

1993

**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

Mr Wayne Berry MLA  
Minister for Health

# AUSTRALIAN CAPITAL TERRITORY

## PUBLIC HEALTH ACT 1928

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

#### **Outline**

The Public Health (Infectious and Notifiable Diseases) Regulations are made under section 12 (e) of the *Public Health Act 1928* which allows for the designation and control of diseases.

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 vaccine preventable diseases in schools.

The purpose of the amendment is to allow primary schools, preschools and child care centres to establish the immunisation status of each child enrolling from 1 January 1994. When there is an outbreak of a vaccine preventable disease at a school or centre unimmunised children may be excluded for their own protection and to contain the spread of the disease.

The amendment does not require compulsory immunisation.

The amendment will also allow the Medical Officer of Health to measure the degree to which children are immunised against childhood vaccine preventable diseases and so help with the development of immunisation delivery and disease outbreak control strategies.

#### **Financial Considerations**

The Regulations have no revenue or cost implications.

#### **Commencement**

The Regulations will commence on the day they are notified in the Gazette. Regulation 14A concerning the lodgement of immunisations records of children enrolling at school will apply from 1 January 1994.

## CLAUSE NOTES

### Formal Clauses

Clauses 1 and 2 are formal requirements. They refer to the citation and commencement of the Regulations.

### CLAUSE 3

Clause 3 broadens the definition for school to include a child care centre and a preschool.

It also inserts definitions for:

- . "vaccine preventable disease" consistent with the Childhood Immunisation Schedule of the National Health and Medical Research Council (NHMRC);
- . "immunisation" to require a vaccine to be registered under the Commonwealth *Therapeutic Goods Act 1989* and to be administered in accordance with NHMRC immunisation procedures to ensure efficacy of the procedure;
- . "Immunisation Record" sets out the details of immunisations administered to a child for lodgement with a school on enrolment.

### CLAUSE 5

#### Production of Immunisation Records

Regulation 14A provides for the lodgement of immunisation records at schools, preschools and child care centres. A parent of a child entering primary school will be asked to submit an immunisation record or a statutory declaration detailing the immunisations the child has received. In a case where the parent is unaware of the child's immunisation status or does not wish to have the child immunised the parent may submit a declaration to that effect.

#### Application of Enrolment Requirements

Regulation 14B sets out the timetable of school years that Regulation 14A will apply to over the next 7 years. In the first year of operation parents will be asked to provide immunisation records for children enrolling in a child care centre, preschool or kindergarten only. Then by yearly increment the Regulations will apply to other classes up to the year 2001 when they will apply to all children enrolling at a school for the first time.

## **Information to the Medical Officer of Health**

Regulation 14C requires the principal or person in charge of a school to report the occurrence of a vaccine preventable disease to the Medical Officer of Health and advise the parents of any unimmunised children.

## **Outbreaks of Vaccine Preventable Diseases in Schools**

Regulation 14D allows the Medical Officer of Health to take action to exclude an unimmunised child from school in the event of an outbreak of a vaccine preventable disease at a school or in the community where the school is situated. An unimmunised child may be excluded for the period specified in Schedule 2 of the Principal Regulations which sets out the periods of exclusions from school for individual diseases. However in the event of a prolonged outbreak the child may be excluded for the duration of the outbreak.

## **Access to Information**

Regulation 14E allows the Medical Officer of Health to have access to immunisation records for the purpose of the Regulations or to conduct an epidemiological study.

## **CLAUSES 4, 6, 7, 8 AND 10**

These clauses are tidying up provisions. The term infectious is removed from regulations 15A and 16 so that the provisions apply to all diseases listed in Schedule 2 (Exclusion from School) because this was the original intention of the Regulations. Also HIV infection is removed from Schedule 2 as exclusion is not required for HIV infection.

## **CLAUSE 9**

Clause 9 updates Form 1 (Notification of Infectious or Notifiable Diseases, other than HIV) and Form 2 (Notification of Human Immuno-deficiency Virus) in harmony with current national uniform reporting procedures.