



New South Wales

Public Health Amendment (Review) Bill 2017

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Public Health Act 2010* as a result of the statutory review of that Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Public Health Act 2010 No 127

Miscellaneous

Schedule 1 [1] amends section 3 of the Act to insert an object of the Act relating to the monitoring of diseases and conditions affecting public health.

Schedule 1 [2] extends the responsibilities of local government authorities to include taking appropriate measures, in relation to their areas, to ensure compliance with the requirements of the Act in relation to private water suppliers and water carters. **Schedule 1 [3]** inserts definitions of *private water supplier* and *water carter*.

Schedule 1 [5] amends the definition of *occupier* of premises to include, for the purposes of provisions relating to legionella control, the owners corporation of premises under a strata scheme, but only if an air-handling system or a water-cooling system is installed on the premises.

Schedule 1 [4] makes a consequential amendment.

Schedule 1 [6] amends the definition of *skin penetration procedure* to include procedures that penetrate a mucous membrane.

Schedule 1 [7] amends section 25 of the Act to create an offence (with a maximum penalty of \$5,500 for an individual or \$27,500 for a corporation) for a supplier of drinking water not to have a quality assurance program. **Schedule 1 [8]** creates an offence (with a maximum penalty of \$5,500 for an individual or \$27,500 for a corporation) for a supplier of drinking water not to comply with the supplier's quality assurance program and an offence (with a maximum penalty of \$2,750 for an individual or \$13,750 for a corporation) for a supplier of drinking water not to provide the Secretary with a copy of the supplier's quality assurance program. **Schedule 1 [9]** enables the regulations to prescribe matters that are to be included in a quality assurance program.

Schedule 1 [10]–[12] amend the definitions of *public swimming pool or spa pool* and *swimming pool* to include a pool situated on private residential premises (but only if that pool is used for commercial purposes), a water play park, an interactive water feature or fountain, and any other pool or spa pool declared by the regulations to be a public swimming pool or spa pool.

Schedule 1 [13] inserts proposed section 39A to make it an offence (with a maximum penalty of \$11,000 or imprisonment for 6 months, or both) for any person other than a medical practitioner or a person, or a person belonging to a class of persons, prescribed by the regulations to carry out eyeball tattooing.

Schedule 1 [32] substitutes section 79 of the Act to create an offence (with a maximum penalty of \$11,000 or imprisonment for 6 months, or both) if a person who knows that he or she has a notifiable disease, or a scheduled medical condition, that is sexually transmissible fails to take reasonable precautions against spreading the disease or condition. The proposed amendment also increases the maximum penalty (from \$5,500 to \$11,000 or imprisonment for 6 months, or both) for the existing offence of an owner or occupier of a building or place knowingly permitting another person to have sexual intercourse that contravenes section 79 at the building or place for the purpose of prostitution.

Schedule 1 [55] inserts proposed section 130A to provide that the Secretary and any person who, on behalf of the Secretary, holds information that has been provided to the Secretary under Part 4 or 5 of the Act cannot be compelled in any proceedings (other than proceedings under the Act) to produce or to give evidence in relation to that information. However, the Secretary may consent to the disclosure of that information for the purpose of any legal proceedings.

Schedule 1 [57] amends section 134 of the Act to insert a power to make regulations requiring the payment of specified fees in relation to the exercise by local government authorities and authorised officers of functions under the Act.

Provision of medical information to Secretary

Schedule 1 [16] amends section 54 of the Act to require any medical practitioner involved in the treatment of a person in relation to a Category 1 or 2 condition to provide the Secretary, at the Secretary's request, with such information as is necessary to complete or correct a certificate provided under that section, as well as such other information concerning the person's medical condition and transmission and risk factors as is available to the medical practitioner. **Schedule 1 [17]** makes a consequential amendment.

Schedule 1 [18] amends section 55 of the Act to enable the regulations to prescribe classes of persons who may request the carrying out of a pathology test to determine whether a person has a Category 3 condition.

Schedule 1 [19] amends section 55 of the Act to enable the Secretary to request certain information from any medical practitioner involved in the treatment of a person with a Category 3 condition at any time, rather than only after receiving a report that appears to be incomplete or incorrect. It also creates an offence (with a maximum penalty of \$5,500) for a registered medical practitioner to fail to comply with such a request without reasonable excuse.

Schedule 1 [20] amends section 56 of the Act to make it clear that a medical practitioner must not include a patient's name or address in a certificate or information provided under section 54 or 55 if the condition to which the certificate or information relates is a Category 5 condition.

Schedule 1 [21] amends section 56 of the Act to make it clear that a person may disclose certain Category 5 condition information to another person who is involved in the provision of care, treatment or counselling to the person to whom the information relates. **Schedule 1 [22]** inserts a note referring to the limitation on the use and disclosure of health information under the *Health Records and Information Privacy Act 2002*.

Schedule 1 [23] inserts proposed section 61 (6) to make it an offence (with a maximum penalty of \$5,500) for a medical practitioner to fail to provide the Secretary with a report of an examination of a person under section 61 of the Act in relation to a Category 4 or 5 condition.

Schedule 1 [33] amends section 83 of the Act to require any medical practitioner involved in the treatment of a person in relation to a notifiable disease to provide the Secretary, at the Secretary's request, with such information as is necessary to complete or correct information provided under that section, as well as such other information concerning the person's medical condition and transmission and risk factors as is available to the medical practitioner. The proposed amendment also makes it an offence (with a maximum penalty of \$5,500) for a registered medical practitioner to fail to comply with the requirements of that section without reasonable excuse.

Public health orders

Schedule 1 [24] amends section 62 of the Act to enable an authorised medical practitioner to make a public health order (a *contact order*) in respect of a person if satisfied, on reasonable grounds, that the person has been exposed to a contact order condition, is at risk of developing the condition and, because of the way the person behaves, may be a risk to public health. **Schedule 1 [14]** inserts a definition of *contact order condition* in section 51 of the Act to mean a medical condition listed in Schedule 1A to the Act. **Schedule 1 [58]** inserts proposed Schedule 1A to specify the contact order conditions and their corresponding expiry periods. **Schedule 1 [15]** enables the Minister to amend or substitute proposed Schedule 1A by the making of an order.

Schedule 1 [25] provides that a contact order expires at the end of the period specified for the relevant condition after it is served on the person. **Schedule 1 [29] and [30]** amend sections 63 and 64 of the Act, respectively, to extend those provisions to contact orders, with the effect that such an order expires after 3 business days unless, before it expires, the person is served with a copy of an application for its confirmation under section 64 of the Act.

Schedule 1 [26] and [27] amend section 62 (3) of the Act to provide that a public health order may require the person subject to the order to undergo specified treatment at a specified place or otherwise; to notify the Secretary of other persons with whom the person has been in contact within a specified period; to notify the Secretary if the person displays any specified signs or symptoms; and, in relation to a person subject to a contact order, to undergo specified testing for the condition.

Schedule 1 [28] substitutes section 62 (4) and (5) of the Act to enable a public health order to be made that authorises the person subject to the order to be detained at a specified place for the duration of the order or, in relation to a person subject to an order that requires the person to undergo specified treatment at a specified place, to be detained at that place while undergoing the treatment.

Schedule 1 [31] amends section 68 of the Act to provide that a further public health order may be made in respect of a person subject to a revoked contact order.

Schedule 1 [56] inserts proposed section 131A, which requires the Secretary to include the number of public health orders made under section 62 of the Act in the annual report of the Ministry of Health under the *Annual Reports (Departments) Act 1985*.

Vaccine preventable diseases

Schedule 1 [38] and [39] amend section 87 of the Act to provide that the principal of a child care facility must not enrol, or permit to be enrolled, an unvaccinated child at the facility if the only reason provided for failure to vaccinate the child is that the parent of the child has a conscientious belief that the child should not be vaccinated in respect of specified vaccine preventable diseases. The proposed amendments also make it an offence (with a maximum penalty of \$5,500) for the principal of a child care facility to enrol a child at the facility if the principal has not been provided

with a vaccination certificate or a medical certificate and to fail to retain information in that register in accordance with the regulations. **Schedule 1 [41]** makes a consequential amendment.

Schedule 1 [40] substitutes section 87 (2) to make it an offence (with a maximum penalty of \$5,500) for a person to forge or falsify a certificate that is required to be provided under section 87.

Schedule 1 [37] and [44] apply sections 86 and 88 of the Act, respectively, to principals of high schools as well as primary schools. Those provisions place certain requirements on principals in relation to the immunisation status of children enrolled at schools and during an outbreak of a vaccine preventable disease at the principals' school. **Schedule 1 [34]–[36]** make consequential amendments.

Schedule 1 [42] substitutes section 88 (1) of the Act to require the principal of a school or child care facility to notify the public health officer in the approved form if the principal becomes aware that a child enrolled at the school or facility has a vaccine preventable disease or if the principal reasonably suspects that a child enrolled at the school or facility, for whom no immunisation certificate has been provided, has come into contact with a person who has a vaccine preventable disease. **Schedule 1 [43]** makes a consequential amendment.

Schedule 1 [45] amends section 88 (2) of the Act to enable the public health officer, in the event of an outbreak of a vaccine preventable disease, to direct the principal of a school or child care facility to notify the parent of a child who has the disease, who has come into contact with a person who has the disease or for whom no immunisation certificate has been provided, that the child is not to attend the school or facility for the duration of the outbreak.

Public health registers

Schedule 1 [47] omits Divisions 1–3 (sections 89–96) of Part 6 of the Act, which relate to the maintenance of the Pap Test Register. The proposed amendment is consequential on the establishment of a National Cancer Screening Register. **Schedule 1 [46], [48] and [50]** make consequential amendments.

Schedule 1 [49] amends section 97 of the Act to insert a regulation-making power to permit the regulations to prescribe other purposes for which a public health register may be established and maintained under Part 6 of the Act.

Schedule 1 [51] amends section 98 of the Act to make it clear that certain requirements in that section relating to the information that a register may contain apply only to registers established under that section. **Schedule 1 [52]** inserts a definition of *identifying particulars* of a person to mean the person's full name (and any previous name) or residential, postal or email address.

Enforcement of Act

Schedule 1 [53] amends section 106 of the Act in relation to the exercise of enforcement powers by persons conducting a public health inquiry for the Secretary. In particular it will enable such a person to apply for a search warrant under the Act.

Schedule 1 [54] inserts proposed section 106 (4A) to enable the Secretary to direct a person whom the Secretary reasonably believes is responsible for, or contributed to, a public health risk identified in an inquiry, to notify specified persons or a specified class of persons of the nature of the risk and of any measures to be taken to mitigate that risk.

Schedule 2 Amendment of Public Health Regulation 2012

Schedule 2 amends clause 44A to provide the principal of a child care facility with an exemption from the requirement that unvaccinated children not be enrolled at the facility if:

- (a) the child is subject to a guardianship order made under section 79A of the *Children and Young Persons (Care and Protection) Act 1998* because the child is in out-of-home care or in need of care and protection, or

- (b) the child is in any form of out-of-home care under that Act (and not merely in out-of-home care as a matter of emergency), or
- (c) the child is an Aboriginal or Torres Strait Islander.



New South Wales

Public Health Amendment (Review) Bill 2017

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Public Health Act 2010 No 127	3
Schedule 2	Amendment of Public Health Regulation 2012	12



New South Wales

Public Health Amendment (Review) Bill 2017

No. , 2017

A Bill for

An Act to amend the *Public Health Act 2010* as a result of the statutory review of that Act; to amend the *Public Health Regulation 2012* in relation to childcare vaccination; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Public Health Amendment (Review) Act 2017*.

2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by this section.
- (2) Schedule 1 [4]–[19], [23]–[31], [33]–[48], [56] and [58] commence on a day or days to be appointed by proclamation.
- (3) Schedule 1 [32] commences on the day that is 28 days after the date of assent to this Act.

Schedule 1	Amendment of Public Health Act 2010 No 127	1
[1] Section 3 Objects		2
	Insert after section 3 (1) (e):	3
	(f) to monitor diseases and conditions affecting public health.	4
[2] Section 4 Responsibilities of local government relating to environmental health		5
	Insert “private water suppliers, water carters,” before “public” in section 4 (1).	6
[3] Section 4 (3)		7
	Insert after section 4 (2):	8
	(3) In this section:	9
	<i>private water supplier</i> means a person who supplies drinking water in the course of a commercial undertaking (other than that of supplying bottled or packaged drinking water), being a person who has not received the water:	10
	(a) from any supplier of drinking water referred to in paragraphs (a)–(g) of the definition of <i>supplier of drinking water</i> in section 5 (1), or	11
	(b) in the form of bottled or packaged water.	12
	<i>water carter</i> means a person who receives water from a supplier of drinking water and who supplies drinking water from a water carting vehicle in the course of a commercial undertaking.	13
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[4] Section 5 Definitions		19
	Omit “except as provided by paragraph (b),” from paragraph (a) of the definition of <i>occupier</i> in section 5 (1).	20
		21
[5] Section 5 (1), definition of “occupier”		22
	Insert at the end of paragraph (b):	23
	, or	24
	(c) for the purposes of Divisions 2 and 5 of Part 3—if an air-handling system or a water-cooling system is installed on premises that are subdivided into a strata scheme (within the meaning of the <i>Strata Schemes Management Act 2015</i>), the owners corporation constituted under that Act for the scheme.	25
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		29
[6] Section 5 (1), definition of “skin penetration procedure”		30
	Insert “or the penetration of a mucous membrane” after “hair removal”).	31
[7] Section 25 Quality assurance programs		32
	Omit section 25 (1). Insert instead:	33
	(1) A supplier of drinking water must have a quality assurance program.	34
	Maximum penalty:	35
	(a) in the case of an individual—50 penalty units, or	36
	(b) in the case of a corporation—250 penalty units.	37

[8] Section 25 (1A) and (1B)	1
Insert after section 25 (1):	2
(1A) A supplier of drinking water must comply with the supplier’s quality assurance program.	3
Maximum penalty:	4
(a) in the case of an individual—50 penalty units, or	5
(b) in the case of a corporation—250 penalty units.	6
(1B) A supplier of drinking water must provide a copy of the supplier’s quality assurance program to the Secretary.	7
Maximum penalty:	8
(a) in the case of an individual—25 penalty units, or	9
(b) in the case of a corporation—125 penalty units.	10
[9] Section 25 (2) (c)	11
Insert after section 25 (2) (b):	12
(c) matters to be included in a quality assurance program, including in relation to particular types of suppliers.	13
[10] Section 34 Definitions	14
Insert at the end of paragraph (d) of the definition of <i>public swimming pool or spa pool</i> :	15
or	16
(e) a pool situated at private residential premises, but only if that pool is used for commercial purposes, or	17
(f) any other pool or spa pool declared by the regulations to be a public swimming pool or spa pool,	18
[11] Section 34, definition of “public swimming pool or spa pool”	19
Omit “but not including a pool situated at private residential premises”.	20
Insert instead “but not including any pool or spa pool declared by the regulations not to be a public swimming pool or spa pool”.	21
[12] Section 34, definition of “swimming pool”	22
Omit “or other recreational aquatic structure”.	23
Insert instead “, water play park or other recreational aquatic structure (including any interactive water feature or fountain that is intended to be bathed in for recreational purposes)”.	24
[13] Section 39A	25
Insert after section 39:	26
39A Eyeball tattooing to be carried out by medical practitioner or other qualified person	27
Eyeball tattooing must not be carried out by any person other than:	28
(a) a medical practitioner, or	29
(b) a person, or person belonging to a class of persons, prescribed by the regulations for the purposes of this section.	30
Maximum penalty: 100 penalty units or imprisonment for 6 months, or both.	31

[14] Section 51 Definitions	1
Insert in alphabetical order in section 51 (1):	2
<i>contact order condition</i> means a medical condition listed in Schedule 1A.	3
[15] Section 51 (2)	4
Insert “or 1A” after “Schedule 1”.	5
[16] Section 54 Medical practitioner to notify Secretary of Category 1 and 2 conditions	6
Insert after section 54 (3):	7
(3A) Subject to section 56, any medical practitioner involved in the treatment of the person concerned must, at the request of the Secretary, provide the Secretary with:	8
(a) such information as is necessary to complete or correct a certificate that appears to be incomplete or incorrect, and	9
(b) such other information concerning the person’s medical condition and transmission and risk factors as is available to the medical practitioner.	10
[17] Section 54 (4)	11
Omit “this section”. Insert instead “subsection (2)”.	12
[18] Section 55 Laboratories to notify Secretary of Category 3 conditions	13
Insert “or other person of a class prescribed by the regulations” after “practitioner” where firstly occurring in section 55 (1) (a).	14
[19] Section 55 (4) and (5)	15
Omit the subsections. Insert instead:	16
(4) Subject to section 56, any medical practitioner involved in the treatment of the person concerned must, at the request of the Secretary, provide the Secretary with:	17
(a) such information as is necessary to complete or correct a report that appears to be incomplete or incorrect, and	18
(b) such other information concerning the person’s medical condition and transmission and risk factors as is available to the medical practitioner.	19
(5) A registered medical practitioner must not, without reasonable excuse, fail to comply with such a request.	20
Maximum penalty: 50 penalty units.	21
[20] Section 56 Protection of patient’s identity	22
Omit section 56 (1) and (2). Insert instead:	23
(1) A registered medical practitioner must not include a patient’s name or address in a certificate under section 54 or in information provided under section 54 or 55 if the condition to which the certificate or information relates is a Category 5 condition.	24
[21] Section 56 (4) (b)	25
Omit “so long as the information is relevant to the provision of such care, treatment or counselling”.	26

[22] Section 56 (4), note	1
Insert after section 56 (4):	2
Note. The <i>Health Records and Information Privacy Act 2002</i> limits the use and disclosure of health information.	3 4
[23] Section 61 Secretary may direct persons to undergo medical examination	5
Insert after section 61 (5):	6
(6) The medical practitioner who carries out the examination must, as soon as practicable, provide the Secretary with a report of the examination, including the results of any associated tests.	7 8 9
Maximum penalty: 50 penalty units.	10
[24] Section 62 Making of public health orders relating to person with Category 4 or 5 condition or contact order condition	11 12
Omit section 62 (1). Insert instead:	13
(1) An authorised medical practitioner may make a public health order in respect of a person if satisfied, on reasonable grounds, that:	14 15
(a) the person has a Category 4 or 5 condition and because of the way the person behaves may, as a consequence of that condition, be a risk to public health, or	16 17 18
(b) the person:	19
(i) has been exposed to a contact order condition, and	20
(ii) is at risk of developing the contact order condition, and	21
(iii) because of the way the person behaves, may be a risk to public health.	22 23
[25] Section 62 (2) (d)	24
Omit the paragraph. Insert instead:	25
(d) must state that, unless sooner revoked, it expires:	26
(i) if the public health order is made in respect of a person referred to in subsection (1) (b)—at the end of the period specified opposite the relevant condition in Schedule 1A, or	27 28 29
(ii) in any other case—at the end of a specified period (not exceeding 28 days),	30 31
after it is served on the person subject to the order.	32
[26] Section 62 (3) (b)	33
Omit the paragraph. Insert instead:	34
(b) to undergo specified treatment (whether at a specified place or otherwise),	35 36
[27] Section 62 (3) (e)–(g)	37
Omit section 62 (3) (e). Insert instead:	38
(e) to notify the Secretary of other persons with whom the person has been in contact within a specified period,	39 40
(f) to notify the Secretary if the person displays any specified signs or symptoms,	41 42
(g) in relation to a person referred to in subsection (1) (b)—to undergo specified testing for the relevant condition.	43 44

[28] Section 62 (4)	1
Omit section 62 (4) and (5). Insert instead:	2
(4) A public health order may authorise the person subject to the order:	3
(a) to be detained at a specified place for the duration of the order, or	4
(b) in relation to an order that requires the person to undergo specified treatment at a specified place—to be detained at that place while undergoing the treatment.	5 6 7
[29] Section 63 Duration of public health order	8
Insert “or made in relation to a person referred to in section 62 (1) (b)” after “Category 5 condition” in section 63 (2).	9 10
[30] Section 64 NCAT may confirm certain public health orders	11
Insert “or made in relation to a person referred to in section 62 (1) (b)” after “Category 5 condition” in section 64 (1).	12 13
[31] Section 68 Restriction on making of further public health order	14
Insert at the end of the section:	15
(2) This section does not apply to the revocation of a public health order made in relation to a person referred to in section 62 (1) (b).	16 17
[32] Section 79	18
Omit the section. Insert instead:	19
79 Duties of persons in relation to sexually transmissible diseases or conditions	20
(1) A person who knows that he or she has a notifiable disease, or a scheduled medical condition, that is sexually transmissible is required to take reasonable precautions against spreading the disease or condition.	21 22 23
Maximum penalty: 100 penalty units or imprisonment for 6 months, or both.	24
(2) An owner or occupier of a building or place who knowingly permits another person to have sexual intercourse in contravention of subsection (1) at the building or place for the purpose of prostitution is guilty of an offence.	25 26 27
Maximum penalty: 100 penalty units or imprisonment for 6 months, or both.	28
(3) A person (other than a member of the NSW Health Service) must notify the Secretary if the person commences proceedings against a person for an offence under this section.	29 30 31
[33] Section 83 Hospital CEO to notify Secretary of notifiable diseases	32
Insert after section 83 (3):	33
(4) Any medical practitioner involved in the treatment of the patient or former patient concerned must, at the request of the Secretary, provide the Secretary with:	34 35 36
(a) such information as is necessary to complete or correct information that appears to be incomplete or incorrect, and	37 38
(b) such other information concerning the patient’s medical condition and transmission and risk factors as is available to the medical practitioner.	39 40

(5)	A registered medical practitioner must not, without reasonable excuse, fail to comply with the requirements of this section. Maximum penalty: 50 penalty units.	1 2 3
[34]	Section 85 Definitions Omit “primary school” wherever occurring in the definitions of <i>child at risk</i> and <i>principal</i> in section 85 (1). Insert instead “school”.	4 5 6 7
[35]	Section 85 (1), definition of “primary school” Omit the definition.	8 9
[36]	Section 85 (1) Insert in alphabetical order: <i>school</i> means: (a) a government school established under the <i>Education Act 1990</i> , or (b) a non-government school registered under that Act.	10 11 12 13 14
[37]	Section 86 Responsibilities of principals of schools with respect to immunisation Omit “primary school” wherever occurring in section 86. Insert instead “school”.	15 16
[38]	Section 87 Responsibilities of principals of child care facilities with respect to immunisation Omit section 87 (1) (a)–(c). Insert instead: (a) a vaccination certificate and, if the vaccination certificate does not cover some of the vaccine preventable diseases for which immunisation at the child’s age is recommended by the NSW Immunisation Schedule, a medical certificate in respect of any vaccine preventable disease not covered by the vaccination certificate, or (b) if a vaccination certificate is not provided—a medical certificate in respect of the vaccine preventable diseases for which immunisation at the child’s age is recommended by the NSW Immunisation Schedule.	17 18 19 20 21 22 23 24 25 26 27
[39]	Section 87 (1) and (6) Insert at the end of each subsection: Maximum penalty: 50 penalty units.	28 29 30
[40]	Section 87 (2) Omit the subsection. Insert instead: (2) A person must not forge or falsify a certificate that is required to be provided under this section. Maximum penalty: 50 penalty units.	31 32 33 34 35
[41]	Section 87 (9) Insert after section 87 (8): (9) In this section: <i>medical certificate</i> means a certificate in the approved form by an authorised practitioner certifying that a specified child should have an exemption for one	36 37 38 39 40

	or more vaccines for specified vaccine preventable diseases due to a medical contraindication to vaccination.	1
	<i>vaccination certificate</i> means:	2
	(a) an immunisation certificate indicating that the child is age appropriately immunised, or	3
	(b) a certificate in the approved form by an authorised practitioner certifying that the child is following an approved vaccination catch-up schedule.	4
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		8
[42]	Section 88 Responsibilities of principals during outbreaks of vaccine preventable disease	9
	Omit section 88 (1). Insert instead:	10
	(1) The principal of a school or child care facility must, as soon as practicable, ensure that the public health officer is given notice in writing, in the approved form, if:	11
	(a) the principal becomes aware that a child enrolled at the school or facility has a vaccine preventable disease, or	12
	(b) the principal reasonably suspects that a child enrolled at the school or facility who is a child at risk has come into contact with a person who has a vaccine preventable disease.	13
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[43]	Section 88 (2)	20
	Omit “On being informed that a child has a vaccine preventable disease”.	21
	Insert instead “On receiving a notice referred to in subsection (1) or if the public health officer reasonably believes that a child at risk has come into contact with a person who has a vaccine preventable disease”.	22
		23
		24
[44]	Section 88 (2), (4)–(6) and (8)	25
	Omit “primary school” wherever occurring. Insert instead “school”.	26
[45]	Section 88 (2)	27
	Omit “both in respect of the child that has the disease”.	28
	Insert instead “in respect of the child that has the disease, the child who has come into contact with a person who has the disease”.	29
		30
[46]	Part 6, heading	31
	Insert “and diseases” after “health”.	32
[47]	Part 6	33
	Omit Divisions 1–3.	34
[48]	Part 6, Division 4	35
	Omit the heading.	36
[49]	Section 97 Registers that may be established	37
	Insert after section 97 (1) (e):	38
	(f) any other purpose prescribed by the regulations for the purpose of this section.	39
		40

[50] Sections 97 (2) and 98 (1)	1
Omit “Division” wherever occurring. Insert instead “Part”.	2
[51] Section 98 Public health and disease registers	3
Omit “register” wherever occurring in section 98 (5) and (6).	4
Insert instead “register established under this section”.	5
[52] Section 98 (7)	6
Insert in alphabetical order:	7
<i>identifying particulars</i> of a person means the person’s:	8
(a) name (including any previous name), or	9
(b) residential, postal or email address.	10
[53] Section 106 Inquiries by Secretary	11
Insert after section 106 (3):	12
(3A) If the person is authorised to exercise the function of an authorised officer under a provision of this Part that relates to a contravention of this Act or the regulations, the function may be exercised in relation to a matter the subject of the inquiry.	13 14 15 16
[54] Section 106 (4A)	17
Insert after section 106 (4):	18
(4A) If, as a result of an inquiry, the Secretary considers that there is, or is likely to be, a risk to public health, the Secretary may, by notice in writing, direct a person whom the Secretary reasonably believes is responsible for, or contributed to, the public health risk to notify specified persons or a specified class of persons of the nature of the risk and of any measures to be taken to mitigate that risk.	19 20 21 22 23 24
[55] Section 130A	25
Insert after section 130:	26
130A Secretary cannot be compelled to produce certain information in proceedings	27
(1) The Secretary and any person who, on behalf of the Secretary, holds information that has been provided to the Secretary under Part 4 or 5 cannot be compelled in any proceedings (other than proceedings under this Act) to produce or to give evidence in relation to that information.	28 29 30 31
(2) However, the Secretary may consent to the disclosure of any such information for the purpose of any legal proceedings.	32 33
[56] Section 131A	34
Insert after section 131:	35
131A Annual reports	36
Without limiting the requirements of the <i>Annual Reports (Departments) Act 1985</i> , the Secretary must include the number of public health orders made under section 62 during the reporting year in the annual report of the Ministry of Health under that Act.	37 38 39 40

- [57] Section 134 Regulations** 1
Omit section 134 (2) (w). Insert instead: 2
 (w) the payment of specified fees in relation to applications made, approvals 3
 given, improvement notices and prohibitions orders given, and other 4
 matters arising, under this Act (including in relation to the exercise of 5
 functions by local government authorities and authorised officers). 6

- [58] Schedule 1A** 7
Insert after Schedule 1: 8

Schedule 1A Contact order conditions 9

(Section 51) 10

Contact order conditions	Expiry periods
Avian influenza in humans	10 days
Middle East respiratory syndrome coronavirus	10 days
Severe Acute Respiratory Syndrome	10 days
Typhoid	14 days
Viral haemorrhagic fevers	21 days

Schedule 2 Amendment of Public Health Regulation 2012

[1] Clause 44A Exemptions from pre-enrolment requirements relating to child care facilities

Omit clause 44A (1) (b). Insert instead:

- (b) the child is subject to a guardianship order under section 79A of the *Children and Young Persons (Care and Protection) Act 1998* or is in out-of-home care (within the meaning of that Act), or

[2] Clause 44A (1)

Insert at the end of clause 44A (1):

, or

- (e) the child is an Aboriginal or Torres Strait Islander (within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*).