



Australian Capital Territory

Public Health (Infectious and Notifiable Diseases) Regulations¹ (Amendment)

Subordinate Law No. 27 of 1993²

The Australian Capital Territory Executive makes the following Regulations under the *Public Health Act 1928*.

Dated 15 July 1993.

WAYNE BERRY
Minister

BILL WOOD
Minister

Principal Regulations

1. In these Regulations, “Principal Regulations” means the Public Health (Infectious and Notifiable Diseases) Regulations.

Commencement

2. These Regulations commence on the day on which they are notified in the *Gazette*.

Interpretation

3. Regulation 3 of the Principal Regulations is amended—

(a) by omitting from subregulation (1) the definitions of “Medical Practitioner” and “School” and substituting the following definitions:

“ ‘medical practitioner’ means a person registered under the *Medical Practitioners Act 1930*;

‘school’ includes—

- (a) a preschool;
- (b) a primary, secondary, technical or private school; and
- (c) a child care centre;”;

(b) by inserting in subregulation (1) the following definitions:

“ ‘authorised person’ means a medical practitioner, a registered nurse or a person authorised in writing by the Medical Officer of Health to complete and sign an immunisation record;

‘child care centre’ means premises licensed under section 120 of the *Children’s Services Act 1986*;

‘immunisation’ means the process of administering to a person a vaccine registered under the *Therapeutic Goods Act 1989* of the Commonwealth;

‘immunisation record’ means an immunisation record in accordance with Form 4 of Schedule 1;

‘registered nurse’ means a person registered under the *Nurses Act 1988*;

‘vaccine preventable disease’ means diphtheria, *Haemophilus influenzae* type b (Hib), measles, mumps, pertussis, poliomyelitis, rubella and tetanus.”; and

(c) by adding at the end the following subregulation:

“(4) For the purposes of these Regulations a child shall not be taken to be immunised against a vaccine preventable disease

unless the vaccine was administered in accordance with the National Health and Medical Research Council “Immunisation Procedures”, 4th edition, published 1991.”

Contacts

4. Regulation 8 of the Principal Regulations is amended by omitting from subregulation (2) “for his removal given under the last preceding subregulation” and substituting “under subregulation (1)”.

Insertion

5. After regulation 14 of the Principal Regulations the following regulations are inserted:

Immunisation history to be produced before enrolment at school

“14A. (1) Where a child is being enrolled at a school, other than a preschool or a child care centre, for the first time, the principal teacher or person in charge of the school shall request the parent or guardian of the child to lodge with him or her—

- (a) an immunisation record stating the immunisation status of the child in respect of each vaccine preventable disease;
- (b) a statutory declaration stating—
 - (i) that the parent or guardian believes the child has been immunised against a specified vaccine preventable disease, but is unable to produce an immunisation record; and
 - (ii) the immunisations against a specified vaccine preventable disease that the parent or guardian believes the child has received;
- (c) a declaration that the child has not been immunised against a specified vaccine preventable disease; or
- (d) a declaration that the parent or guardian is not aware whether or not the child has been immunised against a specified vaccine preventable disease.

“(2) Where a child is being enrolled at a preschool or child care centre for the first time, the principal teacher or person in charge of the preschool or centre shall request the parent or guardian of the child—

- (a) to produce for inspection an immunisation record setting out the immunisation status of the child in respect of each vaccine preventable disease; and
- (b) to lodge with him or her a copy of that immunisation record.

“(3) In proceedings for an offence against this regulation, an immunisation record signed by an authorised person is evidence that a specified child is immunised against the vaccine preventable disease to which the signature relates.

“(4) The principal teacher or person in charge of a school shall maintain a record of the immunisation status of each child enrolled at the school in a form that is readily accessible to the principal teacher, the person in charge or the Medical Officer of Health.

“(5) The principal teacher or person in charge of a school shall—

- (a) retain a copy of an immunisation record lodged with him or her in safe custody for the period of time during which the child is enrolled at the school; and
- (b) forward a copy of the immunisation record to the Medical Officer of Health.

“(6) A person who, without reasonable excuse, contravenes subregulation (1), (2), (4) or (5) is guilty of an offence punishable, on conviction, by a fine not exceeding \$500.

Application of enrolment requirements from 1994

“14B. (1) Regulation 14A applies in relation to the enrolment of a child for the first time—

- (a) subject to paragraph (b)—in a preschool or child care centre for each year commencing on 1 January; and
- (b) after the year commencing 1 January 2000 in any school for each year commencing on 1 January.

“(2) Regulation 14A applies in relation to the enrolment of a child for the first time in a primary school in a year of school specified in Column 1 of the table for the year commencing 1 January of the year specified in Column 2.

Column 1	Column 2
Year of Primary School	Year
Kindergarten	1994
Kindergarten or first year	1995
Kindergarten, first year or second year	1996

Kindergarten, first year, second year or third year	1997
Kindergarten, first year, second year, third year or fourth year	1998
Kindergarten, first year, second year, third year, fourth year or fifth year	1999
All years	2000

“(3) In the table in subregulation (2)—
‘kindergarten’ includes a preparatory class.

Information to Medical Officer of Health

“14C. If the principal teacher or person in charge of a school believes, on reasonable grounds, that a child enrolled at the school—

- (a) is suffering from a vaccine preventable disease; or
- (b) has not been immunised against a vaccine preventable disease and has been in contact with a person who is infected with such a disease;

he or she shall, as soon as practicable, inform—

- (c) a parent or guardian of the child; and
- (d) the Medical Officer of Health;

of that fact.

Outbreaks of vaccine preventable diseases in schools

“14D. (1) If the Medical Officer of Health believes, on reasonable grounds, that there is an outbreak of a vaccine preventable disease—

- (a) at a school; or
- (b) in the community in which a school is situated;

he or she may, in writing, direct the principal teacher or person in charge of the school to do either or both of the following:

- (c) subject to subregulation (2), to send or deliver to the parent or guardian of every child who has not been immunised against that disease and who is enrolled at the school, a notice stating that, unless the requirements specified in the notice are complied with in respect of that child within the period so specified, that child is excluded from the school for the period or in the circumstances specified in Schedule 2 in relation to that disease;

- (d) to take such other action with respect to a child suffering from the vaccine preventable disease and the children who have not been immunised against that disease as is specified in the direction.

“(2) If, before the expiry of the period referred to in paragraph (1) (c), the Medical Officer of Health believes on reasonable grounds that it is in the public interest to do so, the Medical Officer of Health may, in writing, direct the principal teacher or person in charge of the school to send or deliver to the parent or guardian of the child a notice stating that the child is excluded from the school until—

- (a) the Medical Officer of Health is satisfied that outbreaks of the vaccine preventable disease—
 - (i) at the school; or
 - (ii) in the community in which the school is situated; have ceased; and
- (b) the Medical Officer of Health has notified the principal teacher or person in charge of the school accordingly.

“(3) Where a principal teacher or person in charge of a school has been directed in accordance with subsection (2), he or she shall notify the parent or guardian of the child to whom the notice under that subregulation relates.

“(4) The parent or guardian of a child to whom a notice has been given under subregulation (3) shall not cause or permit the child to attend the school until the principal teacher or person in charge of the school notifies the parent or guardian that the principal teacher or person in charge of the school has been notified in accordance with paragraph (2) (b).

“(5) A person who, without reasonable excuse, contravenes a direction under subregulation (1) or (2), or a notice under subregulation (2), is guilty of an offence punishable, on conviction, by a fine not exceeding \$500.

Access to information

“14E. (1) The Medical Officer of Health, or a person authorised by the Medical Officer of Health is entitled to obtain access to and take copies of information relating to a child’s immunisation status if he or she is required to do so for the purposes of these Regulations or for the purpose of the conduct of an epidemiological study.

“(2) The Medical Officer of Health shall not authorise a person under subregulation (1) unless he or she is satisfied that the person has adequate

knowledge and experience relevant to the control of diseases or the management of programs for immunisation against diseases.

“(3) In subregulation (1)—

‘epidemiological study’ means a study of—

- (a) the incidence or distribution, within the population of the Territory, or within a particular group of persons in the Territory, or within a sample or sub-sample of such a group, of a vaccine preventable disease; or
- (b) the factors responsible for such an incidence or distribution, or both, and includes a series of such studies.”.

Infectious diseases in schools

6. Regulation 15 of the Principal Regulations is amended by omitting “a child enrolled at the school, or a member of the staff of the school,” and substituting “a member of the staff of the school”.

Measures for prevention of disease in schools

7. Regulation 15A of the Principal Regulations is amended by omitting from paragraphs (a) and (b) “an infectious” and substituting “a”.

Exclusion from school

8. Regulation 16 of the Principal Regulations is amended—

- (a) by omitting from paragraph (1) (a) “an infectious” and substituting “a”;
- (b) by omitting from paragraph (1) (b) “is infected with” and substituting “has”;
- (c) by omitting from paragraph (2) (a) “an infectious” and substituting “a”; and
- (d) by omitting from paragraph (2) (b) “is infected with” and substituting “has”.

Schedule 1

9. Schedule 1 to the Principal Regulations is amended—

- (a) by omitting Form 1 and substituting Form 1 set out in the Schedule to these regulations;
- (b) by omitting Form 2 and substituting Form 2 set out in the Schedule to these regulations; and

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- (c) by adding at the end Form 4 set out in the Schedule to these regulations.

Schedule 2

10. Schedule 2 to the Principal Regulations is amended by omitting the item relating to “Human Immunodeficiency Virus Infection (HIV)”.

SCHEDULE**CONFIDENTIAL**

Regulations 4 and 4B

Form 1

Australian Capital Territory

Public Health Act

Public Health (Infectious and Notifiable Diseases) Regulations

Notification of Infectious or Notifiable Disease (other than HIV)

This form may also be used for notifications under the *Sexually Transmitted Diseases Act 1956* but the name of the patient need not be supplied.

I hereby certify that the person whose name and address appears hereunder is suspected by me to be suffering from

Full name of patient
Surname

Given Names

Address

Postcode

Date of Birth

 / /

Age

Sex Male Female

Number in Household

Country of Birth

Aborigine/Torres Strait Islander Yes No

Date of onset of illness

 / /

Occupation

Place of work/school

Suspected origin of disease, disposal of case, and any other remarks

Action taken re contacts

Diagnosis confirmed by laboratory test

Yes No

Name and Address of Medical Practitioner in BLOCK LETTERS or Stamp

Signature of Medical Practitioner

To: **The Medical Officer of Health**
GPO Box 825 Canberra ACT 2601

Contact Phone No.
(06) 2050960

SCHEDULE—continued

Form 2
Australian Capital Territory
Public Health Act

Subregulations 4 (1)
and 4B (1) and (2)

Public Health (Infectious and Notifiable Diseases) Regulations

Notification of Human Immuno-deficiency Virus - For Medical Practitioners

Part A

Attending Doctor
Name

National Number
(If known)

Address

| | |

Hospital Name (if appropriate)

Notes for Attending Doctor

Please indicate HIV infection status of the person

Diagnosed HIV infection (Category 1, 2 or 3)
Complete Part A Only

Signature (Medical Practitioner)

Diagnosed HIV infection (Category 4 - Acquired Immune Deficiency Syndrome)
Complete Parts A and B

/ /

A1 Identification of Person with HIV infection

Family Name (first 2 letters only)

Given Name (first 2 letters only)

Date of Birth

/ /

Sex

Male

Female

Transsexual

Postcode of current residence

A2 Diagnosis of HIV infection

Date of first diagnosis of HIV infection

/ /

State/Territory of first diagnosis of HIV infection

CD 4+ count at first diagnosis of HIV infection

Did the person present with a seroconversion illness?

Yes No

Date of seroconversion illness

/ /

Has the person had a previous negative antibody test?

Yes No

Date of last negative antibody test

/ /

Source of last negative test Patient

Doctor

Laboratory

A3 Exposure Category

Person was interviewed with regard to exposure

- Not at all (Detail)
- To a certain extent (Answer questions below)
- In depth (Answer questions below)

More than one exposure category may be ticked
Sexual Exposure - at least one box must be ticked

- Sexual contact only with person of same sex
- Sexual contact with both sexes (if female see A4)
- Sexual contact only with person of opposite sex (see A4)
- From a specified Country (Pattern - II or other Country¹) Country
- No sexual contact
- Sexual exposure not known

Blood Exposure

- Injecting drugs - Detail
- Recipient of blood, blood products or tissue - Detail
- Haemophilia/coagulation disorder - Detail

Vertical Transmission

- Mother with/at risk of HIV infection - (see A5)

Other Exposure

- Exposure other than those above applies - Detail
- Exposure could not be established - Detail

SCHEDULE—continued

A4 Sexual contact with person of opposite sex

Please indicate category of source person

- Bisexual male (women only)
- Injecting drug user
- Person who received blood, blood products or tissue
- Person with haemophilia/coagulation disorder
- Person from Pattern - II or other Country¹
Country
- Person with HIV whose exposure is other than those above
Specify
- Person with HIV, exposure not specified
- Other exposure
Detail

A5 Vertical Transmission

Mother with/at risk of HIV infection due to

- Injecting drug use
- Recipient of blood, blood products or tissue
- Origin in Pattern - II or other Country¹
Country
- Has HIV infection, exposure not specified
- Sex with bisexual male
- Sex with injecting drug user
- Sex with person who received blood, blood products or tissue
- Sex with person with haemophilia/coagulation disorder
- Sex with person from Pattern - II or other Country¹
Country
- Sex with person with HIV, exposure not specified
- Other exposure
Detail

Part B**B1 Diagnosis of HIV infection (Category 4 - Acquired Immune Deficiency Syndrome)**

Date of Category 4 diagnosis / /

Has the person been previously diagnosed as Category 4 elsewhere? Yes No/Unknown(1) If YES and diagnosis was in another State/Territory
Specify

(2) If YES and diagnosis was overseas, write country

B2 Other characteristics of Category 4Country of Birth Australia
Other specify

If other, state year of arrival in Australia

Current Status of Person

(1) Person is alive. Date of most recent contact / /
(2) Person has died. Date of death / /**B3 Laboratory Tests for Category 4 Diagnosis**

Date of first diagnosis of HIV infection / /

CD4 + count at Category 4 Diagnosis

CD4 + results to be forwarded when available Date of specimen collection for
CD4 + count analysis / /**B4 Antiretroviral Therapy**

Indicate if the person has been treated with any of the following antiretroviral agents (If YES, Specify month/year when started)

19	Zidovudine	19	ddl
19	ddC	19	Other

Specify

**B5 Diseases indicative of Category 4 Diagnosis
At least one must be ticked**

Definitive Presumptive

- Pneumocystis carinii* pneumonia
- Oesophageal candidiasis
- Kaposi's sarcoma Site
- Herpes simplex virus > 1 month duration
Site
- Cryptococcosis Site
- Cryptosporidiosis (diarrhoea > 1 month)
- Toxoplasmosis Site
- Cytomegalovirus Site
- Mycobacteriosis Type
- Lymphoma Site
Type
- HIV encephalopathy
- HIV wasting syndrome
- Invasive cervical cancer
- Tuberculosis Site
- Multiple episodes of bacterial pneumonia

Other specify

Footnote 1 Pattern - II countries

The original Pattern - II countries were sub-Saharan Africa and the Caribbean, where transmission is thought to be predominantly heterosexual. This definition should now be expanded to include countries from South East Asia and India.

ACT Health - Office Use Only

Initials of ACT Health Officer

Territory Case No.

Date notification received at Health / / Date forwarded to National Centre / /

h2560(8/92)

NOTES

1. Reprinted as at 31 October 1991. See also Regulation No. 8, 1992; Subordinate Laws Nos. 22 and 27, 1992; Act No. 14, 1993.
2. Notified in the ACT Gazette on 21 July 1993.