

# **PUBLIC HEALTH (AMENDMENT) ACT 1992 No. 110**

**NEW SOUTH WALES**



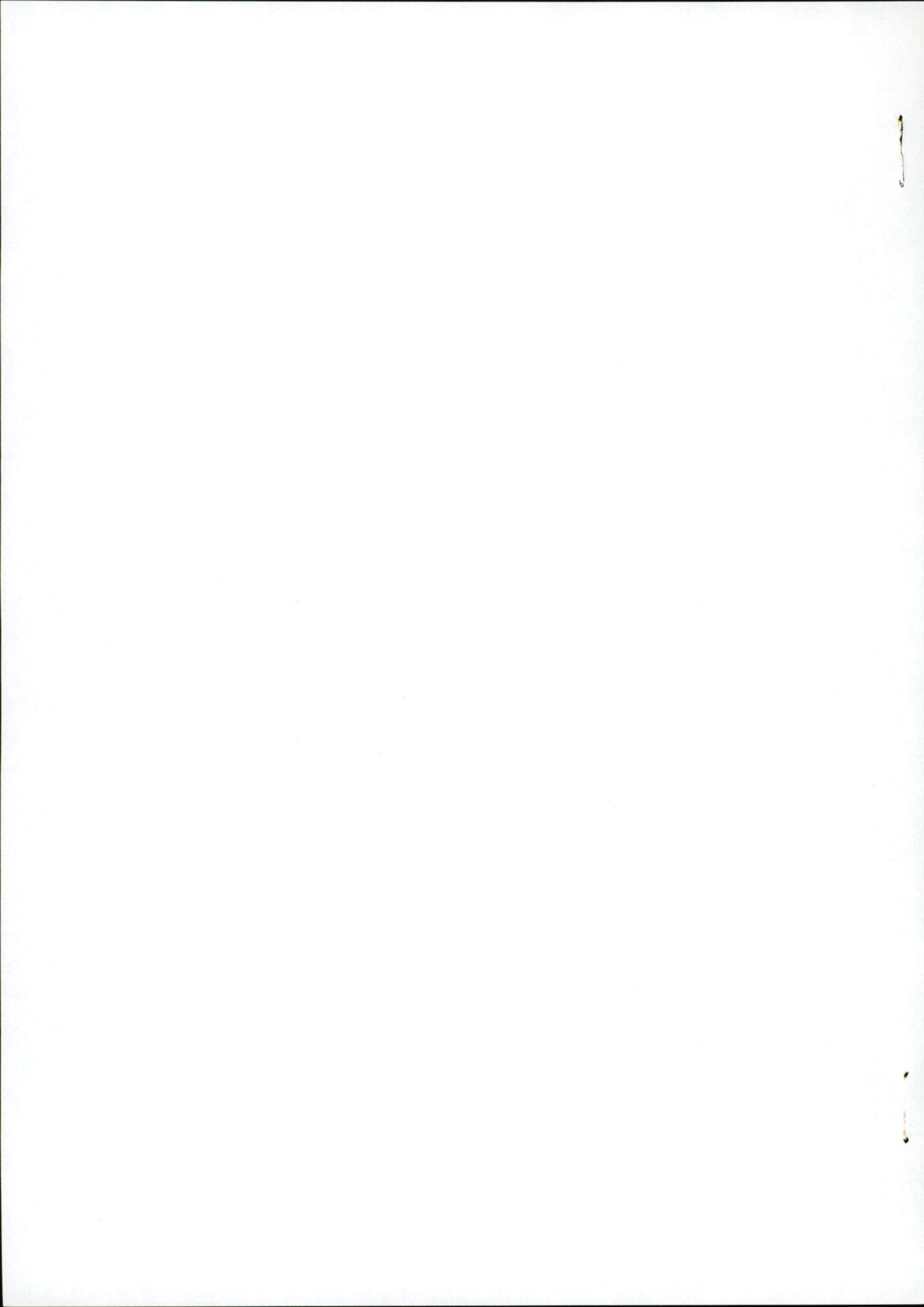
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**PUBLIC HEALTH (AMENDMENT) ACT 1992 No. 110**

**NEW SOUTH WALES**



**Act No. 110, 1992**

An Act to amend the Public Health Act 1991 for the purpose of controlling certain preventable diseases and for other purposes; and to consequentially amend the Education Reform Act 1990. [Assented to 8 December 1992]

*Public Health (Amendment) Act 1992 No. 110*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Public Health (Amendment) Act 1992.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Public Health Act 1991 No. 10**

3. The Public Health Act 1991 is amended as set out in Schedules 1 and 2.

**Consequential amendment of Education Reform Act 1990 No. 8**

4. Section 23 of the Education Reform Act 1990 is amended by inserting after subsection (3) (b) the following paragraph:

- (b1) the child was prevented from attending school because, at the relevant time, the child was excluded from the school under section 42D of the Public Health Act 1991; or

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**SCHEDULE 1—AMENDMENTS RELATING TO THE  
CONTROL OF VACCINE PREVENTABLE DISEASES**

(Sec. 3)

Part 3A:

After Part 3, insert:

**PART 3A—CONTROL OF VACCINE  
PREVENTABLE DISEASES**

**Definitions**

42A. In this Part:

“**child**” means a child of a class (such as children of a specified age group) prescribed by the regulations;

SCHEDULE 1—AMENDMENTS RELATING TO THE CONTROL  
OF VACCINE PREVENTABLE DISEASES—*continued*

“**child at risk**”, in relation to a vaccine preventable disease, means a child enrolled at a school or child care facility for whom no immunisation certificate or evidence of immunisation has been lodged or produced to the principal of the school or director of the facility which shows that the child has been immunised against, or has acquired immunity by infection from, the disease;

“**child care facility**” means:

- (a) a child care service to which Division 1 of Part 3 of the Children (Care and Protection) Act 1987 applies; or
- (b) a service or facility of a class declared by the regulations to be a child care facility for the purposes of this Part;

“**director**” of a child care facility means the person in charge of the facility;

“**immunisation**” means the process of administering to a person, either orally or parenterally, a substance registered as a vaccine in the part of the Australian Register of Therapeutic Goods maintained under section 17 of the Therapeutic Goods Act 1989 of the Commonwealth relating to registered goods;

“**immunisation certificate**” means a certificate in the approved form in which a medical practitioner, or a person of a class specified by the Director-General, certifies the immunisation status of a child, and includes a photocopy or a duplicate of such a certificate;

“**immunisation status**” of a child means whether or not the child has been immunised against, or has acquired immunity by infection from, all or specified vaccine preventable diseases;

“**parent**” of a child includes a guardian or other person having the care or custody of the child;

“**school**” means:

- (a) a government school established under the Education Reform Act 1990; or
- (b) a non-government school registered under that Act;

SCHEDULE 1—AMENDMENTS RELATING TO THE CONTROL  
OF VACCINE PREVENTABLE DISEASES—*continued*

“**vaccine preventable disease**” means measles, diphtheria, whooping cough, poliomyelitis, tetanus, mumps, rubella or any other disease specified in the regulations as a vaccine preventable disease for the purposes of this Part.

**Responsibilities of principals of schools with respect to immunisation**

42B. (1) When a child is being enrolled at a school, the principal of the school must request a parent of the child to lodge with the principal an immunisation certificate for the child, unless satisfied that the certificate can be obtained under subsection (2).

(2) If an immunisation certificate has been lodged with the principal of a school in respect of a child and the child has subsequently become enrolled at another school, the principal must, on being requested to do so by a parent of the child or the principal of the other school, forward the certificate to the principal of the other school.

(3) The principal of a school must record in the approved manner the immunisation status of each child enrolled at the school as indicated by any immunisation certificate lodged with the principal in respect of the child.

(4) For the purposes of recording the immunisation status of a child for whom no immunisation certificate has been lodged with a principal, the child is taken not to have been immunised against any of the vaccine preventable diseases.

(5) A principal must retain an immunisation certificate lodged with the principal in safe custody for such period as may be prescribed by the regulations.

(6) The medical officer of health for a medical district may, at any reasonable time:

- (a) enter any school located in the district; and
- (b) request the principal of the school to produce the immunisation certificates and records required by this section to be kept by the principal.

A principal must comply with such a request.

**SCHEDULE 1—AMENDMENTS RELATING TO THE CONTROL OF VACCINE PREVENTABLE DISEASES—*continued*****Responsibilities of directors of child care facilities with respect to immunisation**

42C. (1) When a child is being enrolled at a child care facility, and on such subsequent occasions as may be prescribed by the regulations, the director of the facility must request a parent of the child to produce to the director evidence as to the child's immunisation status, unless satisfied that the evidence can be obtained under subsection (2). The evidence to be produced under this subsection must be in an approved form.

(2) If the director of a child care facility has recorded in the register under this section the immunisation status of the child and the child has subsequently become enrolled at another child care facility, the director must, on being requested to do so by a parent of the child or the director of the other child care facility, provide that director with a copy of the entry in the register relating to the immunisation status of the child.

(3) The director of a child care facility must record in a register, kept in the approved manner, the immunisation status of each child enrolled at the facility as indicated by evidence produced in an approved form to the director in respect of the child.

(4) For the purposes of recording the immunisation status of a child for whom no evidence is produced to the director in an approved form, the child is taken not to have been immunised against any of the vaccine preventable diseases.

(5) The director of a child care facility must retain an entry in the register for such period as may be prescribed by the regulations.

(6) The medical officer of health for a medical district may, at any reasonable time:

- (a) enter any child care facility located in the district; and
- (b) request the director of the facility to produce the register required by this section.

A director must comply with such a request.

**SCHEDULE 1—AMENDMENTS RELATING TO THE CONTROL OF VACCINE PREVENTABLE DISEASES—*continued*****Duties of principals and directors when there is an outbreak of a vaccine preventable disease**

42D. (1) The principal of a school, or the director of a child care facility, must, on becoming aware that a child enrolled at the school or facility is suffering from a vaccine preventable disease, inform the medical officer of health for the medical district where the school or facility is located that the child is suffering from the disease.

(2) On being informed that a child is suffering from a vaccine preventable disease, a medical officer of health may, for the purpose of preventing the spread of the disease, direct the principal of the school, or the director of the child care facility, at which the child is enrolled to do either or both of the following:

- (a) to send or deliver to the parent of the child, and of every child at risk who is enrolled at the school or facility, a notice to the effect that, unless the requirements specified in the notice are complied with in respect of that parent's child within the period so specified, that child is to be excluded from the school or facility for the duration of the outbreak of the disease (as determined by that medical officer);
- (b) to take such other action with respect to the child suffering from the disease and the children at risk as may be specified in the direction.

(3) In giving a direction under subsection (2), a medical officer of health must comply with such guidelines as may be issued from time to time by the Director-General.

(4) On receiving a direction under subsection (2), the principal or director must comply with the direction.

(5) A principal who has sent or delivered a notice referred to in subsection (2) (a) must ensure that the child to whom the notice relates is excluded from the school or child care facility concerned for the duration of the outbreak of the disease (as determined by the medical officer of health concerned), unless the requirements specified in the notice have been complied with within the period so specified.



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SCHEDULE 1—AMENDMENTS RELATING TO THE CONTROL OF VACCINE PREVENTABLE DISEASES—*continued*

(6) Subsections (1) and (2) do not apply when the school or child care facility is closed for a public holiday or vacation, unless the school or facility would reopen before the end of the duration of the outbreak of the disease (as determined by the medical officer of health concerned).

(7) A member of the staff of a school or child care facility must not, except as provided by this section, subject a child who attends or is seeking to attend the school or facility to any detriment because of the child's immunisation status.

SCHEDULE 2—MISCELLANEOUS AMENDMENTS

(Sec. 3)

(1) Section 3 (**Definitions**):

(a) From section 3 (1), omit the definition of "approved form", insert instead:

**"approved"** means approved by the Minister;

(b) From paragraph (d) of the definition of "environmental health officer" in section 3 (1), omit "1929;", insert instead:

1929,

and also means a health surveyor employed by a local authority;

(c) From section 3 (1), omit the definition of "still-birth", insert instead:

**"still-birth"** means the birth of a child:

(a) who weighed at least 400 grams at delivery or, if the weight at delivery was unknown, was of at least 20 weeks gestation; and

(b) who has not breathed since delivery; and

(c) whose heart has not beaten since delivery.

(2) Section 6 (**Disinfection or destruction of articles**):

Omit section 6 (1) (a), insert instead:

(a) has been in contact with a person suffering from an infectious disease that is transmissible by contact with the article; or

SCHEDULE 2—MISCELLANEOUS AMENDMENTS—*continued*

(3) Section 7 (**Closure of water supply**):

Omit section 7 (1) (b), insert instead:

- (b) the Minister suspects on reasonable grounds that a risk to public health has arisen or is likely to arise because of the water.

(4) Section 14 (**Medical practitioner to notify certain scheduled medical conditions**):

At the end of section 14 (2) (c), insert:

; and

- (d) in so far as it is within the medical practitioner's ability to do so, provide the Director-General with any information requested by the Director-General as to the medical condition from which the person is or was suffering, not including information that the medical practitioner is prohibited by section 17 from disclosing.

(5) Section 16 (**Notification of test results—Category 3 medical condition**):

At the end of section 16, insert:

(3) A medical practitioner who requests a person to carry out a test referred to in subsection (1) (a) must provide the person with sufficient information to enable the person to comply with subsection (1).

(4) A medical practitioner who, without reasonable excuse, fails to comply with subsection (3) within the prescribed period is guilty of an offence.

Maximum penalty: 50 penalty units.

(6) Section 62A:

After section 62, insert:

**Appointment of acting medical officers of health**

62A. (1) The Director-General:

- (a) may, from time to time, appoint a medical practitioner to act as a medical officer of health during the illness or absence of the officer or while there is a vacancy in the office of such an officer; and
- (b) may, at any time, terminate the appointment.

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SCHEDULE 2—MISCELLANEOUS AMENDMENTS—*continued*

(2) A medical practitioner has, while acting as a medical officer of health, all the functions of the officer and is to be regarded as the officer.

(7) Section 65 (**Inspection of premises**):

- (a) In section 65 (1), after “any premises”, insert “and may make inquiries of any person found on the premises”.
- (b) From section 65 (2), omit “the power of entry and inspection conferred”, insert instead “any entry on premises for the purposes of this section and to any inspection or other action that is authorised”.

(8) Section 82 (**Regulations**):

- (a) From section 82 (2) (a), omit “scheduled medical conditions”, insert instead “risks to public health”.
- (b) After section 82 (2) (c), insert:
  - (c1) the closure of public swimming pools and public spas for any period during which they are a risk to public health;

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[*Minister's second reading speech made in—  
Legislative Assembly on 18 November 1992  
Legislative Council on 27 November 1992*]



FIRST PRINT

## PUBLIC HEALTH (AMENDMENT) BILL 1992

NEW SOUTH WALES



### EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Bill sets up a scheme for the prevention and control of certain vaccine preventable diseases, such as measles and rubella, in schools and child care facilities and makes other amendments to the Public Health Act 1991 ("the Principal Act") of a miscellaneous nature.

The object of this Bill is to amend the the Principal Act so as:

- to prescribe measures designed to prevent and control outbreaks of certain vaccine preventable diseases in schools and child care facilities;
- to designate health surveyors employed by local authorities as "environmental health officers" for the purposes of the Principal Act;
- to bring the definition of the expression "still-birth" into line with the definition of "stillborn child" contained in the Registration of Births, Deaths and Marriages Act 1973;
- to empower the Director-General, Department of Health, to order the disinfection or destruction of an article that has come into contact with a person suffering from any infectious disease (and not merely a "scheduled medical condition", as defined by the Principal Act);
- to empower the Minister to take action in respect of water found to be unfit for drinking or unfit for domestic use where the Minister suspects that a public health risk has arisen or is likely to arise because of the water (and not merely that a "scheduled medical condition", as so defined, has been caused, or may be spread, by the water);
- to require a medical practitioner who is aware that a patient has died as a result of, or while suffering from, a Category 1 or 2 medical condition (such as sudden infant death syndrome or measles) to provide information relating to the medical condition to the Director-General, Department of Health, on being requested to do so;

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- to provide that, where a medical practitioner has requested a laboratory to carry out a test in respect of one of the practitioner's patients, the practitioner must provide such information as the laboratory requires so as to enable it to send to the Director-General, Department of Health, a report as required by section 16 of the Principal Act (Notification of test results—Category 3 medical condition);
- to confer on the Governor-in-Council additional regulation making powers to prevent, mitigate and eradicate risks to public health (rather than merely "scheduled medical conditions") and to enable public swimming pools and public spas to be closed for any period during which they are a public health risk; and
- to make other changes of a minor nature.

The Bill also consequentially amends the Education Reform Act 1990 so that, if a child has been excluded from a school under section 42D of the Public Health Act 1991 (as proposed to be inserted by this Bill), a parent of the child will have a good defence if charged with an offence against section 23 of the Education Reform Act (Offence to fail to send child to school).

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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 fixed by proclamation.

Clause 3 gives effect to Schedules 1 and 2. Schedule 1 contains amendments to the Principal Act designed to prevent certain vaccine preventable diseases from spreading among children enrolled at schools and child care facilities. Schedule 2 contains amendments to that Act that are of a miscellaneous nature.

Clause 4 amends section 23 of the Education Reform Act 1990 (Offence to fail to send child to school). The amendment is consequential on the amendments contained in Schedule 1. A parent of a child who is enrolled at a school will have a good defence to a charge brought under that section where the child is temporarily excluded from the school in accordance with those amendments.

Schedule 1 inserts proposed Part 3A into the Principal Act. The Part, which will apply to children of a prescribed class (such as children of specified age groups), contains the following provisions:

- Section 42A, which defines the expressions "child", "child at risk", "child care facility", "director" (of a child care facility), "immunisation", "immunisation certificate", "immunisation status", "parent", "school" and "vaccine preventable disease" for the purposes of the proposed Part;
- Section 42B, which will require the principal of a school to request the parent of a child (as defined in proposed section 42A) to lodge an immunisation certificate for the child when the child is enrolled at the school;
- Section 42C, which will require the director of a child care facility to keep a register for the purposes of the proposed Part and will require the director to request the parent of a child to produce evidence of the immunisation status of the child when the child is enrolled at the facility and on such subsequent occasions as may be prescribed by regulation;

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- Section 42D, which will, among other things, require the principal of a school or a director of a child care facility to notify the local medical officer of health on becoming aware that any child enrolled at the school or facility is suffering from a vaccine preventable disease and, if the medical officer of health so directs, to do either or both of the following:
  - (a) to notify a parent of the child, and parents of any other children enrolled at the school or facility who are, because of those children's immunisation status, at risk of being infected with the disease, that the children are to be excluded from attending the school or facility during the outbreak of the disease (as determined by that medical officer);
  - (b) to take such other action as may be specified in the direction (such as segregating children at risk from other children).

Schedule 2 (1) amends section 3 of the Principal Act (Definitions) by replacing the definition of "approved form" with a definition of "approved", by extending the definition of "environmental health officer" to include health surveyors employed by local authorities and by replacing the definition of "still-birth" with a new definition that is in line with the definition of "stillborn child" contained in the Registration of Births, Deaths and Marriages Act 1973.

Schedule 2 (2) amends section 6 of the Principal Act (Disinfection or destruction of articles) so as to empower the Director-General, Department of Health, to order the disinfection or destruction of an article that has come into contact with a person suffering from any infectious disease (and not merely as is presently the case a "scheduled medical condition", as defined in section 3 of the Principal Act).

Schedule 2 (3) amends section 7 of the Principal Act (Closure of water supply) so as to empower the Minister to take action in respect of water found unfit for drinking or for domestic use where the Minister suspects that a public health risk has arisen or is likely to arise because of the water (and not merely that a "scheduled medical condition", as defined in section 3 of the Principal Act, has been caused, or may be spread, by the water).

Schedule 2 (4) amends section 14 of the Principal Act (Medical practitioner to notify certain scheduled medical conditions) so as to require a medical practitioner who is aware that a patient has died as a result of, or while suffering from, a Category 1 or 2 medical condition (such as sudden infant death syndrome or measles) to provide information to the Director-General as to that condition on being requested to do so.

Schedule 2 (5) amends section 16 of the Principal Act (Notification of test results—Category 3 medical condition) so as to provide that, where a medical practitioner has requested a laboratory to carry out a test in respect of one of the practitioner's patients, the practitioner must provide the laboratory with such information as it needs to enable it to comply with section 16 of the Principal Act (which requires the Director-General, Department of Health, to be notified if it is found that a person is suffering from a Category 3 medical condition, such as cholera or gonorrhoea).

Schedule 2 (6) inserts into the Principal Act proposed section 62A, which will empower the Director-General, Department of Health, to appoint a medical practitioner to act in the place of a medical officer of health who is absent on leave or through illness or for any other reason.

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Schedule 2 (7) amends section 65 of the Principal Act (Inspection of premises) so as to make it clear that medical officers of health have power to make inquiries of persons found on premises which they have entered for the purposes of that Act.

Schedule 2 (8) amends section 82 of the Principal Act (Regulations) so as to confer on the Governor-in-Council additional regulation making powers:

- to prevent, mitigate and eradicate risks to public health (rather than is presently the case just "scheduled medical conditions"); and
  - to enable public swimming pools and public spas to be closed for any period during which they are a risk to public health.
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FIRST PRINT

**PUBLIC HEALTH (AMENDMENT) BILL 1992**

NEW SOUTH WALES



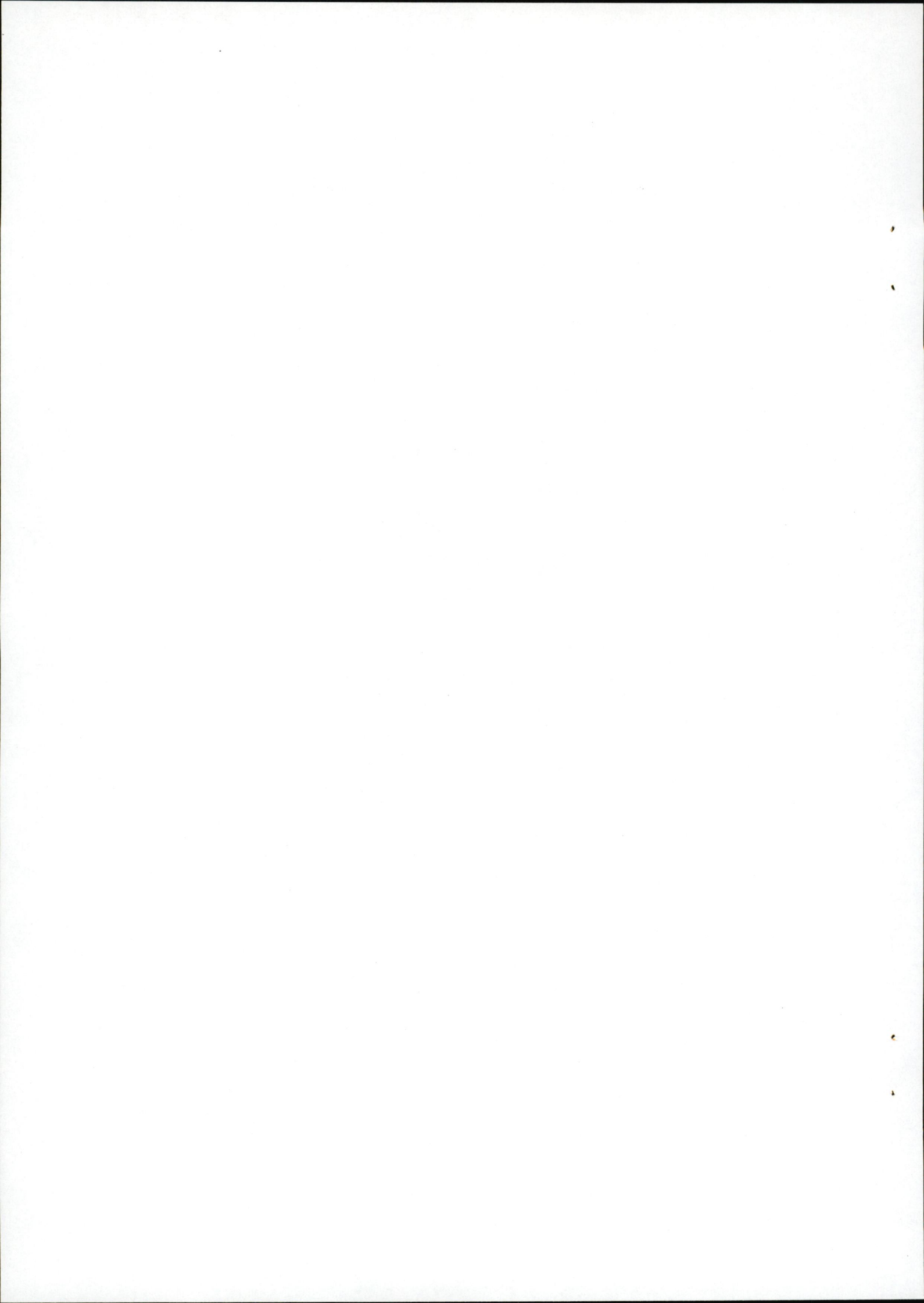
**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Public Health Act 1991 No. 10
4. Consequential amendment of Education Reform Act 1990 No. 8

**SCHEDULE 1—AMENDMENTS RELATING TO THE CONTROL OF VACCINE  
PREVENTABLE DISEASES**

**SCHEDULE 2—MISCELLANEOUS AMENDMENTS**

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**PUBLIC HEALTH (AMENDMENT) BILL 1992**

NEW SOUTH WALES



No.           , 1992

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**A BILL FOR**

An Act to amend the Public Health Act 1991 for the purpose of controlling certain preventable diseases and for other purposes; and to consequentially amend the Education Reform Act 1990.

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*Public Health (Amendment) 1992***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Public Health (Amendment) Act 1992.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of Public Health Act 1991 No. 10**

3. The Public Health Act 1991 is amended as set out in Schedules 1 and 2.

**Consequential amendment of Education Reform Act 1990 No. 8**

4. Section 23 of the Education Reform Act 1990 is amended by inserting after subsection (3) (b) the following paragraph:
- (b1) the child was prevented from attending school because, at the relevant time, the child was excluded from the school under section 42D of the Public Health Act 1991; or

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**SCHEDULE 1—AMENDMENTS RELATING TO THE CONTROL OF VACCINE PREVENTABLE DISEASES**

(Sec. 3)

## Part 3A:

- After Part 3, insert:

**PART 3A—CONTROL OF VACCINE PREVENTABLE DISEASES**

**Definitions**

42A. In this Part:

- “child” means a child of a class (such as children of a specified age group) prescribed by the regulations;

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 SCHEDULE 1—AMENDMENTS RELATING TO THE CONTROL  
 OF VACCINE PREVENTABLE DISEASES—*continued*

- “**child at risk**”, in relation to a vaccine preventable disease, means a child enrolled at a school or child care facility for whom no immunisation certificate or evidence of immunisation has been lodged or produced to the principal of the school or director of the facility which shows that the child has been immunised against the disease; 5
- “**child care facility**” means: 10
- (a) a child care service to which Division 1 of Part 3 of the Children (Care and Protection) Act 1987 applies; or
  - (b) a service or facility of a class declared by the regulations to be a child care facility for the purposes of this Part; 15
- “**director**” of a child care facility means the person in charge of the facility;
- “**immunisation**” means the process of administering to a person, either orally or parenterally, a substance registered as a vaccine in the part of the Australian Register of Therapeutic Goods maintained under section 17 of the Therapeutic Goods Act 1989 of the Commonwealth relating to registered goods; 20
- “**immunisation certificate**” means a certificate in the approved form in which a medical practitioner, or a person of a class specified by the Director-General, certifies the immunisation status of a child, and includes a photocopy or a duplicate of such a certificate; 25
- “**immunisation status**” of a child means whether or not the child has been immunised against all or specified vaccine preventable diseases; 30
- “**parent**” of a child includes a guardian or other person having the care or custody of the child;
- “**school**” means: 35
- (a) a government school established under the Education Reform Act 1990; or
  - (b) a non-government school registered under that Act;

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SCHEDULE 1—AMENDMENTS RELATING TO THE CONTROL  
OF VACCINE PREVENTABLE DISEASES—*continued*

5           “vaccine preventable disease” means measles,  
          diphtheria, whooping cough, poliomyelitis, tetanus,  
          mumps, rubella or any other disease specified in the  
          regulations as a vaccine preventable disease for the  
          purposes of this Part.

**Responsibilities of principals of schools with respect to  
immunisation**

10           42B. (1) When a child is being enrolled at a school, the  
          principal of the school must request a parent of the child to  
          lodge with the principal an immunisation certificate for the  
          child, unless satisfied that the certificate can be obtained  
          under subsection (2).

15           (2) If an immunisation certificate has been lodged with the  
          principal of a school in respect of a child and the child has  
          subsequently become enrolled at another school, the principal  
          must, on being requested to do so by a parent of the child or  
          the principal of the other school, forward the certificate to the  
20           principal of the other school.

          (3) The principal of a school must record in the approved  
          manner the immunisation status of each child enrolled at the  
          school as indicated by any immunisation certificate lodged  
          with the principal in respect of the child.

25           (4) For the purposes of recording the immunisation status  
          of a child for whom no immunisation certificate has been  
          lodged with a principal, the child is taken not to have been  
          immunised against any of the vaccine preventable diseases.

30           (5) A principal must retain an immunisation certificate  
          lodged with the principal in safe custody for such period as  
          may be prescribed by the regulations.

          (6) The medical officer of health for a medical district  
          may, at any reasonable time:

- 35           (a) enter any school located in the district; and  
          (b) request the principal of the school to produce the  
          immunisation certificates and records required by this  
          section to be kept by the principal.

A principal must comply with such a request.

*Public Health (Amendment) 1992*


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 SCHEDULE 1—AMENDMENTS RELATING TO THE CONTROL  
 OF VACCINE PREVENTABLE DISEASES—*continued*
**Responsibilities of directors of child care facilities with respect to immunisation**

42C. (1) When a child is being enrolled at a child care facility, and on such subsequent occasions as may be prescribed by the regulations, the director of the facility must request a parent of the child to produce to the director evidence as to the child's immunisation status, unless satisfied that the evidence can be obtained under subsection (2). The evidence to be produced under this subsection must be in an approved form. 5  
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(2) If the director of a child care facility has recorded in the register under this section the immunisation status of the child and the child has subsequently become enrolled at another child care facility, the director must, on being requested to do so by a parent of the child or the director of the other child care facility, provide that director with a copy of the entry in the register relating to the immunisation status of the child. 15  
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(3) The director of a child care facility must record in a register, kept in the approved manner, the immunisation status of each child enrolled at the facility as indicated by evidence produced in an approved form to the director in respect of the child. 25

(4) For the purposes of recording the immunisation status of a child for whom no evidence is produced to the director in an approved form, the child is taken not to have been immunised against any of the vaccine preventable diseases.

(5) The director of a child care facility must retain an entry in the register for such period as may be prescribed by the regulations. 30

(6) The medical officer of health for a medical district may, at any reasonable time:

- (a) enter any child care facility located in the district; and 35
- (b) request the director of the facility to produce the register required by this section.

A director must comply with such a request.

*Public Health (Amendment) 1992*

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SCHEDULE 1—AMENDMENTS RELATING TO THE CONTROL  
OF VACCINE PREVENTABLE DISEASES—*continued*

**Duties of principals and directors when there is an  
outbreak of a vaccine preventable disease**

5           42D. (1) The principal of a school, or the director of a  
child care facility, must, on becoming aware that a child  
enrolled at the school or facility is suffering from a vaccine  
preventable disease, inform the medical officer of health for  
10           the medical district where the school or facility is located that  
the child is suffering from the disease.

(2) On being informed that a child is suffering from a  
vaccine preventable disease, a medical officer of health may,  
for the purpose of preventing the spread of the disease, direct  
15           the principal of the school, or the director of the child care  
facility, at which the child is enrolled to do either or both of  
the following:

(a) to send or deliver to the parent of the child, and of  
every child at risk who is enrolled at the school or  
20           facility, a notice to the effect that, unless the  
requirements specified in the notice are complied with  
in respect of that parent's child within the period so  
specified, that child is to be excluded from the school  
or facility for the duration of the outbreak of the  
disease (as determined by that medical officer);

25           (b) to take such other action with respect to the child  
suffering from the disease and the children at risk as  
may be specified in the direction.

(3) In giving a direction under subsection (2), a medical  
officer of health must comply with such guidelines as may be  
30           issued from time to time by the Director-General.

(4) On receiving a direction under subsection (2), the  
principal or director must comply with the direction.

35           (5) A principal who has sent or delivered a notice referred  
to in subsection (2) (a) must ensure that the child to whom  
the notice relates is excluded from the school or child care  
facility concerned for the duration of the outbreak of the  
disease (as determined by the medical officer of health  
concerned), unless the requirements specified in the notice  
have been complied with within the period so specified.



*Public Health (Amendment) 1992*

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**SCHEDULE 1—AMENDMENTS RELATING TO THE CONTROL  
OF VACCINE PREVENTABLE DISEASES—*continued***

(6) Subsections (1) and (2) do not apply when the school or child care facility is closed for a public holiday or vacation, unless the school or facility would reopen before the end of the duration of the outbreak of the disease (as determined by the medical officer of health concerned).

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**SCHEDULE 2—MISCELLANEOUS AMENDMENTS**

(Sec. 3)

- (1) Section 3 (**Definitions**): 10
- (a) From section 3 (1), omit the definition of “approved form”, insert instead:
- “approved”** means approved by the Minister;
- (b) From paragraph (d) of the definition of “environmental health officer” in section 3 (1), omit “1929;”, insert instead: 15
- 1929,
- and also means a health surveyor employed by a local authority;
- (c) From section 3 (1), omit the definition of “still-birth”, insert instead: 20
- “still-birth”** means the birth of a child:
- (a) who weighed at least 400 grams at delivery or, if the weight at delivery was unknown, was of at least 20 weeks gestation; and
- (b) who has not breathed since delivery; and 25
- (c) whose heart has not beaten since delivery.
- (2) Section 6 (**Disinfection or destruction of articles**):
- Omit section 6 (1) (a), insert instead:
- (a) has been in contact with a person suffering from an infectious disease that is transmissible by contact with the article; or 30
- (3) Section 7 (**Closure of water supply**):
- Omit section 7 (1) (b), insert instead:
- (b) the Minister suspects on reasonable grounds that a risk to public health has arisen or is likely to arise because of the water. 35

*Public Health (Amendment) 1992*SCHEDULE 2—MISCELLANEOUS AMENDMENTS—*continued*(4) Section 14 (**Medical practitioner to notify certain scheduled medical conditions**):

At the end of section 14 (2) (c), insert:

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; and

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(d) in so far as it is within the medical practitioner's ability to do so, provide the Director-General with any information requested by the Director-General as to the medical condition from which the person is or was suffering, not including information that the medical practitioner is prohibited by section 17 from disclosing.

(5) Section 16 (**Notification of test results—Category 3 medical condition**):

At the end of section 16, insert:

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(3) A medical practitioner who requests a person to carry out a test referred to in subsection (1) (a) must provide the person with sufficient information to enable the person to comply with subsection (1).

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(4) A medical practitioner who, without reasonable excuse, fails to comply with subsection (3) within the prescribed period is guilty of an offence.

Maximum penalty: 50 penalty units.

## (6) Section 62A:

After section 62, insert:

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**Appointment of acting medical officers of health**

62A. (1) The Director-General:

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(a) may, from time to time, appoint a medical practitioner to act as a medical officer of health during the illness or absence of the officer or while there is a vacancy in the office of such an officer; and

(b) may, at any time, terminate the appointment.

(2) A medical practitioner has, while acting as a medical officer of health, all the functions of the officer and is to be regarded as the officer.

*Public Health (Amendment) 1992*

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SCHEDULE 2—MISCELLANEOUS AMENDMENTS—*continued*

(7) Section 65 (**Inspection of premises**):

(a) In section 65 (1), after “any premises”, insert “and may make inquiries of any person found on the premises”.

(b) From section 65 (2), omit “the power of entry and inspection conferred”, insert instead “any entry on premises for the purposes of this section and to any inspection or other action that is authorised”. 5

(8) Section 82 (**Regulations**):

(a) From section 82 (2) (a), omit “scheduled medical conditions”, insert instead “risks to public health”. 10

(b) After section 82 (2) (c), insert:

(c1) the closure of public swimming pools and public spas for any period during which they are a risk to public health; 15

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**PUBLIC HEALTH AMENDMENT BILL 1992.**  
**SECOND READING SPEECH FOR MINISTER**

MR PRESIDENT,

THE PUBLIC HEALTH AMENDMENT BILL AMENDS THE PUBLIC HEALTH ACT 1991. GENERALLY THESE AMENDMENTS WILL PROVIDE:

- \* MEASURES DESIGNED TO PREVENT AND CONTROL OUTBREAKS OF CERTAIN VACCINE PREVENTABLE DISEASES IN SCHOOLS AND CHILDCARE FACILITIES;
- \* THAT LOCAL COUNCIL HEALTH SURVEYORS BE DESIGNATED AS ENVIRONMENTAL HEALTH OFFICERS FOR THE PURPOSE OF THE PUBLIC HEALTH ACT 1991;
- \* THAT THE DEFINITION OF THE EXPRESSION "STILL-BIRTH" BE BROUGHT INTO LINE WITH THE REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES ACT 1973;
- \* THE DIRECTOR-GENERAL OF HEALTH WITH POWER TO ORDER THE DISINFECTION OR DESTRUCTION OF AN ARTICLE THAT HAS COME INTO CONTACT WITH A PERSON SUFFERING FROM ANY INFECTIOUS DISEASE;
- \* THE MINISTER FOR HEALTH WITH POWER TO TAKE ACTION IN RESPECT OF WATER FOUND TO BE UNFIT FOR DRINKING OR FOR DOMESTIC USE WHERE THE MINISTER SUSPECTS THAT A PUBLIC HEALTH RISK HAS ARISEN OR IS LIKELY TO ARISE BECAUSE OF THE WATER;



- \* THAT THE DIRECTOR-GENERAL BE ABLE TO AUTHORISE A MEDICAL PRACTITIONER TO TEMPORARILY ACT AS MEDICAL OFFICER OF HEALTH DURING THE ABSENCE OF THE NOMINATED MEDICAL OFFICER OF HEALTH FOR THAT DISTRICT.
  
- \* THAT A MEDICAL PRACTITIONER IS TO PROVIDE INFORMATION IN RELATION TO A MEDICAL CONDITION WHICH HAS BEEN NOTIFIED, WHERE REQUESTED BY THE DIRECTOR-GENERAL.
  
- \* THAT WHERE A MEDICAL PRACTITIONER HAS REQUESTED A LABORATORY TO CARRY OUT A TEST IN RESPECT OF ONE OF THE PRACTITIONER'S PATIENTS, THE PRACTITIONER MUST PROVIDE SUCH INFORMATION AS THE LABORATORY REQUIRES SO AS TO ENABLE IT TO SEND TO THE DIRECTOR-GENERAL OF HEALTH A REPORT AS REQUIRED BY SECTION 16 OF THE PUBLIC HEALTH ACT 1991;
  
- \* CONFER ON THE GOVERNOR-IN-COUNCIL ADDITIONAL REGULATION MAKING POWERS TO PREVENT, MITIGATE AND ERADICATE RISKS TO PUBLIC HEALTH AND TO ENABLE PUBLIC SWIMMING POOLS AND SPAS TO BE CLOSED FOR ANY PERIOD DURING WHICH THEY ARE A HEALTH RISK.

THE BILL ALSO CONSEQUENTLY AMENDS THE EDUCATION REFORM ACT 1990 SO THAT IF A CHILD HAS BEEN EXCLUDED FROM A SCHOOL OR A CHILD CARE FACILITY AS PROPOSED BY THIS BILL, A PARENT OF THE CHILD WILL HAVE A GOOD DEFENCE IF CHARGED WITH AN OFFENCE AGAINST SECTION 23 OF THE





EDUCATION REFORM ACT, THAT IS, THE OFFENCE TO FAIL TO SEND THE CHILD TO SCHOOL.

MR PRESIDENT, THE PROPOSED IMMUNISATION SCHEME DOES NOT IMPOSE COMPULSORY IMMUNISATION AND PARENTS WILL RETAIN A CHOICE OVER WHETHER OR NOT TO IMMUNISE THEIR CHILDREN. UNDER THE PROPOSED SCHEME IN NEW SOUTH WALES, PARENTS WILL BE ENCOURAGED TO HAVE THEIR CHILDREN IMMUNISED AND WILL BE REQUIRED TO PRODUCE DOCUMENTED EVIDENCE OF IMMUNISATION STATUS. IN THIS WAY, IN THE EVENT OF A DISEASE OUTBREAK THE CHILDREN AT RISK WILL BE IMMEDIATELY IDENTIFIABLE AND WILL BE REQUIRED TO REMAIN AT HOME FOR THE DURATION OF THE OUTBREAK.

THE SCHEME WILL APPLY TO CHILDREN ENROLLING IN THE KINDERGARTEN CLASS OF SCHOOL AND TO CHILDREN ENROLLING IN CHILDCARE FACILITIES AND PRE-SCHOOLS DURING 1993 FOR THE START OF THE 1994 SCHOOL YEAR. THE POLICY OF EXCLUDING UNIMMUNISED CHILDREN WILL BE IMPLEMENTED DURING THE 1994 SCHOOL YEAR.

MR PRESIDENT, THE COMBINED EFFECT OF THESE AMENDMENTS IS TO IMPROVE AN ALREADY EFFECTIVE PIECE OF PUBLIC INTEREST LEGISLATION.

I COMMEND THE BILL TO THE HOUSE.

