

1998

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**PUBLIC HEALTH (MEDICAL AND DENTAL INSPECTION OF SCHOOL
CHILDREN REGULATIONS (REPEAL)**

EXPLANATORY MEMORANDUM

Circulated by authority of the Minister for Health and Community Care

Michael Moore MLA

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OUTLINE

The Public Health (Medical and Dental Inspection of School Children) Regulations were prepared in 1930 as sub-ordinate legislation to the *Public Health Act 1928*.

The purpose of these regulations was to protect and improve the health of children by monitoring them medically and dentally in schools. Since this legislation was enacted, childhood mortality rates have declined, medical care has become more accessible, immunisation programmes have been instituted to prevent a variety of childhood diseases and ACT water has been fluoridated to reduce dental caries.

The Public Health (Medical and Dental Inspection of School Children) Regulations require parents or guardians of a child to permit such examinations as deemed necessary by an authorised medical officer, dentist or dental therapist. This requirement infringes common law and leaves the person conducting the examination open to prosecution

The ACT Community Care's Dental Service and Child Family and Youth Health Program currently provide, with the parent's or guardian's consent, medical and dental examinations of school children.

The Children's Services Act imposes responsibilities on the Director of Family Services for children who are living in circumstances where their health has been or is likely to be impaired. In certain circumstances the Director may consent to medical or dental examination or treatment of a child even where a parent does not consent.

The purpose of the Public Health (Medical and Dental Inspection of School Children) Regulations (Repeal) is to repeal these regulations, apart from Regulation Numbers 30, 19 and 3 as these relate to other public health legislation.

FINANCIAL CONSIDERATIONS

The Regulations have no revenue or cost implications.

NOTES ON REGULATIONS

PUBLIC HEALTH (MEDICAL AND DENTAL INSPECTION OF SCHOOL CHILDREN REGULATIONS (REPEAL)

Regulation 1 - Commencement

Regulation 1 ensures that the Regulations commence on the day they are notified in the Gazette.

Regulation 2 - Repeal

Regulation 2 repeals the Public Health (Medical and Dental Inspection of School Children) Regulations, made on 14 October 1930 and notified in the Commonwealth of Australia Gazette on 23 October 1930.