



AUSTRALIAN CAPITAL TERRITORY

Public Health (Miscellaneous Provisions) Act 1997

No. 70 of 1997

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AUSTRALIAN CAPITAL TERRITORY

Public Health (Miscellaneous Provisions) Act 1997

No. 70 of 1997

An Act consequential upon the making of the *Public Health Act 1997* and for other purposes related to public health

[Notified in ACT Gazette S300: 9 October 1997]

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

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Public Health (Miscellaneous Provisions) Act 1997*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

Interpretation

3. In this Act—

“new Public Health Act” means the *Public Health Act 1997*;

“old Public Health Act” means the *Public Health Act 1928*.

PART II—BUILDING ACT 1972

Division 1—Preliminary

Interpretation

4. In this Part—

“amended Building Act” means the Building Act as amended by this Act;

“Building Act” means the *Building Act 1972*;

“commencement day” means the day on which this Part commences;

“specialised system” means a specialised system within the meaning of the unamended Building Act;

“unamended Building Act” means the Building Act as in force from time to time before the commencement day.

Division 2—Amendments of Building Act 1972

Interpretation

5. Section 5 of the Building Act is amended—

(a) by adding at the end of subparagraph (c) (i) of the definition of “building work” in subsection (1) “or”;

(b) by omitting subparagraph (c) (iii) of the definition of “building work” in subsection (1);

(c) by omitting from subsection (1) the definitions of “applicable standard” and “mechanical ventilation system” and substituting respectively the following definitions:

“ ‘applicable standard’ means Australian Standard 3666-1989, as amended for the purposes of this Act under section 6B and section 42N (before its repeal);

‘mechanical ventilation system’ includes—

(a) an air-handling system within the meaning of the applicable standard;

(b) a condenser within the meaning of the applicable standard; and

(c) a cooling tower within the meaning of the applicable standard;”;

- (d) by omitting from subsection (1) the following definitions:
 - “hazardous substance”;
 - “initial standard”;
 - “system licence”;
 - “unacceptable *Legionella* levels”; and
- (e) by omitting subsection (6).

Position of Crown

6. Section 6A of the Building Act is amended by omitting subsection (2) and substituting the following subsection:

- “(2) The Territory Crown is bound by this Act in the application of—
 - (a) section 26; and
 - (b) section 43 as it relates to specialised systems.”.

Insertion

7. After section 6A of the Building Act the following section is inserted in Part I:

Applicable standard—amendment

“6B. (1) The Minister may, by instrument, amend the applicable standard.

“(2) An instrument under subsection (1) is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.”.

Inspection of premises for loose asbestos

8. Section 9A of the Building Act is amended—

- (a) by omitting from subsection (1) “a hazardous substance” and substituting “loose asbestos”;
- (b) by omitting from paragraph (2) (c) “a hazardous substance” and substituting “loose asbestos”;
- (c) by omitting from paragraph (2) (d) “a hazardous substance;” and substituting “loose asbestos; or”;
- (d) by omitting from paragraph (2) (e) “a hazardous substance; or” and substituting “loose asbestos;”;
- (e) by omitting paragraph (2) (f);
- (f) by omitting from paragraphs (13) (a) and (b) “or a substance containing *Legionella* bacteria (as the case may be)”; and

- (g) by omitting from paragraph (14) (a) “a hazardous substance” and substituting “loose asbestos”.

Repeal

- 9. Sections 9B and 9C of the Building Act are repealed.

Carrying out building work

- 10. Section 30 of the Building Act is amended by omitting from subsection (1) “(other than maintenance or cleaning of a specialised system)”.

Repeal

- 11. Part IIIA of the Building Act is repealed.

Notice to carry out building work

- 12. Section 46 of the Building Act is amended—

- (a) by omitting paragraph (1) (g) and substituting the following paragraph:
 - “(g) a building inspector finds, on inspection, that a building contains loose asbestos;”;
- (b) by omitting from subsection (1) “, with respect to building work other than maintenance or cleaning of a specialised system;” and
- (c) by omitting from paragraph (4) (a) “, or maintenance or cleaning of a specialised system”.

Heading to Part IVA

- 13. The heading to Part IVA of the Building Act is amended by omitting “**HAZARDOUS SUBSTANCES**” and substituting “**LOOSE ASBESTOS**”.

Heading to Part IVA, Division 1

- 14. The heading to Division 1 of Part IVA of the Building Act is omitted.

Repeal

- 15. Division 2 of Part IVA of the Building Act is repealed.

Review by Administrative Appeals Tribunal

- 16. Section 60 of the Building Act is amended—

- (a) by omitting paragraphs (1) (pa) to (pf) (inclusive) and (ra) and (rb);

- (b) by omitting paragraphs (3) (ka), (kb), (kc) and (ma); and
- (c) by omitting subsection (3A).

Division 3—Transitional

Specialised systems—public health risk activity

17. (1) The operation of a specialised system is, on and after the commencement day, to be taken to have been declared to be a licensable public health risk activity under section 18 of the new Public Health Act.

(2) Subsection (1) does not apply to a specialised system that, immediately before the commencement day, was exempt under paragraph 42A (a) or Division 5 of Part IIIA of the unamended Building Act from the operation of that Part.

(3) On or after the commencement day, the Minister may revoke an exemption under Division 5 of Part IIIA of the unamended Building Act by written notice to the person to whom the exemption was granted if the Minister considers that such revocation is desirable in the interests of public health.

System licences—activity licences

18. (1) A system licence in force under the unamended Building Act immediately before the commencement day continues in force on and after that day as if it had been granted as an activity licence under section 30 of the new Public Health Act in relation to the public health risk activity referred to in section 17 of this Act.

(2) An activity licence referred to in subsection (1) is—

- (a) subject to the same conditions (if any) as the corresponding system licence, in addition to the condition referred to in subsection (3);
- (b) to be taken to have been granted for the period expiring on the date on which the corresponding system licence under the unamended Building Act would have otherwise expired; and
- (c) otherwise subject to the new Public Health Act.

(3) An activity licence referred to in subsection (1) in relation to a specialised system is to be taken to have been granted subject to the condition that any maintenance, cleaning or structural modification of the system is only to be carried out in accordance with the written approval of the Minister.

(4) An activity licence referred to in subsection (1) may be renewed under section 33 of the new Public Health Act for a period determined by the Minister.

(5) If a suspension was in force under the unamended Building Act in relation to a system licence immediately before the commencement day—

- (a) this section applies in relation to the licence; and
- (b) the suspension remains in force under the new Public Health Act—
 - (i) in the case of a suspension on a ground specified in paragraph 42J (1) (a), (b) or (c) of the unamended Building Act—until the Minister gives written notice to the licensee that he or she has reasonable grounds for believing that the ground for suspension of the licence no longer exists; or
 - (ii) in any other case—for the period referred to in paragraph 42J (7) (b) of the unamended Building Act.

System licences—transitional

19. (1) If, immediately before the commencement day, an application had been made in accordance with section 42C of the unamended Building Act for a system licence but no decision had been made in relation to the application, the application is to be taken to have been made in accordance with section 29 of the new Public Health Act for an activity licence in relation to the public health risk activity referred to in subsection 17 (1) of this Act.

(2) If, immediately before the commencement day, an application had been made in accordance with section 42F of the unamended Building Act for the renewal of a system licence but no decision had been made in relation to the application, the application is to be taken to have been made in accordance with section 33 of the new Public Health Act for the renewal of the corresponding activity licence.

(3) If, immediately before the commencement day, an application had been made in accordance with section 42G of the unamended Building Act for the transfer of a system licence but no decision had been made in relation to the application, the application is to be taken to have been made in accordance with section 36 of the new Public Health Act for the transfer of the corresponding activity licence.

(4) If, immediately before the commencement day, the Building Controller had, under subsection 42J (1) of the unamended Building Act, given a notice to the holder of a system licence requiring the licensee to show cause why the licence should not be suspended, but no decision had been made in relation to the proposed suspension—

- (a) the notice is to be taken to have been given to the licensee under subsection 39 (3) of the new Public Health Act in relation to the proposed suspension of the corresponding activity licence on the date on which the notice was given under subsection 42J (1) of the unamended Building Act;
- (b) if an extension had been granted under subsection 42J (4) of the unamended Building Act in relation to the notice—the 28-day period referred to in subsection 39 (4) of the new Public Health Act is to be taken to have been extended accordingly; and
- (c) the Minister may suspend the corresponding activity licence under paragraph 39 (4) (a) of the new Public Health Act if he or she has reasonable grounds for believing that—
 - (i) there exists a ground for suspension of the licence under subsection 42J (1) of the unamended Building Act, being a ground specified in the notice; and
 - (ii) such suspension is desirable in the interests of public health.

PART III—PUBLIC HEALTH ACT 1928

Interpretation

20. In this Part—

“commencement day” means the day on which section 3 of the new Public Health Act commences.

Medical Officer of Health—Chief Health Officer

21. (1) The person holding office as the Medical Officer of Health under the old Public Health Act immediately before the commencement day is, on and after that day, to hold the office of Chief Health Officer under section 7 of the new Public Health Act subject otherwise to the new Public Health Act.

(2) A delegation under section 6 of the old Public Health Act of a power of the Medical Officer of Health under a regulation under the old Public Health Act, being a delegation in force immediately before the commencement day, continues in force on and after that day as if the delegation had been made under section 8 of the new Public Health Act, subject otherwise to the new Public Health Act.

Environmental Health Officers—Public Health Officers

22. (1) An Environmental Health Officer under section 7 of the old Public Health Act immediately before the commencement day is, on and after that day, to be taken to be a Public Health Officer under section 12 of the new Public Health Act, subject otherwise to the new Public Health Act.

(2) An identity card issued to an Environmental Health Officer under section 8 of the old Public Health Act that he or she was entitled to hold immediately before the commencement day is, on and after that day, to be taken to be an identity card issued to him or her under section 16 of the new Public Health Act in his or her capacity as a Public Health Officer under the new Public Health Act by virtue of subsection (1) of this section.

Fee determinations

23. A determination of a fee under section 11A of the old Public Health Act for the purposes of a regulation under the old Public Health Act, being a determination in force immediately before the commencement day, continues in force on and after that day as if the determination had been made under section 137 of the new Public Health Act, subject otherwise to the new Public Health Act.

Regulations under the old Public Health Act

24. (1) Section 138 of the new Public Health Act is to be taken to authorise the Executive to make regulations providing for and in relation to the matters set out in section 12 of the old Public Health Act.

(2) A regulation in force under section 12 of the old Public Health Act immediately before the commencement day continues in force on and after that day (as amended by this Act) as if it had been made under section 138 of the new Public Health Act, subject otherwise to the new Public Health Act.

PART IV—SEXUALLY TRANSMITTED DISEASES ACT 1956

Interpretation

25. In this Part—

“commencement day” means the day on which Part VI of the new Public Health Act commences;

“Sexually Transmitted Diseases Act” means the *Sexually Transmitted Diseases Act 1956*.

Repeal of *Sexually Transmitted Diseases Act 1956*

26. The following Acts are repealed:

Sexually Transmitted Diseases Act 1956

Venereal Diseases (Amendment) Act 1977

Sexually Transmitted Diseases (Amendment) Act 1990.

Notification requirements—medical practitioners

27. (1) This section applies if—

- (a) a sexually transmitted disease within the meaning of the Sexually Transmitted Diseases Act is a transmissible notifiable condition within the meaning of the new Public Health Act; and
- (b) before the commencement day, a medical practitioner had given a notice to the Medical Officer of Health under subsection 6 (1) of the Sexually Transmitted Diseases Act in relation to a person who the practitioner has reasonable grounds for believing to have that disease.

(2) Where this section applies, the medical practitioner is to be taken to have complied with the requirements of section 102 of the new Public Health Act in relation to the notification of the relevant transmissible notifiable condition.

Notification requirements—pathologists

28. (1) This section applies if—

- (a) a sexually transmitted disease within the meaning of the Sexually Transmitted Diseases Act is a transmissible notifiable condition within the meaning of the new Public Health Act; and

- (b) before the commencement day, a pathologist had given a notice to the Medical Officer of Health under subsection 6A (1) of the Sexually Transmitted Diseases Act in relation to a positive test for that disease.

(2) Where this section applies, the following persons are to be taken to have complied with the requirements of section 103 of the new Public Health Act in relation to the notification of the relevant transmissible notifiable condition:

- (a) the pathologist;
- (b) if the pathologist is employed in a laboratory at a hospital—the person in charge of the laboratory;
- (c) if the pathologist carried out the test in the course of his or her employment other than at a hospital—the pathologist’s employer.

PART V—SKIN PENETRATION PROCEDURES ACT 1994

Interpretation

29. In this Part—

“commencement day” means the day on which this Part commences;

“Skin Penetration Act” means the *Skin Penetration Procedures Act 1994*.

Repeal of *Skin Penetration Procedures Act 1994*

30. The *Skin Penetration Procedures Act 1994* is repealed.

Skin penetration—public health risk activity and procedures

31. (1) The carrying on of a prescribed business within the meaning of the Skin Penetration Act is, on and after the commencement day, to be taken to have been declared to be a licensable public health risk activity under section 18 of the new Public Health Act.

(2) The performance of any skin penetration procedure within the meaning of the Skin Penetration Act is, on and after the commencement day, to be taken to have been declared to be a licensable public health risk procedure under section 18 of the new Public Health Act in relation to the public health risk activity referred to in subsection (1) of this section.

Authorised officers—Public Health Officers

32. (1) An authorised officer under section 5 of the Skin Penetration Act immediately before the commencement day is, on and after that day, to be taken to be a Public Health Officer under section 12 of the new Public Health Act who is authorised under section 14 of that Act to perform functions under Part III of that Act, subject otherwise to the new Public Health Act.

(2) An identity card issued to an authorised officer under section 6 of the Skin Penetration Act that he or she was entitled to hold immediately before the commencement day is, on and after that day, to be taken to be an identity card issued to him or her under section 16 of the new Public Health Act in his or her capacity as a Public Health Officer under the new Public Health Act by virtue of subsection (1) of this section.

Codes of Practice

33. A Code of Practice in force under the Skin Penetration Act immediately before the commencement day is, on and after that day, to be taken to have been determined to be a Code of Practice under section 133 of the new Public Health Act.

Business licences—activity licences

34. (1) A business licence in force under the Skin Penetration Act immediately before the commencement day continues in force on and after that day as if it had been granted as an activity licence under section 30 of the new Public Health Act in relation to the public health risk activity referred to in subsection 31 (1) of this Act.

(2) An activity licence referred to in subsection (1) is—

- (a) subject to the same conditions as the corresponding business licence;
- (b) to be taken to have been granted for the period expiring on the anniversary of the grant of the corresponding business licence; and
- (c) otherwise subject to the new Public Health Act.

(3) An activity licence referred to in subsection (1) may be renewed under section 33 of the new Public Health Act for a period determined by the Minister.

(4) If a suspension was in force under the Skin Penetration Act in relation to a business licence immediately before the commencement day—

- (a) this section applies in relation to the licence;
- (b) in the case of a suspension under subsection 23 (2) of the Skin Penetration Act—section 23 of the Skin Penetration Act continues to apply in relation to the suspended licence as if references in that section to a licence were references to the corresponding activity licence; and
- (c) in the case of a suspension under any other provision of the Skin Penetration Act—the suspension remains in force under the new Public Health Act as if it were a suspension of the corresponding activity licence for the same period.

(5) If, immediately before the commencement day, an application had been made in accordance with section 14 of the Skin Penetration Act for a business licence, but no decision had been made in relation to the application, the application is to be taken to have been made in accordance with section 29 of the new Public Health Act for an activity licence in relation to the public health risk activity referred to in subsection 31 (1) of this Act.

Operator's licences—procedure licences

35. (1) An operator's licence in force under the Skin Penetration Act immediately before the commencement day continues in force on and after that day as if it had been granted as a procedure licence under section 45 of the new Public Health Act in relation to the public health risk procedure referred to in subsection 31 (2) of this Act.

- (2) A procedure licence referred to in subsection (1) is—
- (a) subject to the same conditions as the corresponding operator's licence; and
 - (b) otherwise subject to the new Public Health Act.

(3) If a suspension was in force under the Skin Penetration Act in relation to an operator's licence immediately before the commencement day—

- (a) this section applies in relation to the licence;

- (b) in the case of a suspension under subsection 23 (2) of the Skin Penetration Act—section 23 of the Skin Penetration Act continues to apply in relation to the suspended licence as if references in that section to a licence were references to the corresponding procedure licence; and
- (c) in the case of a suspension under any other provision of the Skin Penetration Act—the suspension remains in force under the new Public Health Act as if it were a suspension of the corresponding procedure licence for the same period.

(4) If, immediately before the commencement day, an application had been made under section 15 of the Skin Penetration Act for an operator’s licence, but no decision had been made in relation to the application, the application is to be taken to have been made in accordance with section 43 of the new Public Health Act for a procedure licence in relation to the public health risk procedure referred to in subsection 31 (2) of this Act.

Transitional—general

36. Subject to this Part, the new Public Health Act applies in relation to any application made, notice given, decision made or action taken under or for the purposes of a provision of the Skin Penetration Act as if the application had been made, the notice had been given, the decision had been made or the action had been taken under or for the purposes of the provision of the new Public Health Act that most closely corresponds to that provision.

PART VI—TUBERCULOSIS ACT 1950

Interpretation

37. In this Part—

“commencement day” means the day on which Part VI of the new Public Health Act commences;

“Tuberculosis Act” means the *Tuberculosis Act 1950*.

Repeal of *Tuberculosis Act 1950*

38. The *Tuberculosis Act 1950* is repealed.

Notification requirements—medical practitioners

39. (1) This section applies if—

- (a) tuberculosis is a transmissible notifiable condition within the meaning of the new Public Health Act; and

- (b) before the commencement day, a medical practitioner had given a notice to the Medical Officer of Health under subsection 6 (1) of the Tuberculosis Act in relation to a person who the practitioner has reasonable grounds for believing to have tuberculosis.

(2) Where this section applies, the medical practitioner is to be taken to have complied with the requirements of section 102 of the new Public Health Act in relation to the notification of the condition.

PART VII—GENERAL TRANSITIONAL PROVISIONS

Interpretation

40. In this Part—

“commencement day” means the day on which section 3 of the new Public Health Act commences.

Actions of Medical Officer of Health

41. (1) Anything done by the Medical Officer of Health within the meaning of the old Public Health Act for the purposes of a law of the Territory before the commencement day is to be taken on and after that day to have been done by the Chief Health Officer within the meaning of the new Public Health Act for the same purposes.

(2) A delegation under a provision of a law of the Territory (other than the old Public Health Act) of a power of the Medical Officer of Health, being a delegation in force immediately before the commencement day, continues in force on and after that day as if the delegation had been made under that provision as amended by this Act.

Actions of Environmental Health Officers

42. Anything done by an Environmental Health Officer within the meaning of the old Public Health Act for the purposes of a law of the Territory before the commencement day is to be taken on and after that day to have been done by a Public Health Officer within the meaning of the new Public Health Act for the same purposes.

PART VIII—MISCELLANEOUS AMENDMENTS

References to statutory officers

43. (1) The Acts specified in Schedule 1 are amended as set out in that Schedule.

(2) The regulations specified in Schedule 2 are amended as set out in that Schedule.

References to infectious and contagious diseases

44. (1) The Acts specified in Schedule 3 are amended as set out in that Schedule.

(2) The regulations specified in Schedule 4 are amended as set out in that Schedule.

SCHEDULE 1

Subsection 43 (1)

REFERENCES TO STATUTORY OFFICERS
(AMENDMENTS OF ACTS)

Building Act 1972

Paragraph 5 (6) (b)—

Omit the paragraph, substitute the following paragraph:

“(b) ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*.”.

Paragraphs 9C (1) (a), 51L (1) (b) and (3) (b) and 51M (1) (b)—

Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

Subsection 51M (2)—

Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

Cemeteries Act 1933

Subsection 2 (1) (definition of “Medical Officer of Health”)—

Omit the definition.

Paragraph 16 (b)—

Omit “Medical Officer of Health”, substitute “Chief Health Officer under the *Public Health Act 1997*”.

Drugs of Dependence Act 1989

Subsection 3 (1) (definition of “Medical Officer of Health”)—

Omit the definition.

Subsection 3 (1)—

Insert the following definition:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;”.

Subparagraph 60 (1) (j) (i)—

- (a) Omit “Medical Officer of Health”, substitute “Chief Health Officer”.
- (b) Omit “ ‘APPROVED BY MOH’ ”, substitute “ ‘APPROVED BY CHO’ ”.

SCHEDULE 1—continued

Subparagraph 60 (1) (j) (ii)—

- (a) Omit “Medical Officer of Health”, substitute “Chief Health Officer”.
- (b) Omit “ ‘MOH APPROVAL NOT REQUIRED’ ”, substitute “ ‘CHO APPROVAL NOT REQUIRED’ ”.

Further amendments—

The following provisions are amended by omitting “Medical Officer of Health” (wherever occurring) and substituting “Chief Health Officer”:

Subsections 8 (2) and (3), 9 (1) to (5) (inclusive) and 10 (1), section 12, subsection 16 (1), section 17, subsections 22 (2) and (3), 23 (1) to (4) (inclusive) and 24 (1), sections 26 and 30, subsections 35 (3), 36 (1) and 37 (2), section 40, subsections 42 (1), 43 (1), 45 (1), (2) and (3), 46 (1) and (2) and 47 (1), section 48, subsections 50 (1) and (3), section 51, paragraph 53 (2) (b), subsections 54 (5) and 58 (2) and (3), section 59, subsection 64 (6), paragraph 68 (d), subsection 69 (1), paragraphs 69 (2) (a) and (b), subsections 69 (3) and (4), 70 (2) and (3), 71 (1), (2) and (3), 72 (1) and (2) and 73 (1), paragraph 73 (2) (c), subsections 74 (1) and 75 (3), paragraph 82 (b), subsections 86 (1) and (3), 87 (1), 88 (1) and 90 (1) and (3), sections 94 and 98, paragraph 106 (4) (a), subsections 111 (2) to (5) (inclusive), 112 (3) and (4) and 114 (2) and (3), paragraphs 114 (4) (b) and 120 (3) (b), subsections 175 (1) to (4) (inclusive), section 183, subsection 190 (4), section 203 and Form 4 in Schedule 4.

Food Act 1992

Section 3 (definition of “identity card”)—

Omit the definition, substitute the following definition:

“ ‘identity card’, in relation to a Public Health Officer, means the identity card issued to the Officer under the *Public Health Act 1997*;”.

Section 3 (definition of “health officer”)—

Omit the definition.

SCHEDULE 1—continued

Section 3—

Insert the following definition:

“ ‘Public Health Officer’, in relation to a function under this Act, means—

- (a) a Public Health Officer under the *Public Health Act 1997* who is authorised in writing by the Chief Health Officer under that Act to perform that function; or
- (b) the Chief Health Officer under the *Public Health Act 1997*;

Paragraph 46 (2) (b)—

Omit “health officer’s”, substitute “Officer’s”.

Paragraph 47 (2) (g)—

Omit “health officer’s opinion,”, substitute “opinion of the Public Health Officer who issued the notice.”.

Heading to Division 2 of Part VII—

Omit “*Health officers*’ ”, substitute “*Public Health Officers*”.

Heading to Division 3 of Part VII—

Omit “*health officers*”, substitute “*Public Health Officers*”.

Further amendments—

The following provisions are amended by omitting “health officer” (wherever occurring) and substituting “Public Health Officer”:

Subsection 11 (3), section 36, subsection 46 (1), paragraph 46 (2) (a), subsections 46 (4), 47 (1) and (3) and 48 (1), paragraph 48 (2) (b), subsections 48 (3), 50 (3), 51 (1), (2) and (4) (definition of “prescribed premises”) and 52 (1) and (2), section 53, subsection 54 (1), section 55, subsections 56 (1) and (2), section 57, subsection 59 (2), sections 60, 66 and 67, subsections 68 (1) and 69 (1), (2) and (3), section 70, subsections 73 (1) and (2), paragraphs 75 (1) (a) and (b), section 76, subsections 78 (1) and 79 (2) and section 80.

Hawkers Act 1936

Subsection 4 (1) (definition of “Medical Officer of Health”)—

Omit the definition.

SCHEDULE 1—continued

Subsection 4 (1)—

Insert the following definition:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;”.

Section 8A—

Omit “Medical Officer of Health” (wherever occurring), substitute “Chief Health Officer”.

Subsection 12A (2)—

Omit “Medical Officer of Health” (wherever occurring), substitute “Chief Health Officer”.

Meat Act 1931

Section 4 (definition of “identity card”)—

Omit the definition, substitute the following definition:

“ ‘identity card’, in relation to a Public Health Officer, means the identity card issued to the officer under the *Public Health Act 1997*;”.

Section 4 (definitions of “Environmental Health Officer” and “Medical Officer of Health”)—

Omit the definitions.

Section 4—

Insert the following definitions:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;

“ ‘Public Health Officer’, in relation to a function under this Act, means—

- (a) a Public Health Officer under the *Public Health Act 1997* who is authorised in writing by the Chief Health Officer to perform that function; or
- (b) the Chief Health Officer;”.

Section 8—

Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

SCHEDULE 1—continued

Subsection 9 (1)—

Omit “Medical Officer of Health” (wherever occurring), substitute “Chief Health Officer”.

Section 9A—

Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

Subsection 11 (1)—

Omit “An Environmental Health Officer”, substitute “A Public Health Officer”.

Subsection 11 (1B)—

Omit “an Environmental Health Officer”, substitute “a Public Health Officer”.

Subsection 11 (2)—

Omit “An Environmental Health Officer”, substitute “A Public Health Officer”.

Subsections 18 (1) and (2)—

Omit “an Environmental Health Officer”, substitute “a Public Health Officer”.

Subsection 18 (3)—

Omit “An Environmental Health Officer”, substitute “A Public Health Officer”.

Subsections 18 (4), (4A) and (5)—

Omit “an Environmental Health Officer” (wherever occurring), substitute “a Public Health Officer”.

Subsection 19A (2)—

Omit “the Medical Officer of Health”, substitute “a Public Health Officer, the Chief Health Officer or the Medical Officer of Health under the *Public Health Act 1928*,”.

Poisons Act 1933

Subsection 5 (1) (definition of “Medical Officer of Health”)—

Omit the definition.

SCHEDULE 1—continued

Subsection 5 (1)—

Insert the following definition:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;”.

Subsections 8 (1) to (4) (inclusive)—

Omit “Medical Officer of Health” (wherever occurring), substitute “Chief Health Officer”.

Poisons and Drugs Act 1978

Subsection 3 (1) (definition of “Medical Officer of Health”)—

Omit the definition.

Subsection 3 (1)—

Insert the following definition:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;”.

Further amendments—

The following provisions are amended by omitting “Medical Officer of Health” and substituting “Chief Health Officer”:

Section 27C, subsection 27D (1), paragraph 27D (2) (c) and subsections 27E (1) and (2), 49 (1) and 54A (2).

Prostitution Act 1992

Subsection 17 (4) (definition of “designated medical practitioner”)—

Omit “Medical Officer of Health”, substitute “Chief Health Officer under the *Public Health Act 1997*”.

Public Health (Prohibited Drugs) Act 1957

Section 2 (definition of “Medical Officer of Health”)—

Omit the definition.

Section 2—

Insert the following definition:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;”.

SCHEDULE 1—continued

Subsection 5 (2)—

Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

Section 6—

Omit “Medical Officer of Health” (wherever occurring), substitute “Chief Health Officer”.

Sexually Transmitted Diseases Act 1956

Section 4 (definition of “Medical Officer of Health”)—

Omit the definition.

Section 4—

Insert the following definition:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*.”.

Further amendments—

The following provisions are amended by omitting “Medical Officer of Health” (wherever occurring) and substituting “Chief Health Officer”:

Subsections 6 (1) and (2), 6A (1) and (3), 7 (1) and (2), 8 (1), (4), (5) and (6), 9 (1), (2), (3) and (5), 10 (1) and 11 (2), section 12, subsection 15 (1), sections 17 and 18 and subsection 19 (2).

Skin Penetration Procedures Act 1994

Paragraph 5 (3) (b)—

Omit the paragraph, substitute the following paragraphs:

“(b) a Public Health Officer under the *Public Health Act 1997* who is authorised in writing by the Chief Health Officer under that Act to perform functions for the purposes of this Act;

(c) the Chief Health Officer under the *Public Health Act 1997*.”.

Subsection 32 (1) (definition of “identity card”)—

Omit all the words after “by virtue of”, substitute “paragraph 5 (3) (b) or (c), an identity card under the *Public Health Act 1997*”.

SCHEDULE 1—continued

Tobacco Act 1927

Subsection 11 (6) (definition of “authorised officer”, paragraph (b))—

Omit the paragraph, substitute the following paragraph:

“(b) a Public Health Officer, or the Chief Health Officer, under the *Public Health Act 1997*.”.

Tuberculosis Act 1950

Section 3 (definition of “Medical Officer of Health”)—

Omit the definition.

Section 3—

Insert the following definition:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*.”.

Further amendments—

The following provisions are amended by omitting “Medical Officer of Health” (wherever occurring) and substituting “Chief Health Officer”:

Subsections 4 (1) and 7 (1) and (3), section 8 and subsections 9 (1), (2), (3), (5), (8), (10) and (12), 10 (1) and 12 (1), (2) and (3).

SCHEDULE 2

Subsection 43 (2)

REFERENCES TO STATUTORY OFFICERS
(AMENDMENTS OF REGULATIONS)

Meat Regulations

Regulation 2—

Insert the following definition:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;”.

Further amendments—

The following provisions are amended by omitting “Medical Officer of Health” (wherever occurring) and substituting “Chief Health Officer”:

Regulation 4, subregulations 5 (1), (3) and (7), 6 (1), (2) and (4) and 7 (1), regulation 8 and Forms A and B in the Schedule.

Poisons Regulations

Regulation 3—

Insert the following definition:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;”.

Regulation 4—

(a) Omit “(1)”.

(b) Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

The Schedule—

Omit “Medical Officer of Health” (wherever occurring), substitute “Chief Health Officer”.

Public Health (Barbers’ Shops) Regulations

Regulation 4 (definition of “Environmental Health Officer”)—

Omit the definition.

SCHEDULE 2—continued

Regulation 4—

Insert the following definitions:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;

‘Public Health Officer’ means—

- (a) a Public Health Officer under the *Public Health Act 1997*;
- or
- (b) the Chief Health Officer.”.

Subregulations 6 (1), (2) and (3)—

Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

Subregulation 20 (3)—

Omit “An Environmental Health Officer”, substitute “A Public Health Officer”.

Regulation 23—

Omit “An Environmental Health Officer”, substitute “A Public Health Officer”.

The Schedule (Forms A and B)—

Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

Public Health (Boarding-houses) Regulations

Subregulation 3 (1) (definition of “Environmental Health Officer”)—

Omit the definition.

Subregulation 3 (1)—

Insert the following definitions:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;

‘Public Health Officer’ means—

- (a) a Public Health Officer under the *Public Health Act 1997*;
- or
- (b) the Chief Health Officer;”.

SCHEDULE 2—continued

Paragraph 16 (b)—

Omit “an Environmental Health Officer”, substitute “a Public Health Officer”.

Subregulation 17 (2)—

Omit “the Medical Officer of Health, or an Environmental Health Officer,”, substitute “a Public Health Officer”.

The Schedule (Form A)—

Omit “*Public Health Act 1928*”, substitute “*Public Health Act 1997*”.

The Schedule (Form B)—

(a) Omit “*Public Health Act 1928*”, substitute “*Public Health Act 1997*”.

(b) Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

Further amendments—

The following provisions are amended by omitting “Medical Officer of Health” (wherever occurring) and substituting “Chief Health Officer”:

Subregulations 3 (1) (definition of “Approved”) and 5 (2) and (3), paragraph 6 (f), subregulations 8 (2) and (3), regulation 10, paragraph 16 (h) and subregulation 17 (1).

Public Health (Cancer Reporting) Regulations

Regulation 3—

Insert the following definition:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;”.

Further amendments—

The following provisions are amended by omitting “Medical Officer of Health” (wherever occurring) and substituting “Chief Health Officer”:

Regulation 3 (definition of “approved form”), subregulations 4 (1) and (2) and 5 (1) and (2), regulation 7 and subregulations 8 (1) and 9 (1).

SCHEDULE 2—continued

Public Health (Cervical Cytology) Regulations

Regulation 3—

Insert the following definition:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;”.

Further amendments—

The following provisions are amended by omitting “Medical Officer of Health” (wherever occurring) and substituting “Chief Health Officer”:

Subregulations 4 (1) and (3), regulation 5, subregulations 6 (1) and (2), 7 (2), (3) and (7) (definition of “appropriate interval”) and 8 (3), regulations 10, 12 and 13, paragraph 14 (1) (b), subregulation 14 (2), regulations 17, 18 and 19, subregulation 20 (1) and paragraph 21 (1) (b).

Public Health (Dairy) Regulations

Subregulation 4 (1) (definition of “Environmental Health Officer”)—

Omit the definition.

Subregulation 4 (1)—

Insert the following definitions:

“ ‘analyst’ means an Analyst under the *Public Health Act 1997*;

‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;

‘Public Health Officer’ means—

- (a) a Public Health Officer under the *Public Health Act 1997*;
or
- (b) the Chief Health Officer;”.

Paragraph 40 (9) (a)—

Omit “authorized material”, substitute “material which has been authorised in writing by the Minister”.

Regulation 94—

Repeal the regulation.

SCHEDULE 2—continued

The Schedule (Form 1)—

- (a) Omit “*Public Health Act 1928*”, substitute “*Public Health Act 1997*”.
- (b) Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

The Schedule (Form 2)—

- (a) Omit “*Public Health Act 1928*”, substitute “*Public Health Act 1997*”.
- (b) Omit “*Public Health Act 1928-1966*”, substitute “*Public Health Act 1997*”.
- (c) Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

The Schedule (Forms 3 and 4)—

- (a) Omit “*Public Health Act 1928*”, substitute “*Public Health Act 1997*”.
- (b) Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

The Schedule (Form 5)—

Omit “duly appointed under the provisions of the Public Health (Dairy) Regulations”, substitute “under the *Public Health Act 1997*”.

Further amendments—

1. The following provisions are amended by omitting “An Environmental Health Officer” and substituting “A Public Health Officer”:

Subregulations 88 (1) and (2) and 93 (3).

2. The following provisions are amended by omitting “an Environmental Health Officer” (wherever occurring) and substituting “a Public Health Officer”:

Subregulations 19 (7), 20 (1), 21 (1), (2) and (5) and 25 (1) and (2), paragraphs 26 (a), (b) and (c), subregulation 27 (2), paragraphs 28 (1) (b), 30 (b) and (c), 31 (b) and 39 (e) and (g), subparagraph 44 (d) (v), paragraphs 51 (2) (b), 63 (1) (e) and 71 (a) and (b), subregulation 89 (1), regulations 90, 91 and 92, subregulations 93 (1) and (4), regulation 98 and paragraphs 99 (a), (b) and (c).

SCHEDULE 2—continued

3. The following provisions are amended by omitting “Environmental Health Officer” and substituting “Public Health Officer”:

Subregulation 21 (4) and paragraphs 89 (2) (a) and 93 (2) (b).

4. The following provisions are amended by omitting “Medical Officer of Health” (wherever occurring) and substituting “Chief Health Officer”:

Subregulations 6 (2), (3), (4) and (5), 7 (1) and (2) and 19 (1), (3) and (4), regulation 24, subregulations 40 (7) and (9), paragraph 47 (1) (d), subregulation 55 (3), paragraph 59 (b), subregulation 60 (1), paragraph 63 (2) (a), subregulation 63A (2), regulations 65 and 66, subregulation 67 (2) and regulations 69, 70 and 71.

Public Health (Eating Houses) Regulations

Regulation 2 (definition of “approved”)—

Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

Regulation 2—

Insert the following definition:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*.”

Public Health (General Sanitation) Regulations

Regulation 4 (definition of “Approved”)—

Omit “the Medical Officer of Health or an Environmental Health Officer”, substitute “a Public Health Officer”.

Regulation 4 (definition of “Environmental Health Officer”)—

Omit the definition.

Regulation 4—

Insert the following definitions:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;

‘Public Health Officer’ means—

- (a) a Public Health Officer under the *Public Health Act 1997*;
- or
- (b) the Chief Health Officer;”.

SCHEDULE 2—continued

Subregulation 11 (1)—

- (a) Omit “the Medical Officer of Health or an Environmental Health Officer”, substitute “a Public Health Officer”.
- (b) Omit “Medical Officer of Health or Environmental Health Officer”, substitute “Public Health Officer”.
- (c) Omit “Medical Officer of Health” (last occurring), substitute “Chief Health Officer”.

Subregulation 11 (2)—

Omit “Medical Officer of Health or Environmental Health Officer”, substitute “Public Health Officer”.

Subregulation 22 (4)—

Omit “the Medical Officer of Health or an Environmental Health Officer”, substitute “a Public Health Officer”.

Regulation 28—

Add at the end the following subregulation:

“(6) In this regulation—

‘unauthorised person’ means any person other than a person authorised in writing by the Minister.”.

Further amendments—

The following provisions are amended by omitting “Medical Officer of Health” (wherever occurring) and substituting “Chief Health Officer”:

Subregulations 7 (1), (2), (3), (4) and (7), regulation 9, subregulations 10 (2) and (3), regulations 12, 13, 14, 15 and 17, paragraph 18 (a), subregulation 19 (3), regulations 23, 24 and 26, subregulations 27 (1), (3), (4) and (5) and 28 (1), (3) and (5) and regulations 32 and 33.

**Public Health (Infectious and
Notifiable Diseases) Regulations**

Subregulation 3 (1) (definition of “Environmental Health Officer”)—

Omit the definition.

SCHEDULE 2—continued

Subregulation 3 (1)—

Insert the following definitions:

“ ‘Authorised Medical Officer’ means an Authorised Medical Officer under the *Public Health Act 1997*;

‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;

‘Public Health Officer’ means—

- (a) a Public Health Officer under the *Public Health Act 1997*;
- or
- (b) the Chief Health Officer;”.

Subregulations 5 (1), (4), (6) and (7)—

- (a) Omit “Medical Officer of Health” (wherever occurring), substitute “Chief Health Officer”.
- (b) Omit “authorized medical practitioner” (wherever occurring), substitute “Authorised Medical Officer”.

Subregulation 5 (8)—

- (a) Omit “the Medical Officer of Health or an Environmental Health Officer”, substitute “a Public Health Officer”.
- (b) Omit “Medical Officer of Health” (last occurring), substitute “Chief Health Officer”.

Regulation 7—

- (a) Omit “Medical Officer of Health” (wherever occurring), substitute “Chief Health Officer”.
- (b) Omit “authorized medical practitioner”, substitute “Authorised Medical Officer”.

Subregulation 8 (2)—

- (a) Omit “the Medical Officer of Health or an Environmental Health Officer”, substitute “a Public Health Officer”.
- (b) Omit “Medical Officer of Health” (last occurring), substitute “Chief Health Officer”.

SCHEDULE 2—continued

Subregulation 22 (1)—

Omit “an Environmental Health Officer”, substitute “a Public Health Officer”.

Further amendments—

The following provisions are amended by omitting “Medical Officer of Health” (wherever occurring) and substituting “Chief Health Officer”:

Subregulations 3 (1) (definitions of “authorised person” and “Contact”), 4 (1), 4A (1) and (3), 4B (1) and (2), 5 (2) and (3), 6 (1) and (2), 7A (1) and (2) and 8 (1), regulation 9, subregulations 11 (1) and (2) and 12 (1), (2) and (3), regulation 14, subregulation 14A (4), paragraphs 14A (5) (b) and 14C (d), subregulations 14D (1) and (2) and 14E (1) and (2), regulation 15, subregulations 17 (1) and (2), regulations 19, 20 and 21 and Schedule 1 (Form 1) and Schedule 2.

Public Health (Laundries, Dry Cleaning Establishments and Dye Works) Regulations

Regulation 3 (definition of “Environmental Health Officer”)—

Omit the definition.

Regulation 3—

Insert the following definitions:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;

‘Public Health Officer’ means—

- (a) a Public Health Officer under the *Public Health Act 1997*;
or
- (b) the Chief Health Officer;”.

Regulations 6 and 9—

Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

Subregulations 10 (1) and (2) and 11 (1)—

Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

Regulation 12—

Omit “An Environmental Health Officer”, substitute “A Public Health Officer”.

SCHEDULE 2—continued

Public Health (Meat) Regulations

Regulation 2 (definition of “Environmental Health Officer”)—

Omit the definition.

Regulation 2—

Insert the following definitions:

“ ‘Chief Health Officer’ means the Chief Health Officer under the
Public Health Act 1997;

‘Public Health Officer’ means—

- (a) a Public Health Officer under the *Public Health Act 1997*;
or
- (b) the Chief Health Officer;”.

Regulation 16—

- (a) Omit “an Environmental Health Officer”, substitute “a Public Health Officer”.
- (b) Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

Subregulation 20 (1)—

Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

Subregulation 20 (2)—

Omit “An Environmental Health Officer”, substitute “A Public Health Officer”.

Subregulation 21 (4)—

- (a) Omit “an Environmental Health Officer”, substitute “a Public Health Officer”.
- (b) Omit “an Inspector”, substitute “a Public Health Officer”.

Further amendments—

The following provisions are amended by omitting “an Environmental Health Officer” (wherever occurring) and substituting “a Public Health Officer”:

Paragraphs 7 (c), (d), (f) and (g), regulations 10 and 11, paragraphs 13 (a) and (f) and subregulation 15 (2).

SCHEDULE 2—continued

Public Health (Medical and Dental Inspection of School Children) Regulations

Regulation 2 (definition of “Authorized medical officer”)—

Omit the definition, substitute the following definition:

“ ‘Authorised Medical Officer’ means an Authorised Medical Officer under the *Public Health Act 1997*;”.

Regulation 2—

Insert the following definition:

“ ‘authorised’ means authorised in writing by the Minister;”.

Subregulation 3 (1)—

(a) Omit “authorized medical officer”, substitute “Authorised Medical Officer”.

(b) Omit “medical officer” (last occurring), substitute “Authorised Medical Officer”.

Subregulation 3 (2)—

Omit “medical officer”, substitute “Authorised Medical Officer”.

Regulation 5—

Omit “authorized medical officer”, substitute “Authorised Medical Officer”.

Subregulation 6 (1)—

Omit “authorized medical officer”, substitute “Authorised Medical Officer”.

Public Health (Piggeries) Regulations

Regulation 2 (definition of “Environmental Health Officer”)—

Omit the definition.

Regulation 2—

Insert the following definitions:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;

SCHEDULE 2—continued

‘Public Health Officer’ means—

- (a) a Public Health Officer under the *Public Health Act 1997*;
or
- (b) the Chief Health Officer;”.

Subregulations 4 (2) and (3) and 5 (2) and (3)—

Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

Subparagraph 6 (b) (i)—

Omit “an Environmental Health Officer”, substitute “a Public Health Officer”.

Subregulation 7 (2)—

Omit “an Environmental Health Officer”, substitute “a Public Health Officer”.

The Schedule (Forms A and B)—

Omit “Medical Officer of Health”, substitute “Chief Health Officer”.

Public Health (Private Hospitals) Regulations

Regulation 3 (definition of “Environmental Health Officer”)—

Omit the definition.

Regulation 3—

Insert the following definitions:

“ ‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;

‘Public Health Officer’ means—

- (a) a Public Health Officer under the *Public Health Act 1997*;
or
- (b) the Chief Health Officer;”.

Paragraph 17 (a)—

Omit “, to the Medical Officer of Health or an Environmental Health Officer”, substitute “to a Public Health Officer”.

Paragraph 17 (f)—

Omit “the Medical Officer of Health, or an Environmental Health Officer;”, substitute “a Public Health Officer”.

SCHEDULE 2—continued

Paragraph 17 (i)—

Omit “the Medical Officer of Health or an Environmental Health Officer”, substitute “a Public Health Officer”.

Subregulation 18 (4)—

Omit “the Medical Officer of Health or an Environmental Health Officer”, substitute “a Public Health Officer”.

The Schedule (Forms 1 and 2)—

Omit “*Public Health Act 1928*”, substitute “*Public Health Act 1997*”.

Further amendments—

The following provisions are amended by omitting “Medical Officer of Health” (wherever occurring) and substituting “Chief Health Officer”:

Paragraphs 9 (e), (f), (n), (p) and (q), 10 (2) (f) and 12 (1) (a), subregulation 12 (2), regulations 13 and 14, subregulations 15 (1) and 16 (1) and (2), paragraphs 17 (c), (e), (g), (j) and (m) and regulations 20 and 21.

Public Health (Sale of Food and Drugs) Regulations

Regulation 3 (definition of “Act”)—

Omit “*Public Health Act 1928*”, substitute “*Public Health Act 1997*”.

Regulation 3 (definition of “Environmental Health Officer”)—

Omit the definition.

Regulation 3—

Insert the following definitions:

“ ‘Authorised Medical Officer’ means an Authorised Medical Officer under the *Public Health Act 1997*;

‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*;

‘Public Health Officer’ means—

- (a) a Public Health Officer under the *Public Health Act 1997*;
- or
- (b) the Chief Health Officer;”.

SCHEDULE 2—continued

Subregulation 21 (1)—

- (a) Omit “Medical Officer of Health” (wherever occurring), substitute “Chief Health Officer”.
- (b) Omit “authorized medical practitioner”, substitute “Authorised Medical Officer”.
- (c) Omit “an Environmental Health Officer”, substitute “a Public Health Officer”.

Subparagraph 39 (j) (i)—

Omit “authorized material”, substitute “material which has been authorised in writing by the Minister”.

Subregulation 56 (7)—

- (a) Omit “an inspector”, substitute “a Public Health Officer”.
- (b) Omit “an Environmental Health Officer”, substitute “a Public Health Officer”.

Further amendments—

1. The following provisions are amended by omitting “An Environmental Health Officer” and substituting “A Public Health Officer”:

Subregulations 18 (2) and 19 (1) and (6).

2. The following provisions are amended by omitting “an Environmental Health Officer” (wherever occurring) and substituting “a Public Health Officer”:

Subregulations 19 (3), (4), (5) and (8), regulation 29, paragraph 39 (d), regulations 43, 45 and 46, paragraph 55 (c), subregulation 56 (5), regulation 63, paragraphs 74 (e) and 75 (g), subregulation 82 (2), paragraphs 83 (a) and (j), 84 (k), 85 (1) (f) and 86 (h), subregulation 95A (3) and paragraph 95A (5) (b).

3. The following provisions are amended by omitting “Medical Officer of Health” (wherever occurring) and substituting “Chief Health Officer”:

Paragraph 16 (1) (b), subregulations 16 (4), 17 (1) and (2) and 21 (2) and (3), paragraphs 25 (c) and 31 (2) (b), subregulations 32A (1) and (4) (definition of “mechanical glass-washing apparatus”), paragraph 39 (j), regulation 40, subregulation 57 (4), regulations 70 and 72, paragraphs 73 (b), 83 (b) and 87 (g), subregulation 91 (1), regulation 97 and paragraph 106 (h).

SCHEDULE 2—continued

Public Health (Tuberculosis) Regulations

New regulation 1A—

After regulation 1 insert the following regulation:

Interpretation

“1A. In these Regulations, unless the contrary intention appears—
‘Chief Health Officer’ means the Chief Health Officer under the *Public Health Act 1997*.”.

Regulation 2—

Omit “made under the *Public Health Act 1928*”.

Further amendments—

The following provisions are amended by omitting “Medical Officer of Health” (wherever occurring) and substituting “Chief Health Officer”:

Regulations 3 to 8 (inclusive) and subregulations 10 (1), (2) and (3).

SCHEDULE 3

Subsection 44 (1)

REFERENCES TO INFECTIOUS AND CONTAGIOUS DISEASES
(AMENDMENTS OF ACTS)

Clinical Waste Act 1990

Subsection 3 (1) (definition of “clinical waste”, paragraph (c))—

Omit all the words after “person”, substitute “who has a transmissible notifiable condition within the meaning of the *Public Health Act 1997*”.

Subsection 3 (1) (definition of “clinical waste”, paragraph (d))—

Omit the paragraph.

Cremation Act 1966

Subsection 9 (1)—

Omit the subsection.

Food Act 1992

Paragraph 84 (3) (a)—

Omit “infectious diseases”, substitute “transmissible notifiable conditions within the meaning of the *Public Health Act 1997*”.

Motor Traffic Act 1936

Subsection 35 (1)—

Omit “is suffering from any infectious disease”, substitute “has a transmissible notifiable condition”.

Subsection 35 (2)—

Omit “was, while in the public motor vehicle, private hire car or restricted hire vehicle, suffering from any infectious disease”, substitute “, while travelling therein, had a transmissible notifiable condition”.

Subsection 35 (3)—

Omit “was suffering from the infectious disease”, substitute “had the transmissible notifiable condition”.

Subsection 35 (4)—

Omit “suffering from any infectious disease”, substitute “while the person had a transmissible notifiable condition”.

SCHEDULE 3—continued

Section 35—

Add at the end the following subsection:

“(5) In this section—

‘transmissible notifiable condition’ has the same meaning as in the *Public Health Act 1997*.”.

Prostitution Act 1992

Subsection 3 (1) (definition of “sexually transmitted disease”, paragraph (a))—

Omit the paragraph, substitute the following paragraph:

“(a) gonorrhoea, syphilis, chancroid, donovanosis (granuloma inguinale) and lymphogranuloma venereum; or”.

Public Baths and Public Bathing Act 1956

Subparagraph 12 (1) (b) (ii)—

Omit the subparagraph, substitute the following subparagraph:

“(ii) a transmissible notifiable condition within the meaning of the *Public Health Act 1997*;”.

Subparagraph 17 (p) (ii)—

Omit the subparagraph, substitute the following subparagraph:

“(ii) a transmissible notifiable condition within the meaning of the *Public Health Act 1997*;”.

SCHEDULE 4

Subsection 44 (2)

REFERENCES TO INFECTIOUS AND CONTAGIOUS DISEASES
(AMENDMENTS OF REGULATIONS)

Children’s Services Regulations

Regulation 2 (definitions of “infectious disease” and “notifiable disease”)—

Omit the definitions.

Paragraph 7 (2) (b)—

Omit “is suffering from”, substitute “has”.

Paragraph 7 (2) (e)—

Omit “being suffered”.

Paragraph 7 (2) (f)—

Omit the paragraph, substitute the following paragraph:

“(f) if the child has a transmissible notifiable condition within the meaning of the *Public Health Act 1997*—the name of the condition.”.

Motor Omnibus Regulations

Paragraph 55 (1) (a)—

Omit the paragraph, substitute the following paragraph:

“(a) a person who has a transmissible notifiable condition within the meaning of the *Public Health Act 1997*;”.

Regulation 79—

Repeal the regulation, substitute the following regulation:

Passengers with transmissible conditions

“79. A person shall not ride in or upon an omnibus if the person—

- (a) has a transmissible notifiable condition within the meaning of the *Public Health Act 1997*; or
- (b) has so recently had such a condition as to be likely to transmit the condition to other persons riding in or upon the omnibus.”.

SCHEDULE 4—continued

Motor Omnibus Services Regulations

Paragraph 13 (1) (a)—

Omit the paragraph, substitute the following paragraph:

“(a) a person who has a transmissible notifiable condition within the meaning of the *Public Health Act 1997*.”.

Regulation 32—

Repeal the regulation, substitute the following regulation:

Passengers with transmissible conditions

“32. A person shall not ride in or upon an omnibus if the person—

- (a) has a transmissible notifiable condition within the meaning of the *Public Health Act 1997*; or
- (b) has so recently had such a condition as to be likely to transmit the condition to other persons riding in or upon the omnibus.

Penalty: 1 penalty unit.”.

Public Health (Barbers' Shops) Regulations

Regulation 4—

Insert the following definition:

“ ‘transmissible notifiable condition’ has the same meaning as in the *Public Health Act 1997*.”.

Heading to Part VI—

Omit “**DISEASES**”, substitute “**TRANSMISSIBLE NOTIFIABLE CONDITIONS**”.

Regulation 18—

Omit “is suffering from a contagious disease or a contagious rash or eruption”, substitute “has a transmissible notifiable condition or a contagious skin condition”.

Regulation 19—

Omit “suffering from a contagious disease or a contagious skin rash or eruption”, substitute “who has a transmissible notifiable condition or a contagious skin condition”.

SCHEDULE 4—continued

Public Health (Boarding-houses) Regulations

Subregulation 3 (1)—

Insert the following definition:

“ ‘transmissible notifiable condition’ has the same meaning as in the *Public Health Act 1997*.”.

Heading to Part IV—

Omit “**MISCELLANEOUS**”, substitute “**TRANSMISSIBLE NOTIFIABLE CONDITIONS**”.

Subregulation 17 (1)—

Omit “is suffering or is suspected to be suffering from an infectious disease” substitute “has or is suspected to have a transmissible notifiable condition”.

Paragraph 17 (2) (a)—

Omit “suffering or suspected to be suffering from an infectious disease”, substitute “who has or is suspected to have a transmissible notifiable condition”.

Public Health (Dairy) Regulations

Subregulation 4 (1) (definition of “infectious disease”)—

Omit the definition.

Subregulation 4 (1)—

Insert the following definition:

“ ‘transmissible notifiable condition’ has the same meaning as in the *Public Health Act 1997*.”.

Subparagraph 51 (1) (b) (iii)—

Omit “suffering from an infectious disease”, substitute “who has a transmissible notifiable condition”.

Paragraph 63 (1) (b)—

Omit “suffering from an infectious disease”, substitute “who has a transmissible notifiable condition”.

SCHEDULE 4—continued

Paragraph 64 (a)—

Omit the paragraph, substitute the following paragraph:

“(a) who has a transmissible notifiable condition or a skin condition; or”.

Regulation 65—

(a) Omit “suffering from an infectious disease”, substitute “who has a transmissible notifiable condition”.

(b) Omit “the disease from which the person is suffering”, substitute “the condition that the person has”.

Regulation 66—

Omit “infectious disease”, substitute “a transmissible notifiable condition”.

Subregulation 67 (1)—

Omit “is suffering from an infectious disease or is capable of communicating an infectious disease”, substitute “has a transmissible notifiable condition or is capable of transmitting such a condition”.

Subregulation 67 (2)—

Omit “in its opinion a specified person is suffering from, or is, or may be, capable of communicating, an infectious disease”, substitute “in his or her opinion a specified person has, or may be capable of transmitting, a transmissible notifiable condition”.

Regulation 68—

Omit “an infectious disease”, substitute “a transmissible notifiable condition”.

Regulation 70—

Omit “is a carrier of an infectious disease, or is suffering from”, substitute “is capable of transmitting a transmissible notifiable condition, or has”.

SCHEDULE 4—continued

Paragraph 71 (b)—

Omit the paragraph, substitute the following paragraph:

“(b) a person employed or residing on premises, being a dairy, factory or milk shop, has, or is believed by a Public Health Officer to have, a transmissible notifiable condition; or”.

Public Health (Infectious and Notifiable Diseases) Regulations

Regulation 1—

Repeal the regulation, substitute the following regulation:

Citation

“1. These Regulations may be cited as the Public Health (Immunisation and School Disease Control) Regulations.”.

Subregulation 3 (1) (definition of “Contact”)—

Omit the definition, substitute the following definition:

“ ‘contact’ means a person who is a contact within the meaning of the *Public Health Act 1997*;”.

Subregulation 3 (1) (definitions of “HIV”, “House”, “infectious disease”, “notifiable disease”, “Occupier”, “Owner” and “pathologist”)—

Omit the definitions.

Subregulation 3 (1) (definitions of “Authorised Medical Officer” and “Public Health Officer” inserted by Schedule 2 to this Act)—

Omit the definitions.

Subregulations 3 (2) and (3)—

Omit the subregulations.

Regulations 4 to 14 (inclusive)—

Repeal the regulations.

Paragraph 14C (a)—

Omit “is suffering from”, substitute “has”.

Paragraph 14D (1) (d)—

Omit “suffering from”, substitute “who has”.

SCHEDULE 4—continued

Regulation 15—

Omit “is suffering from an infectious disease”, substitute “has a transmissible notifiable condition”.

Paragraph 15A (a)—

Omit “is suffering from”, substitute “has”.

Paragraph 15A (b)—

Omit “is infected with”, substitute “has”.

Paragraphs 16 (1) (a) and (2) (a)—

Omit “is suffering from”, substitute “has”.

Regulation 17—

Repeal the regulation.

Regulation 18—

Omit “is suffering from an infectious disease,”, substitute “has a transmissible notifiable condition”.

Regulations 19 to 22 (inclusive)—

Repeal the regulations.

Schedules 1, 3 and 4—

Repeal the Schedules.

**Public Health (Laundries,
Dry Cleaning Establishments and Dye Works) Regulations**

Regulation 3 (definition of “infectious disease”)—

Omit the definition.

Regulation 3—

Insert the following definition:

“ ‘transmissible notifiable condition’ has the same meaning as in the *Public Health Act 1997*.”.

Paragraphs 8 (1) (b), (2) (b), (3) (b) and (4) (b)—

Omit “to be suffering from an infectious disease”, substitute “to have a transmissible notifiable condition”.

SCHEDULE 4—continued

Public Health (Meat) Regulations

Regulation 2 (definition of “Infectious disease”)—

Omit the definition.

Regulation 2—

Insert the following definition:

“ ‘transmissible notifiable condition’ has the same meaning as in the *Public Health Act 1997*.”.

Regulation 16—

Omit “is suffering from any infectious disease, or has”, substitute “has a transmissible notifiable condition or”.

Public Health (Private Hospitals) Regulations

Regulation 3 (definition of “infectious disease”)—

Omit the definition.

Regulation 3—

Insert the following definition:

“ ‘transmissible notifiable condition’ has the same meaning as in the *Public Health Act 1997*.”.

Paragraph 12 (1) (a)—

Omit “suffering from an infectious disease”, substitute “who has a transmissible notifiable condition”.

Paragraph 12 (2) (b)—

Omit “disease”, substitute “condition”.

Subregulation 12 (2)—

(a) Omit “an infectious disease” (first occurring), substitute “a transmissible notifiable condition”.

(b) Omit “to be suffering from an infectious disease”, substitute “to have that condition”.

Regulation 13—

(a) Omit “to be suffering from an infectious disease”, substitute “to have a transmissible notifiable condition”.

SCHEDULE 4—continued

(b) Omit “to be suffering from” (last occurring), substitute “to have”.

(c) Omit “the disease”, substitute “the condition or disease”.

Paragraph 16 (1) (b)—

Omit “to be suffering from”, substitute “to have”.

Subregulation 16 (2)—

Omit “suffering from”, substitute “who has”.

Public Health (Sale of Food and Drugs) Regulations

Regulation 3 (definition of “Infectious disease”)—

Omit the definition.

Regulation 3—

Insert the following definition:

“ ‘transmissible notifiable condition’ has the same meaning as in the
Public Health Act 1997.”.

Regulation 20—

Omit “is”.

Paragraph 20 (a)—

Omit “suffering from any infectious disease”, substitute “has a transmissible notifiable condition”.

Paragraph 20 (b)—

Before “wearing” insert “is”.

Subregulation 21 (1)—

Omit “suffering from any infectious or contagious disease”, substitute “having a transmissible notifiable condition”.

Subregulation 21 (2)—

Omit “is liable to convey the germs of disease”, substitute “may be capable of transmitting a transmissible notifiable condition”.

Regulation 70—

Omit “infectious disease”, substitute “a transmissible notifiable condition”.

SCHEDULE 4—continued

Regulation 71—

Omit “suffering from any infectious disease”, substitute “who has a transmissible notifiable condition”.

Regulation 77—

Omit “suffering from any infectious disease, skin affection, pulmonary tuberculosis, chronic cough, open sore, or sexually transmitted disease,”, substitute “who has a transmissible notifiable condition or skin condition,”.

Regulation 92—

- (a) Omit “Any person having an infectious disease”, substitute “A person who has a transmissible notifiable condition, a skin condition or an open sore”.
- (b) Omit “disease” (last occurring), substitute “condition”.

Remand Centres Regulations

Subregulation 9 (3)—

Omit “is found to be suffering from an infectious or contagious disease, or to be”, substitute “has a transmissible notifiable condition within the meaning of the *Public Health Act 1997* or is”.

Taxi and Private Hire Car Regulations

Paragraph 11 (2) (a)—

Omit “is”.

Subparagraph 11 (2) (a) (i)—

Omit “suffering from an infectious or contagious disease or illness”, substitute “has a transmissible notifiable condition within the meaning of the *Public Health Act 1997*”.

Subparagraph 11 (2) (a) (ii)—

Before “drunk” insert “is”.

Paragraph 46 (a)—

Omit the paragraph, substitute the following paragraphs:

- “(a) ride in or upon a taxi or private hire car while he or she has a transmissible notifiable condition within the meaning of the *Public Health Act 1997*;

SCHEDULE 4—continued

- (aa) ride in or upon a taxi after having so recently had such a condition as to be likely to transmit the condition to the driver or other passengers;
- (ab) ride in or upon a taxi if he or she is a contact within the meaning of the *Public Health Act 1997*;

NOTES

Penalty units

See section 33AA of the *Interpretation Act 1967*.

Section headings

On the day on which the sections specified below are amended by this Act, in addition to any alteration of section headings indicated in the text of this Act, headings to those sections are altered as set out in the following table:

Section	Alteration
	<i>Drugs of Dependence Act 1989</i>
17, 30, 40, 51, 69, 72, 94 and 98	Omit from the headings “ Medical Officer of Health ”, substitute “ Chief Health Officer ”.
	<i>Food Act 1992</i>
53 and 75	Omit from the headings “ health officers ”, substitute “ Public Health Officers ”.
	<i>Meat Act 1931</i>
18	Omit from the heading “ meat inspectors ”, substitute “ Public Health Officers ”.
	<i>Public Health (Prohibited Drugs) Act 1957</i>
6	Omit from the heading “ Medical Officer of Health ”, substitute “ Chief Health Officer ”.
	<i>Sexually Transmitted Diseases Act 1956</i>
18	Omit “ Medical Officer of Health ”, substitute “ Chief Health Officer ”.

Regulation headings

On the day on which the regulations specified below are amended by this Act, headings to the regulations are altered as set out in the following table:

Regulation	Alteration
	Motor Omnibus Regulations
55	Omit the heading, substitute the following heading: Carriage of persons with transmissible conditions
	Public Health (Barbers' Shops) Regulations
18	Omit the heading, substitute the following heading: Customers with transmissible conditions or contagious skin conditions
19	Omit the heading, substitute the following heading: Barbers with transmissible conditions or contagious skin conditions
	Public Health (Boarding-houses) Regulations
17	Omit from the heading " infectious disease ", substitute " transmissible conditions ".
	Public Health (Dairy) Regulations
25	Omit from the heading " authorised officer ", substitute " Health Officer ".
68	Omit from the heading " infectious disease ", substitute " transmissible condition ".
69 and 71	Omit from the headings " Medical Officer of Health ", substitute " Chief Health Officer ".
88 and 99	Omit from the headings " Environmental Health Officers ", substitute " Health Officers ".
	Public Health (Infectious and Notifiable Diseases) Regulations
6 and 14C	Omit from the headings " Medical Officer of Health ", substitute " Chief Health Officer ".
15	Omit from the heading " Infectious diseases ", substitute " Transmissible conditions ".
	Public Health (Laundries, Dry Cleaning Establishments and Dye Works) Regulations
6, 9 and 11	Omit from the headings " Medical Officer of Health ", substitute " Chief Health Officer ".

Regulation	Alteration
	Public Health (Meat) Regulations
16	Omit from the heading “ infectious disease ”, substitute “ transmissible condition ”.
	Public Health (Private Hospitals) Regulations
12	Omit from the heading “ infectious diseases ”, substitute “ transmissible conditions ”.
13 and 17	Omit from the headings “ Medical Officer of Health ”, substitute “ Chief Health Officer ”.
	Public Health (Sale of Food and Drugs) Regulations
70	Omit from the heading “ infectious diseases ”, substitute “ transmissible conditions ”.
92	Omit the heading, substitute the following heading: Transmissible conditions
	Taxi and Private Hire Car Regulations
46	Omit the heading, substitute the following heading: Passengers with transmissible conditions

[Presentation speech made in Assembly on 23 September 1997]