

# AUSTRALIAN CAPITAL TERRITORY

## **Public Health Act 1997**

### **DETERMINATION OF CHIEF HEALTH OFFICER FUNCTIONS**

#### **INSTRUMENT NO. 64 OF 1999**

#### **EXPLANATORY STATEMENT**

This determination is made under section 9(1)(d) of the *Public Health Act 1997* (the Act).

The purpose of the determination is to provide express powers for the Chief Health Officer (CHO) to issue an alert in response to a public health hazard.

A public health hazard includes the presence of a contaminant, an organism that causes (or may cause) a notifiable condition or any other human pathogenic organism.

Section 17 of the Act provides a general protection from liability (meaning, protection from a civil law suit by a member of the public) for a person performing their duties in relation to the Act. This section only refers 'functions under the Act' and could be read as not encompassing functions performed by the CHO as an aspect of his/her general duties.

The issuance of alert notices, such as a boiled water alert notice, are part of the CHO's general functions and are not explicitly covered by the protection from liability provision of the Act.

This determination provides the CHO with the express power to issue a public health alert in response to any public health hazard and invokes the protection from liability provisions of the Act.

In effect the determination will allow for the provision of a rapid response to any public health risk encountered through the monitoring of Territory health indicators.

The determination is consistent with the objectives of the Act, as expressed in section 4 and as generally implied by the subject matter of the Act.