



New South Wales

Public Health Legislation Amendment Regulation 1997

under the
Public Health Act 1991

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 1991*.

ANDREW REFSHAUGE, M.P.,
Deputy Premier and Minister for Health

Explanatory note

The object of this Regulation is to require the particulars of certain medical conditions affecting children to be notified to the Department of Health in accordance with the *Public Health Act 1991*. The medical conditions concerned are congenital malformations, cystic fibrosis, hypothyroidism, thalassaemia major and phenylketonuria.

The Regulation amends the list of scheduled medical conditions in Schedule 1 to the Act so that:

- (a) if a child under the age of 1 year has such a condition or a woman is pregnant with a child having such a condition, the medical condition must be recorded by a medical practitioner and notified to the Department of Health in accordance with section 14 of the Act and the regulations, and
- (b) if a medical practitioner requests a laboratory test for the purpose of determining whether a person has such a medical condition, or whether a woman is pregnant with a child having such a medical condition, the person who certifies the result of the test must report on the test to the Department of Health in accordance with section 16 of the Act and the regulations.

1997 No 572

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Explanatory note

The Regulation makes congenital malformations, cystic fibrosis, hypothyroidism, thalassaemia major and phenylketonuria in children under the age of 1 year, and pregnancy with a child having such a condition, notifiable diseases under Schedule 3 to the Act. The effect of this amendment is that the chief executive officer of a hospital must provide information to the Department of Health concerning any patient at the hospital who has such a condition or had such a condition during the person's stay in hospital in accordance with section 69 of the Act and the regulations.

The Regulation also amends the *Public Health Regulation 1991* to prescribe certain tests and forms in connection with the new notification obligations under the Act.

The Regulation adopts a publication by reference (see Schedule 1, definition of congenital malformation).

This Regulation is made under the *Public Health Act 1991*, including sections 14 (Medical practitioner to notify certain scheduled medical conditions), 16 (Notification of test results-Category 3 medical condition), 69 (Chief Executive Officer to provide information), 80 (Amendment of Schedules) and 82 (the general regulation-making power).

Public Health Legislation Amendment Regulation 1997

1 Name of Regulation

This Regulation is the *Public Health Legislation Amendment Regulation 1997*.

2 Commencement

This Regulation commences on 1 January 1998.

3 Amendment of Public Health Act 1991

The *Public Health Act 1991* is amended as set out in Schedule 1.

4 Amendment of Public Health Regulation 1991

The *Public Health Regulation 1991* is amended as set out in Schedule 2.

5 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment of Public Health Act 1991

(Clause 3)

[1] Schedule 1 Scheduled medical conditions

Insert in Category 1 of Schedule 1, in appropriate order, the following medical conditions:

Congenital malformation (as described in the “Manual of the International Statistical Classification of Diseases, Injuries, and Causes of Death” published by the World Health Organization, Geneva) in a child under the age of 1 year

Cystic fibrosis in a child under the age of 1 year

Hypothyroidism in a child under the age of 1 year

Thalassaemia major in a child under the age of 1 year

Phenylketonuria in a child under the age of 1 year

Pregnancy with a child having a congenital malformation (as described in the “Manual of the International Statistical Classification of Diseases, Injuries, and Causes of Death” published by the World Health Organization, Geneva), cystic fibrosis, hypothyroidism, thalassaemia major or phenylketonuria

[2] Schedule 1, Category 3

Insert in Category 3 of Schedule 1, in appropriate order, the following medical conditions:

Congenital malformation (as described in the “Manual of the International Statistical Classification of Diseases, Injuries, and Causes of Death” published by the World Health Organization, Geneva)

Cystic fibrosis

Hypothyroidism

Thalassaemia major

Phenylketonuria

Pregnancy with a child having a congenital malformation (as described in the “Manual of the International Statistical Classification of Diseases, Injuries, and Causes of Death” published by the World Health Organization, Geneva), cystic fibrosis, hypothyroidism, thalassaemia major or phenylketonuria

[3] Schedule 3 Notifiable diseases

Insert in Schedule 3 in appropriate order, the following:

Congenital malformation (as described in the “Manual of the International Statistical Classification of Diseases, Injuries, and Causes of Death” published by the World Health Organization, Geneva) in a child under the age of 1 year

Cystic fibrosis in a child under the age of 1 year

Hypothyroidism in a child under the age of 1 year

Thalassaemia major in a child under the age of 1 year

Phenylketonuria in a child under the age of 1 year

Pregnancy with a child having a congenital malformation (as described in the “Manual of the International Statistical Classification of Diseases, Injuries, and Causes of Death” published by the World Health Organization, Geneva), cystic fibrosis, hypothyroidism, thalassaemia major or phenylketonuria

Schedule 2 Amendment of Public Health Regulation 1991

(Clause 4)

[1] Clause 5 Records of scheduled medical conditions

Insert at the end of clause 5:

- (f) in relation to a congenital malformation, cystic fibrosis, hypothyroidism, thalassaemia major or phenylketonuria in a child under the age of 1 year or pregnancy with a child having a congenital malformation, cystic fibrosis, hypothyroidism, thalassaemia major or phenylketonuria—the particulars required for the completion of the “NSW Birth Defects Register Notification of Birth Defect Form” or the “NSW Birth Defects Register Notification of Pregnancy with a Baby Affected by Congenital Malformation Form”, as applicable, both published by the Department.

[2] Clause 6AA

Insert after clause 6:

6AA Notification of test results—prescribed tests

For the purposes of section 16 (1) (a) of the Act, the following are prescribed tests:

- (a) a chromosomal study,
- (b) a globin analysis,
- (c) a DNA mutation analysis.

[3] Clause 81 Particulars of notifiable diseases

Omit clause 81 (b). Insert instead:

- (b) concerning children under the age of 1 year who have a congenital malformation, cystic fibrosis, hypothyroidism, thalassaemia major or phenylketonuria or persons who are or were pregnant with a child having a congenital malformation, cystic fibrosis, hypothyroidism,

thalassaemia major or phenylketonuria—with the particulars required for the completion of the “NSW Birth Defects Register Notification of Birth Defect Form” or the “NSW Birth Defects Register Notification of Pregnancy with a Baby Affected by Congenital Malformation Form”, as applicable, both published by the Department, or

- (c) concerning persons who have any other notifiable disease—with the particulars required for the completion of the “Doctor/Hospital Notification Form” published by the Department.