

1992

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

PUBLIC HEALTH ACT 1928

**PUBLIC HEALTH (INFECTIOUS AND NOTIFIABLE DISEASES)
REGULATIONS (AMENDMENT)**

EXPLANATORY MEMORANDUM

Circulated by authority of

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Minister for Health**

AUSTRALIAN CAPITAL TERRITORY

PUBLIC HEALTH ACT 1928

PUBLIC HEALTH (INFECTIOUS AND NOTIFIABLE DISEASES) REGULATIONS (AMENDMENT)

The Public Health (Infectious and Notifiable Diseases) Regulations (Amendment) represents a significant enhancement of the ACT's public health controls to limit the spread of infectious diseases in schools. It replaces the current schedule governing periods of exclusion from school for children suffering from infectious diseases, and their contacts, with a more comprehensive and up-to-date schedule and brings the ACT into line with the National Health and Medical Research Council's (NHMRC) most recent recommendations. The Regulations are also being expanded to include children attending preschools.

Commencement

The Amendment commences on the day it is notified in the Gazette.

Background

The Amendment updates the provisions concerning the exclusion of children suffering from infectious diseases, and their contacts, from school and places the responsibility for excluding children on parents and guardians, and school principals. A parent or guardian of a child suffering from an infectious disease is also obliged to inform the school principal to allow the principal to exclude any contacts of the child, if necessary.

The definition of "school" is amended to include preschools. Child care centres are not included as licence conditions under the *Children's Services Act 1986* already address the exclusion of children with infectious diseases.

Schedule 2, which stipulates the periods of exclusion for each disease, is updated in line with the recommended minimum periods of exclusion endorsed by the NHMRC in June 1992. The minimum exclusion periods for some diseases are reduced, whooping cough from 28 days to 5 days, rubella from 10 days to 4 days, mumps from 14 days to 9 days, measles from 7 days to 4 days and chicken pox from 7 days to 5 days. The schedule is also expanded to include some of the more common conditions. For example, conjunctivitis, ringworm, scabies, lice and diarrhoeal diseases such as giardia, rotavirus and salmonella.

Glandular fever, hepatitis B and hepatitis C are not included in the schedule as the NHMRC recommended guidelines state that exclusion is not necessary. Exclusion is also not necessary for HIV infection, however, it is listed in the schedule because exclusion is needed if the person has a secondary infection requiring exclusion in its own right.

Consequences

Briefly, the Amendment provides for:

- . the clear delineation of the obligations of parents, guardians and school principals in regard to the reporting and exclusion from school of children suffering from infectious diseases, and their contacts, so that action may be taken to prevent the spread of disease, if necessary;
- . the updating and expansion of the schedule governing the periods of exclusion from school; and
- . the harmonisation of ACT legislation with the States and NHMRC recommendations.

Other amendments

In line with Government policy, the Amendment removes all sexist language in the Regulations.

Repeal of subregulation 4 (3) and regulation 4C:

- . Subregulation 4 (3) requires a medical practitioner who professionally attends a person suffering from an infectious disease in a house to give a copy of the notification to the person in charge of the house. This provision is antiquated and no longer considered a necessary public health measure.
- . Regulation 4C authorises the payment of a one dollar fee to medical practitioners, pathologists and private hospitals upon notification of an infectious or notifiable disease. This provision has proved expensive to administer using resources far in excess of the fees paid. Similar fees are no longer paid in the States. Continuation of such a minimal fee in the ACT is considered anachronistic. In December 1990 the *Sexually Transmitted Diseases (Amendment) Act 1990* repealed a corresponding provision in the *Venereal Diseases Act 1956*.