

Fees and penalties

The *Public Health Act 2010* and the *Public Health Regulation 2012* commence on **1 September 2012**. To support implementation of the *Act* and *Regulation*, a series of Information Sheets has been developed to outline the key requirements in relation to particular areas. Visit the NSW Ministry of Health webpage at www.health.nsw.gov.au/phact for more information on the *Act* and *Regulation*.



APPLICATION AND NOTIFICATION FEES

Under the *Public Health Regulation 2012*, a fee may be charged for applications or notifications relating to the areas in the following table. Reapplication or updates to notifications will not incur an additional fee.

Clause 6	Application for approval of a warm water system for installation in a hospital	\$160
Clause 11	Notification of installation of water-cooling and warm-water system	Not to exceed \$100
Clause 19	Notification of public swimming pool or spa pool	Not to exceed \$100
Clause 31	Notification of carrying out of skin penetration procedures	Not to exceed \$100
Clause 70	Application to exhume remains of the body of a dead person	\$320
Clause 78	Application to cremate the remains of the body of a dead person that has been buried for at least 10 years	\$100
Clause 89	Notification of matters for inclusion on the register of mortuaries and crematories	Not to exceed \$100

IMPROVEMENT NOTICES AND PROHIBITION ORDERS

Under the *Public Health Act 2010*, when an improvement notice or prohibition order is issued, a fee may be charged. As per the table below, the amount will be dependent upon the reason for the notice or order and the date the notice or order was issued.

(a) In the case of an improvement notice or a prohibition order given to an occupier of premises at which there is a regulated system:		(b) In any other case:	
before 1 July 2013	\$500	before 1 July 2013	\$250
on or after 1 July 2013 and before 1 July 2014	\$515	on or after 1 July 2013 and before 1 July 2014	\$255
on or after 1 July 2014 and before 1 July 2015	\$530	on or after 1 July 2014 and before 1 July 2015	\$260
on or after 1 July 2015 and before 1 July 2016	\$545	on or after 1 July 2015 and before 1 July 2016	\$265
on or after 1 July 2016	\$560	on or after 1 July 2016	\$270

Where re-inspection of premises that are subject to a prohibition order is required by an authorised officer under section 46 (1) of the *Act*, the fee payable by an occupier of premises is \$250 per hour with a minimum charge of half an hour and a maximum charge of 2 hours (excluding time spent travelling).

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PENALTIES

Under particular areas of the *Act* and *Regulation*, failure to comply with the legislative requirements may result in the issue of a penalty infringement notice, and the subsequent payment of a penalty fee, as per the tables below. Maximum penalties are higher for prosecutions and may include a daily penalty.

Legionella control

<i>Public Health Act 2010</i>	Section 28	Contravention of Clause 6 (3) of the Regulation – failure to ensure air-handling system is fitted with supply air filters	Individual \$550 Corporation \$1100
	Section 31	Failure to notify where water-cooling or warm-water systems are installed on premises	Individual \$220 Corporation \$440
	Section 47	Failure to comply with Prohibition Order	Individual \$1,650 Corporation \$3,300
<i>Public Health Regulation 2012</i>	Clause 10(1)	Failure to ensure system is certified annually by a competent person	Individual \$220 Corporation \$440
	Clause 13	Failure to display Prohibition Order	Individual \$220 Corporation \$440

Skin penetration

<i>Public Health Act 2010</i>	Section 38 (1)	Contravention of Clause 23(1)(b) – failure to have waste disposal bin	Individual \$110 Corporation \$220
		Contravention of Clause 23(1)(c) – failure to have hand wash basin with a supply of clean, warm, potable water	Individual \$550 Corporation \$1100
		Contravention of Clause 25(1) – failure to have appropriate sharps container	Individual \$550 Corporation \$1100
	Section 38(2)	Failure to notify	Individual \$220 Corporation \$440
	Section 47	Failure to comply with Prohibition Order	Individual \$1,100 Corporation \$2,200
<i>Public Health Regulation 2012</i>	Clause 33	Failure to display Prohibition Order	Individual \$220 Corporation \$440

Control of public swimming pools and spa pools

<i>Public Health Act 2010</i>	Section 35(1)	Failure to comply with Clause 3(1) of Schedule 1 – failure to fit pool with automated or continuous metered dosing system	Individual \$550 Corporation \$1100
	Section 35(2)	Failure to notify	Individual \$220 Corporation \$440
	Section 37	Failure to display Prohibition Order	Individual \$220 Corporation \$440
	Section 47	Failure to comply with Prohibition Order	Individual \$1,100 Corporation \$2,200
<i>Public Health Regulation 2012</i>	Clause 17(4)	Failure to display Temporary Closure Order issued by Director-General	Individual \$220 Corporation \$440

Where to go for further information

If you will be affected by the commencement of the *Public Health Act 2010* and the *Public Health Regulation 2012*, and you want further information, you can:

- Contact your Council
- Contact your local Public Health Unit
- Visit the NSW Ministry of Health webpage for the *Public Health Act* and *Public Health Regulation*

www.health.nsw.gov.au/phact