



Australian Capital Territory

# Public Health Amendment Act 2016

A2016-54

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An Act to amend the *Public Health Act 1997*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Public Health Amendment Act 2016*.

**2 Commencement**

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

This Act amends the *Public Health Act 1997*.

**4 Offences against Act—application of Criminal Code etc  
Section 6A, note 1**

*insert*

- s 67 (Offence—insanitary conditions)

**5 Section 67**

*substitute*

**67 Offence—insanitary conditions**

A person commits an offence if the person—

- causes an insanitary condition; or
- allows an insanitary condition to exist on, or emanate from, a place occupied by the person.

Maximum penalty: 50 penalty units.

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**6 Abatement orders**  
**Section 73 (1)**

*substitute*

- (1) The chief health officer may apply to the Magistrates Court for either of the following orders in relation to a person to whom an abatement notice has been issued:
  - (a) an order that the person—
    - (i) comply with the notice; and
    - (ii) undertake stated action, or cease or refrain from undertaking stated action, to prevent any recurrence of the insanitary condition;
  - (b) if the insanitary condition has been removed but is likely to recur—an order that the person undertake stated action, or cease or refrain from undertaking stated action, to prevent any recurrence of the insanitary condition.

**7 New section 73 (5A) and (5B)**

*insert*

- (5A) Subsection (5B) applies if—
  - (a) an order is made under subsection (3) (a) or (b) in relation to a person to whom an abatement notice was issued; and
  - (b) within 12 months after the order was made, the insanitary condition recurs.
- (5B) The chief health officer may apply under subsection (1) for another order in relation to the person.

**8**      **Codes of practice**  
**New section 133 (1A) to (1C)**

*insert*

- (1A) In particular, the Minister may determine a code of practice setting out guidelines for the chief health officer in dealing with insanitary conditions caused by hoarding or domestic squalor (a ***hoarding code of practice***).
- (1B) In determining a hoarding code of practice, the Minister must have regard to—
- (a) the objectives of this Act in section 4; and
  - (b) minimising the impact of insanitary conditions, and measures dealing with insanitary conditions, on the health and well being of people affected by the insanitary conditions, including people whose hoarding or domestic squalor caused the insanitary conditions.
- (1C) Without limiting what a hoarding code of practice may include, it must include guidelines about the following:
- (a) the regular review of the circumstances of a person in relation to whom an abatement notice has been issued, or an abatement order has been made, as a consequence of an insanitary condition caused by the person's hoarding or domestic squalor;
  - (b) the establishment of a group comprising representatives from government agencies and support services to advise the chief health officer in relation to the management of insanitary conditions caused by hoarding or domestic squalor;
  - (c) the circumstances in which a person whose hoarding or domestic squalor has caused an insanitary condition should be referred to a government agency or support service;
  - (d) the least restrictive means reasonably available to the chief health officer for dealing with insanitary conditions caused by hoarding or domestic squalor.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2 August 2016.

**2 Notification**

Notified under the [Legislation Act](#) on 25 August 2016.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Public Health Amendment Bill 2016, which was passed by the Legislative Assembly on 9 August 2016.

Clerk of the Legislative Assembly

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