

Issue	Section reference
59 Should the proclamation of an emergency be extended to four weeks, with renewal periods not exceeding two weeks, to a maximum of six months?	7.8
Comment:	
60 Should there be a fast-track mechanism for notifying a disease associated with a public health emergency?	7.8
Comment:	
61 Should the Secretary be given powers in a public health emergency to compel examination, testing, vaccination, treatment (including preventative treatment), isolation and quarantine?	7.8
Comment:	
62 Should the Secretary be given a 'catch all' power in a public health emergency such as 'any other order deemed necessary'?	7.8
Comment:	
63 Should compliance with demands from the Secretary during an emergency or outbreak of an infectious disease be specifically exempted from confidentiality?	7.8
Comment:	
64 Should the Secretary's power to act when local government is in default be limited in any way?	7.8
Comment:	
65 Should the new Act include a provision for cost recovery where a person: <ul style="list-style-type: none"> ➤ has been convicted of an offence? ➤ has contravened the Act, but there has been no conviction? 	7.9

Issue	Section reference
> has caused a risk to public health?	
Comment:	
66 Should the new Act include a new offence of 'risk to health'?	7.10
Comment:	
67 If so, what should amount to a 'risk to health'?	7.10
Comment:	
68 If adopted, what should be the defences, if any, to the offence of 'risk to health'?	7.10
Comment:	
69 What should be the scope of the offence?	7.10
Comment:	
70 Should the 'risk to health' offence subsume the offence for knowingly and recklessly infecting another person with an infectious disease?	7.10
Comment:	
71 Should the offence for knowingly or recklessly infecting another person with an infectious disease not be re-enacted due to the existence of the knowing and reckless offences in the <i>Crimes Act 1958</i> (that is, sections 22 and 23)?	7.10
Comment:	
72 Should the new Act introduce PERIN for suitable offences?	7.11
Comment:	
73 Should public health offences attract similar penalties to those attracted by offences under	7.12

Issue	Section reference
environment protection legislation?	
Comment:	
74 Should the new Act allow for greater penalties where the offender is a body corporate?	7.12
Comment:	
75 Should the new Act include a statutory defence of due diligence?	7.13
Comment:	
76 What method of review should apply to administrative decisions made under the Act?	7.15
Comment:	
77 Do the current provisions appropriately address the public health risk associated with hairdressing, beauty therapy and skin penetration?	8.1
Comment:	
78 Should the brothels provisions be transferred to the Prostitution Control Regulations 1995, and Department of Human Services officers exercise their inspectorial powers in relation to infection control issues under the <i>Prostitution Control Act 1994</i> ?	8.1
Comment:	
79 Do the current provisions appropriately address the public health risk associated with prescribed accommodation (for example, hotels, motels, hostels and holiday camps)?	8.2

Issue	Section reference
<p>Comment: No</p>	
<p><u>There is currently an absence of any requirement to support food security through adequate provision of food preparation facilities in rooming houses and boarding houses.</u></p>	
<p>80 Should an additional guiding principle for provisions in relation to the management and control of infectious diseases be that, wherever practicable, the least coercive power should be used first?</p>	8.3
<p>Comment:</p>	
<p>81 Should the new Act clearly set out the action that may be taken when contact tracing is authorised and the protections provided to individuals that may be required to provide personal information under these provisions?</p>	8.3
<p>Comment:</p>	
<p>82 Should the Secretary to the Department of Human Services have the power to authorise an autopsy where they believe there is a risk to public health and the Coroner does not have jurisdiction over the body?</p>	8.3
<p>Comment:</p>	
<p>83 Should the new Act continue to outline the procedures for non-consensual testing orders where consent for testing has been refused?</p>	8.4
<p>Comment:</p>	
<p>84 Should the new Act introduce a system for the authorisation of non-consensual testing where consent cannot be given to testing?</p>	8.4
<p>Comment:</p>	
<p>85 Should the provisions in the new Act be extended to beyond the care giver or custodian situation and, if so, to what situations?</p>	8.4
<p>Comment:</p>	

Issue	Section reference
86 Should public health orders under the new Act apply to any infectious disease or condition where there is a serious risk to public health?	8.5
Comment:	
87 Should the new Act provide a power for involuntary testing with reasonable use of force? If so, should it be exercised by 'an authorised officer', a delegate of the Secretary and/or the police?	8.5
Comment:	
88 Should the Act contain a list of the types of restrictions that may be imposed by an order of the Secretary?	8.5
Comment:	
89 Should the new Act introduce a power to order that a person undergo treatment where treatment is refused? If so, what limits should be placed on the use of the power?	8.5
Comment:	
90 Should there be time limits imposed on orders and, if so, what time limits should apply?	8.5
Comment:	
91 Should any or all public health orders require court/tribunal confirmation?	8.5
Comment:	
92 Should there be a power for the police to apprehend a person who fails to comply with a public health order, rather than merely the ability to provide 'assistance' to the medical officer? If so, should there be a requirement to obtain a warrant to apprehend the person?	8.5
Comment:	

	Issue	Section reference
93	Should the new Act continue to provide that it is an offence for a person to fail to comply with an order?	8.5
	Comment:	
94	What appeal and external review processes should be made available under the new Act?	8.5
	Comment:	
95	Should the new Act provide for introducing new notification requirements by an Order of the Governor in Council where it is necessary to respond quickly to new and emerging diseases?	8.6
	Comment:	
96	Should the new Act require that hospitals have processes in place to ensure that notification requirements under the Act are met?	8.6
	Comment:	
97	Should the term 'notifiable disease' be replaced with the term 'notifiable condition'?	8.6
	Comment:	
	<u>Yes</u>	
98	Would alternative non-regulatory mechanisms (for example, best practice guidelines) be effective in ensuring pre-and post-test information and counselling for infectious diseases (other than HIV) is provided by appropriately qualified health care professionals?	8.7
	Comment:	
99	Should the new Act rely on the privacy framework for all health records, rather than include specific privacy provisions?	8.7
	Comment:	
100	Should the new Act retain the provision specifying	8.7

Issue	Section reference
that the court may be closed when evidence is presented concerning any matter related to HIV?	
Comment:	
101 Should the new Act provide for a court to be closed when evidence is presented concerning other diseases?	8.7
Comment:	
102 Should the Act include a regulation-making power to ensure participation in current quality assurance programs and supply of data for epidemiological analyses by HIV testing laboratories?	8.7
Comment:	
103 Should the new Act state the role of municipal councils in relation to immunisation as 'co-ordinating and providing immunisation services to children living or being educated within the municipal district'?	8.8
Comment:	
104 Should provisions regarding recording the immunisation status of children at children's services be retained in the Children's Services Regulations 1998 (rather than included in the new Act)?	8.8
Comment:	
105 Should the new Act require school principals of primary schools to make reasonable efforts to seek an ISC in respect of every child enrolled in the school, and an immunisation update on re-enrolment?	8.8
Comment:	
106 Should the new Act introduce an obligation on parents to supply evidence of immunisation on enrolment of their child into secondary school and	8.8

Issue	Section reference
an obligation on school principals to make reasonable efforts to seek immunisation records in respect of every child enrolled in the school?	
Comment:	
107 Should the new Act introduce an obligation on tertiary students to supply evidence of immunisation on enrolment and an obligation on tertiary facilities to make reasonable efforts to seek immunisation records in respect of every student enrolled in the facility? If so, for which diseases should immunisation records be required?	8.8
Comment:	
108 Should the new Act provide for different forms of evidence of immunisation? If so, what should they be?	8.8
Comment:	
109 Should the new Act introduce a penalty for failure on behalf of a parent or guardian to produce immunisation records on secondary school entry?	8.8
Comment:	
110 Should the new Act require the principal teacher or person in charge of the school to take reasonable steps to ensure that immunisation records are maintained, and to allow inter-school transfer of ISCs?	8.8
Comment:	
111 Should the new Act facilitate consistency with the NHMRC schedule for immunisation?	8.8
Comment:	
112 Should school principals and persons in charge of children's services be required to seek advice from the Department of Human Services before excluding children during an actual or suspected	8.9

Issue	Section reference
outbreak of an infectious disease?	
Comment:	
113 Should there be a power in the new Act for the Secretary to waive or alter the prescribed periods in individual cases?	8.9
Comment:	
114 Should the requirement for a parent to inform the principal or a person in charge of a school or children's services centre be limited to where their child has a vaccine preventable or excludable disease?	8.9
Comment:	
115 Should the new Act facilitate consistency with the <i>NHMRC Guidelines on the Recommended Minimum Periods of Exclusion from School, Preschool and Child Care Centres of Infectious Disease Cases and Contacts</i> ?	8.9
Comment:	
116 Should provisions dealing with offensive waterways not be included in the new Act?	9.1
Comment: <u>Disagree, needs to be broadened to include contaminated and offensive air and land.</u>	
117 Should public health risks related to rats, mice, vermin, pests or other animals suspected of having a disease capable of transmission to humans be dealt with by the issue of an improvement notice?	9.1
Comment:	
118 Should Parts 5A and 5B of the <i>Building Act 1993</i> be transferred to the new public health Act?	
Comment:	
119 Are there other amendments that should be made	

Issue	Section reference
to provisions currently in Parts 5A and 5B of the Building Act that would improve the effectiveness of the legislative scheme?	
Comment:	
120 Should the new Act re-enact provisions relating to meat supervision?	9.3
Comment:	
121 Should the offence under the <i>Food Act 1984</i> in relation to the sale of 'unsafe food' be broadened to include food that cannot be sold for human consumption under section 34(1) of the <i>Meat Industry Act 1993</i> ?	9.3
Comment:	
122 Who should be required to hold a licence to use pesticides under the new Act?	9.4
Comment:	
123 Does the new Act need to deal with the use of pesticides not associated with a commercial enterprise? If so, what non-commercial activities should be regulated and how should these be regulated?	9.4
Comment:	
124 Are there any areas of overlap or duplication between the regulation of the use of pesticides under the Health Act and the <i>Agricultural and Veterinary Chemicals (Control of Use) Act 1992</i> ?	9.4
Comment:	