

Australian Capital Territory

Explanatory Statement

Public Health – Notifiable Condition – Temporary Status 2003 (No 2)

Disallowable instrument DI2003—66

made under the

Public Health Act 1997, s 101 (Notifiable conditions—temporary status)

The previous instrument is revoked as it was prepared in error. It has not been presented to the Legislative Assembly.

Section 101 of the *Public Health Act 1997* provides that the Chief Health Officer may, in writing, declare (a) a disease or medical condition to be a notifiable condition; and (b) a disease referred to in paragraph (a) of this subsection, or section 100 (1) (a), to be a transmissible notifiable condition.

Part 6, Division 6.1 of the Act provides for the temporary determination of the disease as a notifiable condition by the Chief Health Officer for a period of not more than six months. As the aetiology of the syndrome is not yet fully understood, a temporary determination is created making SARS a notifiable condition under Section 101 immediately. A Ministerial determination under Section 100 will be undertaken at a later stage, when the causative agent of SARS is identified.

Such a declaration comes into force on the day it is made for the period specified.

Section 36(2) of the *Legislation Act 2001* provides that a regulatory impact statement need not be prepared if it would be against the public interest to do so. This instrument is being made to deal with a public health threat that far outweighs the costs imposed upon business in notifying ACT Health of persons suspected as having contracted the disease and it would not be in the public interest to delay.

An instrument made under section 101 is a disallowable instrument.