

Public Health (Health Care Facility) Risk Declaration 2021 (No 1)

Disallowable instrument DI2021-239

made under the

Public Health Act 1997, s18 - Public health risk activities and procedures—declaration

1 Name of instrument

This instrument is the *Public Health (Health Care Facility) Risk Declaration 2021 (No 1)*.

2 Commencement

This instrument commences six months from the date of notification.

3 Revocation

This instrument revokes *Public Health Risk (Health Care Facilities) Declaration 2001* (DI2001-183).

4 Declaration

- (1) I declare the operation, management or control of a health care facility (other than a facility mentioned in subsection (2)) to be a licensable public health risk activity.
- (2) I declare the operation, management, or control of a health care facility by, or on behalf of, the Territory to be a non-licensable public health risk activity.
- (3) I declare a procedure mentioned in Schedule 1 to be a non-licensable public health risk procedure (a *non-licensable public health risk procedure*).

5 Exclusions / savings provision

Individuals or corporations that were issued a public health risk activity licence in relation to a health care facility prior to the commencement of this instrument are taken to hold a valid health care facility licence for the duration of the licence term.

6 Definitions

In this instrument:

non-licensable public health risk procedure—see section 4 (3).

health care facility—

- (a) means premises at which a non-licensable public health risk procedure is performed or provides overnight inpatient services under the care of a registered medical professional; but
- (b) does not include any of the following:
 - (i) a residential care facility within the meaning of the *Aged Care Act 1997 (Cwth)*;
 - (ii) crisis accommodation;
 - (iii) a veterinary clinic;
 - (iv) a private residence;
 - (v) a patient transport service;
 - (vi) any premises operated by, or on behalf of, the Commonwealth.

Note The Aged Care Act 1997 (Cwth) is available from the Federal Register of Legislation at <https://www.legislation.gov.au/>.

Minister for Health
Rachel Stephen-Smith
16 August 2021

Schedule 1 Non-licensable public health risk procedures

a)	<p>Administration of anaesthesia</p> <p>The administration of general, epidural, or major regional anaesthetic block (excluding mandibular blocks), or intravenous sedation.</p>
b)	<p>Cardiac catheterisation</p> <p>A procedure involving the passing of a catheter, or other instrument, through a major blood vessel into the heart for a diagnostic or therapeutic purpose.</p>
c)	<p>Chemotherapy (cytotoxic infusion)</p> <p>A treatment using parenteral administration of one or more cytotoxic agents.</p>
d)	<p>Cosmetic Procedures</p> <p>The following procedures:</p> <ul style="list-style-type: none"> • Abdominoplasty (tummy tuck) • Belt lipectomy • Brachioplasty (armlift) • Bicep implants, tricep implants, calf implants, deltoid implants, pectoral implants • Breast augmentation or reduction • Buttock augmentation, reduction or lift • Facelift, other than a mini-lift that does not involve the superficial musculoaponeurotic system (SMAS); • Facial implants that involve inserting an implant on the bone, or surgical exposure to deep tissue • Fat transfer that involves the transfer of more than 100 millilitres litres of lipoaspirate • Labiaplasty • Liposuction that involves the removal of more than 1000 millilitres of lipoaspirate • Mastopexy or mastopexy augmentation • Monsplasty • Neck lift • Penis augmentation • Rhinoplasty • Vaginoplasty
e)	<p>Gastrointestinal endoscopy</p> <p>A treatment using a flexible, hollow endoscope that can accommodate the passage of an instrument to examine the upper or lower gastrointestinal tract.</p>
f)	<p>Renal dialysis (haemodialysis)*</p> <p>A treatment that uses a dialyzer machine to remove waste and excess water from the blood.</p>