

Public Health and Wellbeing Regulations 2009

S.R. No. 178/2009

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STATUTORY RULES 2009

S.R. No. 178/2009

Public Health and Wellbeing Act 2008

Public Health and Wellbeing Regulations 2009

The Governor in Council makes the following Regulations:

Dated: 15 December 2009

Responsible Minister:

DANIEL ANDREWS
Minister for Health

TOBY HALLIGAN
Clerk of the Executive Council

PART 1—PRELIMINARY

1 Objective

The objective of these Regulations is to prescribe matters required or permitted to be prescribed or necessary to be prescribed to give effect to the **Public Health and Wellbeing Act 2008**.

2 Authorising provisions

These Regulations are made under sections 232, 233, 234, 235, 236, 237, 238 and 239 of the **Public Health and Wellbeing Act 2008**.

3 Commencement

These Regulations come into operation on 1 January 2010.

4 Definitions

In these Regulations—

aged care has the same meaning as in Schedule 1 of the Aged Care Act 1997 of the Commonwealth;

article means any appliance, instrument, container, applicator, cosmetic, dye, dressing or thing used on a living human being;

aquatic facility includes spa pools and swimming pools;

biocide means a physical or chemical agent capable of killing micro-organisms;

body piercing has the same meaning as it has in section 43(1) of the **Summary Offences Act 1966**;

commercial vehicle wash means a business where cars, trucks and other vehicles are washed;

correctional services has the same meaning as it has in section 3(1) of the **Corrections Act 1986**;

disinfect means to carry out a process which—

- (a) is intended to kill or remove pathogenic micro-organisms; and
- (b) in the case of a cooling tower system, consists of dosing the water of the system with—
 - (i) a chlorine-based compound, equivalent to at least 10 mg/L of free chlorine for at least one hour, while maintaining the pH of the water between 7·0 and 7·6; or

- (ii) a bromine-based compound, equivalent to at least 20 mg/L of free bromine for at least one hour, while maintaining the pH of the water between 7.0 and 8.5;

drinking water has the same meaning as it has in section 3 of the **Safe Drinking Water Act 2003**;

food premises has the same meaning as it has in section 4(1) of the **Food Act 1984**;

food vending machine has the same meaning as it has in section 4(1) of the **Food Act 1984**;

heterotrophic colony count means an estimate of the number of the viable units of bacteria per millilitre of water;

health service establishment has the same meaning as it has in section 3(1) of the **Health Services Act 1988**;

holiday camp means any house, building or structure, whether temporary or permanent, which is used for the accommodation of student groups, youth groups or family groups for holiday or recreational purposes;

hostel means any house, building or structure, whether temporary or permanent, which is used primarily for the accommodation of travellers;

hotel includes a residential hotel and any residential premises in respect of which a general licence or on-premises licence is granted under the **Liquor Control Reform Act 1998**;

laboratory means a laboratory accredited by the National Association of Testing Authorities;

Legionella means bacteria belonging to the genus *Legionella*;

registered funded agency has the same meaning as it has in section 3(1) of the **Health Services Act 1988**;

residential accommodation means any house, building, or other structure used as a place of abode where a person or persons can live on payment of consideration to the proprietor but does not include—

- (a) a hotel or motel; or
- (b) a hostel; or
- (c) a student dormitory; or
- (d) a holiday camp; or
- (e) a rooming house;

responsible person means the person who owns, manages or controls a cooling tower system, water delivery system or aquatic facility;

rooming house means a building in which there is one or more rooms available for occupancy on payment of rent in which the total number of people who may occupy that room or those rooms is not less than 4;

spa pool means an artificially constructed pool to which members of the public have access which—

- (a) has facilities for circulating heated turbulent water; and
- (b) is used or intended to be used for passive recreational or therapeutic bathing;

student dormitory means any dormitory, student hostel, hall of residence or residential college for the accommodation of students which is controlled by or operated under an arrangement with or affiliated with—

- (a) an institution providing educational services for children of ***compulsory school age*** within the meaning of section 1.1.3(1) of the **Education and Training Reform Act 2006**; or
- (b) adult, community and further education services; or
- (c) an ***autonomous college*** or ***adult education institution*** within the meaning of those definitions in section 1.1.3(1) of the **Education and Training Reform Act 2006**;

swimming pool means an artificially constructed pool to which members of the public have access which—

- (a) is used or intended to be used for swimming, diving, recreational or therapeutic bathing, exercise, paddling or wading; or
- (b) is used or intended to be used as a receiving pool of a waterslide;

temporary crisis accommodation means temporary crisis accommodation provided on a non profit basis by an agency which receives homelessness support funding from the Government of Victoria;

the Act means the **Public Health and Wellbeing Act 2008**;

water delivery system includes any shower plumbing, bath, pipes, water heaters, bathing facilities, water storage tanks or vehicle washing equipment used to store, deliver, transmit, treat or mix water;

water supplier has the same meaning as it has in section 3 of the **Safe Drinking Water Act 2003**.

PART 2—PRESCRIBED SENIOR OFFICERS

5 Prescribed senior officers

For the purposes of section 22(1)(b) of the Act,
Senior Medical Advisers employed by the
Department of Health are prescribed senior
officers.

PART 3—CONSULTATIVE COUNCILS

6 Meetings of Consultative Councils

For the purposes of section 35 of the Act—

- (a) meetings of a Consultative Council must be held at least every 3 months;
- (b) the date and time of a meeting of a Consultative Council must be fixed—
 - (i) by resolution of the Consultative Council; or
 - (ii) if no date and time is fixed by resolution, by the Chairperson.

7 Quorum of Consultative Council meetings

For the purposes of section 35 of the Act—

- (a) the quorum for meetings of a Consultative Council is more than 50 percent of the number of members of the Consultative Council;
- (b) the quorum for meetings of a Consultative Council sub-committee is more than 50 percent of the members of the Consultative Council sub-committee.

8 Fees Payable to members of a Consultative Council or Consultative Council sub-committee

For the purpose of section 233 of the Act, the fees payable to an eligible member of a Consultative Council or eligible member of a Consultative Council sub-committee are—

- (a) 20 fee units for every half day; or
- (b) 40 fee units for every full day.

9 Prescribed Consultative Councils

For the purposes of Division 2 of Part 4 of the Act, the Consultative Councils specified in Schedule 1 are prescribed.

10 Information for research

- (1) This regulation applies, in the case of—
 - (a) CCOPMM, for the purpose of carrying out its functions under section 46 of the Act; or
 - (b) a prescribed Consultative Council, for the purpose of carrying out its functions under section 38 of the Act.
- (2) If this regulation applies, a Consultative Council may make available to researchers any information—
 - (a) approved by CCOPMM, and collected by the perinatal data collection unit conducted by CCOPMM for the purpose of section 46(1) of the Act; and
 - (b) that is not capable of establishing the identity of any person in respect of whom information has been collected.
- (3) Despite subregulation (2), information that identifies a person may be given by the Consultative Council to a researcher—
 - (a) if written permission has been given by the person identified in the document; and
 - (b) if possible, written permission has been given by either the medical practitioner or midwife who was in attendance at the birth; and

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- (c) where the birth occurred in a health service, written permission has been given by the chief executive officer or proprietor of the health service.

11 Time to provide birth report

For the purposes of section 48 of the Act, the prescribed period is 90 days after the birth.

PART 4—ARBOVIRUS INFECTION CONTROL

12 Prevention of mosquito breeding

- (1) For the purposes of section 235(a) of the Act, in order to prevent the breeding of mosquitoes which may be vectors of arboviruses, an authorised officer may give written directions to the owner or occupier of any premises to remove, or take steps to avoid, any condition on those premises conducive to the breeding of mosquitoes.
- (2) A person to whom a direction is given under subregulation (1) must comply with the direction.

Penalty: 20 penalty units.

**PART 5—PRESCRIBED ACCOMMODATION AND
REGISTERED PREMISES**

Division 1—Scope and registration

13 Prescribed accommodation

The following classes of accommodation are prescribed to be prescribed accommodation for the purposes of section 3 of the Act—

- (a) residential accommodation;
- (b) hotels and motels;
- (c) hostels;
- (d) student dormitories;
- (e) holiday camps;
- (f) rooming houses.

14 Exempt prescribed accommodation

The following are prescribed not to be prescribed accommodation for the purposes of these regulations—

- (a) a house under the exclusive occupation of the occupier; or
 - (b) a self-contained flat under the exclusive occupation of the occupier consisting of a suite of rooms that—
 - (i) forms a portion or portions of a building; and
 - (ii) includes kitchen, bathroom and toilet facilities; and
 - (iii) forms a self-contained residence; or
 - (c) temporary crisis accommodation; or
-

- (d) a health or residential service within the meaning of section 3(1) of the **Residential Tenancies Act 1997**; or
- (e) a nursing home within the meaning of the National Health Act 1953 of the Commonwealth; or
- (f) any retirement village within the meaning of section 3(1) of the **Retirement Villages Act 1986**; or
- (g) any house, building or structure to which Part 4 of the **Residential Tenancies Act 1997** applies; or
- (h) any vessel, vehicle, tent or caravan; or
- (i) premises in which, other than the family of the proprietor, not more than 5 persons are accommodated, and which is not a rooming house.

15 Exempt registered premises

For the purposes of section 69(2) of the Act, the following businesses and classes of businesses are prescribed to be exempt—

- (a) the practice of a person registered in the dentists' division of the register kept by the Dental Practice Board of Victoria under the **Health Professions Registration Act 2005**;
- (b) the practice of a person registered as a medical practitioner registered by the Medical Practitioners Board of Victoria under the **Health Professions Registration Act 2005**;
- (c) the practice of a person registered as a nurse by the Nurses Board of Victoria under the **Health Professions Registration Act 2005**;

- (d) the practice of a person registered as a podiatrist by the Podiatrists Registration Board of Victoria under the **Health Professions Registration Act 2005**;
 - (e) the practice of a person registered as an acupuncturist under the **Health Professions Registration Act 2005**;
 - (f) the business of a collection centre for which approval has been granted under section 23DNBA of the Health Insurance Act 1973 of the Commonwealth;
 - (g) the business of a service where human tissue, human fluids or human body products are subjected to analysis for the purposes of the prevention, diagnosis or treatment of disease in human beings and that is not primarily a pathology service;
 - (h) the business of a mobile hairdresser, except in relation to the principal place of business of the hairdresser;
 - (i) the business of a mobile beauty therapist, except in relation to the principal place of business of the mobile beauty therapist;
 - (j) the business of a public hospital, denominational hospital, private hospital, privately-operated hospital, public health service, day procedure centre, multi purpose service or registered community health centre, within the meaning of section 3(1) of the **Health Services Act 1988**.
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16 Applications for registration

For the purpose of section 71(c) of the Act, the prescribed particulars are—

- (a) for an application to register prescribed accommodation—
 - (i) a plan of the premises drawn to a scale of not less than 1:100 and showing the proposed use of each room;
 - (ii) the date of the application for registration;
 - (iii) the name and address of the proprietor;
 - (iv) the address of the premises;
 - (v) the date of the registration;
 - (b) for an application to renew the registration of prescribed accommodation—
 - (i) the date of renewal;
 - (ii) any conditions on the grant of registration or renewal;
 - (c) for an application to transfer the registration of prescribed accommodation—
 - (i) the date of transfer of registration;
 - (ii) the name and address of the person to whom the registration is transferred;
 - (iii) the address of the premises to which the registration is transferred;
 - (d) for an application concerning registered premises—
 - (i) the date of the application for registration;
 - (ii) the name and address of the proprietor;
 - (iii) the business trading name (if any);
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- (iv) the address of the premises;
- (v) the date of registration;
- (vi) the registration number (if any);
- (vii) the date of renewal of registration (if applicable);
- (viii) any conditions on the grant of registration, renewal of registration or transfer of registration (if applicable);
- (ix) the name and address of the person to whom the registration is transferred (if applicable).

Division 2—Standards and requirements for prescribed accommodation

17 Overcrowding in prescribed accommodation

- (1) A proprietor of prescribed accommodation must comply with this regulation in relation to the maximum number of persons permitted to be accommodated in each bedroom in the prescribed accommodation.

Penalty: 20 penalty units.

- (2) A proprietor of prescribed accommodation must not permit a room in the prescribed accommodation to be used as a bedroom if it has a floor area of less than 7.5 square metres.

Penalty: 20 penalty units.

- (3) If persons are accommodated in prescribed accommodation for a period of more than 31 days, the maximum number of persons permitted to occupy a bedroom in respect of the period after the thirty-first day is—

- (a) in the case of a bedroom with a floor area of less than 12 square metres, one person;

-
- (b) in the case of a bedroom with a floor area of 12 square metres or more, 2 persons and an additional person for every 4 square metres of floor area that exceeds 12 square metres.
 - (4) If persons are accommodated in prescribed accommodation, other than a holiday camp, for a period of 31 days or less, the maximum number of persons permitted to occupy a bedroom is—
 - (a) in the case of a bedroom with a floor area of less than 10 square metres, 2 persons;
 - (b) in the case of a bedroom with a floor area of 10 square metres or more, 3 persons and an additional person for every 2 square metres of floor area that exceeds 10 square metres.
 - (5) Subject to subregulation (2), a proprietor of a holiday camp must provide at least 2 square metres of floor area in a bedroom for each person who is accommodated for a period of 31 days or less.
 - (6) For the purposes of this regulation—
 - (a) one child under the age of 3 years is not counted as a person;
 - (b) two children under the age of 3 years are counted as one person;
 - (c) floor area includes the area occupied by any cupboard or other built-in furniture, fixture or fitting but does not include any area occupied by any bathroom or toilet in, or attached to, the bedroom.

18 Maintenance of prescribed accommodation

A proprietor of prescribed accommodation must maintain the prescribed accommodation and all bedrooms, toilets, bathrooms, laundries, kitchens, living rooms and any common areas provided with the accommodation—

- (a) in good working order; and
- (b) in a clean, sanitary and hygienic condition;
and
- (c) in a good state of repair.

Penalty: 20 penalty units.

19 Cleanliness of prescribed accommodation

- (1) In addition to the requirement under regulation 18(b), a proprietor of prescribed accommodation must ensure that each bedroom and any toilet or bathroom attached to the bedroom is cleaned after the bedroom is vacated and before its re-use by another occupier.

Penalty: 20 penalty units.

- (2) A proprietor of prescribed accommodation must ensure that all bed linen provided with the accommodation is changed with clean linen—
 - (a) at least weekly; and
 - (b) after the accommodation is vacated and before its re-use by another occupier.

Penalty: 20 penalty units.

20 Water supplied to prescribed accommodation

- (1) A proprietor of prescribed accommodation must provide a continuous and adequate supply of water to all toilet, bathing, kitchen, laundry and drinking water facilities.

Penalty: 20 penalty units.

- (2) A proprietor of prescribed accommodation must provide a continuous and adequate supply of hot water to all bathing, laundry and kitchen facilities.

Penalty: 20 penalty units.

21 Drinking water and prescribed accommodation

A proprietor of prescribed accommodation must ensure that drinking water supplied by the proprietor to another person is fit for human consumption if the drinking water was not supplied to the proprietor by a water supplier.

Penalty: 20 penalty units.

22 Discharge of sewage and waste water in prescribed accommodation

A proprietor of prescribed accommodation must ensure that all sewage and waste water is discharged—

- (a) to a reticulated sewerage system; or
- (b) to a wastewater treatment system permitted under the **Environment Protection Act 1970**.

Penalty: 20 penalty units.

23 Refuse receptacles and prescribed accommodation

A proprietor of prescribed accommodation must—

- (a) provide sufficient vermin-proof receptacles at the prescribed accommodation for the collection and storage of all rubbish; and
- (b) ensure that the receptacles are regularly cleaned.

Penalty: 20 penalty units.

24 Refuse disposal and prescribed accommodation

A proprietor of prescribed accommodation must ensure that all refuse at the accommodation is regularly removed by means of a refuse collection service provided by the local Council or a private contractor engaged by the proprietor.

Penalty: 20 penalty units.

25 Toilet and bathing facilities in prescribed accommodation

A proprietor of prescribed accommodation must provide at least one toilet, one bath or shower and one wash basin for every 10 persons or fraction of that number of persons occupying the accommodation.

Penalty: 20 penalty units.

26 Register of occupants of prescribed accommodation

(1) A proprietor of prescribed accommodation must keep a register recording—

(a) the names and addresses of persons occupying the accommodation; and

(b) the dates of their arrival and departure.

Penalty: 20 penalty units.

(2) A proprietor is exempted from compliance with subregulation (1), if the proprietor is required under any other Act or regulation to keep a similar register.

(3) The proprietor must retain the register referred to in subregulation (1) or (2) for at least 12 months after the date of the last entry in the register.

Penalty: 20 penalty units.

27 Advertising and prescribed accommodation

A proprietor of prescribed accommodation must not state or cause to be stated in any advertisement, notice or sign issued or put up in relation to the accommodation, that the premises were registered or approved for any class of accommodation other than that set out on the certificate of registration.

Penalty: 20 penalty units.

Division 3—Standards and requirements for registered premises

28 Condition of registered premises

The proprietor or occupier of premises where a registered premises is located must ensure that the premises are kept in a clean, sanitary and hygienic condition.

Penalty: 20 penalty units.

29 Condition of skin penetrating equipment and other articles used at registered premises

- (1) The proprietor or occupier of premises where a registered premises is located must ensure that—
- (a) an article intended to be used for penetrating the skin of a person is sterile at the time of use; and
 - (b) an article which has penetrated the skin of a person or is contaminated with blood is—
 - (i) destroyed or disposed of immediately in such a manner as to prevent the infection of any other person; or
 - (ii) sterilized in accordance with subregulation (2) before it is used on any other person; and
 - (c) any article is clean before it is used on a person.

Penalty: 20 penalty units.

- (2) An article is sterilized for the purposes of subregulation (1)(b)(ii) if the article has been—
- (a) thoroughly cleaned and rinsed, then sterilized by the use of steam under pressure—

- (i) at 121°C for 15 minutes at a pressure of 103 kilopascals; or
- (ii) at 126°C for 10 minutes at a pressure of 138 kilopascals; or
- (iii) at 132°C for 4 minutes at a pressure of 186 kilopascals; or
- (iv) at 134°C for 3 minutes at a pressure of 203 kilopascals; or
- (b) thoroughly cleaned and rinsed, then sterilized by the use of dry heat at 160°C for a minimum of 120 minutes; or
- (c) taken from a sealed container which bears a label stating that the contents are sterile.

30 Personal hygiene

The proprietor or occupier of premises where a registered premises is located must ensure that each person in the business who is engaged in carrying out any hairdressing, colonic irrigation or beauty therapy or similar process on any other person or any tattooing, ear piercing or other process involving the penetration of the skin in a living human being—

- (a) is in a clean condition, including their hands; and
- (b) has no exposed cuts, abrasions or wounds—

before carrying out the process.

Penalty: 20 penalty units.

31 Hand washing facilities at registered premises

The proprietor or occupier of premises where a registered premises is located must ensure that easily accessible hand washing facilities are available for use by staff.

Penalty: 20 penalty units.

32 Information to be provided to clients of registered premises

- (1) The proprietor or occupier of premises where a registered premises is located that provides tattooing, ear piercing, body piercing or any other process involving the penetration of the skin in a living human being must ensure, before such a process is provided to a person, that written information is provided directly to the person about the transmission of infectious diseases associated with the process.

Penalty: 20 penalty units.

- (2) The proprietor or occupier of premises where a registered premises is located that provides tattooing, ear piercing, body piercing or any other process involving the penetration of the skin in a living human being must take reasonable steps to ensure that the information about the transmission of infectious diseases provided to a person under subregulation (1) is not misleading.

Penalty: 20 penalty units.

33 Information to be kept: premises that provide tattooing or body piercing

- (1) The proprietor or occupier of premises where a registered premises is located that provides tattooing or body piercing must ensure that the name, address and telephone number of each client is recorded and stored at the premises for a period of 12 months following the date of the last body piercing or tattooing procedure undertaken by the client at the premises.

Penalty: 20 penalty units.

- (2) This regulation does not apply to a business that is prescribed as an exempt business by regulation 15.

Division 4—Prescribed conditions

34 Prescribed conditions

For the purposes of section 75(1)(c) of the Act, the following are conditions which apply to a class of registration—

- (a) it is a condition on the registration of all prescribed accommodation that proprietors required to keep a register under regulation 26(1) must take all reasonable steps to protect the information in the register;
 - (b) it is a condition on the registration of all premises required to be registered under section 69 of the Act upon which a business involving tattooing or body piercing is conducted that a person required to keep records under regulation 33(1) must take reasonable steps to protect the information in the records.
-

PART 6—AQUATIC FACILITIES

35 Exclusions—Part 6

Despite regulation 4, in this Part, an aquatic facility does not include—

- (a) a whirlpool bath or spa bath that is, or intended to be, emptied of water after each individual use; or
- (b) a dam, natural watercourse or ocean pool that is used for swimming; or
- (c) a spring water pool that has a turnover rate of at least 25 percent of the entire volume of the water in the pool to waste each hour.

36 Aquatic facility deemed to be open for use

For the purposes of regulations 37 to 48, an aquatic facility is deemed to be open for use—

- (a) if any door or gate provided for access to the aquatic facility is open or unlocked; and
- (b) if there are no conspicuous signs advising users that the aquatic facility is closed.

37 Maintenance of aquatic facilities

The responsible person must ensure that any aquatic facility that the responsible person owns, manages or controls is maintained and tested in the manner set out in regulations 38 to 48.

Penalty: 20 penalty units.

38 Clarity of aquatic facility water

The responsible person must ensure that when an aquatic facility is open for use, the water in the aquatic facility is maintained in a clear condition such that the floor of the aquatic facility or any lane marking or object placed on the floor of the aquatic facility is clearly visible when viewed from either side of the aquatic facility.

Penalty: 20 penalty units.

39 Treatment of aquatic facility water

The responsible person must ensure that when an aquatic facility is open for use the water in the aquatic facility is treated by means of a chlorine or bromine based disinfectant in accordance with the parameters specified in Table 1 or Table 2 to this regulation.

Penalty: 20 penalty units.

TABLE 1
CHLORINATED AQUATIC FACILITIES

	<i>Swimming pool where cyanuric acid is NOT used</i>	<i>Swimming pool where cyanuric acid is used</i>	<i>Spa Pool</i>
Free Chlorine (mg/L) minimum	1	2	3
Total Chlorine maximum (mg/L)	10	10	10
pH	7.2–7.8	7.2–7.8	7.2–7.8

TABLE 2
BROMINATED AQUATIC FACILITIES

	<i>Swimming Pool</i>	<i>Spa Pool</i>
Free bromine (mg/L) minimum	2	6
Total bromine (mg/L) (maximum)	8	8
pH	7.2–8.0	7.2–8.0

40 Microbiological quality

- (1) The responsible person must ensure that when an aquatic facility is open for use, the microbiological standard of the water in the aquatic facility is maintained within the following parameters—
- (a) a heterotrophic colony count less than 100 colony forming units per millilitre;
 - (b) coliform bacteria is not detected in 100 millilitres;
 - (c) *Pseudomonas aeruginosa* is not detected in 100 millilitres.

Penalty: 20 penalty units.

- (2) Within 24 hours of receiving a report that any sample of water taken from an aquatic facility and delivered to a laboratory for testing has not complied with subregulation (1), the responsible person must ensure that the following steps are taken—
- (a) the water in the aquatic facility must be shock dosed with chlorine or bromine;
 - (b) the water treatment program and maintenance program of the aquatic facility must be reviewed;

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- (c) any faults must be corrected and any changes necessary to prevent a re-occurrence of those faults must be implemented;
 - (d) a further sample of the water in the aquatic facility must be taken and delivered to a laboratory for testing to assess compliance with the microbiological parameters in subregulation (1).
- (3) If, after following the procedure in subregulation (2), the microbiological standard of the water in the aquatic facility fails to meet the microbiological parameters specified in subregulation (1), the responsible person must ensure that—
- (a) the steps in subregulation (2) are repeated until 2 consecutive water samples taken approximately one week apart comply with the parameters specified in subregulation (1);
or
 - (b) the aquatic facility is closed until the problem has been remedied.

Penalty: 20 penalty units.

41 Chemical testing

The responsible person must ensure that when an aquatic facility is open for use the water in the aquatic facility is tested—

- (a) at four hourly intervals for—
 - (i) free chlorine and total chlorine (if chlorine used);
 - (ii) free bromine and total bromine (if bromine used);
 - (iii) pH;

- (b) at weekly intervals for total alkalinity;
- (c) at monthly intervals for cyanuric acid (if used).

Penalty: 20 penalty units.

42 Filtering

The responsible person must ensure that when an aquatic facility is open for use the water in the aquatic facility is effectively filtered so that all visible extraneous matter is removed from the water.

Penalty: 20 penalty units.

43 Temperature

The responsible person must ensure that when an aquatic facility is open for use the water in the aquatic facility does not exceed 40 degrees Celsius.

Penalty: 20 penalty units.

44 Cyanuric acid level

The responsible person must ensure that when an aquatic facility is open for use the level of cyanuric acid (if used) in the water in the aquatic facility does not exceed 100mg/L.

Penalty: 20 penalty units.

45 Total alkalinity level

The responsible person must ensure that when an aquatic facility is open for use the total alkalinity level in the water in the aquatic facility is maintained above 60mg/L.

Penalty: 20 penalty units.

46 Combined chlorine

The responsible person must ensure that when an aquatic facility is open for use the combined chlorine of the water in the aquatic facility is—

- (a) at all times less than the free chlorine residual; and
- (b) measured to be less than 1 mg/L at least once in every 24 hours of operation.

Penalty: 20 penalty units.

47 Aquatic facility suspected or implicated as the source of infection

If the Secretary has informed the responsible person that the water in an aquatic facility is suspected or implicated as the source of infection in a case or outbreak of Legionellosis, that person must ensure that—

- (a) a water sample from the aquatic facility is promptly taken and delivered to a laboratory for testing and reporting on for Legionella; and
- (b) the aquatic facility is disinfected in accordance with any reasonable directions given to that person by the Secretary.

Penalty: 20 penalty units.

48 Aquatic facility records

The responsible person must ensure that—

- (a) records are kept in respect of each aquatic facility that records details of—
 - (i) all results of tests and monitoring required under regulation 41; and
 - (ii) all corrective activities undertaken in relation to the water in the aquatic facility; and

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- (b) the records are kept at the premises where the aquatic facility is located for 12 months from the date on which the record was made.

Penalty: 20 penalty units.

**PART 7—COOLING TOWER SYSTEMS AND LEGIONELLA
RISKS IN CERTAIN PREMISES**

Division 1—Cooling Tower Systems

**49 Fees for applications to register or renew
registration of a cooling tower system**

For the purposes of section 81 of the Act, the prescribed fee for an application to register or renew registration of a cooling tower system is the amount calculated by multiplying the number of cooling towers in the cooling tower system by the number of fee units applicable for each period of registration—

- (a) one year, 7·5 fee units;
- (b) 2 years, 14 fee units;
- (c) 3 years, 20·5 fee units.

**50 Secretary may waive fees for registration or renewal
of registration of cooling tower system**

The Secretary may waive the fee or part of a fee for an application to register or renew registration of a cooling tower system for the purpose of synchronising periods of registration.

51 Risk management plans for cooling tower system

For the purposes of section 91 of the Act, risk management plans must address the risks associated with—

- (a) stagnant water, including the lack of water recirculation in a cooling tower system and the presence of dead-end pipework and other fittings in a cooling tower system; and

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- (b) nutrient growth, including—
 - (i) the presence of biofilm, algae and protozoa in a cooling tower system; and
 - (ii) water temperature within a range that will support rapid growth of micro-organisms in a cooling tower system; and
 - (iii) the exposure of the water of a cooling tower system to direct sunlight; and
 - (c) poor water quality, including the presence of solids, Legionella and high levels of micro-organisms in a cooling tower system; and
 - (d) deficiencies in a cooling tower system, including deficiencies in the physical design, condition and maintenance of the system; and
 - (e) the location of, and access to, a cooling tower or cooling tower system, including the potential for environmental contamination of the system and the potential for exposure of people to the aerosols of the system; and
 - (f) any matters included in a report delivered to the owner of the land for the purposes of section 92(2)(c) of the Act.

52 Cooling tower system risk management plan audits

The documents prescribed for the purposes of section 93(4) of the Act are—

- (a) the risk management plan prepared in accordance with Division 1 of Part 7 of the Act; and

- (b) the documents that contain the details of all repair, maintenance and testing work carried out on the cooling tower system within the period to be audited by the auditor.

53 Maintenance of cooling tower systems

The responsible person must ensure that any cooling tower system that the responsible person owns, manages or controls is maintained and tested in the manner set out in this Part, unless the system is shut down, or is otherwise not in use.

Penalty: 20 penalty units.

54 Cooling tower water quality and treatment

The responsible person must ensure that the water of the cooling tower system is continuously treated with—

- (a) one or more biocides to effectively control the growth of micro-organisms, including Legionella; and
- (b) chemicals or other agents to minimise scale formation, corrosion and fouling; and
- (c) a bio-dispersant.

Penalty: 20 penalty units.

55 Disinfection, cleaning and re-disinfection of cooling tower water

The responsible person must ensure that—

- (a) a chlorine-compatible bio-dispersant is added to the recirculating water of the cooling tower system; and

- (b) the system is then disinfected, cleaned and re-disinfected—
- (i) immediately prior to initial start up following commissioning, or any shut down period of greater than one month; and
 - (ii) at intervals not exceeding 6 months.

Penalty: 20 penalty units.

56 Routine service and testing of cooling towers

- (1) The responsible person must ensure that the cooling tower system is serviced at least once each month to check that the system is operating without defects.

Penalty: 20 penalty units.

- (2) The responsible person must ensure that at least once each month a sample of the recirculating water of the cooling tower system is taken and is delivered to a laboratory for testing and reporting on for heterotrophic colony count.

Penalty: 20 penalty units.

- (3) The responsible person must ensure that at least once every three months a sample of the recirculating water of the cooling tower system is taken and delivered to a laboratory for testing and reporting for Legionella.

Penalty: 20 penalty units.

57 High heterotrophic colony count detected in cooling tower system

- (1) Within 24 hours of receiving a report from a laboratory that any sample of water taken from the cooling tower system has a heterotrophic colony count exceeding 200 000 colony forming units per millilitre, the responsible person must ensure that the following procedure is implemented—

- (a) the water of the system must be manually treated with additional quantities of biocide or with an alternative biocide; and
 - (b) the water treatment program, tower operation and maintenance program of the system must be reviewed; and
 - (c) any faults must be corrected; and
 - (d) any changes necessary to prevent a re-occurrence of those faults must be implemented.
- (2) Between 2 and 7 days after the water has been treated under subregulation (1), the responsible person must ensure that a further sample of the recirculating water of the system is taken and is delivered to a laboratory for testing and reporting on for heterotrophic colony count.

Penalty: 20 penalty units.

- (3) Within 24 hours of receiving a report from a laboratory that a sample taken in accordance with subregulation (2) has a heterotrophic colony count exceeding 200 000 colony forming units per millilitre, the responsible person must ensure that the water of the cooling tower system is disinfected.

Penalty: 20 penalty units.

- (4) Between 2 and 7 days after the water has been disinfected under subregulation (3), the responsible person must ensure that a further sample of the recirculating water of the cooling tower system is taken and is delivered to a laboratory for testing and reporting on for heterotrophic colony count.

Penalty: 20 penalty units.

(5) If, after following the procedure in subregulations (1), (2), (3) and (4), the heterotrophic colony count still exceeds 200 000 colony forming units per millilitre, the responsible person must—

- (a) ensure that the steps in subregulations (3) and (4) are repeated until the heterotrophic colony count does not exceed 200 000 colony forming units per millilitre in 2 consecutive water samples taken approximately one week apart; or
- (b) close the cooling tower system until the problem has been remedied.

Penalty: 20 penalty units.

(6) The responsible person is not required to comply with subregulations (1) to (5) if—

- (a) during the period between the sample being taken for the purpose of regulation 56(2) and the receipt of a report from a laboratory indicating that the cooling tower system has a heterotrophic colony count exceeding 200 000 colony forming units per millilitre, the system was manually treated with additional quantities of biocide or an alternative biocide; and
- (b) within 72 hours of receiving the report that any sample of water taken from the cooling tower system has a heterotrophic colony count exceeding 200 000 colony forming units per millilitre, the responsible person—
 - (i) reviews the water treatment program, tower, operation and maintenance program; and
 - (ii) corrects any faults and makes changes necessary to prevent a re-occurrence of those faults; and

- (c) within 7 days of receiving the report in subregulation (6)(b), the responsible person ensures that a further sample of the recirculating water of the system is taken and is delivered to a laboratory for testing and reporting on for heterotrophic colony count;

Penalty: 20 penalty units.

- (d) within 24 hours of receiving a report that a sample taken in accordance with subregulation (6)(c) has a heterotrophic colony count exceeding 200 000 colony forming units per millilitre, the responsible person—
- (i) ensures the water in the cooling tower system is disinfected; and
 - (ii) between 2 and 7 days after the water has been disinfected in accordance with paragraph (i), ensures that a further sample of the recirculating water of the system is taken and is delivered to a laboratory for testing and reporting on for heterotrophic colony count;

Penalty: 20 penalty units.

- (e) after following the procedure in subregulation (6)(d) the heterotrophic colony count continues to exceed 200 000 colony forming units per millilitre, the responsible person—
- (i) ensures the steps in subregulation (6)(d) are repeated until the heterotrophic colony count does not exceed 200 000 colony forming units per millilitre in 2 consecutive water samples taken approximately one week apart; or

- (ii) closes the cooling tower system until the problem has been remedied.

Penalty: 20 penalty units.

58 Legionella detected in cooling tower system

- (1) Within 24 hours of receiving a report that Legionella has been detected in a water sample taken from a cooling tower system, the responsible person must ensure that the following procedure is implemented—
- (a) the cooling tower system must be disinfected; and
 - (b) the water treatment program, tower operation and maintenance program of the system must be reviewed; and
 - (c) any faults must be corrected and any changes necessary to prevent a re-occurrence of those faults must be implemented.

Penalty: 20 penalty units.

- (2) Between 2 and 7 days after the disinfection required by subregulation (1)(a) has been completed, the responsible person must ensure that a further sample of the recirculating water of the system is taken and is delivered to a laboratory for testing and reporting on for Legionella.

Penalty: 20 penalty units.

- (3) Within 24 hours of receiving a report that Legionella has been detected in a sample taken in accordance with subregulation (2), the responsible person must ensure that the water of the cooling tower system is disinfected, cleaned and re-disinfected.

Penalty: 20 penalty units.

- (4) Between 2 and 7 days after the disinfection required by subregulation (3) has been completed, the responsible person must ensure that a further sample of the recirculating water of the system is taken and is delivered to a laboratory for testing and reporting on for Legionella.

Penalty: 20 penalty units.

- (5) If, after following the procedure in subregulations (1), (2), (3) and (4) Legionella is still detected, the responsible person must—
- (a) ensure that the steps in subregulations (3) and (4) are repeated until Legionella is not detected in 2 consecutive water samples taken approximately one week apart; or
 - (b) close the cooling tower system until the problem has been remedied.

Penalty: 20 penalty units.

- (6) If, while following the procedure in this regulation Legionella is detected in 3 consecutive water samples taken from the same system, the responsible person must notify the Secretary of the detection of the presence of that organism—
- (a) immediately by telephone; and
 - (b) by notice in writing within 3 days.

Penalty: 20 penalty units.

59 Cooling tower system suspected or implicated as the source of infection

If the Secretary has informed the responsible person that a cooling tower system is suspected or implicated as the source of infection in a case or an outbreak of Legionellosis, the responsible person must ensure that—

- (a) a water sample from the cooling tower system is promptly taken and delivered to a laboratory for testing and reporting on for Legionella; and
- (b) the cooling tower system is decontaminated in accordance with any reasonable directions given to the responsible person by the Secretary.

Penalty: 20 penalty units.

60 Records to be kept in respect of cooling tower systems

- (1) The responsible person must keep records in respect of each cooling tower system that is owned, managed or controlled by the responsible person that records details of—
 - (a) all maintenance and corrective activities undertaken in relation to the system during the preceding 12 months; and
 - (b) all microbiological test results of samples taken from the system during the preceding 12 months.

Penalty: 20 penalty units.

- (2) The responsible person must produce the records referred to in subregulation (1) for inspection on the request of an authorised officer.

Penalty: 20 penalty units.

Division 2—Legionella risks in certain premises

61 Application of this Division

This Division applies to premises supplying aged care, health services, health service establishments, registered funded agencies, correctional services and commercial vehicle washes.

62 Legionella risk management in certain places

The responsible person must take reasonable steps to manage the risks of Legionella in any water delivery system located at premises specified in regulation 61.

Penalty: 20 penalty units.

63 Legionella detected in a water delivery system

Within 24 hours of receiving a report that Legionella has been detected in a water sample taken from a water delivery system located at any premises specified in regulation 61, the responsible person must ensure the water delivery system is disinfected.

Penalty: 20 penalty units.

64 Water delivery system suspected or implicated as the source of infection

If the Secretary has informed the responsible person that the water delivery system is suspected or implicated as the source of infection in a case or an outbreak of Legionellosis, the responsible person must ensure that—

- (a) a water sample from the water delivery system is promptly taken and delivered to a laboratory for testing and reporting on for Legionella; and
- (b) the water delivery system is disinfected in accordance with any reasonable directions given to the responsible person by the Secretary.

Penalty: 20 penalty units.

PART 8—PEST CONTROL

65 Pest control licence fees

- (1) Unless subregulation (3) applies, the licence fee for licences issued under section 101(2) of the Act is 45.2 fee units.
- (2) Unless subregulation (3) applies, the licence fee for licences issued under section 101(3) of the Act is 15 fee units.
- (3) The licence fee for a licence issued under section 101(2) of the Act to a person who—
 - (a) usually resides in another State or Territory of the Commonwealth; and
 - (b) holds a valid licence as an authorised user of pesticides in that State or Territory; and
 - (c) has applied for a licence to use pesticides in Victoria that are the same or similar in all respects to the pesticides that are authorised for use under the licence—is 4.9 fee units.

66 Qualifications for pest control licences

For the purposes of section 101(2)(b) of the Act, the prescribed qualifications are set out in the Table in Schedule 2.

67 Qualifications for certain existing pest control licence holders

Despite regulation 66, an applicant for a licence who—

- (a) on 26 October 2002 held a licence under section 108C(1) of the **Health Act 1958** that authorised the use of all the pesticides or the classes of pesticides that are to be authorised

for use under the licence being applied for;
and

- (b) at the time of the application had been employed in the pest control industry for at least a total period of 2 years in the 5 year period before the application—

is qualified to be granted that licence.

68 Courses of training for supervised pest control licence holders

For the purposes of section 101(3)(b) of the Act, the prescribed courses of training and units of competency are set out in the table in Schedule 3.

69 Records

- (1) For the purposes of section 108 of the Act, the prescribed details are—
 - (a) the trade name of the pesticide;
 - (b) the batch number of the pesticide;
 - (c) specific precautions to be observed, including the re-entry period;
 - (d) the date of the pesticide application;
 - (e) the start and finish times of the pesticide application;
 - (f) the location of the pesticide application (including street address, if applicable);
 - (g) a description of the treated areas;
 - (h) the pests treated;
 - (i) a description of the amount of pesticide applied;
 - (j) the name and licence number of the person applying the pesticide and, if applicable, the name and licence number of the person supervising the application;

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- (k) the name and address of the person for whom the work was carried out;
 - (l) if applied outdoors, the ambient temperature, wind direction and speed at the time of application;
 - (m) the method of application;

Example

Spray or bait.

- (n) the trading name, address and phone number of the business employing, engaging or owned by the person applying the pesticide;
 - (o) the signature of the person completing the record.
- (2) For the purpose of section 108 of the Act, the prescribed period is 3 years.
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**PART 9—MANAGEMENT AND CONTROL OF INFECTIOUS
DISEASES, MICRO-ORGANISMS AND MEDICAL
CONDITIONS**

Division 1—Notifications

70 Notifiable conditions and micro-organisms

- (1) For the purposes of the definition of *notifiable condition* in section 3(1) of the Act, the infectious diseases and medical conditions listed in Schedule 4 are prescribed as notifiable conditions.
- (2) For the purposes of the definition of *notifiable micro-organism* in section 3(1) of the Act, the micro-organisms listed in Schedule 5 are prescribed as notifiable micro-organisms.

71 Notification of notifiable conditions by medical practitioners

For the purposes of section 127(2)(a) of the Act, the prescribed notification details and prescribed times are specified in Schedule 6 in respect of each group of notifiable conditions.

72 Notification of notifiable conditions by pathology services

- (1) For the purposes of section 128(2)(a) of the Act, if the condition is listed in Group A in Schedule 4, the person in charge of the pathology service must notify the Secretary of the notification details prescribed by subregulation (3) immediately by telephone.
- (2) For the purposes of section 128(2)(a) of the Act, the person in charge of the pathology service must notify the Secretary in writing of the notification details prescribed by subregulation (3) within 5 days of obtaining the result of the test indicating

that the person has or may have any notifiable condition.

- (3) The prescribed notification details are—
- (a) if the notifiable condition is in Group A or Group B of Schedule 4, the family name and given name of the person from whom the sample was taken;
 - (b) if the notifiable condition is in Group C or Group D of Schedule 4, the patient code, being the first two letters of the family name and the first two letters of the given name;
 - (c) the sex of the person;
 - (d) the date of birth of the person;
 - (e) if the notifiable condition is in Group A or Group B of Schedule 4, the address of that person;
 - (f) if the notifiable condition is in Group C or Group D of Schedule 4, the residential post code number of that person;
 - (g) the laboratory finding;
 - (h) the date the sample was taken;
 - (i) the name, address and telephone number of the medical practitioner who requested the test;
 - (j) if the notifiable condition is Blood lead greater than $10\mu\text{g/dL}$, whether or not the test was requested as part of routine biological monitoring as prescribed by sections 4.4.20, 4.4.21 or 4.4.22 of the Occupational Health and Safety Regulations 2007, if known.

73 Notification of micro-organisms—laboratories and food premises

For the purposes of sections 130(2) and 130(5) of the Act, the prescribed manner of notification and the prescribed notification details are specified in Schedule 5.

Division 2—Notification and directions

74 Secretary may notify Council

The Secretary may notify a Council of a municipal district that may be affected by a notifiable condition referred to in a notice received by the Secretary under Division 3 of Part 8 of the Act.

75 Secretary may give written directions

- (1) The Secretary may give a written direction to an authorised officer appointed by a Council if in the opinion of the Secretary it is reasonably necessary to do so for the purpose of investigating any notifiable condition notified under Division 3 of Part 8 of the Act or limiting the spread of any case of infectious disease notified under Division 3 of Part 8 of the Act.
- (2) An authorised officer appointed by a Council to whom a written direction is given must comply with the direction within the time specified in the direction.

76 Powers of authorised officer

- (1) An authorised officer appointed by a Council may give written directions to any person if in the opinion of the authorised officer it is reasonably necessary to do so for the purpose of implementing directions given by the Secretary under regulation 75.

- (2) A person to whom a written direction is given must comply with the direction within the time specified in the direction.

Penalty: 20 penalty units.

Division 3—HIV tests

77 Information to be given to a person requesting a test for HIV

For the purposes of section 131(1) of the Act, before authorising a test for HIV, the registered medical practitioner requesting the test must be satisfied that the person has been given information about the medical and psychosocial consequences of the test and the meaning of possible results of the test.

78 Positive test results

For the purposes of section 132 of the Act—

- (a) the prescribed classes of persons are—
- (i) persons who, after 1 January 2010, successfully complete or demonstrate proficiency in the units of competency approved by the Secretary and published in the Government Gazette for the purpose of this regulation;
 - (ii) persons who, before 1 January 2010, successfully completed a course approved by the Secretary or were recognised as having demonstrated proficiency in pre-test and post-test counselling in relation to the Human Immunodeficiency Virus Antibody test;

- (b) the prescribed information is—
 - (i) information about the medical and psychosocial consequences of the test results; and
 - (ii) ways to prevent the transmission of the virus to others;
- (c) the prescribed information must be provided—
 - (i) by a registered medical practitioner or a person fulfilling the requirements of paragraph (a); and
 - (ii) in the presence of the person upon whom the test was conducted.

79 Classes of persons who may provide counselling about the risk of transmission

For the purposes of section 134(1)(b) of the Act, the prescribed classes of persons are—

- (a) registered medical practitioners;
- (b) persons who, after 1 January 2010, successfully complete or demonstrate proficiency in the units of competency approved by the Secretary and published in the Government Gazette for the purpose of this regulation;
- (c) persons who, before 1 January 2010, successfully completed a course approved by the Secretary or were recognised as having demonstrated proficiency in pre-test and post-test counselling in relation to the Human Immunodeficiency Virus Antibody test.

Division 4—Immunisation

80 Definition of immunised

For the purposes of sections 3 and 238(1)(a) of the Act, *immunised* in relation to a vaccine-preventable disease, means the child has been vaccinated for that vaccine-preventable disease.

81 Vaccine-preventable diseases

For the purposes of Division 7 of Part 8 of the Act, the following vaccine-preventable diseases are prescribed—

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis (Whooping Cough);
- (d) Poliomyelitis;
- (e) Haemophilus influenzae type b;
- (f) Hepatitis B;
- (g) Pneumococcal;
- (h) Rotavirus;
- (i) Measles;
- (j) Mumps;
- (k) Rubella;
- (l) Meningococcal C;
- (m) Varicella.

82 Retention of immunisation status certificates at primary schools

The person in charge of a primary school must keep a record of the information in each immunisation status certificate given for the period that the child in respect of whom the certificate was issued attended the school.

83 Access to immunisation status certificates

A person in charge of a primary school must allow authorised officers to access immunisation status certificates at any reasonable time.

84 Provision of information

- (1) The parent or guardian of a child attending a primary school or children's services centre must inform the person in charge of the school or centre as soon as practicable if—
 - (a) the child is infected with a condition that is specified as excludable in column 2 of the Table in Schedule 7; or
 - (b) the child has been in contact with a person infected with a condition for which the exclusion of contacts is specified in column 3 of the Table in Schedule 7.
- (2) If the person in charge of a primary school or children's services centre believes, on reasonable grounds, that a child enrolled at the primary school or children's services centre is suffering from—
 - (a) Pertussis; or
 - (b) Poliomyelitis; or
 - (c) Measles; or
 - (d) Mumps; or
 - (e) Rubella; or
 - (f) Meningococcal C—

he or she must, within 24 hours of reaching that belief, inform the parent or guardian of the child and the Secretary.

Penalty: 1 penalty unit.

**85 Primary school or children's services centre
exclusion**

- (1) A person in charge of a primary school or children's services centre must not allow a child to attend the primary school or children's services centre for the period or in the circumstances—
 - (a) specified in column 2 of the Table in Schedule 7 if the person in charge has been informed that the child is infected with an infectious disease listed in column 1 of the Table in Schedule 7; or
 - (b) specified in column 3 of the Table in Schedule 7 if the person in charge has been informed that the child has been in contact with a person who is infected with an infectious disease listed in column 1 of the Table in Schedule 7.

Penalty: 20 penalty units.

- (2) The person in charge of a primary school or children's services centre, when directed to do so by the Secretary, must ensure that a child enrolled at the primary school or children's services centre who is not immunised against a vaccine preventable disease specified by the Secretary in that direction, does not attend the school or centre until the Secretary directs that such attendance can be resumed.

Penalty: 20 penalty units.

Division 5—Tissue donations

86 Prescribed period

- (1) For the purposes of section 152(3) of the Act and Table 2 Item 1(c)(ii) of the Schedule to the Act, the prescribed period is 6 months.

- (2) For the purposes of section 152(3) of the Act and Table 2 Item 1(c)(iv) of the Schedule to the Act, the prescribed quarantine period is 6 months.

Division 6—Information to sex workers and clients

87 Information to sex workers and clients

For the purposes of section 162(4) of the Act, an escort agency proprietor must forward relevant information about the transmission of sexually transmitted infections if requested to do so by a sex worker or client.

PART 10—INFRINGEMENTS

88 Infringements

- (1) For the purpose of section 209(5) of the Act, the offences set out in column 2 of the Table in Schedule 8 are prescribed offences for which infringement notices may be served.
 - (2) For the purposes of section 209(4) of the Act, the penalty prescribed in respect of each offence is the amount specified in column 4 of the Table in Schedule 8 opposite the prescribed offence set out in Column 2 of that Table.
 - (3) A description of an offence set out in Column 3 of the Table in Schedule 8 opposite an infringement offence set out in Column 2 of that Table is provided for convenience of reference only and is not to be taken to affect the nature or elements of the offence to which the description refers or the operation of these Regulations.
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SCHEDULES

SCHEDULE 1

PRESCRIBED CONSULTATIVE COUNCILS

Consultative Council on Anaesthetic Mortality and Morbidity

Victorian Quality Assurance Committee

Victorian Surgical Consultative Council

SCHEDULE 2

APPROVED COURSES AND QUALIFICATIONS

<i>A licence that only authorises the use of—</i>	<i>Qualification</i>
Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest except a pest animal.	<p>Completion of at least one of—</p> <p>Victoria</p> <p>Certificate in Pest Control (conducted by Commercial Pest Training Services and TAFE Colleges in Victoria).</p> <p>Statement of Attainment in Units 5, 6 and 18 of Certificate II in Asset Maintenance (Pest Management—Technical) issued by a registered education and training organisation.</p> <p>Statement of Attainment in Units 5, 6 and 18 of Certificate III in Asset Maintenance (Pest Management—Technical) issued by a registered education and training organisation.</p> <p>Certificate for recognition of current competencies or prior learning in pest control issued by a registered education and training organisation.</p> <p>Pest Control Correspondence Course (conducted by Australian Environmental Pest Managers Association).</p> <p>South Australia</p> <p>South Australia Pest Control Certificate Course (conducted by Gilles Plains College of TAFE).</p> <p>New South Wales</p> <p>New South Wales Urban Pest Control Course (conducted by New South Wales Department of TAFE at Sydney, Ryde and Werrington Colleges).</p> <p>New South Wales Urban Pest Control Correspondence Course (conducted by New South Wales Department of TAFE, Open Training and Education Network).</p>

Sch. 2

*A licence that only
authorises the use of—* *Qualification*

Western Australia

Western Australia Pesticide Safety, Pest Control Principles, and Pest Control Domestic and Commercial Courses (conducted by Bentley College of TAFE and Western Australia Department of TAFE Division of External Studies).

Northern Territory

Northern Territory Pest Control Operators Course (conducted by Northern Territory Institute of TAFE External Studies Centre) plus final unit of Victorian Certificate Course in Pest Control.

Queensland

Queensland Pest Control Course (conducted by Queensland Distance Education Centre) plus final unit of Victorian Certificate Course in Pest Control.

Urban Pest Control Course (conducted by Ithaca College of TAFE, Grovely Campus).

Pesticides—

- (i) that have been formulated for the control of any pest animal; and
- (ii) to protect an area or place in a building used for commercial purposes or domestic premises or privately owned land adjacent to domestic premises.

Completion of at least one of—

Victoria

Pest Animal Management Course (conducted by Victorian College of Agriculture and Horticulture and Victorian Colleges of TAFE).

Statement of Attainment in the Pest Animal Management Unit of the Diploma of Applied Science (Natural Resource Management) issued by a registered education and training organisation.

Statement of Attainment in Units RTD2101A, RTD2126A, RTD4403A and RTE3406A of Certificate III in Conservation and Land Management issued by a registered education and training organisation.

<i>A licence that only authorises the use of—</i>	<i>Qualification</i>
Pesticides that are in the form of fumigants.	<p>Certificate for recognition of current competencies or prior learning in pest animal control issued by a registered education and training organisation.</p> <p>Completion of at least one of—</p> <p>Victoria</p> <p>Methyl Bromide Fumigation Course (conducted by Victorian College of Agriculture and Horticulture and University of Melbourne).</p> <p>Statement of Attainment in Unit 6 of Certificate II and Unit 11 of Certificate III in Asset Maintenance (Pest Management—Technical) issued by a registered education and training organisation.</p> <p>Statement of Attainment in Unit 11 of Certificate III in Asset Maintenance (Pest Management—Technical) issued by a registered education and training organisation on or after 1 January 2005.</p> <p>Certificate for recognition of current competencies or prior learning in the use of fumigants in pest control issued by a registered education and training organisation.</p> <p>Phosphine Fumigation Course conducted by The Grain Elevators Board, VicGrain or GrainCorp.</p> <p>New South Wales</p> <p>New South Wales Fumigation Course (conducted by New South Wales WorkCover Authority).</p> <p>South Australia</p> <p>South Australia Fumigation Course (conducted by Gilles Plains College of TAFE).</p>

SCHEDULE 3

COURSES OF TRAINING AND UNITS OF COMPETENCY

<i>A licence that only authorises the use of—</i>	<i>Course of training</i>	<i>Units of competency</i>
Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest except a pest animal.	Certificate III in Asset Maintenance (Pest Management—Technical)	Units 5, 6 and 18 of Certificate III in Asset Maintenance (Pest Management—Technical)
Pesticides— (i) that have been formulated for the control of any pest animal; and (ii) to protect an area or place in a building used for commercial purposes or domestic premises or privately owned land adjacent to domestic premises.	Certificate III in Conservation and Land Management; or Pest Animal Management Course	Units RTD2101A, RTD2126A, RTD4403A and RTE3406A of Certificate III in Conservation and Land Management; or Units of competency related to pest animal management course
Pesticides that are in the form of fumigants.	Certificate III in Asset Maintenance (Pest Management—Technical)	Unit 11 of Certificate III in Asset Maintenance (Pest Management—Technical)

SCHEDULE 4

NOTIFIABLE CONDITIONS

Group A

Anthrax
Botulism
Cholera
Chikungunya virus infection
Diphtheria
Food-borne and water-borne illness (two or more related cases)
Haemolytic Uraemic Syndrome (HUS)
Japanese encephalitis
Legionellosis
Measles
Murray Valley encephalitis virus infection
Haemophilus influenzae, type B (meningitis, epiglottitis, other
invasive infections)
Hepatitis A
Meningococcal infection (invasive)
Paratyphoid
Poliomyelitis
Plague
Rabies
Severe Acute Respiratory Syndrome (SARS)
Smallpox
Tularaemia
Typhoid
Viral haemorrhagic fevers
Yellow fever

Group B

Barmah Forest virus infection
Arbovirus infections—other arbovirus infections
Blood lead greater than 10µg/dL
Brucellosis
Campylobacter infection

Sch. 4

Group B (continued)

Creutzfeldt-Jakob disease (CJD)
Cryptosporidiosis
Dengue virus infection
Hepatitis B (newly acquired)
Hepatitis B (unspecified)
Hepatitis C (newly acquired)
Hepatitis C (unspecified)
Hepatitis D
Hepatitis E
Hepatitis viral (not further specified)
Herpes zoster
Influenza (laboratory confirmed)
Kunjin virus infection
Leprosy
Leptospirosis
Listeriosis
Lyssavirus—Australian Bat lyssavirus
Lyssavirus—other (specify)
Malaria
Mumps
Mycobacterium ulcerans
Pneumococcal infection (invasive)
Psittacosis (ornithosis)
Pertussis
Q Fever
Ross River virus infection
Rubella
Congenital Rubella
Salmonellosis
Shiga toxin and Verotoxin producing *Escherichia coli*
(STEC/VTEC)
Shigellosis
Tetanus
Tuberculosis
variant Creutzfeldt-Jakob disease (vCJD)
Varicella

Group C

Chlamydia trachomatis infection

Donovanosis

Gonococcal infection

Syphilis (less than 2 years duration)

Syphilis (2 years or more duration or unspecified)

Congenital syphilis

Group D

Acquired Immunodeficiency Syndrome (AIDS)

Human Immunodeficiency Virus (HIV) Infection

SCHEDULE 5

**MICRO-ORGANISMS—ISOLATED OR DETECTED IN FOOD
OR DRINKING WATER SUPPLIES**

Micro-organisms

Campylobacter spp

Cryptosporidium spp

Cyclospora spp

Giardia cysts

Hepatitis A

Listeria monocytogenes

Norovirus

Salmonella spp

Verotoxin producing *Escherichia coli* (VTEC)

Vibrio spp

Timing of notice

Immediate notification by telephone followed by notice in writing within 5 days.

Manner of notice

The notice must specify—

Micro-organism isolated or detected:

Date of isolation or detection:

Source: food or water:

Type: batch identification (if appropriate):

Name and contact number of notifying laboratory:

SCHEDULE 6

NOTIFICATION BY MEDICAL PRACTITIONERS

FORM 1

**FOR GROUP A AND GROUP B NOTIFIABLE CONDITIONS—
STRICTLY CONFIDENTIAL**

1. Diagnosis

2. Identification

Family Name:

Given Name:

Date of birth:

Sex:

Indigenous status:

Country of birth:

If born overseas, year of arrival in Australia:

Alive/deceased:

3. Other characteristics

Residential Address:

Residential Postcode:

Occupation:

School or childcare attended:

Clinical Comments:

Date of Onset of Illness:

Risk factors:

Suspected mode of transmission:

Sch. 6

4. Notifying Doctor

Name:

Address:

Phone Number:

Signature:

Date of report:

5. Timing of notice

Group A

Immediate notification by telephone of an initial diagnosis—whether presumptive or confirmed. Followed by written notification with details of the data elements listed above, within 5 days of the initial diagnosis.

Group B

Written notification with details of the data elements listed above, within 5 days of the initial diagnosis.

FORM 2

**FOR GROUP C NOTIFIABLE CONDITIONS—STRICTLY
CONFIDENTIAL**

1. Diagnosis

2. Identification

Name Code (First two letters of family name, First two letters of given name):

Date of birth:

Sex:

Indigenous status:

Country of birth:

If born overseas, year of arrival in Australia:

Alive/deceased:

3. Other characteristics

Residential Postcode:

Clinical Comments:

Risk factors:

Suspected mode of transmission:

Date of Onset of Illness:

4. Notifying Doctor

Name:

Address:

Phone Number:

Signature:

Date of report:

5. Timing of notice

Written notification with details of the data elements listed above,
within 5 days of the initial diagnosis.

FORM 3

**FOR GROUP D NOTIFICATION FOR HIV—STRICTLY
CONFIDENTIAL**

1. Identification

Name Code (First two letters of family name, First two letters of given name):

Date of birth:

Sex:

2. Other characteristics

Country of birth:

Indigenous status:

If born overseas, year of arrival in Australia:

Language other than English spoken at home:

Residential postcode:

Date of onset of illness:

3. Notifying doctor

Name:

Address:

Hospital name (if appropriate):

Phone number:

Signature:

Date of notification:

4. Reason for testing

Exposure risk (see section 6):

Investigation of clinical symptoms:

Screening—

Blood, organ or semen donor:

Immigration:

Antenatal:

Confirmation of HIV positive status:

Other:

5. Diagnosis

Date of first diagnosis of HIV infection:

State/Territory of first diagnosis of HIV infection:

CD4+ count or viral load at first diagnosis of HIV infection or both:

History of HIV seroconversion illness:

Date of HIV seroconversion illness:

Has the person had a previous HIV test:

Date of last test:

Result of last HIV test:

Source of information on last test, patient, doctor or laboratory:

6. Exposure category

Note: More than one exposure category may be notified.

Sexual exposure

Note: At least one of the following must be notified.

Sexual contact only with person of same sex:

Sexual contact with both sexes (if female see section 6a):

Sexual contact only with person of opposite sex (see section 6a):

Sexual contact with a person from another country (write country):

No sexual contact:

Sexual exposure not known:

Vertical exposure

Mother with/at risk of HIV infection:

Blood exposure

Injecting drug use (detail):

Recipient of blood, blood products or tissue (detail):

Haemophilia/coagulation disorder (detail):

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6a. Sexual contact

Note: At least one of the following must be answered if MALE reports sexual contact with person of opposite sex or if FEMALE reports sexual contact with either same or OPPOSITE sex.

Sex with bisexual male (women only):

Sex with injecting drug user:

Sex with person from another country (write country):

Sex with a person who received blood, blood products or tissue:

Sex with a person with haemophilia/ coagulation disorder:

Sex with person with HIV infection whose exposure is other than those above (specify):

Heterosexual contact not further specified:

7. Donation of blood or other bodily fluid or tissue prior to HIV diagnosis

Note: If this item is applicable, specify type of donation, date and place of donation.

8. Timing of Notice

Written notification with details of the data elements listed in items 1 to 7, within 5 days of the initial diagnosis.

FORM 4

**FOR GROUP D NOTIFICATION FOR AIDS—STRICTLY
CONFIDENTIAL**

1. Identification

Name Code (First two letters of family name, First two letters of given name):

Date of birth:

Sex:

2. Other characteristics

Country of birth:

Indigenous status:

Residential postcode:

If born overseas, year of arrival into Australia:

Language other than English spoken at home:

Current state of person—

If person is alive, date of most recent contact:

If person has died, date of death:

3. Notifying doctor

Name:

Address:

Hospital name (if appropriate):

Phone number:

Signature:

Date of notification:

Sch. 6

4. Diagnosis

Date of AIDS diagnosis:

Has the person previously been diagnosed with AIDS elsewhere?
Yes/No/Unknown

If yes and diagnosis was in another State/Territory, specify
State/Territory and date:

If yes and diagnosis was overseas, specify country and date:

5. Laboratory tests

Date of first diagnosis of HIV infection:

CD4+ count or viral load at AIDS diagnosis or both:

Date of specimen collection for CD4+ count analysis:

Note: The CD4+ count and viral load results need to be forwarded as
part of your notification when the count and results are available.

6. Anti-retroviral therapy

Has the person been treated with anti-retroviral therapy?

If yes, specify month/year when started:

7. Diseases indicative of AIDS at diagnosis

Note: At least one of the following must be notified. State whether
definite or presumptive.

Pneumocystis carinii pneumonia:

Oesophageal candidiasis:

Kaposi's sarcoma (specify site):

Herpes simplex virus of >1 month duration (specify site):

Cryptococcosis (specify site):

Cryptosporidiosis (diarrhoea >1 month):

Toxoplasmosis (specify site):

Cytomegalovirus (specify site):

Atypical Mycobacteriosis (specify type):

Pulmonary tuberculosis:

Extrapulmonary tuberculosis:

Lymphoma:

Non-Hodgkin's lymphoma, primary of brain/CNS:
Non-Hodgkin's lymphoma, other site (specify type):
HIV encephalopathy (includes AIDS Dementia Complex):
HIV wasting syndrome:
Invasive cervical cancer:
Recurrent pneumonia:
Other (specify):

8. Exposure category

Note: More than one exposure category may be notified.

Person was interviewed in relation to exposure:

- *Not at all (provide reasons):
- *To a certain extent (provide the following details):
- *In depth (provide the following details):
- *Delete if inapplicable*

Sexual exposure

Note: At least one of the following must be notified.

Sexual contact only with person of same sex:
Sexual contact with both sexes (if female see section 8a):
Sexual contact only with person of opposite sex (see section 8a):
Sexual contact with a person from another country (write country):
No sexual contact:
Sexual exposure not known:

Vertical exposure

Mother with/at risk of HIV infection:

Blood exposure

Injecting drug use (detail):
Recipient of blood, blood products or tissue (detail):
Haemophilia/coagulation disorder (detail):

Sch. 6

Other exposure

Exposures other than those above apply (provide details):

Exposure could not be established (detail):

8a. Sexual contact

Note: At least one of the following must be answered if MALE reports sexual contact with person of opposite sex or if FEMALE reports sexual contact with either same or OPPOSITE sex.

Sex with bisexual male (women only):

Sex with injecting drug user:

Sex with person from another country (write country):

Sex with a person who received blood, blood products or tissue:

Sex with a person with haemophilia/coagulation disorder:

Sex with person with HIV infection whose exposure is other than those above (specify):

Sex with person with HIV infection whose exposure could not be established:

Heterosexual contact not further specified:

9. Timing of Notice

Written notification with details of the data elements listed in items 1 to 8a, within 5 days of the initial diagnosis.

SCHEDULE 7

**MINIMUM PERIOD OF EXCLUSION FROM PRIMARY
SCHOOLS AND CHILDREN'S SERVICES CENTRES FOR
INFECTIOUS DISEASES CASES AND CONTACTS**

In this Schedule, *medical certificate* means a certificate of a registered medical practitioner.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Conditions</i>	<i>Exclusion of cases</i>	<i>Exclusion of Contacts</i>
Amoebiasis (Entamoeba histolytica)	Exclude until there has not been a loose bowel motion for 24 hours	Not excluded
Campylobacter	Exclude until there has not been a loose bowel motion for 24 hours	Not excluded
Chickenpox	Exclude until all blisters have dried. This is usually at least 5 days after the rash appears in unimmunised children, but may be less in previously immunised children	Any child with an immune deficiency (for example, leukaemia) or receiving chemotherapy should be excluded for their own protection. Otherwise not excluded
Conjunctivitis	Exclude until discharge from eyes has ceased	Not excluded
Diarrhoea	Exclude until there has not been a loose bowel motion for 24 hours	Not excluded
Diphtheria	Exclude until medical certificate of recovery is received following at least two negative throat swabs, the first not less than 24 hours after finishing a course of antibiotics and the other 48 hours later	Exclude family/household contacts until cleared to return by the Secretary

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Conditions</i>	<i>Exclusion of cases</i>	<i>Exclusion of Contacts</i>
Hand, Foot and Mouth disease	Exclude until all blisters have dried	Not excluded
<i>Haemophilus influenzae</i> type b (Hib)	Exclude until at least 4 days of appropriate antibiotic treatment has been completed	Not excluded
Hepatitis A	Exclude until a medical certificate of recovery is received, but not before 7 days after the onset of jaundice or illness	Not excluded
Hepatitis B	Exclusion is not necessary	Not excluded
Hepatitis C	Exclusion is not necessary	Not excluded
Herpes (<i>cold sores</i>)	Young children unable to comply with good hygiene practices should be excluded while the lesion is weeping. Lesions to be covered by dressing, where possible	Not excluded
Human immuno-deficiency virus infection (HIV/AIDS virus)	Exclusion is not necessary	Not excluded
Impetigo	Exclude until appropriate treatment has commenced. Sores on exposed surfaces must be covered with a watertight dressing	Not excluded
Influenza and influenza like illnesses	Exclude until well	Not excluded unless considered necessary by the Secretary
Leprosy	Exclude until approval to return has been given by the Secretary	Not excluded

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Conditions</i>	<i>Exclusion of cases</i>	<i>Exclusion of Contacts</i>
Measles	Exclude for at least 4 days after onset of rash	Immunised contacts not excluded. Unimmunised contacts should be excluded until 14 days after the first day of appearance of rash in the last case. If unimmunised contacts are vaccinated within 72 hours of their first contact with the first case, or received NHIG within 144 hours of exposure, they may return to the facility
Meningitis (bacteria—other than meningococcal meningitis)	Exclude until well	Not excluded
Meningococcal infection	Exclude until adequate carrier eradication therapy has been completed	Not excluded if receiving carrier eradication therapy
Mumps	Exclude for 9 days or until swelling goes down (whichever is sooner)	Not excluded
Pertussis (Whooping cough)	Exclude the child for 21 days after the onset of cough or until they have completed 5 days of a course of antibiotic treatment	Contacts aged less than 7 years in the same room as the case who have not received three effective doses of pertussis vaccine should be excluded for 14 days after the last exposure to the infectious case, or until they have taken 5 days of a course of

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Conditions</i>	<i>Exclusion of cases</i>	<i>Exclusion of Contacts</i>
		effective antibiotic treatment
Poliomyelitis	Exclude for at least 14 days from onset. Re-admit after receiving medical certificate of recovery	Not excluded
Ringworm, scabies, pediculosis (head lice)	Exclude until the day after appropriate treatment has commenced	Not excluded
Rubella (German measles)	Exclude until fully recovered or for at least four days after the onset of rash	Not excluded
Salmonella, Shigella	Exclude until there has not been a loose bowel motion for 24 hours	Not excluded
Severe Acute Respiratory Syndrome (SARS)	Exclude until medical certificate of recovery is produced	Not excluded unless considered necessary by the Secretary
Streptococcal infection (including scarlet fever)	Exclude until the child has received antibiotic treatment for at least 24 hours and the child feels well	Not excluded
Tuberculosis	Exclude until receipt of a medical certificate from the treating physician stating that the child is not considered to be infectious	Not excluded
Typhoid fever (including paratyphoid fever)	Exclude until approval to return has been given by the Secretary	Not excluded unless considered necessary by the Secretary
Verotoxin producing <i>Escherichia coli</i> (VTEC)	Exclude if required by the Secretary and only for the period specified by the Secretary	Not excluded

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Conditions</i>	<i>Exclusion of cases</i>	<i>Exclusion of Contacts</i>
Worms (Intestinal)	Exclude until there has not been a loose bowel motion for 24 hours	Not excluded

SCHEDULE 8

INFRINGEMENTS

A. Public Health and Wellbeing Regulations 2009

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Reference</i>	<i>Offence</i>	<i>Short description of Offence</i>	<i>Penalty</i>
1	17(2)	Proprietor of prescribed accommodation permits a room to be used as bedroom if it has a floor area of less than 7.5 square meters	4
2	20(1)	Proprietor of prescribed accommodation fails to provide a continuous and adequate supply of water to toilet, bathing, kitchen, laundry and drinking water facilities	4
3	25	Proprietor of prescribed accommodation fails to supply one toilet, bath or shower and wash basin for every 10 persons or fraction of that number of persons occupying the accommodation	4
4	27	Proprietor of prescribed accommodation states or causes to be stated in an advertising, notice or sign that the premises is registered or approved for any class of accommodation other than that set out in the certificate of registration	4
5	56(2)	Failure of responsible person to ensure that at least once each month a sample of the recirculating water of the cooling tower system is taken and delivered to a laboratory for testing and reporting on for heterotrophic colony count	4

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Reference</i>	<i>Offence</i>	<i>Short description of Offence</i>	<i>Penalty</i>
6	56(3)	Failure of responsible person to ensure that at least once every three months a sample of the recirculating water of the cooling tower system is taken and delivered to a laboratory for testing and reporting for Legionella	4

B. Public Health and Wellbeing Act 2008

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Reference</i>	<i>Offence</i>	<i>Short description of Offence</i>	<i>Penalty</i>
7	67	Failure of a natural person to register prescribed accommodation with municipal council	4
8	67	Failure of a body corporate to register prescribed accommodation with municipal council	10
9	69	Failure of a natural person to register certain businesses that are not prescribed to be exempt	12
10	69	Failure of a body corporate to register certain businesses that are not prescribed to be exempt	10
11	80	Failure of a natural person to register cooling tower system in operation	10
12	80	Failure of a body corporate to register cooling tower system in operation	24
13	87(2)	Failure of a natural person to notify secretary of change of ownership, contact details or address of cooling tower system	2
14	87(2)	Failure of a body corporate to notify secretary of change of ownership, contact details or address of cooling tower system	10

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Reference</i>	<i>Offence</i>	<i>Short description of Offence</i>	<i>Penalty</i>
15	95	Risk management audit conducted by person who is not an approved auditor	4
16	99	Unlicensed use of pesticide in the course of business of pest control operator	4
17	108	Failure of a natural person to keep prescribed pest control records	2
18	108	Failure of a body corporate to keep prescribed pest control records	4

ENDNOTES

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2009 is \$11.69. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2009 is \$116.82.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.