Australian Capital Territory

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 instrumentare 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*—**

1. 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
2. does not include any of the following:
   1. a residential care facility within the meaning of the *Aged Care Act 1997 (Cwth)*;
   2. crisis accommodation;
   3. a veterinary clinic;
   4. a private residence;
   5. a patient transport service;
   6. 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**

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| a) | **Administration of anaesthesia**  The administration of general, epidural, or major regional anaesthetic block (excluding mandibular blocks), or intravenous sedation. |
| b) | **Cardiac catheterisation** 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. |
| c) | **Chemotherapy (cytotoxic infusion)** A treatment using parenteral administration of one or more cytotoxic agents. |
| d) | **Cosmetic Procedures**  The following procedures:   * 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) | **Gastrointestinal endoscopy**  A treatment using a flexible, hollow endoscope that can accommodate the passage of an instrument to examine the upper or lower gastrointestinal tract. |
| f) | **Renal dialysis (haemodialysis)\*** A treatment that uses a dialyzer machine to remove waste and excess water from the blood. |