503
commenced on date of publication

26 September 1987 p 335
commenced on date of publication

22 October 1988 p 850
commenced on date of publication

23 September 1989 p 751
commenced on date of publication

15 September 1990 p 284
commenced on date of publication

Department of Health (Variation of Fees) Regulation (No. 2) 1991 SL No. 147 pts 1, 5
pubd gaz 30 November 1991 pp 1644–55
commenced on date of publication

Poisons (Fumigation) Amendment Regulation (No. 1) 1994 SL No. 108
notfd gaz 25 March 1994 pp 1228–32
commenced on date of notification

Poisons (Fumigation) Amendment Regulation (No. 2) 1994 SL No. 197
notfd gaz 10 June 1994 pp 896–8
commenced on date of notification

Health Legislation Amendment Regulation (No. 1) 1994 SL No. 213 pts 1, 8
notfd gaz 24 June 1994 pp 1058–61
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 1994 (see s 2(1))

Health Regulation 1996 SL No. 121 pts 1, 19 div 8, sch 17
notfd gaz 7 June 1996 pp 902–5
commenced on date of notification

list of legislation to Prescribed Substances Standards and Methods Regulation 1987—before relocation of ss 2–6, sch 2 to Health Regulation 1996 SL No. 121 as pt 13 ss 130–134, sch 11 (see 1996 SL No. 121 s 346)

Prescribed Substances Standards and Methods Regulation 1987
pubd gaz 19 December 1987 pp 1716–19
commenced on date of publication

as amended by—

Health Regulation 1996 SL No. 121 pts 1, 19 div 9
notfd gaz 7 June 1996 pp 902–5
commenced on date of notification

list of legislation to Skin Penetration Regulation 1987—before relocation of divs 1–5, sch 3 to Health Regulation 1996 SL No. 121 as pt 15 divs 1–5, sch 12 (see 1996 SL No. 121 s 372)

Skin Penetration Regulation 1987
pubd gaz 24 January 1987 pp 269–81
commenced on date of publication

as amended by—

regulation published gazette (pre SL series)—
4 July 1987 pp 2574–5
commenced on date of publication

Skin Penetration Amendment Regulation 1992 SL No. 50
pubd gaz 13 March 1992 pp 1491–3
commenced on date of publication

Health Regulation 1996 SL No. 121 pts 1, 19 div 10
notfd gaz 7 June 1996 pp 902–5
commenced on date of notification

list of legislation to Therapeutic Goods and Other Drugs Regulation 1982—before relocation of ss 2–25A, schs 1–2 to Health Regulation 1996 SL No. 121 as pt 16 ss 153–179, schs 13, 14 (see 1996 SL No. 121 s 391)

Therapeutic Goods and Other Drugs Regulation 1982
pubd gaz 26 June 1982 pp 1645–66
commenced 1 July 1982 (see s 1)

as amended by—

regulations published gazette (pre SL series)—
1 February 1986 pp 404–5
commenced on date of publication

6 December 1986 pp 2020–1
commenced 1 July 1987 and 1 September 1987 (see s 2)

6 June 1987 p 997
commenced on date of publication

2 April 1988 p 2012
commenced on date of publication

21 May 1988 p 576
commenced on date of publication

8 October 1988 p 684
commenced on date of publication

Therapeutic Goods and Other Drugs (Amendment) Regulation 1991 SL No. 24
pubd gaz 13 July 1991 pp 1584–5
commenced on date of notification

Therapeutic Goods and other Drugs Amendment Regulation (No. 1) 1994 SL No. 15
notfd gaz 28 January 1994 pp 229–31
commenced on date of notification

Therapeutic Goods and Other Drugs Amendment Regulation (No. 1) 1995 SL No. 266
notfd gaz 15 September 1995 pp 317–18
commenced on date of notification

Health Regulation 1996 SL No. 121 pts 1, 19 div 11
notfd gaz 7 June 1996 pp 902–5
commenced on date of notification

list of legislation to Vermin Control Regulation 1991—before relocation of divs 1–4 to Health Regulation 1996 SL No. 121 as pt 17 divs 1–4 (see 1996 SL No. 121 s 419)

Vermin Control Regulation 1991
pubd gaz 2 February 1991 pp 413–19
commenced on date of publication

as amended by—

Health Regulation 1996 SL No. 121 pts 1, 19 div 12
notfd gaz 7 June 1996 pp 902–5
commenced on date of notification

amending legislation to Health Regulation 1996 SL No. 121—after relocation of Camping Ground Regulation 1987 ss 4–17, Health (Dispensary) Regulation 1993 SL No. 509 divs 1–4, sch 1–2, Hairdressers Regulation 1989 divs 1–6, sch 2, Hazardous Substances (Placarding) Regulation 1988 divs 1–5, schs 1–4, Health (Pest Control Operators) Regulation 1977 ss 3–12, Health (Poisons—Fumigation) Regulation 1973 ss 3–33, Hyperbaric Chamber Therapy Regulation 1989 ss 3–5, Mosquito Prevention and Destruction Regulation 1982 divs 1–3, Prescribed Substances Standards and Methods Regulation 1987 ss 2–6, sch 2, Skin Penetration Regulation 1987 divs 1–5, sch 3, Therapeutic Goods and

Other Drugs Regulation 1982 ss 2–25A, schs 1–2, Vermin Control Regulation 1991 divs 1–4

Health Amendment Regulation (No. 1) 1996 SL No. 415
notfd gaz 20 December 1996 pp 1588–98
commenced on date of notification

Health Amendment Regulation (No. 1) 1998 SL No. 48
notfd gaz 27 March 1998 pp 1310–12
commenced on date of publication

Health Amendment Regulation (No. 2) 1998 SL No. 74
notfd gaz 9 April 1998 pp 1530–2
commenced on date of notification

Health Amendment Regulation (No. 3) 1998 SL No. 246
notfd gaz 4 September 1998 pp 68–9
commenced on date of notification

Health Legislation Amendment (No. 1) 1998 SL No. 343 pts 1, 6
notfd gaz 18 December 1998 pp 1551–7
ss 1–2 commenced on date of notification
remaining provisions commenced 21 December 1998 (see s 2)

Health Amendment Regulation (No. 1) 1999 SL No. 4
notfd gaz 5 February 1999 pp 393–4
ss 1, 3 commenced on date of notification
remaining provisions commenced 8 February 1999 (see s 3)

Health Amendment Regulation (No. 2) 1999 SL No. 13
notfd gaz 5 March 1999 pp 950–3
commenced on date of notification

Health Amendment Regulation (No. 3) 1999 SL No. 154
notfd gaz 2 July 1999 pp 1223–4
commenced on date of notification

Health Legislation Amendment Regulation (No. 1) 1999 SL No. 174 pts 1, 3
notfd gaz 30 July 1999 pp 1905–6
commenced on date of notification

Health Amendment Regulation (No. 4) 1999 SL No. 257
notfd gaz 5 November 1999 pp 918–21
ss 1–2 commenced on date of notification
remaining provisions commenced 31 December 1999 (see s 2)

Radiation Safety Regulation 1999 SL No. 330 ss 1–2, pt 11
notfd gaz 17 December 1999 pp 1586–9
ss 1–2 commenced on date of notification
remaining provisions commenced 1 January 2000 (see s 2)

Health Amendment Regulation (No. 1) 2000 SL No. 80
notfd gaz 5 May 2000 pp 65-66
commenced on date of notification

7 List of annotations

PART 2—CAMPING GROUNDS
pt 2 (ss 2–15) om 1999 SL No. 257 s 4

Class of patient or resident—Act, s 100C(1)
s 17 sub 1998 SL No. 343 s 16

Time for giving return—Act, s 100C(1)
s 18 amd 1998 SL No. 343 s 17

Person required to complete return—Act, s 100C(1)
s 19 amd 1998 SL No. 343 s 18

Person prescribed as contractor—Act, s 100DA(1)
s 21A ins 1998 SL No. 343 s 19

Time for giving further information—Act, s 100DC(3)(a)
s 21B ins 1998 SL No. 343 s 19

Disclosure of information from register—Act, s 100E(3)(e)
s 21BA ins 1999 SL No. 174 s 5

PART 3A—PAP SMEAR REGISTER
pt 3A (s 21C) ins 1999 SL No. 4 s 4

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s 61 amd 1998 SL No. 343 s 20

Definitions
s 66 def **"approved"** amd 1998 SL No. 343 s 20

Other measures to be taken by owners
s 73 amd 1998 SL No. 246 s 3

Local government premises
s 74 amd 1998 SL No. 343 s 20

House-to-house visitation
s 75 amd 1998 SL No. 343 s 20

Default of owner or occupier
s 78 amd 1998 SL No. 246 s 4; 1998 SL No. 343 ss 20, 22

Returns
s 80 amd 1998 SL No. 343 ss 20, 21

Inadequate returns
s 81 amd 1998 SL No. 343 s 20

Application for a licence
s 82 amd 1998 SL No. 343 s 20

Application for renewal of a licence
s 83 amd 1998 SL No. 343 s 20

Application
s 93 amd 1998 SL No. 343 s 20

Definitions
s 99 def **"fumigant"** amd 1998 SL No. 343 s 20

Application for licence
s 101 amd 1998 SL No. 343 s 20

Time licence expires
s 102 amd 1998 SL No. 343 s 20

Application for renewal of licence
s 103 amd 1998 SL No. 343 s 20

Applicant
s 104 amd 1998 SL No. 343 ss 20, 22

Medical examinations and tests
s 105 amd 1998 SL No. 343 s 20

Suspension of licence
s 106 amd 1998 SL No. 343 s 20

Notice to show cause
s 107 amd 1998 SL No. 343 ss 20, 22

Accident
s 108 amd 1998 SL No. 343 s 20

Concentration of fumigant
s 118 amd 1998 SL No. 343 s 20

Canisters
s 120 amd 1998 SL No. 343 s 20

Fumigator using certain poisons must have halide detector
s 121 amd 1998 SL No. 343 s 20

First aid and resuscitation equipment
s 125 amd 1998 SL No. 343 s 20

Adoption of Australian, British and other standards
s 131 amd 1998 SL No. 343 s 20

PART 14—RADIOACTIVE SUBSTANCES
pt 14 (s 135) om 1999 SL No. 330 s 59(2)

Definitions
s 137 amd 1998 SL No. 343 s 20

Use or conduct of premises
s 142 amd 1998 SL No. 343 s 20

Operator to remain clean
s 143 amd 1998 SL No. 343 s 20

Use or conduct of premises etc.
s 152 amd 1998 SL No. 343 s 20

Labelling requirements generally
s 156 amd 1998 SL No. 343 s 20

Advertising and further labelling requirements
s 157 amd 1998 SL No. 343 s 20

Requirements as to conduct of business of preparing second-hand or used packages for sale
s 166 amd 1998 SL No. 343 s 20

Duties of manufacturer
s 169 amd 1998 SL No. 343 s 20

Prohibition of use of certain places
s 171 amd 1998 SL No. 343 s 20

Power of chief executive to require cessation of use of or alterations to places or equipment
prov hdg amd 1998 SL No. 343 s 20
s 172 amd 1998 SL No. 246 s 5; 1998 SL No. 343 s 20

Maintenance of places and equipment
s 173 amd 1998 SL No. 343 s 20

Requirements as to personal cleanliness
s 175 amd 1998 SL No. 343 s 20

Prohibition as to certain persons
s 176 amd 1998 SL No. 343 s 20

Offence as to therapeutic substance to which certain colouring substance added
s 177 amd 1996 SL No. 415 s 3

Sale, supply and use of certain therapeutic goods restricted
s 179 amd 1998 SL No. 343 s 20

Definitions
s 180 def **"permit"** ins 1998 SL No. 48 s 3
def **"vermin"** sub 1998 SL No. 48 s 3

Vegetation and other things not to provide shelter
s 184 amd 1998 SL No. 48 s 4

Food and water not to be accessible to vermin
s 187 amd 1998 SL No. 48 s 5

Notification of presence of vermin
s 189 amd 1998 SL No. 48 s 6

Local government premises
s 190 amd 1998 SL No. 343 s 20

Local government to destroy vermin in the area
s 191 amd 1998 SL No. 48 s 7

Vermin infested areas
s 192 amd 1998 SL No. 48 s 8; 1998 SL No. 343 s 20

Unusual sickness or mortality in vermin
s 193 amd 1998 SL No. 343 s 20

Local government to examine vermin specimens
s 194 amd 1998 SL No. 343 s 20

PART 17—VERMIN CONTROL
Division 3A—Keeping vermin
div 3A (ss 194A–194D) ins 1998 SL No. 48 s 9

Division 3B—Permits
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Division 3C—Suspension or cancellation of permits
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Division 3D—Amendment of permits
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Decisions open to appeal
s 194K ins 1998 SL No. 48 s 9

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s 194L ins 1998 SL No. 48 s 9

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s 194O ins 1998 SL No. 48 s 9

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s 194P ins 1998 SL No. 48 s 9

Appeal to District Court
s 194Q ins 1998 SL No. 48 s 9
amd 1999 SL No. 174 s 6

House-to-house visits
s 195 amd 1998 SL No. 343 s 20

Local government to employ persons for purpose of this part
prov hdg amd 1996 SL No. 415 s 4
s 197 amd 1998 SL No. 343 s 20

Vermin not to be kept
s 199 om 1998 SL No. 48 s 10

Default of owner or occupier
s 200 amd 1998 SL No. 343 s 20

Default of local government
s 201 amd 1998 SL No. 343 s 20

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s 211 sub 1998 SL No. 74 s 3
amd 1999 SL No. 13 s 3; 2000 SL No. 80 s 3

PART 19—REPEALS
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Division 13—Repeals, transitional and expiry provisions
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Reference to relocated provisions and regulation
s 421 exp 7 June 1996 (see s 425)
(1)–(2) AIA s 20A applies (see s 421(3))

Authorities etc. under relocated regulation
s 422 exp 7 June 1996 (see s 425)

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s 423 exp 7 June 1996 (see s 425)
(1) AIA s 20A applies (see s 423(2))

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div hdg prev div 1 hdg prec s 212 om R1 (see RA s 40)
pres div 1 hdg ins 1999 SL No. 257 s 5

Division 2—Transitional provisions for Health Amendment Regulation (No. 4) 1999
div hdg prev div 2 hdg prec s 227 om R1 (see RA s 40)
pres div 2 hdg ins 1999 SL No. 257 s 6

Transitional provisions for offences against repealed part
s 425 prev s 425 exp 7 June 1996 (see s 425)
pres s 425 ins 1999 SL No. 257 s 6
(1) AIA s 20 applies (see s 425(2))

SCHEDULE 2—NOTIFIABLE AND CONTROLLED NOTIFIABLE DISEASES
amd 1999 SL No. 154 s 3

SCHEDULE 11—PRESCRIBED METHODS OF ANALYSIS AND PERMISSIBLE LEVELS OF METAL RELEASE
amd 1996 SL No. 415 s 5

8 Table of corrected minor errors

TABLE OF CORRECTED MINOR ERRORS
under the Reprints Act 1992 s 44

Provision	Description
41(2)(b)	om ‘on’
sch 10, 2(4)	om ‘Particular’ ins ‘Particulars’