Explanatory note

This explanatory note relates to this Bill as introduced into Parliament. Overview of Bill

The objects of this Bill are as follows:

(a) to promote, protect and improve public health,

(b) to control the risks to public health,

(c) to promote the control of infectious diseases,

(d) to prevent the spread of infectious diseases,

(e) to recognise the role of local government in protecting public health.

The Bill repeals and re-enacts the *Public Health Act 1991* (the **existing Act**), consequent on the review of that Act by the Department of Health. The Bill also modifies the provisions contained in the existing Act as follows:

(a) a statement of the responsibilities of local government authorities in relation to environmental health is included,

(b) the requirement for the Premier's approval before the Minister for Health (the *Minister*) may take action to deal with a risk to public health has been removed and the period for which a public health risk area declaration may be in force has been extended from 28 days to 90 days,

Explanatory note page 2

Public Health Bill 2010

Explanatory note

(c) the Director-General of the Department of Health (the **Director-General**), rather than the Minister is to have the power to order the closure of premises in order to protect public health,

(d) the requirement that the Minister must have reasonable grounds for suspecting that water is polluted before taking action against polluted drinking water or other polluted water that is likely to cause a risk to public health has been removed,

(e) the Chief Health Officer of the Department of Health (the **Chief Health Officer**) is to have the function of deciding whether boil water advices should be issued,

(f) the Director-General is to have additional power to give directions relating to air-conditioning and other regulated systems if offences are committed in relation to such systems, including directions requiring training to be undertaken and prohibiting persons from carrying out functions relating to such systems,

(g) public water utilities and their staff (and members of NSW Health Service) are to have protection from liability arising from the provision of information or advice concerning drinking water, if the advice is given in good faith for the purpose of executing the proposed Act,

(h) provisions previously contained in regulations and relating to public swimming pools and spa pools have been incorporated in the proposed Act and the Director-General is to have additional power to give directions about pools that are or are likely to be a risk to public health,

(i) provisions previously contained in regulations and relating to skin penetration procedures are incorporated in the proposed Act and the Director-General is to have additional power to give directions about persons found guilty of related offences,

(j) a medical practitioner is required to report particulars of death from a scheduled condition if the medical practitioner suspects a death was caused by the condition (rather than if the practitioner believes on reasonable grounds that it was so caused),

(k) the threshold for exercise of the Director-General's power to give mandatory directions relating to scheduled diseases and other conditions is lowered from

a requirement to hold a reasonable belief that a person may have a certain disease or condition to a suspicion that the person has such a disease or condition and any such direction will be required to have regard to certain sensitivities of the person concerned,

(I) a medical practitioner is required to provide a person with information concerning a sexually transmitted infection if the medical practitioner suspects that the person has the infection (rather than if the medical practitioner believes on reasonable grounds that the person has the infection),

Explanatory note page 3

Public Health Bill 2010

Explanatory note

(m) a health practitioner must notify the chief executive officer of a hospital if the practitioner suspects that a patient or former patient at the hospital has or has had a notifiable disease (rather than if the practitioner believes on reasonable grounds that a patient has such a disease),

(n) the chief executive officer of a hospital must notify the Director-General if the officer suspects that a patient or former patient has or has had a notifiable disease (rather than if the officer believes on reasonable grounds that a patient or former patient has or has had such a disease),

(o) deaths after the administration of an anaesthetic or sedative drug, after treatment in a hospital or outside a hospital, are to be notified to the Director-General,

(p) powers of entry for enforcement powers have been expanded, consistent with powers contained in the *Smoke-free Environment Act 2000*, and consolidated, (q) public health inspectors (called authorised officers in the proposed Act) will have the power to require persons to provide information and to request the name and address of persons suspected of contravening the proposed Act or regulations under that Act,

(r) there is a new offence of impersonating an authorised officer,

(s) offences, to be prescribed by the regulations, may be dealt with by the issue of penalty notices,

(t) the cost of complying with certain public health directions under the proposed Act may be recovered as a debt owed to the Crown by any person subject to the direction who fails to comply with it,

(u) maximum penalties for offences have been increased and continuing penalties have been imposed in appropriate cases,

(v) provision is made for the appointment of public health officers for parts of the State,

(w) the State or an authority of the State is excluded from liability for negligence or breach of duty (including a statutory duty) arising from the exercise of or failure to exercise a function under the proposed Act.

The proposed Act also contains provisions of a savings and transitional nature, consequent on the repeal of the existing Act, and also makes consequential amendments to other Acts.

Outline of provisions

Part 1 Preliminary

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day or days to be appointed by proclamation.

Explanatory note page 4

Public Health Bill 2010

Explanatory note

Clause 3 states the objects of the proposed Act.

Clause 4 states the responsibilities of local government authorities (as defined in the

proposed Act) in relation to public health.

Clause 5 contains definitions for the purposes of the proposed Act.

Clause 6 provides for the proposed Act to bind the Crown.

Part 2 General public health

Clause 7 enables directions to be given, and action to be taken, by the Minister if there is no emergency under the *State Emergency and Rescue Management Act 1989* and the Minister considers on reasonable grounds that a situation has arisen that is, or is likely to be, a risk to public health. These include power to declare an area to be a public health risk area and to give directions to, for example, isolate inhabitants of the area or restrict access to the area.

Clause 8 enables directions to be given, and action to be taken, by the Minister if there is an emergency under the *State Emergency and Rescue Management Act 1989* and the Minister considers on reasonable grounds that the emergency is, or is likely to be, a risk to public health. The powers will be exercisable only after consultation with the Minister administering the *State Emergency and Rescue Management Act 1989*.

Clause 9 enables the Minister to direct a public authority to take action to minimise or rectify any adverse consequences of an action of the authority that is, or is likely to be, a risk to public health. It also requires a public authority to notify the Minister of any situation that is, or is likely to be, a risk to public health.

Clause 10 makes it an offence to fail, without reasonable excuse, to comply with a direction under proposed section 7, 8 or 9.

Clause 11 enables the Director-General to restrict or prohibit access to premises where people congregate if the Director-General considers it to be necessary to do so in order to protect the health of the public.

Clause 12 provides for the disinfection or destruction of noxious articles (for example articles that are infested with vermin or have been in contact with a person suffering from an infectious disease).

Part 3 Environmental health

Division 1 Safety measures for drinking water

Clause 13 defines *boil water advice*, *drinking water* and *treatment* for the purposes of the proposed Division.

Clause 14 is an evidentiary provision enabling the Minister, Director-General and Chief Health Officer to issue certificates that are admissible in legal proceedings as evidence of the fact that a direction under the proposed Division was given.

Explanatory note page 5

Public Health Bill 2010

Explanatory note

Clause 15 makes it an offence to supply water to another person that is not fit for human consumption by means of a reticulated water system.

Clause 16 enables the Minister to give directions in relation to drinking water that the Minister suspects to be unfit for human consumption and water the Minister suspects is, or is likely to be, a risk to public health. A direction may only be given to a supplier of drinking water after consultation with the Minister responsible for the Act under which the supplier is constituted.

Clause 17 makes it an offence to fail, without reasonable excuse, to comply with a direction under proposed section 16.

Clause 18 empowers the Director-General to direct a supplier of drinking water to carry out various tests on drinking water that it has available for supply.

Clause 19 enables the Director-General to direct a supplier of drinking water to produce certain information (including the results of tests under proposed section 18) to the Director-General concerning the quality of drinking water that it has available for supply and the methods by which it is treated.

Clause 20 makes it an offence to fail, without reasonable cause, to comply with a

direction under proposed section 18 or 19.

Clause 21 enables the Chief Health Officer to determine whether a particular supplier of drinking water should issue or retract or correct a boil water advice for the drinking water it supplies or has available for supply or should provide additional information in connection with a boil water advice that it issues.

Clause 22 provides for the Chief Health Officer to prepare advice for the benefit of the public concerning the safety of available drinking water (or drinking water available from a particular supplier of drinking water) and any possible risks to public health in consuming that water. The advice is to be provided to the supplier and issued to the public in the manner directed by the Chief Health Officer or issued directly by the Chief Health Officer.

Clause 23 enables the Chief Health Officer to require a supplier of drinking water to retract or correct any information or advice relating to the safety of drinking water issued to the public that the Chief Health Officer considers to be misleading. **Clause 24** protects the State, Ministers, members of staff of the Department, members of the NSW Health Service and suppliers of drinking water and their staff from any action, liability, claim or demand arising from the provision of any information or advice concerning drinking water under the proposed Division. **Clause 25** requires suppliers of drinking water to establish quality assurance programs complying with the requirements prescribed by the regulations and provides for the making of regulations concerning certain matters dealt with in the proposed Division.

Division 2 Legionella control

Clause 26 contains definitions of expressions used in the proposed Division. These include a definition of *regulated system*.

Explanatory note page 6

Public Health Bill 2010

Explanatory note

Clause 27 enables the regulations to exempt regulated systems installed on certain premises from the operation of the proposed Division.

Clause 28 requires a regulated system to be installed as required by the regulations. **Clause 29** requires a regulated system to be operated as required by the regulations. **Clause 30** requires a regulated system to be maintained as required by the regulations.

Clause 31 requires the occupier of premises to give certain notices regarding the installation of a water-cooling system or warm-water system on the premises.

Clause 32 enables the Director-General to direct a duly qualified person who is found guilty of an offence under proposed section 28 (3), 29 (3) or 30 (3) to undertake specified training and to prohibit the person from carrying out specified functions relating to a regulated system until the training is completed.

Clause 33 provides for the investigation of an outbreak of Legionnaires' disease to be carried out in accordance with procedures approved by the Director-General. **Division 3 Control of public swimming pools and spa pools**

Clause 34 defines certain terms used in the proposed Division, including *public swimming pool or spa pool*.

Clause 35 makes it an offence for the occupier of any premises at which a public swimming pool or spa pool is situated to fail to ensure that operating requirements prescribed by the regulations are complied with.

Clause 36 makes it an offence for the occupier of any premises at which a public swimming pool or spa pool is situated to allow a person to use the pool unless the water in it is disinfected to minimise the transmission of disease or to fail to ensure that pool surrounds are kept clean and in a condition that minimises the transmission of disease.

Clause 37 requires the occupier of any premises at which a public swimming pool or

spa pool that is the subject of a prohibition order to display a copy of the order at or near the entrance to the premises.

Division 4 Control of skin penetration procedures

Clause 38 requires the occupier of premises where skin penetration procedures are carried out to comply with requirements prescribed by the regulations with respect to the premises and to give notice of the carrying out of procedures in accordance with the regulations.

Clause 39 enables the Director-General to require a person found guilty of an offence under proposed section 38 to undertake specified training and to prohibit the person from carrying out specified skin penetration procedures at the premises concerned until the training is completed.

Explanatory note page 7

Public Health Bill 2010

Explanatory note

Division 5 Improvement notices and prohibition orders

Clause 40 defines certain terms used in the proposed Division.

Clause 41 enables an authorised officer to serve an improvement notice on the occupier of premises regulated by the proposed Part that the officer believes, on reasonable grounds, does not comply with the relevant requirements of the Part. **Clause 42** describes the form, content and effect of an improvement notice. **Clause 43** provides for confirmation by an authorised officer that an improvement notice has been complied with.

Clause 44 specifies the action that may be taken if an occupier of premises on which there is a regulated system fails to comply with an improvement notice.

Clause 45 sets out the circumstances in which a prohibition order preventing the operation of a regulated system, the use of a public swimming pool or spa pool or the carrying out of a skin penetration procedure may be made. The prohibition order operates to prevent these actions until a certificate of clearance is given after an authorised officer is satisfied following inspection of the premises concerned that there is no serious danger to public health.

Clause 46 enables an occupier who is subject to a prohibition order to request inspection of the premises. If an inspection does not take place within 2 working days, a certificate of clearance is taken to have been given.

Clause 47 makes it an offence to fail to comply with a prohibition order.

Clause 48 confers jurisdiction on the Administrative Decisions Tribunal to review a decision of a person not to give a certificate of clearance.

Clause 49 provides for the payment of compensation for loss suffered by a person against whom a prohibition order is made if the order was not made in good faith or there were no grounds for making the order. It confers jurisdiction on the Administrative Decisions Tribunal to review decisions concerning the payment of such compensation.

Clause 50 enables regulations to be made with respect to registers of regulated systems, public swimming pools and spa pools and premises where skin penetration procedures are carried out.

Part 4 Scheduled medical conditions

Division 1 Preliminary

Clause 51 defines the scheduled medical conditions referred to in the proposed Part. **Division 2 General precautions**

Clause 52 makes it an offence for a person who suffers from any one of certain scheduled medical conditions to fail to take proper precautions against spreading the medical condition.

Explanatory note page 8 Public Health Bill 2010 Explanatory note **Clause 53** requires the Registrar of Births, Deaths and Marriages to notify the Director-General of the registration of the death of a person apparently caused by a scheduled medical condition.

Division 3 Notification and treatment of Category 1, 2 and 3 conditions and other conditions

Clause 54 requires a medical practitioner to provide the Director-General with certain particulars relating to a patient believed to be suffering from certain scheduled medical conditions and makes it an offence not to comply with the requirement.

Clause 55 requires that the Director-General be informed of the result of any pathology test having a positive result performed for the purpose of detecting certain medical conditions.

Clause 56 prohibits, with certain exceptions, the disclosure of the identity of a person who suffers from a Category 5 condition (AIDS and HIV).

Clause 57 enables a medical practitioner or person who provides a pathology service to notify the Director-General of a patient suffering from a medical condition or disease that may pose a significant risk to public health.

Clause 58 enables the District Court to order the disclosure of the identity of a person who suffers from a Category 5 condition (AIDS and HIV) in certain circumstances.

Clause 59 requires proceedings for an offence under the proposed Division to be heard in the absence of the public.

Division 4 Public health orders for Category 4 and 5 conditions

Clause 60 contains definitions of terms used in the proposed Division. These include *authorised medical practitioner* who would be either the Chief Health Officer in the Department or a medical practitioner authorised by the Director-General.

Clause 61 enables the Director-General to require a person to undergo a medical examination if the Director-General reasonably suspects that the person is suffering from a Category 4 or Category 5 condition.

Clause 62 enables an authorised medical practitioner to make a "public health order" in respect of a person if reasonably satisfied that the person is suffering from a Category 4 condition (Avian influenza in humans, Severe Acute Respiratory Syndrome, Tuberculosis or Typhoid) or a Category 5 condition (AIDS or HIV) and may as a consequence be a risk to public health. The order could make any one or more of a number of requirements, including a requirement that the person be detained while undergoing treatment or be detained at a specified place while the order is in force (a *detention order*).

Explanatory note page 9

Public Health Bill 2010

Explanatory note

Clause 63 provides for a public health order based on a Category 5 condition to cease having effect unless application is made to the Administrative Decisions Tribunal for its confirmation within 3 business days after service on the person it would affect. Unless continued by the Tribunal (see proposed section 65) a public health order based on a Category 4 condition or a confirmed public health order based on a Category 5 condition expires at the end of the period (not exceeding 28 days) specified in the order.

Clause 64 enables an application to be made to the Administrative Decisions Tribunal for confirmation of a public health order and enables the Tribunal, after inquiry into the circumstances of the making of the order, to either confirm it (with or without variation) if satisfied its making was justified, or revoke it if not so satisfied. **Clause 65** enables the Administrative Decisions Tribunal to continue a public health order for a period not exceeding 6 months if the necessary application is made before expiration of the order.

Clause 66 enables a person who is subject to a public health order based on a Category 4 condition to apply to the Administrative Decisions Tribunal to review the order.

Clause 67 enables the authorised medical practitioner who made a public health order to revoke the order if the person the subject of the order is no longer a risk to public health.

Clause 68 restricts the making of a further public health order against a person who was the subject of a public health order that has been revoked.

Clause 69 authorises a person who is subject to a public health order to inspect, and make copies of, his or her medical records unless the Administrative Decisions Tribunal directs otherwise.

Clause 70 makes it an offence to contravene a public health order or a condition imposed under proposed section 74 in relation to a detention order.

Clause 71 provides for the arrest and detention, pending an inquiry under proposed section 73 by the Administrative Decisions Tribunal, of a person who contravenes a public health order.

Clause 72 provides for the apprehension of a person who escapes from a place of detention under a detention order or under proposed section 71.

Clause 73 provides for the Administrative Decisions Tribunal to conduct an inquiry in relation to a person who is alleged to have contravened a public health order and for it to confirm or vary the order, caution the person or take no further action.

Clause 74 provides for the inclusion in a detention order of conditions with respect to the security of the person subject to the order. It also provides that the person subject to a detention order may, for a special reason, be permitted to leave the place of detention, but only under the constant personal supervision of a person nominated by an authorised medical practitioner.

Explanatory note page 10

Public Health Bill 2010

Explanatory note

Clause 75 makes it an offence to release, without lawful authority, a person who is detained under a public health order.

Clause 76 restricts the publication of matters relating to proceedings dealing with public health orders.

Part 5 Other disease control measures and

notifications

Division 1 Sexually transmitted infections

Clause 77 defines sexual intercourse.

Clause 78 requires a medical practitioner to give appropriate information (to be prescribed by the regulations) to a patient the medical practitioner suspects has a sexually transmitted infection.

Clause 79 creates offences in relation to sexual intercourse engaged in by a person who has a sexually transmitted infection.

Clause 80 provides for proceedings for offences against the proposed Division to be heard in the absence of the public.

Division 2 Notifiable diseases

Clause 81 enables the Minister, by order, to amend the list of notifiable diseases set out in proposed Schedule 2 (which include, for example, cancer, measles and cholera).

Clause 82 requires a medical practitioner to notify the chief executive officer of a hospital if the medical practitioner suspects that a patient who is, or has been, receiving treatment at the hospital is or was suffering from a notifiable disease.

Clause 83 requires the chief executive officer of a hospital to provide the Director-General with information concerning persons suffering from a notifiable disease who are, or have been, patients at the hospital.

Division 3 Notification of certain deaths

Clause 84 requires a health practitioner to give notice in certain circumstances following the death of a patient or former patient following the administration of an anaesthetic or sedative drug.

Division 4 Vaccine preventable diseases

Clause 85 contains definitions of terms used in the proposed Division, which will apply to children of a class prescribed by the regulations (such as children of a specified age group). A *vaccine preventable disease* is defined as a disease listed in Schedule 3 to the proposed Act (for example, measles and mumps).

Explanatory note page 11

Public Health Bill 2010

Explanatory note

Clause 86 requires the principal of a primary school to request the parent of a child (as defined in proposed section 85) to lodge an immunisation certificate for the child when the child is enrolled at the school. A child for whom no immunisation certificate is lodged is taken not to have been immunised against any of the vaccine preventable diseases.

Clause 87 requires the principal of a child care facility to request the parent of a child (as defined in proposed section 85) to lodge an immunisation certificate for the child when the child is enrolled at the child care facility. A child for whom no immunisation certificate is lodged is taken not to have been immunised against any of the vaccine preventable diseases.

Clause 88 requires (among other things) the principal of a school or child care facility to notify the public health officer on becoming aware that a child at the school or facility has a vaccine preventable disease. The public health officer may give certain directions relating to the exclusion of the child from the school or child care facility during the outbreak of the disease.

Part 6 Public health registers

Division 1 Preliminary

Clause 89 contains definitions of terms used in the proposed Part.

Division 2 The Pap Test Register

Clause 90 requires the Director-General to maintain, or arrange for the maintenance of, the Register relating to cervical cancer tests (the *Register*) and specifies the information to be contained on the Register. The object of the Register is to reduce the incidence of, and mortality from, preventable cervical cancer by using the Register for certain specified purposes.

Clause 91 specifies the purposes for which the Register may be used. It also provides protection from liability arising from any notification or advice to a woman in relation to any matter included in the Register for persons acting in good faith for the purposes of the proposed Division.

Clause 92 limits the categories of persons to whom, and circumstances in which, the identifying particulars of a woman may be disclosed in conjunction with results of her cervical cancer test.

Clause 93 requires a health practitioner who, and the person in charge of a laboratory that, carries out a cervical cancer test to furnish the Pap Test Registrar (as defined in proposed section 89) with a report of the test.

Division 3 Right to anonymity

Clause 94 enables a woman who has a cervical cancer test to elect not to have her identifying particulars included in the Register and enables a woman whose identifying particulars are included in the Register to have them removed. Explanatory note page 12

Public Health Bill 2010

Explanatory note

Clause 95 makes it an offence for a health practitioner who, or person in charge of a laboratory that, carries out a cervical cancer test to provide any person with the identifying particulars of a woman who has elected that they be withheld.

Clause 96 requires a health practitioner to provide a woman with certain advice concerning inclusion of identifying particulars on the Register before carrying out a cervical cancer test on the woman.

Division 4 Other public health and disease registers

Clause 97 provides for the Minister to specify the establishment and maintenance of public health and disease registers that may be established and maintained under the proposed Part by order published in the Gazette.

Clause 98 provides for the Director-General to establish and maintain the public health and disease registers specified in an order under proposed section 97 and makes provision for the purposes for which information on such registers may be used and other matters.

Part 7 Miscellaneous health services

Division 1 Provision and promotion of health services

Clause 99 makes it an offence to advertise or promote a health service in a manner that is false or misleading or that creates or is likely to create an unjustified expectation of beneficial treatment.

Division 2 Provision of health services for which no registration is required

Clause 100 enables the regulations to prescribe codes of conduct in relation to the provision of health services where no registration as a health practitioner is required by law or it is a service that is unrelated to registration.

Division 3 Provision of health services by health

practitioners who are de-registered or subject to

prohibition orders

Clause 101 contains definitions of terms used in the proposed Division, including *de-registered health practitioner* and *prohibition order*.

Clause 102 makes it an offence for a de-registered health practitioner or health practitioner subject to a prohibition order to fail to notify a person to whom he or she intends to provide health services (or his or her parent or guardian) and, if the services is being provided as an employee, his or her employer concerning the de-registration or prohibition order.

Explanatory note page 13

Public Health Bill 2010

Explanatory note

Clause 103 makes it an offence to advertise a health service to be provided by a de-registered health practitioner or health practitioner subject to a prohibition order without giving notice of the de-registration or prohibition order.

Division 4 Nursing homes

Clause 104 requires nursing homes to be staffed by a registered nurse at all times and requires a director of nursing to be appointed.

Part 8 Enforcement of Act

Division 1 General inspections and inquiries

Clause 105 enables the Director-General to inspect any records of a public authority that relate to public health.

Clause 106 enables the Director-General to inquire into matters relating to public health, and certain other matters.

Clause 107 enables a public health officer, or an officer of the Department authorised by the Director-General, to inspect the registers kept under the *Births, Deaths and Marriages Registration Act 1995*.

Clause 108 sets out the powers of authorised officers. The powers are exercisable only if an authorised officer has a search warrant or a certificate of authority complying with the requirements of the proposed section.

Clause 109 provides for the issue of search warrants and sets out the circumstances in which a search warrant may be obtained.

Division 2 Power to demand information

Clause 110 sets out the powers of authorised officers to require a person to give answers to questions.

Clause 111 sets out the powers of authorised officers to require a person to provide information and documents.

Clause 112 sets out the powers of authorised officers to require a person to state his or her name and residential address.

Division 3 Offences

Clause 113 makes it an offence to fail to comply (without reasonable excuse) with a direction under the proposed Part.

Clause 114 outlines the effect of requirements to furnish documents or information or answer questions in relation to the privilege against self incrimination and makes it clear that a person is not guilty of an offence of failing to comply with a direction to furnish a document or information or answer a question unless the person has been warned that a failure to comply with the direction is an offence.

Explanatory note page 14

Public Health Bill 2010

Explanatory note

Clause 115 makes it an offence to impersonate an authorised officer.

Clause 116 makes it an offence to intimidate or obstruct a person exercising, or attempting to exercise, functions under the proposed Act.

Clause 117 makes provision with respect to proceedings for offences against the proposed Act.

Clause 118 provides for the issue of penalty notices for offences.

Clause 119 provides for the circumstances in which a director of a corporation that commits an offence, or a person concerned in its management, is guilty of the same offence.

Clause 120 provides for continuing offences.

Part 9 Administration

Division 1 Public health officers

Clause 121 provides for the appointment of public health officers.

Clause 122 sets out the functions of public health officers.

Clause 123 enables public health officers to give certain orders under the *Local Government Act 1993*.

Clause 124 enables public health officers to exercise functions of authorised officers under the proposed Act.

Clause 125 enables public health officers to delegate their functions.

Division 2 Authorised officers

Clause 126 provides for the appointment of authorised officers.

Clause 127 sets out the functions of authorised officers.

Part 10 Miscellaneous

Clause 128 provides for the delegation of the functions of the Chief Health Officer. **Clause 129** provides for the revocation or variation of notices and directions under

the proposed Act.

Clause 130 penalises the disclosure, without lawful excuse, of information obtained in connection with the administration of the proposed Act.

Clause 131 provides for various methods of service of notices and other documents. **Clause 132** exonerates the State and any authority of the State from liability in civil proceedings for compensation and damages arising because of the exercise, or failure to exercise, in good faith functions under the proposed Act. Clause 133 exonerates from personal liability a person acting in good faith in the execution of the proposed Act. Explanatory note page 15 Public Health Bill 2010 Explanatory note Clause 134 enables the Governor to make regulations for the purposes of the proposed Act. Clause 135 repeals the Public Health Act 1991 and the regulations under that Act. Clause 136 provides for the review of the proposed Act after 5 years. Schedule 1 Scheduled medical conditions Schedule 1 sets out the 5 categories of scheduled medical conditions. Schedule 2 Notifiable diseases Schedule 2 sets out the medical conditions which are notifiable diseases. Schedule 3 Vaccine preventable diseases Schedule 3 sets out the medical conditions which are vaccine preventable diseases. Schedule 4 Amendment of Acts Schedule 4 makes consequential amendments to various Acts. Schedule 5 Savings, transitional and other provisions Schedule 5 sets out various savings and transitional provisions.