



Australian Capital Territory

Public Health (Miscellaneous Provisions) Act 1997

A1997-70

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Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Public Health (Miscellaneous Provisions) Act 1997* effective 10 August 2000 to 9 July 2001.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation (Republication) Act 1996*, part 3, division 2 authorised the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation (Republication) Act 1996*, s 14 and s 16). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

In preparing this republication, amendments have been made under section 13.



Australian Capital Territory

**PUBLIC HEALTH (MISCELLANEOUS PROVISIONS) ACT
1997**

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

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Australian Capital Territory

PUBLIC HEALTH (MISCELLANEOUS PROVISIONS) ACT 1997

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

PART I—PRELIMINARY

1 Short title

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

2 Commencement

- (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*.

3 Interpretation

In this Act—

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

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

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PART II—BUILDING ACT 1972

Division 1—Preliminary

4 Interpretation

In this Part—

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

*Division 2—Amendments of Building Act 1972*³

* * * * *

PART III—PUBLIC HEALTH ACT 1928

20 Interpretation

In this Part—

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

21 Medical Officer of Health—Chief Health Officer

(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.

22 Environmental Health Officers—Public Health Officers

(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.

23 Fee determinations

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

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137 of the new Public Health Act, subject otherwise to the new Public Health Act.

24 Regulations under the old Public Health Act

(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 V—SKIN PENETRATION
PROCEDURES ACT 1994**

29 Interpretation

In this Part—

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

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

30 Repeal of *Skin Penetration Procedures Act 1994*

The *Skin Penetration Procedures Act 1994* is repealed.

31 Skin penetration—public health risk activity and procedures

(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.

32 Authorised officers—Public Health Officers

(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.

33 Codes of Practice

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.

34 Business licences—activity licences

(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.

35 Operator's licences—procedure licences

(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.

36 Transitional—general

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

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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 VII—GENERAL TRANSITIONAL PROVISIONS

40 Interpretation

In this Part—

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

41 Actions of Medical Officer of Health

(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.

42 Actions of Environmental Health Officers

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

43⁴ References to statutory officers

(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.

44⁴ References to infectious and contagious diseases

(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.

SCHEDULES 1-4⁴

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ENDNOTES

1 About this republication

This is a republication of the *Public Health (Miscellaneous Provisions) Act 1997* as in force on 28 August 2000. It includes all amendments made to the Act up to Act 2000 No 36.

Amending laws are annotated in the table of legislation and table of amendments.

The Parliamentary Counsel's Office currently prepares 2 kinds of republications of ACT laws: authorised printed republications to which the *Legislation (Republication) Act 1996* applies and unauthorised electronic republications. The status of a republication appears on its cover and is indicated by its republication number.

A republication number without a letter (eg 1, 2, 3 etc) indicates that the republication is an authorised printed republication. A number with a letter (eg 1A, 1B, 1C etc) indicates that the republication is an unauthorised electronic republication.

Section 13 of the *Legislation (Republication) Act 1996* authorises the Parliamentary Counsel, in preparing a law for republication, to make textual amendments of a formal nature which the Parliamentary Counsel considers desirable in accordance with current legislative drafting practice. The amendments do not effect a substantive change in the law.

In preparing this republication, amendments have been made under section 13.

Not all amendments made under section 13 are annotated in the table of amendments. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

2 Abbreviation key

Key to abbreviations in tables

am = amended	r = rule/subrule
amdt = amendment	reg = regulation/subregulation
ch = chapter	renum = renumbered
cl = clause	reloc = relocated
def = definition	R[X] = Republication No
dict = dictionary	s = section/subsection
div = division	sch = schedule
exp = expires/expired	sdiv = subdivision
Gaz = Gazette	sub = substituted
hdg = heading	SL = Subordinate Law
ins = inserted/added	sp = spent
LR = Legislation (Republication) Act 1996	* = SL unless otherwise stated
mod = modified	† = Act or Ordinance unless otherwise stated
No = number	
notfd = notified	
o = order	
om = omitted/repealed	
orig = original	
p = page	
par = paragraph	
pres = present	
prev = previous	
(prev...) = previously	
prov = provision	
pt = part	

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3 Table of legislation

Act†	Year and number†	Gazette notification	Commencement	Transitional provisions
<i>Public Health (Miscellaneous Provisions) Act 1997</i>	1997 No 70	9 Oct 1997	ss 1-3: 9 Oct 1997 pt II (ss 4-16): 10 Aug 2000 (see s 2 (2), Gaz 2000 No 32 and IA s 10C) pt II (ss 17-19), pt IV (ss 25-28), pt VI (ss 37-39) repealed before commencement (see A2000-36 s 13) pt III (ss 20-24), pt VII (ss 40-43), s 43: 13 Aug 1998 (see s 2 (2) and Gaz 1998 No S185) remainder (ss 29-36 and s 44): awaiting commencement	
<i>Public Health Amendment Act 2000</i>	2000 No 36	20 July 2000	20 July 2000	—

4 Table of amendments

Provision	How affected†
s 4	am 2000 No 36 s 11
div 3 of pt 2 (ss 17-19)	om 2000 No 36 s 13
ss 17-19	om 2000 No 36 s 13
pt 4 (ss 25-28).....	om 2000 No 36 s 13
ss 25-28	om 2000 No 36 s 13
pt 6 (ss 37-39).....	om 2000 No 36 s 13
ss 37-39	om 2000 No 36 s 13

3. Div. 2 of Part II (ss. 4-16)—Division 2 of Part II (ss. 4-16) were amendments to the *Building Act 1972* which is published separately.
4. Part VIII (ss. 43 and 44) and Schedules 1-4—Part VIII (ss. 43 and 44) and Schedules 1-4 were amendments to other laws which are published separately.

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