

Explanatory Statement

Public Health Risk (Boarding Houses) Revocation 2014 (No 1)

Disallowable instrument DI2014-323

made under the

Public Health Act 1997, s 18 (Public health risk activities and procedures – declaration)

Section 18 of the *Public Health Act 1997* (the Act) provides that the Minister may, by instrument, declare an activity that may result in the transmission of disease, or that may otherwise adversely affect the health of individuals in the context of the wider health of the community, to be a public health risk activity. Subsection 3 of the same provision provides that a declaration shall indicate whether the declared activity is licensable or non-licensable activity.

The management or control of boarding houses was declared to be a licensable public health risk activity by DI 2000-272.

As part of the ACT Government's commitment to reducing red tape, ACT Health has undertaken a review of public health regulation in the ACT. This review has determined that the public health risk associated with boarding houses is generally low.

Based on this assessment the Minister for Health has concluded that it should no longer be necessary for boarding houses to be a declared public health risk activity. Accordingly, the Minister for Health has determined that from 1 January 2015 licences under the ACT *Public Health Act 1997* will no longer be required to operate a boarding house.

Section 46 of the *Legislation Act 2001* confirms that the power to make a statutory instrument, such as a disallowable instrument, includes the power to amend or repeal the instrument.

Accordingly, this instrument gives effect to the Minister's decision to cease regulating boarding houses by revoking the *Public Health Risk (Boarding Houses) Declaration 2000 (No 2)*; DI2000-272. The revocation is to commence on 1 January 2015. The revocation date has been selected to give ACT Health adequate time to implement the necessary changes.

Those businesses holding a licence with an expiry date beyond 1 January 2015 will be given a pro rata refund of the licence fee after the revocation commences. Licences that were due to expire prior to 1 January 2015 have had the expiry date changed to 1 January 2015.