

AUSTRALIAN CAPITAL TERRITORY

Public Health Act 1997

Declaration of Boarding Houses to be a Public Health Risk

INSTRUMENT NO. 272 OF 2000

EXPLANATORY STATEMENT

Subsection 18(1) of the *Public Health Act 1997* (the Act) provides that the Minister may, by instrument, declare an activity that may result in the transmission of disease, or that may otherwise adversely affect the health of individuals in the context of the wider health of the community, to be a public health risk activity. Section 18(3) of the Act provides that a declaration under Subsection 18(1) shall indicate whether the declared activity is licensable or non-licensable activity.

This instrument declares the management or control of Boarding Houses, in which more than two boarders are lodged for payment, to be a public health risk activity under subsection 18(1) of the Act. The instrument further declares management or control of Boarding Houses, in which more than two boarders are lodged for payment, to be a licensable public health risk activity under subsection 18(3) of the Act.

This instrument also declares the management or control of Boarding Houses, in which no more than two boarders are lodged for payment, to be a public health risk activity under subsection 18(1) of the Act. The instrument further declares the management or control of Boarding Houses, in which no more than two boarders are lodged for payment, to be a non-licensable public health risk activity under subsection 18(3) of the Act.

This instrument specifically excludes hospitals from the definition of a boarding house in order to ensure that the operators of hospitals are not required to obtain a licence under section 18 (1) the *Public Health Act 1997* for the operation of a boarding house.