

As you are aware, the NSW Private Health Facilities Act 2007 (Act) requires certain surgical cosmetic procedures to be performed in licensed private health facilities. The relevant procedures are those listed in the definition of “[cosmetic surgery](#)” in the NSW Private Health Facilities Regulation 2017 (Regulation). Since 2017, it has been an offence under the Act to conduct an unlicensed private health facility in NSW that provides any such cosmetic surgery.

In May 2018, the Act was amended to also make it an [offence](#) to perform services or treatments prescribed in the Regulation in an unlicensed private health facility. This amendment, which introduced a new s33A into the Act, followed recommendation 1 of the [Report on the Review of the Regulation of Cosmetic Procedures](#). As stated in the Second Reading Speech for the bill to introduce s33A, the new offence was intended to “*ensure that the practitioners performing cosmetic surgery are responsible for checking that the facility they are operating in is licensed, as well as safely performing the procedure*”.

From 17 September 2018, cosmetic surgery will be prescribed in the [Regulation](#) as a class of services or treatments for the purpose of the new offence in s33A of the Act. It will therefore be an offence, attracting a maximum penalty of up to \$55,000, to perform cosmetic surgery in an unlicensed private health facility. As such, there will be an onus on persons performing cosmetic surgery to check that the facility they are operating in is licensed as required under the Act. This can be done by searching the list of currently licensed private health facilities on the [NSW Health website](#). The Regulation also requires licensed private health facilities to display a copy of their licence in the entrance foyer.

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