

Queensland



Subordinate Legislation 1996 No. 121

Health Act 1937

HEALTH REGULATION 1996

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PART 1—PRELIMINARY

Short title

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

PART 2—CAMPING GROUNDS

PART 3—CANCER REGISTRATION

Definition for part

16. In this part—

“**hospital**” means a private, psychiatric, public or other hospital.

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

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

- (a) an inpatient in a nursing home or hospital; or
- (b) a resident in a charitable institution; or
- (b) 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—

- (a) the discharge or transfer of the patient or resident from a nursing home, hospital or charitable institution; 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, hospital or charitable institution.

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.

PART 4—DISPENSARY**PART 5—HAIRDRESSERS****PART 6—HYPERBARIC CHAMBER THERAPY****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

PART 9—PERINATAL STATISTICS

Prescribed class of child

79. For section 100G¹ of the Act, definition “**child not born alive**”, a prescribed class of child is—

- (a) a child of at least 20 weeks gestation; or
- (b) a child weighing at least 400 grams at birth.

Returns

80. For section 100H(1)² of the Act, a return 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

¹ Section 100G (Interpretation)

² Section 100H (Furnishing returns to chief health officer)

- (b) provided to the chief health officer within 35 days after the day of the delivery.

Inadequate returns

81.(1) If the chief health officer is satisfied that a return under section 100H(1) of the Act is inaccurate, misleading or deficient, the chief health officer 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

PART 11—PLACARDING FOR HAZARDOUS SUBSTANCES

PART 12—POISONS (FUMIGATION)

PART 13—PRESCRIBED SUBSTANCES STANDARDS AND METHODS

PART 14—RADIOACTIVE SUBSTANCES

Abrasive blasting material

135.(1) This section applies to abrasive blasting material that contains a radioactive substance in less than the concentration prescribed under the *Radioactive Substances Act 1958*.

(2) A person must not sell, supply, use or otherwise deal with the material mentioned in subsection (1) unless—

(a) the material complies with the following release criteria—

$$(i) \frac{[\text{Th} + \text{D}]}{1.5} (\text{Bq g}^{-1}) + \frac{[\text{U} + \text{D}]}{4.0} (\text{Bq g}^{-1}) \leq 1 \quad ; \text{ and}$$

(ii) the gross alpha and gross beta activity concentrations in the TCLP extracts from the material are no more than 10 times the concentrations stated in the Australian Drinking Water Guidelines³ of the National Health and Medical Research Council and the Australian Water Resources Council for the screening of gross alpha and gross beta activity concentration; or

(b) the chief executive is satisfied—

(i) the material complies with other more appropriate release criteria; and

(ii) the other release criteria are consistent with the National Health and Medical Research Council guidelines on the use of abrasive blasting material.

Maximum penalty—20 penalty units.

(3) The extraction fluids to be used in the screening mentioned in subsection (2)(a)(ii) are acetate buffer at pH 4.9 and deionised water.

(4) In subsection (2)—

“**TCLP**” means the Toxicity Characteristic Leaching Procedure stated in the Code of Federal Regulations of the United States,⁴ Title 40, Part 261, Appendix 2, 7-1-91, EPA Method 1311.

“**[Th + D]**” means the total specific activity in becquerels per gram (Bq g⁻¹) of the thorium series radionuclides present in the material.

“**[U + D]**” means the total specific activity in becquerels per gram (Bq g⁻¹) of the uranium series radionuclides present in the material.

³ A copy of the guidelines is available for inspection at the department’s head office in Brisbane.

⁴ A copy of the relevant part of the code is available for inspection at the department’s head office in Brisbane.

PART 15—SKIN PENETRATION**PART 16—THERAPEUTIC GOODS AND OTHER
DRUGS****PART 17—VERMIN CONTROL****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 (C₂F₄Br₂).

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 1998.

PART 19—AMENDMENTS, REPEALS, TRANSITIONAL AND EXPIRY PROVISIONS

Division 1—Amendment of Camping Ground Regulation 1987

Regulation amended

212. This division and schedule 15 amend the *Camping Ground Regulation 1987*.

Amendment of s 4

213.(1) Section 4, ‘In these regulations’ to ‘appears’—

omit, insert—

‘In this part’.

(2) Section 4, definitions, “**Approved**”, “**Camp**”, “**Camping Ground**”, “**Moveable dwelling**” and “**Proprietor**”—

omit.

(3) Section 4—

insert—

‘“**proprietor**”, of a camping ground, means a person who has an approval under section 6.’.

Amendment of s 7

214. Section 7—

insert—

‘Maximum penalty—8 penalty units.’.

Amendment of s 8

215.(1) Sections 8(1) and (2), ‘Form 1’—

omit, insert—

‘the approved form’.

(2) Section 8(4)—

omit, insert—

‘(4) The approval to use land as a camping ground must be in the approved form.’.

Amendment of s 10

216. Section 10—

insert—

‘Maximum penalty—8 penalty units.’.

Amendment of s 11

217.(1) Sections 11(1) and (2), ‘Form 3’—

omit, insert—

‘the approved form’.

(2) Section 11(4), ‘Form 4’—

omit, insert—

‘the approved form’.

Amendment of s 12

218. Section 12—

insert—

‘Maximum penalty—8 penalty units.’.

Amendment of s 13

219.(1) Section 13, ‘regulation 8 of these regulations’—

omit, insert—

‘section 6’.

(2) Section 13(1)—

insert—

‘Maximum penalty—8 penalty units.’

(3) Section 13(2), ‘Form 5’—

omit, insert—

‘the approved form’.

(4) Section 13(3), ‘Form 6’—

omit, insert—

‘the approved form’.

Amendment of s 14

220.(1) Section 14(e), ‘following table:—’—

omit, insert—

‘table to this section.’.

(2) Section 14(e), table—

relocate to end of section.

(3) Section 14—

insert—

‘Maximum penalty—8 penalty units.’.

Amendment of s 15

221. Section 15—

insert—

‘Maximum penalty—8 penalty units.’.

Amendment of s 16

222. Section 16—

insert—

‘Maximum penalty—8 penalty units.’.

Insertion of new section headings

223. Immediately before a section mentioned in schedule 15, column 1 insert the section heading set out opposite in schedule 15, column 2.

Amendment for “these regulations”

224.(1) This section amends the following provisions—

- section 5
- section 9(1)
- section 12
- section 17

(2) In the provisions mentioned in subsection (1), ‘these regulations’—

omit, insert—

‘this part’.

Amendment for “regulation 8”

225.(1) This section amends the following provisions—

- section 9(1)
- section 14(o)

(2) In the provisions mentioned in subsection (1), ‘regulation 8’—

omit, insert—

‘section 6’.

Relocation

226. Sections 4 to 17—

relocate to Health Regulation 1996, part 2, as sections 2 to 15.

Division 2—Amendment of Health (Dispensary) Regulation 1993

Regulation amended

227. This division amends the *Health (Dispensary) Regulation 1993*.

Insertion of new div heading

228. After section 2—

insert—

‘Division 1—Preliminary’.

Amendment of s 3 (Definitions)

229.(1) Section 3, ‘regulation’—

omit, insert—

‘part’.

(2) Section 3, definition “**inspector**”—

omit.

Replacement of pt 2 heading (General requirements)

230. Part 2, heading—

omit, insert—

‘Division 2—General requirements’.

Amendment of s 6 (Items to be available at dispensary)

231.(1) Section 6(1), ‘Schedule 1’—

omit, insert—

‘schedule 4’.

(2) Section 6(2), ‘Schedule 2’—

omit, insert—

‘schedule 5’.

(3) Section 6(3), ‘Schedule 1 or 2’—

omit, insert—

‘schedule 4 or 5’.

Replacement of pt 3 heading (Sterile dispensing)

232. Part 3, heading—

omit, insert—

‘Division 3—Sterile dispensing’.

Amendment of s 7 (Application of part)

233.(1) Section 7, heading—

omit, insert—

‘Application of division’.

(2) Section 7, ‘Part’—

omit, insert—

‘division’.

Amendment of s 8 (General requirements)

234. Section 8, ‘Part’—

omit, insert—

‘division’.

Amendment of s 9 (Standard operating procedures to be applied)

235.(1) Section 9(1), ‘section 8’—

omit, insert—

‘section 27’.

(2) Section 9(2)(a), ‘section 7(1)’—

omit, insert—
'section 26(1)'.

(3) Section 9(2)(b), 'section 8(a)'—
omit, insert—
'section 27(a)'.

Amendment of s 10 (Maintenance)

236.(1) Section 10(1), 'section 8'—
omit, insert—
'section 27'.

(2) Section 10(1), 'section 8(a)'—
omit, insert—
'section 27(a)'.

Replacement of pt 4 heading (Dispensing of antineoplastic drugs)

237. Part 4, heading—
omit, insert—

'Division 4—Dispensing of antineoplastic drugs'.

Amendment of s 11 (Application of part)

238.(1) Section 11, heading—
omit, insert—

'Application of division'.

(2) Section 11, 'Part'—
omit, insert—
'division'.

Amendment of s 12 (General requirements)

239. Section 12(1), ‘Part’—

omit, insert—

‘division’.

Amendment of s 13 (Dispensing)

240. Section 13(1), ‘section 12(1)’—

omit, insert—

‘section 31(1)’.

Amendment of s 14 (Standard operating procedures to be applied)

241.(1) Section 14(1), ‘section 12(1)’—

omit, insert—

‘section 31(1)’.

(2) Section 14(2)(b), ‘section 12(1)(a)’—

omit, insert—

‘section 31(1)(a)’.

Amendment of s 15 (Maintenance)

242.(1) Section 15, ‘section 12(1)’—

omit, insert—

‘section 31(1)’.

(2) Section 15, ‘section 12(1)(a)’—

omit, insert—

‘section 31(1)(a)’.

Amendment of sch 1 (Items to be provided)

243. Schedule 1, ‘section 6(1)’—

omit, insert—

‘section 25(1)’.

Amendment of sch 2 (Additional items)

244. Schedule 2, ‘section 6(2)’—

omit, insert—

‘section 25(2)’.

Renumbering of provisions

245. Sections 3 to 15—

renumber as sections 22 to 34.

Relocations

246.(1) Divisions 1 to 4—

relocate to *Health Regulation 1996*, part 4, as divisions 1 to 4.

(2) Schedules 1 and 2—

relocate to *Health Regulation 1996*, as schedules 4 and 5.

Division 3—Amendment of Hairdressers Regulation 1989**Regulation amended**

247. This division amends the *Hairdressers Regulation 1989*.

Insertion of new div heading

248. After section 3—

insert—

‘Division 1—Administration of part and interpretation’.

Amendment of s 4 (Interpretation)

249.(1) Section 4, heading—

omit, insert—

‘Definitions’.

(2) Section 4, ‘In these’ to ‘appears:’—

omit, insert—

‘In this part’.

(3) Section 4, definitions “**inspector**” and “**the Act**”—

omit.

(4) Section 4, definition “**waste receptacle**”, ‘refuse’—

omit, insert—

‘waste’.

(5) Section 4, definition “**waste receptacle**”, ‘Refuse Management Regulations 1983’—

omit, insert—

‘Environmental Protection (Interim Waste) Regulation 1996’.

Omission of s 5 (Forms)

250. Section 5—

omit.

Amendment of s 6 (Superintendence by local authorities)

251. Section 6(1), ‘These regulations’—

omit, insert—

‘This part’.

Replacement of pt 2 heading (Licences)

252. Part 2, heading—

omit, insert—

‘Division 2—Licences’.

Amendment of s 7 (Licences)

253.(1) Section 7, heading—

omit, insert—

‘Licences for hairdressers’ shops and mobile hairdressing services’.

(2) Section 7—

insert—

‘Maximum penalty—40 penalty units.’.

Amendment of s 8 (Application for licence)

254.(1) Section 8 (1)(a), ‘Form 1’—

omit, insert—

‘the approved form’.

(2) Section 8(1)(b), ‘Form 2’—

omit, insert—

‘the approved form’.

Amendment of s 9 (Application for renewal of licence)

255. Section 9(1)(a)—

omit, insert—

‘(a) made in the approved form; and’.

Replacement of s 10 (Form of licence)

256. Section 10—

omit, insert—

‘Form of licences and renewals

‘10. A licence, or renewal of a licence, must be in the approved form.’.

Amendment of s 12 (Transfer of licence)

257. Section 12(2), ‘Form 7’—

omit, insert—

‘the approved form’.

Amendment of s 16 (Delivery of licence to local authority)

258. Section 16(1)—

insert—

‘Maximum penalty—40 penalty units.’.

Replacement of pt 3 heading (Licensed premises)

259. Part 3, heading—

omit, insert—

‘Division 3—Licensed premises’.

Replacement of pt 4 heading (Sanitary provisions)

260. Part 4, heading—

omit, insert—

‘Division 4—Sanitary provisions’.

Amendment of s 19 (Conduct of premises)

261.(1) Section 19(c), ‘Part 1 of the Second Schedule’—

omit, insert—

‘schedule 6, part 1’.

(2) Section 19(d)(ii), ‘regulation 17(a)(i)’—

omit, insert—

‘section 47(a)(i)’.

(3) Section 19—

insert—

‘Maximum penalty—40 penalty units.’.

Amendment of s 20 (Hairdresser to remain clean)

262.(1) Section 20(b), ‘Part 1 of the Second Schedule’—

omit, insert—

‘schedule 6, part 1’.

(2) Section 20—

insert—

‘Maximum penalty—40 penalty units.’.

Amendment of s 21 (Smoking)

263. Section 21—

insert—

‘Maximum penalty—40 penalty units.’.

Amendment of s 22 (Waste collection)

264. Section 22—

insert—

‘Maximum penalty—40 penalty units.’.

Amendment of s 23 (Expectorating and animals prohibited)**265.** Section 23—*insert—*

‘Maximum penalty—40 penalty units.’

Amendment of s 24 (Use of clean towels, etc.)**266.** Section 24—*insert—*

‘Maximum penalty—40 penalty units.’

Amendment of s 25 (Method of lathering)**267.** Section 25—*insert—*

‘Maximum penalty—40 penalty units.’

Amendment of s 26 (Use of powder puffs, etc. prohibited)**268.** Section 26—*insert—*

‘Maximum penalty—40 penalty units.’

Amendment of s 27 (Depilatory wax)**269.** Section 27—*insert—*

‘Maximum penalty—40 penalty units.’

Replacement of pt 5 heading (Disinfection of appliances)**270.** Part 5, heading—

omit, insert—

‘Division 5—Disinfection of appliances’.

Amendment of s 28 (Disinfection of appliances, etc.)

271.(1) Section 28(2) and (3), ‘Part 2 of the Second Schedule’—

omit, insert—

‘schedule 6, part 2’.

(2) Section 28—

insert—

‘Maximum penalty—40 penalty units.’.

Replacement of pt 6 heading (Miscellaneous)

272. Part 6, heading—

omit, insert—

‘Division 6—Miscellaneous’.

Amendment of s 29 (Infectious skin diseases, etc.)

273.(1) Section 29(5)(c), ‘Part 1 of the Second Schedule’—

omit, insert—

‘schedule 6, part 1’.

(2) Section 29—

insert—

‘Maximum penalty—40 penalty units.’.

Omission of ss 30 and 31

274. Sections 30 and 31—

omit.

Amendment for “these regulations”

275.(1) This section amends the following provisions—

- section 4, definition “**licensed premises**”
- section 6(2)
- section 9(1)
- section 11
- section 12(3)
- section 14
- section 15(1)
- section 16(1)
- section 19(b)
- section 29(5).

(2) In the provisions mentioned in subsection (1), ‘these regulations’—
omit, insert—
‘this part’.

Amendment of sch 2

276.(1) Schedule 2, ‘(Regulations’ to ‘Part 1’—
omit, insert—

‘CLEANSERS AND DISINFECTANTS

sections 49(c), 50(b), 58 and 59(5)

‘PART 1—ANTIBACTERIAL CLEANSING AGENTS’.

(2) Schedule 2, ‘Part 2’ to ‘(3)’—
omit, insert—

‘PART 2—DISINFECTING SOLUTIONS’.

Renumbering of provisions

277.(1) Section 4—

renumber as section 35.

(2) Sections 6 to 29—

renumber as sections 36 to 59.

Relocations

278.(1) Divisions 1 to 6—

relocate to *Health Regulation 1996*, part 5, as divisions 1 to 6.

(2) Schedule 2—

relocate to *Health Regulation 1996*, as schedule 6.

Division 4—Amendment of Hyperbaric Chamber Therapy Regulation 1989**Regulation amended**

279. This division amends the *Hyperbaric Chamber Therapy Regulation 1989*.

Amendment of s 3 (Interpretation)

280.(1) Section 3, heading—

omit, insert—

‘Definitions’.

(2) Section 3, ‘In these regulations’ to ‘appears’—

omit, insert—

‘In this part’.

Amendment of s 4 (Application)

281.(1) Section 4, ‘These regulations’ to ‘respect to’—

omit, insert—

‘This part does not apply to’.

(2) Section 4(a) and (d), ‘Director-General’—

omit, insert—

‘chief health officer’.

Amendment of s 5 (Hyperbaric oxygen therapy prohibited)

282.(1) Section 5, ‘regulation 4’—

omit, insert—

‘section 61’.

(2) Section 5—

insert—

‘Maximum penalty—20 penalty units.’.

Relocation

283. Sections 3 to 5—

relocate to Health Regulation 1996, part 6, as sections 60 to 62.

***Division 5—Amendment of Mosquito Prevention and Destruction
Regulation 1982***

Regulation amended

284. This division amends the *Mosquito Prevention and Destruction Regulation 1982*.

Insertion of new div heading

285. After section 3—

insert—

‘Division 1—Preliminary’.

Replacement of s 4 (Interpretation)

286. Section 4—

omit, insert—

‘Definitions

‘4. In this part—

“approved” means approved in writing by the chief health officer.

“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.’.

Amendment of s 6 (Local authorities to superintend)

287. Section 6, ‘these regulations’—

omit, insert—

‘this part’.

Omission of s 7 (Regulations of general effect)

288. Section 7—

omit.

Replacement of pt 2 heading (Measures to be adopted by manufacturers, owners and occupiers)

289. Part 2, heading—

omit, insert—

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

Amendment of s 8 (Tanks to be protected)

290. Section 8—

insert—

‘Maximum penalty—40 penalty units.’.

Amendment of s 9 (Ponds and pools to be covered or treated)

291.(1) Section 9, ‘regulation 8’—

omit, insert—

‘section 69’.

(2) Section 9—

insert—

‘Maximum penalty—40 penalty units.’.

Amendment of s 10 (Certain ponds and pools to be drained or filled)

292. Section 10—

insert—

‘Maximum penalty—40 penalty units.’.

Amendment of s 11 (Other measures to be taken by occupiers)

293. Section 11—

insert—

‘Maximum penalty—40 penalty units.’.

Amendment of s 12 (Other measures to be taken by owners)

294. Section 12—

insert—

‘Maximum penalty—40 penalty units.’.

Amendment of s 13 (Local authority premises)

295.(1) Section 13(a), ‘Part’—

omit, insert—

‘division’.

(2) Section 13(b), ‘Director-General’—

omit, insert—

‘chief health officer’.

Replacement of pt 3 heading (Miscellaneous)

296. Part 3, heading—

omit, insert—

‘Division 3—Miscellaneous’.

Amendment of s 14 (House-to-house visitation)

297.(1) Section 14, ‘Director-General’—

omit, insert—

‘chief health officer’.

(2) Section 14(2)(a), ‘these regulations’—

omit, insert—

‘this part’.

Amendment of s 15 (Damaging drains, screens or covers)

298.(1) Section 15, ‘against these regulations’—

omit.

(2) Section 15, ‘these regulations’—

omit, insert—

‘this part’.

(3) Section 15—

insert—

‘Maximum penalty—40 penalty units.’.

Amendment of s 16 (Failing to fill in excavation)

299.(1) Section 16, ‘against these regulations’—

omit.

(2) Section 16—

insert—

‘Maximum penalty—40 penalty units.’.

Omission of ss 17 and 18

300. Sections 17 and 18—

omit.

Amendment of s 19 (Default of owner or occupier)

301.(1) Section 19(1), ‘regulation 12 or 17’—

omit, insert—

‘section 73’.

(2) Section 19(1), ‘these regulations’—

omit, insert—

‘this part’.

(3) Section 19(1) and (2), ‘Director-General’—

omit, insert—

‘chief health officer’.

(4) Section 19(3)—

omit.

Renumbering of provisions

302.(1) Sections 4 to 6—

renumber as sections 66 to 68.

(2) Sections 8 to 16—

renumber as sections 69 to 77.

(3) Section 19—

renumber as section 78.

Relocation

303. Divisions 1 to 3—

relocate to *Health Regulation 1996*, part 8, as divisions 1 to 3.

Division 6—Amendment of Health (Pest Control Operators) Regulation 1977

Regulation amended

304. This division and schedule 16 amend the *Health (Pest Control Operators) Regulation 1977*.

Amendment for maximum penalties

305.(1) This section amends the following provisions—

- sections 7 to 12.

(2) In the provisions mentioned in subsection (1)—
insert—

‘Maximum penalty—10 penalty units.’.

Amendment for “the Schedule”

306.(1) This section amends the following provisions—

- section 3(2)
- section 4(2).

(2) In the provisions mentioned in subsection (1), ‘the Schedule’—
omit, insert—
‘schedule 3’.

Insertion of new section headings

307. Immediately before a section mentioned in schedule 16, column 1 insert the section heading set out opposite in schedule 16, column 2.

Relocations

308. Sections 3 to 12—

relocate to Health Regulation 1996, part 10, as sections 82 to 90.

Division 7—Amendment of Hazardous Substances (Placarding) Regulation 1988

Regulation amended

309. This division amends the *Hazardous Substances (Placarding) Regulation 1988*.

Insertion of new div heading

310. After section 2—

insert—

‘Division 1—Interpretation’.

Amendment of s 3 (Interpretation)

311.(1) Section 3, heading—

omit, insert—

‘Definitions’.

(2) Section 3, ‘In these’ to ‘appears:’—

omit, insert—

‘In this part’.

(3) Section 3, definitions “**ADG Code**” and “**the Act**”—

omit.

(4) Section 3—

insert—

‘“**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.’.

Amendment of s 4 (Adoption of ADG Code)

312. Section 4(1), ‘these regulations’—

omit, insert

‘this part’.

Replacement of pt 2 heading (Application)

313. Part 2, heading—

omit, insert—

‘Division 2—Application’.

Amendment of s 5 (Application)

314.(1) Section 5(1), ‘These regulations apply’—

omit, insert

‘This part applies’.

(2) Section 5(1)(c), ‘these regulations’—

omit, insert—

‘this part’.

(3) Section 5(1)(d), ‘the Second Schedule hereto’—

omit, insert—

‘schedule 8’.

(4) Section 5(1)(e), ‘Director-General’—

omit, insert—

‘chief health officer’.

(5) Section 5(2), ‘These regulations do’—

omit, insert—

‘This part does’.

(6) Section 5(2)(a), ‘the Third Schedule hereto’—

omit, insert—

‘schedule 9’

(7) Section 5(3)(a), ‘this regulation’—

omit, insert—

‘this part’.

(8) Section 5(3)(b), ‘Director-General’—

omit, insert—

‘chief health officer’.

(9) Section 5(4), ‘These regulations do’—

omit, insert—

‘This part does’.

Replacement of pt 3 heading (Warning signs)

315. Part 3, heading—

omit, insert—

‘Division 3—Warning signs’.

Amendment of s 6 (Warning signs to be displayed)

316.(1) Section 6, ‘these regulations’—

omit, insert—

‘this part’.

(2) Section 6—

insert—

‘Maximum penalty—20 penalty units.’.

Amendment of s 7 (Warning signs)

317. Section 7(4), ‘the Fourth Schedule hereto’—

omit, insert—

‘schedule 10’.

Amendment of s 8 (Location of warning signs)

318. Section 8(a), ‘direction;’—

omit, insert—

‘direction; and’.

Replacement of pt 4 heading (Class labels)

319. Part 4, heading—

omit, insert—

‘Division 4—Class labels’.

Amendment of s 9 (Requirements)

320.(1) Section 9(1), ‘pursuant to these regulations’—

omit, insert—

‘under this part’.

(2) Section 9(3), ‘the First Schedule hereto’—

omit, insert—

‘schedule 7’.

Replacement of pt 5 heading (Hazchem code)

321. Part 5, heading—

omit, insert—

‘Division 5—Hazchem code’.

Amendment of s 10 (Hazchem code)

322.(1) Section 10(a), ‘in accordance with these regulations shall’—

omit, insert—

‘under this part must’.

(2) Section 10(b), ‘the Fourth Schedule hereto’—

omit, insert—

‘schedule 10’.

Amendment of sch 1 (Alterations, amendments, modifications and variations of the ADG code)

323. Schedule 1, after heading—

insert—

‘section 97(3)’.

Amendment of sch 2 (Factor calculation for the purposes of regulation 5)

324.(1) Schedule 2, heading, ‘regulation 5’—

omit, insert—

‘section 93’.

(2) Schedule 2, after heading—

insert—

‘section 93(1)’.

Amendment of sch 3 (Exemption limits for class 2—gases)

325. Schedule 3, after heading—

insert—

‘section 93(2)’.

Amendment of sch 4 (Requirements for warning signs)

326. Schedule 4, after heading—

insert—

‘sections 95(4) and 98(b)’.

Renumbering of provisions

327. Sections 3 to 10—

renumber as sections 91 to 98.

Relocations

328.(1) Divisions 1 to 5—

relocate to Health Regulation 1996, part 11, as divisions 1 to 5.

(2) Schedules 1 to 4—

relocate to Health Regulation 1996, as schedules 7 to 10.

Division 8—Amendment of Health (Poisons—Fumigation) Regulation 1973

Regulation amended

329. This division and schedule 17 amend the *Health (Poisons—Fumigation) Regulation 1973*.

Amendment of s 3 (Interpretation)

330.(1) Section 3, heading—

omit, insert—

‘Definitions’.

(2) Section 3, ‘In these Regulations’ to ‘say:’—

omit, insert—

‘In this part’.

(3) Section 3, definition **“approved form”**—

omit.

Amendment of s 17

331. Section 17(a), ‘Regulation 16’—

omit, insert—

‘section 112’.

Amendment of s 26

332. Section 26, ‘CZ 11 and Z 18-1968’—

omit, insert—

‘AS1715-1994 and AS1716-1994’.

Amendment of s 30

333. Section 30(3), ‘provisions of “The Poison Regulations of 1967,”’—

omit, insert—

‘*Poisons Regulation 1973*’.

Amendment of s 33

334. Section 33, ‘Regulation (32)’—

omit, insert—

‘section 128’.

Amendment for “these Regulations”

335.(1) This section amends the following provisions—

- section 3, definition “**fumigator**”
- section 8(2)
- section 11
- section 32(1)
- section 33.

(2) In the provisions mentioned in subsection (1), ‘these Regulations’—

omit, insert—

‘this part’.

Amendment for “the Schedule”

336.(1) This section amends the following provisions—

- section 5(2)

- section 7(2).

(2) In the provisions mentioned in subsection (1), ‘the Schedule’—
omit, insert—
‘schedule 3’.

Amendment for maximum penalties

337.(1) This section amends the following provisions—

- section 4
- sections 12 to 23
- sections 25 to 31.

(2) At the end of the sections mentioned in subsection (1)—
insert—

‘Maximum penalty—2 penalty units.’.

Insertion of new section headings

338. Immediately before a section mentioned in schedule 17, column 1 insert the section heading set out opposite in schedule 17, column 2.

Relocations

339. Sections 3 to 33—

relocate to Health Regulation 1996, part 12, as sections 99 to 129.

Division 9—Amendment of Prescribed Substances Standards and Methods Regulation 1987

Regulation amended

340. This division amends the *Prescribed Substances Standards and Methods Regulation 1987*.

Amendment of s 2 (Interpretation)

341.(1) Section 2, heading—

omit, insert—

‘Definitions’.

(2) Section 2, ‘In’ to ‘appears’—

omit, insert—

‘In this part’.

(3) Section 2, definitions “**metal**”, “**prescribed substance**” and “**the Act**”—

omit.

(4) Section 2—

insert—

‘**“metal”** includes a compound of metal.

“prescribed substance” means a metal specified in section 132.’.

Amendment of s 3 (Adoption of Australia, British and other standards)

342.(1) Section 3, heading—

omit, insert—

‘Adoption of Australian, British and other standards’.

(2) Section 3(2), ‘Director-General’—

omit, insert—

‘chief health officer’.

Replacement of s 4 (Prescribed substances)

343. Section 4—

omit, insert—

‘Prescribed substances

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

- antimony
- arsenic
- barium
- cadmium
- chromium
- lead
- mercury
- selenium.’.

Replacement of ss 5 and 6

344. Sections 5 and 6—

omit, insert—

‘Prescribed proportions

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

‘Prescribed methods of analysis

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

Amendment of sch 2 (Prescribed methods of analysis and permissible levels of metal release)

345. Amendment of schedule 2, after heading—

insert—

‘sections 133 and 134’.

Relocations

346.(1) Sections 2 to 6—

relocate to *Health Regulation 1996*, part 13, as sections 130 to 134.

(2) Schedule 2—

relocate to *Health Regulation 1996*, as schedule 11.

Division 10—Amendment of Skin Penetration Regulation 1987

Regulation amended

347. This division amends the *Skin Penetration Regulation 1987*.

Insertion of new div heading

348. Immediately before section 3—

insert—

‘Division 1—Application, interpretation and administration of part’.

Amendment of s 3 (Application)

349.(1) Section 3(1), ‘These regulations’—

omit, insert—

‘This part’.

(2) Section 3(2)(a), ‘Part II of these regulations’—

omit, insert—

‘division 2’.

(3) Section 3(2)(b), ‘Parts III and IV of these regulations’—

omit, insert—

‘divisions 3 and 4’.

Amendment of s 4 (Interpretation)

350.(1) Section 4, heading—

omit, insert—

‘Definitions’.

(2) Section 4(1), ‘In’ to ‘appears’—

omit, insert—

‘In this part’.

(3) Section 4(1), definitions “**inspector**” and “**medical practitioner**”—

omit.

(4) Section 4(1), definition “**waste receptacle**”, ‘refuse’—

omit, insert—

‘waste’.

(5) Section 4(1), definition “**waste receptacle**”, ‘Refuse Management Regulations 1983’—

omit, insert—

‘*Environmental Protection (Interim Waste) Regulation 1996*’.

(6) Section 4(2), ‘these regulations’—

omit, insert—

‘this part’.

(7) Section 4(2)(d), ‘Director-General’—

omit, insert—

‘chief health officer’.

Omission of ss 5 and 6

351. Sections 5 and 6—

omit.

Amendment of s 7 (Superintendence by local authorities)

352.(1) Section 7(1), ‘These regulations’—

omit, insert—

‘This part’.

(2) Section 7(2), ‘Parts II, III and IV of these regulations’—

omit, insert—

‘divisions 2, 3 and 4’.

Replacement of pt 2 heading (Registration)

353. Part 2, heading—

omit, insert—

‘Division 2—Registration’.

Amendment of s 8 (Registration of establishments)

354.(1) Section 8, ‘these regulations’—

omit, insert—

‘this part’.

(2) Section 8—

insert—

‘Maximum penalty—10 penalty units.’.

Amendment of s 9 (Form of application, etc.)

355.(1) Section 9(1), ‘Form 1 or 2, as the case may be’—

omit, insert—

‘the approved form’.

(2) Section 9(1), ‘the Second Schedule’—

omit, insert—

‘schedule 3’.

(3) Section 9(2), ‘Form 3’—
omit, insert—
‘the approved form’.

Amendment of s 10 (Suspension, etc. of registration)

356. Section 10(2), ‘these regulations’—
omit, insert—
‘this part’.

Replacement of pt 3 heading (Premises)

357. Part 3, heading—
omit, insert—

‘Division 3—Premises’.

Amendment of s 11 (Use or conduct of premises)

358.(1) Section 11(c)(i), ‘Part I of the Third Schedule’—
omit, insert—
‘schedule 12, part 1’.

(2) Section 11(c)(iv), ‘Director-General’—
omit, insert—
‘chief health officer’.

(3) Section 11—
insert—
‘Maximum penalty—10 penalty units.’.

Replacement of pt 4 heading (Sanitary provisions)

359. Part 4, heading—

omit, insert—

‘Division 4—Sanitary provisions’.

Amendment of s 12 (Operator to remain clean)

360.(1) Section 12(b), ‘Part I of the Third Schedule’—

omit, insert—

‘schedule 12, part 1’.

(2) Section 12(b), ‘Director-General’—

omit, insert—

‘chief health officer’.

(3) Section 12—

insert—

‘Maximum penalty—10 penalty units.’.

Amendment of s 13 (Smoking)

361. Section 13—

insert—

‘Maximum penalty—10 penalty units.’.

Amendment of s 14 (Notifiable diseases)

362.(1) Section 14(5)(a), ‘Part II of the Third Schedule’—

omit, insert—

‘schedule 12, part 2’.

(2) Section 14(5)(c), ‘Part I of the Third Schedule’—

omit, insert—

‘schedule 12, part 1’.

(3) Section 14(5)(c), ‘Part II of the Third Schedule’—

omit, insert—

‘schedule 12, part 2’.

(4) Section 14—

insert—

‘Maximum penalty—10 penalty units.’.

Amendment of s 15 (Cleansing surfaces, etc.)

363.(1) Section 15(1), ‘Part II of the Third Schedule’—

omit, insert—

‘schedule 12, part 2’.

(2) Section 15—

insert—

‘Maximum penalty—10 penalty units.’.

Amendment of s 16 (Disposal of soiled linen, etc.)

364. Section 16—

insert—

‘Maximum penalty—10 penalty units.’.

Amendment of s 17 (Cleansing of skin, appliances, etc.)

365.(1) Section 17(1), ‘Part III of the Third Schedule’—

omit, insert—

‘schedule 12, part 3’.

(2) Section 17—

insert—

‘Maximum penalty—10 penalty units.’.

Amendment of s 19 (Tattooing)

366.(1) Section 19(1), ‘these regulations’—

omit, insert—

‘this part’.

(2) Section 19(1)(c), ‘Part III of the Third Schedule’—

omit, insert—

‘schedule 12, part 3’.

(3) Section 19—

insert—

‘Maximum penalty—10 penalty units.’.

Amendment of s 20 (Expectorating, keeping animals)

367. Section 20—

insert—

‘Maximum penalty—10 penalty units.’.

Replacement of pt 5 heading (Closed ear piercing)

368. Part 5, heading—

omit, insert—

‘Division 5—Closed ear piercing’.

Amendment of s 21 (Use or conduct of premises, etc.)

369.(1) Section 21(2)(b)(i), ‘Part I of the Third Schedule’—

omit, insert—

‘schedule 12, part 1’.

(2) Section 21(2)(b)(ii), ‘Director-General’—

‘chief health officer’.

(3) Section 21(3)(a), ‘Part I of the Third Schedule’—

omit, insert—

‘schedule 12, part 1’.

(4) Section 21(3)(a), ‘Director-General’—

omit, insert—

‘chief health officer’.

(5) Section 21(3)(b), ‘Part II of the Third Schedule’—

omit, insert—

‘schedule 12, part 2’.

(6) Section 21—

insert—

‘Maximum penalty—10 penalty units.’.

Amendment of sch 3

370.(1) Schedule 3, ‘Part 1’—

omit, insert—

‘CLEANSERS

sections 142(c), 143(b), 145(5), 146(1), 148(1), 150(1) and 152

‘PART 1—ANTIBACTERIAL CLEANSING AGENTS’.

(2) Schedule 3, ‘Part 2’—

omit, insert—

‘PART 2—DISINFECTING SOLUTIONS FOR SURFACES ETC.’.

(3) Schedule 3, ‘Part 3’—

omit, insert—

**‘PART 3—DISINFECTING SOLUTIONS FOR
TATTOOING EQUIPMENT ETC.’.**

Renumbering of provisions

371.(1) Sections 3 and 4—

renumber as sections 136 and 137.

(2) Sections 7 to 21—

renumber as sections 138 to 152.

Relocations

372.(1) Divisions 1 to 5—

relocate to *Health Regulation 1996*, part 15, as divisions 1 to 5.

(2) Schedule 3—

relocate to *Health Regulation 1996*, as schedule 12.

***Division 11—Amendment of Therapeutic Goods and Other Drugs
Regulation 1982***

Regulation amended

373. This division amends the *Therapeutic Goods and Other Drugs Regulation 1982*.

Amendment of s 2 (Interpretation)

374.(1) Section 2, heading—

omit, insert—

‘Definitions’.

(2) Section 2(1), ‘In these regulations, save where the contrary intention appears’—

omit, insert—

‘In this part’.

(3) Section 2(1), definition “**A.P.F.**”, ‘as amended from time to time’—

omit.

(4) Section 2(1), definition “**other drugs**”, ‘declared by the Governor in Council by Order in Council to be drugs to which these regulations apply’—

omit, insert—

‘prescribed to be drugs to which this part applies’.

(5) Section 2(1), definition “**soap**”, ‘these regulations’—

omit, insert—

‘this part’.

(6) Section 2(1), definition “**the Act**”—

omit.

(7) Section 2(1), definition “**therapeutic device**”, ‘the term’—

omit, insert—

‘but’.

(8) Section 2(1), definition “**therapeutic substance**”, paragraph (b)(ii), ‘, and includes’—

omit.

(9) Section 2(1), definition “**therapeutic substance**”, ‘the term’—

omit, insert—

‘but’.

(10) Section 2(2)—

renumber as section 2A.

(11) Section 2(3)—

omit.

Amendment of s 2A

375.(1) Section 2A, as heading—

insert—

‘References to prescribed standard’.

(2) Section 2A, ‘these regulations’—

omit, insert—

‘this part’.

Insertion of new s 2B

376. After section 2A—

insert—

‘Application of Statutory Instruments Act 1992, s 23

‘2B. The *Statutory Instruments Act 1992*, section 23, applies to this part as if it were made on the commencement of this section.⁵’.

Amendment of s 3 (Labelling requirements generally)

377.(1) Section 3(1), ‘these regulations’—

omit, insert—

‘this part’.

(2) Section 3(2)(b)(iv), after ‘words’—

omit, insert—

⁵ 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 2B 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.

‘, or the symbol for the words, ‘Batch No.’ ’.

(3) Section 3(2)(c)(ii), ‘these regulations’—

omit, insert—

‘this part’.

(4) Section 3(3), ‘these regulations’—

omit, insert—

‘this part’.

(5) Section 3(4), ‘or fails to comply with these regulations’—

omit, insert—

‘this part’.

Amendment of s 4 (Advertising and further labelling requirements)

378. Section 4(3), ‘or fails to comply with these regulations’—

omit, insert—

‘this part’.

Amendment of s 10 (Soap and soap mixtures)

379.(1) Section 10(7)(a) and (b), ‘these regulations’—

omit, insert—

‘this part’.

(2) Section 10(9)(a) and (c), ‘these regulations’—

omit, insert—

‘this part’.

(3) Section 10(10), second sentence, ‘these regulations’—

omit, insert—

‘this part’.

(4) Section 10(11) and (12), ‘as amended’—

omit.

Amendment of s 11 (Requirements as to packages)

380. Section 11(1)(b), ‘these regulations’—

omit, insert—

‘this part’.

Amendment of s 14 (Packaging of certain therapeutic and other substances)

381.(1) Section 14(3), definition “**prescribed substance**”, ‘schedule 2’—

omit, insert—

‘schedule 14’.

(2) Section 14(3), definition “**reclosable container**”, ‘schedule 1’—

omit, insert—

‘schedule 13’.

Amendment of s 15 (Biological preparations)

382.(1) Section 15(2)(a), ‘these regulations’—

omit, insert—

‘this part’.

(2) Section 15(2)(b)(iii)(A), ‘of the United Kingdom as amended’—

omit, insert—

‘(UK)’.

(3) Section 15(2)(b)(iii)(A) and (5), ‘Therapeutic Goods Act’ to ‘amended’—

omit, insert—

‘*Therapeutic Goods Act 1989 (Cwlth)*’.

Amendment of s 16 (Duties of manufacturer)

383. Section 16(6)(b)(iv), ‘these regulations’—

omit, insert—

‘this part’.

Amendment of s 17 (Specifications for places)

384.(1) Section 17(1), ‘these regulations’—

omit, insert—

‘this part’.

(2) Section 17(2)(f), ‘appropriate provisions of The Plague Prevention Regulations of 1958 made under the Act’—

omit, insert—

‘part 17’.

(3) Section 17(2)(h)(iii), ‘Local Government Act 1936-1981’—

omit, insert—

‘*Sewerage and Water Supply Act 1949*’.

Amendment of s 24 (Offence as to therapeutic substance to which certain colouring substance added)

385. Section 24, ‘substance’ to ‘Council’—

omit, insert—

‘stated in Standard A5 of the Food Standards Code’.

Amendment of s 25 (Compliance of therapeutic goods or other drugs with certain description or standard)

386.(1) Section 25(2), ‘1986’—

omit, insert—

‘1993’.

(2) Section 25(2), ‘, as amended from time to time’—
omit.

Omission of ss 26 and 27

387. Sections 26 and 27—
omit.

Amendment for “Director-General”

388.(1) This section amends the following provisions—

- sections 3 and 4
- section 13
- section 16
- sections 18 to 20
- sections 22 and 23.

(2) In the provisions mentioned in subsection (1), ‘Director-General’—
omit, insert—
‘chief health officer’.

Amendment for maximum penalties

389.(1) This section amends the following provisions—

- section 3(1), (3) and (4)
- section 4(1), (2), (3) and (4)
- section 5
- section 6(1)
- section 7
- section 8(1)
- section 9(2)
- section 10(2)

-
- section 10(3)(b), (c) and (d)
 - section 10(4)(b), first sentence
 - section 10(4)(b), second sentence
 - section 10(5)(b), first sentence
 - section 10(5)(b), second sentence
 - section 10(7)(b)
 - section 10(8)(b)
 - section 10(9)(a) and (b)
 - section 11(1) (2) and (3)
 - section 12
 - section 13(1), (2), (3) and (4)
 - section 15(2), (3), (4) and (5)
 - section 16(1), (2), (3), (5) and (6)
 - section 17(1) and (2)
 - section 18
 - section 20(1) and (2)
 - section 21
 - section 22(1), first sentence
 - section 22(2), first sentence
 - section 23(1) and (2)
 - section 24
 - section 25(1) and (2)
 - section 25A(1).

(2) At the end of the provisions mentioned in subsection (1)—

insert—

‘Maximum penalty—20 penalty units.’.

Amendment of schs 1 and 2

390. Schedules 1 and 2, ‘section 14(3)’—
omit, insert—
‘section 167(3)’.

Relocations

391.(1) Sections 2 to 25A—
relocate to Health Regulation 1996, part 16, as sections 153 to 179.

(2) Schedules 1 and 2—
relocate to Health Regulation 1996, as schedules 13 and 14.

Division 12—Amendment of Vermin Control Regulation 1991**Regulation amended**

392. This division amends the *Vermin Control Regulation 1991*.

Insertion of new div heading

393. After section 2—
insert—
‘Division 1—Preliminary’.

Amendment of s 3 (Interpretation)

394.(1) Section 3, heading—
omit, insert—
‘Definitions’.

(2) Section 3 (1), ‘In’ to ‘appears’—
omit, insert—
‘In this part’.

(3) Section 3 (1), definitions “**approved**” and “**inspector**”—
omit.

(4) Section 3(1)—
insert—

“**occupier**”, of a place, includes, if there is no person in actual occupation of the place, a person entitled to possession of the place.

(5) Section 3(2)—
omit.

Replacement of s 4 (Rats, etc. noxious)

395. Section 4—
omit, insert—

‘All vermin noxious

‘**4.** Vermin of all species are declared to be noxious.’.

Amendment of s 5 (Local authorities to superintend)

396.(1) Section 5(1), ‘These regulations are’—
omit, insert—

‘This part is’.

(2) Section 5(2), ‘these regulations’—
omit, insert—

‘this part’.

Replacement of pt 2 heading (Measures to be adopted by owners and occupiers)

397. Part 2, heading—
omit, insert—

‘*Division 2—Measures to be adopted by owners and occupiers*’.

Amendment of s 6 (Buildings etc. to be verminproofed)**398.** Section 6—*insert—*

‘Maximum penalty—40 penalty units.’

Amendment of s 7 (Vegetation and other things not to provide shelter)**399.** Section 7—*insert—*

‘Maximum penalty—40 penalty units.’

Amendment of s 8 (Drains, etc. to be verminproofed)**400.** Section 8—*insert—*

‘Maximum penalty—40 penalty units.’

Amendment of s 9 (Wharves to be verminproofed)**401.(1)** Section 9, ‘In’ to ‘regulation, the’—*omit, insert—*

‘The’.

(2) Section 9—*insert—*

‘Maximum penalty—40 penalty units.’

Amendment of s 10 (Food and water not to be accessible to vermin)**402.** Section 10—*insert—*

‘Maximum penalty—40 penalty units.’

Amendment of s 11 (Storage of refuse, keeping of animals)

403.(1) Section 11(a), ‘requirements of the Refuse Management Regulations 1983’—

omit, insert—

‘Environmental Protection (Interim Waste) Regulation 1996’.

(2) Section 11—

insert—

‘Maximum penalty—40 penalty units.’.

Amendment of s 12 (Notification of presence of vermin)

404. Section 12—

insert—

‘Maximum penalty—40 penalty units.’.

Amendment of s 13 (Local authority premises)

405. Section 13(a), ‘Part’—

omit, insert—

‘division’.

Replacement of pt 3 heading (Destruction of vermin by the local authority)

406. Part 3, heading—

omit, insert—

‘Division 3—Destruction of vermin by local governments’.

Amendment of s 17 (Local authority to examine vermin specimens)

407. Section 17(b), ‘Laboratory of Microbiology and Pathology’—

omit, insert—

‘Centre for Public Health Sciences’.

Replacement of pt 4 heading (Miscellaneous)

408. Part 4, heading—

omit, insert—

‘Division 4—Miscellaneous’.

Amendment of s 18 (House to house visits)

409. Section 18(2)(a), ‘these regulations’—

omit, insert—

‘this part’.

Amendment of s 19 (Damaging verminproofing measures)

410.(1) Section 19, ‘these regulations’—

omit, insert—

‘this part’.

(2) Section 19—

insert—

‘Maximum penalty—40 penalty units.’.

Amendment of s 20 (Local authority to employ persons for purpose of regulations)

411. Section 20, ‘these regulations’

omit, insert—

‘this part’.

Amendment of s 21 (Food not to be thrown on roads)**412.** Section 21—*insert—*

‘Maximum penalty—40 penalty units.’

Amendment of s 22 (Vermin not to be kept)**413.** Section 22—*insert—*

‘Maximum penalty—40 penalty units.’

Omission of ss 23 and 24**414.** Sections 23 and 24—*omit.***Amendment of s 25 (Default of owner or occupier)****415.(1)** Section 25(1), ‘compliance notice’—*omit, insert—*

‘notice’.

(2) Section 25(1), ‘regulation 23’—*omit, insert—*

‘section 209’.

(3) Section 25(1), ‘these regulations’—*omit, insert—*

‘this part’.

(4) Section 25(3)—*omit.*

Amendment of s 26 (Default of local authority)

416.(1) Section 26, ‘these regulations’—

omit, insert—

‘this part’.

(2) Section 26, ‘regulation 25’—

omit, insert—

‘section 200’.

Amendment for “Director-General”

417.(1) This section amends the following provisions—

- section 13(b)
- sections 15 to 18
- section 20
- sections 25 and 26.

(2) In the provisions mentioned in subsection (1), ‘Director-General’—

omit, insert—

‘chief health officer’.

Renumbering of provisions

418.(1) Sections 3 to 22—

renumber as sections 180 to 199.

(2) Sections 25 and 26—

renumber as sections 200 and 201.

Relocation

419. Divisions 1 to 4—

relocate to *Health Regulation 1996*, part 17, as divisions 1 to 4.

Division 13—Repeals, transitional and expiry provisions**Definitions**

420. In this division—

“relocated provision” means a provision of a relocated regulation that is relocated to this regulation.

“relocated regulation” means a regulation amended and repealed by this regulation.

Reference to relocated provisions and regulation

421.(1) A reference in an Act or instrument to a relocated provision may, if the context permits, be taken to be a reference to the corresponding provision in this regulation.

(2) A reference in an Act or instrument to a relocated regulation may, if the context permits, be taken to be a reference to this regulation.

(3) Subsections (1) and (2) are laws to which the *Acts Interpretation Act 1954*, section 20A applies.

Authorities etc. under relocated regulation

422.(1) An application for an approval, licence, permit or other authority made under a relocated regulation that is not dealt with before the commencement is taken to have been made under this regulation.

(2) An approval, licence, permit or other authority given or made under a relocated regulation, and in force immediately before the commencement, is taken to have been given or made under this regulation.

(3) A direction, notice or order (however described) given or made under a relocated regulation, and in force immediately before the commencement, continues to have effect as if it were given or made under this regulation.⁶

⁶ The declarations made by this section do not end merely because of the expiry of this part—see *Acts Interpretation Act 1954*, section 20A (Repeal does not end saving, transitional or validating effect etc.).

Legal proceedings

423.(1) A legal proceeding started under a relocated regulation, but not finished before the commencement, may be continued and finished under this regulation.

(2) Subsection (1) is a law to which the *Acts Interpretation Act 1954*, section 20A applies.

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.

Expiry

425. This division (other than section 424) expires on the day it commences.

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
Brisbane	Medical Superintendent,	Deputy Director-	Commissioner of Police

SCHEDULE 1 (continued)

Royal Children's Hospital	General (Child Protection and Family Support)	Deputy Commissioner of Police
Medical Superintendent, Mater Children's Hospital	Regional Director, Brisbane North	Assistant Commissioners of Police
Medical Superintendent, Princess Alexandra Hospital	Regional Director, Brisbane South	Inspector of Police (Juvenile Aid Bureau)
Medical Superintendent, Prince Charles Hospital	Regional Director, North Coast	Superintendent of Police assigned to North Brisbane Police Region, Brisbane
Director of Ambulatory Services, Mater Children's Hospital	Area Manager, Inner City 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	Detective Inspector, Juvenile Aid Bureau, Brisbane
Medical Officer in Charge, Inala Community Health Services Centre	Area Manager, Mount Gravatt Area Office	Inspector of Police, assigned to Oxley Police District
	Area Manager, Nundah Area Office	Detective

SCHEDULE 1 (continued)

	Area Manager, Stones Corner Area Office	Senior Sergeant, Child Abuse Unit, Juvenile Aid Bureau, Brisbane
	Area Manager, Toowong Area Office	Detective Sergeant, Mater S.C.A.N. Team, Juvenile Aid Bureau, Brisbane
	Area Manager, Redlands Area Office	Detective Sergeant, Royal Children's Hospital S.C.A.N. Team, Child Abuse Unit, Juvenile Aid Bureau, Brisbane
	Manager, Child Protection Support Services	Detective Sergeant, North Brisbane Community S.C.A.N. Team, Child Abuse Unit, Juvenile Aid Bureau, Brisbane
	Senior Resource Officers, Child Protection Manager, Crisis Care Supervisor, Sexual Abuse Treatment Program	Inspector of Police assigned to Bundaberg
Bundaberg	Medical Superintendent, Bundaberg	Area Manager, Bundaberg Area Office

SCHEDULE 1 (continued)

	Hospital		Police District
Cairns	Medical Superintendent, Cairns Hospital	Regional Director, Far Northern	Superintendent of Police assigned to Far Northern Police Region, Cairns
	Visiting Paediatrician, Cairns Hospital	Area Manager, Cairns Area Office	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
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	Area Manager, Emerald Area Office	Officer in Charge of Police, Emerald

 SCHEDULE 1 (continued)

	Hospital		
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	Regional Director, South Coast	Superintendent of Police assigned to South-Eastern Police Region, Surfers Paradise
	Visiting Paediatrician, Gold Coast Hospital	Area Manager, Southport Area Office Area Manager, Burleigh Heads Area Office	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
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	Area Manager, Aitkenvale Area Office	Officer in Charge of Police, Ingham

 SCHEDULE 1 (continued)

	Hospital		
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
Logan City	Child Health Medical Officer, Division of Child Health, Brisbane	Area Manager, Beenleigh Area Office	Inspector of Police assigned to Beenleigh Police District
	Medical Officer in Charge, Woodridge Community Health Services Centre	Area Manager, Logan City Area Office	
		Area Manager, Woodridge Area Office	
Longreach	Medical Superintendent, Longreach Hospital	Area Manager, Emerald Area Office	Inspector of Police assigned to Longreach Police District
Mackay	Medical	Area Manager,	Inspector of

SCHEDULE 1 (continued)

	Superintendent, Mackay Hospital	Mackay Area Office	Police assigned to Mackay Police District
	Visiting Paediatrician, Mackay Hospital		
Maryborough	Medical Superintendent, Maryborough Hospital	Regional Director, Wide Bay	Inspector of Police assigned to Maryborough Police District
	Casualty Area Manager, Maryborough Hospital	Area Manager, Maryborough Area Office	
Moranbah	Medical Superintendent, Moranbah Hospital	Area Manager, Dysart Area Office	Officer in charge of Police, Moranbah
Mount Isa	Medical Superintendent, Mount Isa Hospital	Area Manager, Mount Isa Area Office	Inspector of Police assigned to Mount Isa Police District
	Staff Physician, Mount Isa Hospital		
Nambour	Medical Superintendent, Nambour Hospital	Area Manager, Maroochydore Area Office	Inspector of Police assigned to Sunshine Coast Police District, Maroochydore
	Casualty Area Manager, Nambour Hospital		

SCHEDULE 1 (continued)

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
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,	Area Manager, Cairns Area	Officer in Charge of

SCHEDULE 1 (continued)

	Thursday Island Hospital	Office	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, Townsville General Hospital	Area Manager, Aitkenvale Area Office Area Manager, Townsville Area Office	Superintendent of Police assigned to Northern Police Region, Townsville 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 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

Botulism

Brucellosis

Campylobacter enteritis

Chancroid

Chlamydia trachomatis infections

Chlamydia trachomatis infections (excluding lymphogranuloma)

SCHEDULE 2 (continued)

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 two 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

Lead exposure (notifiable)

Legionellosis

SCHEDULE 2 (continued)

Leptospirosis

Listeriosis

Malaria

Measles

Meningococcal infection (invasive)

Mumps

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

Viral haemorrhagic fevers (Crimean-Congo, Ebola, lassa fever and Marburg viruses)

Yersiniosis

SCHEDULE 2 (continued)

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 15
INSERTION OF NEW SECTION HEADINGS

section 223

Column 1
section

4

5

6

7

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9

10

11

12

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14

15

16

17

Column 2
section heading

Definitions

Administration of part

Approval to use land as camping ground

Offence to use land as camping ground without approval

Application for approval to use land as a camping ground

Revocation of approval

Approval to make alterations or additions

Application to make alterations or additions

Maintenance of camping ground

Approval to transfer approval

Proprietors' obligations

Bedding

Occupiers' obligations

Application of part to local government

SCHEDULE 16

INSERTION OF NEW SECTION HEADINGS

section 307

Column 1

section

6

7

8

9

10

11

12

Column 2

section heading

Production of licence

Storage of pesticide

Key to pesticide storage place

Pesticide in vehicle

Pesticide in container

Disposal of pesticide

Disposal of pesticide container

SCHEDULE 17**INSERTION OF NEW SECTION HEADINGS**

section 338

Column 1**section**

4

8

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22

23

24

26

Column 2**section heading**

Use of fumigant

Applicant

Medical examinations and tests

Suspension of licence

Notice to show cause

Accident

Exhaust system

Mask or respirator

Smoking

Doors and entrances

No doors and entrances

Re-entry into building

Instructions by an officer

Procedures before fumigation

Procedures after fumigation

Concentration of fumigant

Mask

Canisters

Respiratory apparatus

SCHEDULE 17 (continued)

27	Period of use of canister
28	Storage and transportation of fumigant
29	First aid and resuscitation equipment
30	Carbon disulphide
31	Record of each fumigation procedure
32	Non-application of part
33	Fumigant used for agricultural or horticultural purposes

ENDNOTES

1. Made by the Governor in Council on 6 June 1996.
2. Notified in the gazette on 7 June 1996.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Health.