



*Public Health Act 2005*

# Public Health Regulation 2005

Reprinted as in force on 18 June 2007

Reprint No. 1C

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## Queensland

# Public Health Regulation 2005

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# Public Health Regulation 2005

[as amended by all amendments that commenced on or before 18 June 2007]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Public Health Regulation 2005*.

### 2 Commencement

- (1) Parts 2 to 6 and 8, and schedules 1 to 3 commence on 1 December 2005.
- (2) Part 7 commences on 16 January 2006.

### 2AA Dictionary

The dictionary in schedule 4 defines particular words used in this regulation.

## Part 1A Public health risks

### Division 1 Asbestos

#### 2A Purpose and application of div 1

- (1) This division prescribes, under section 61(1)(c)<sup>1</sup> of the Act, measures to prevent and control the public health risk

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<sup>1</sup> Section 61 (Regulations about public health risks) of the Act

mentioned in section 11(1)(b)(vi)<sup>2</sup> of the Act in relation to the dispersal or release of asbestos fibres.

- (2) This division applies in relation to non-workplace areas.

## 2B Definitions for div 1

In this division—

**ACM** means any material, object, product or debris containing asbestos.

**asbestos** means the fibrous form of the mineral silicates belonging to the serpentine and amphibole groups of rock-forming minerals and includes—

- (a) actinolite, amosite (brown asbestos), anthophyllite, crocidolite (blue asbestos), chrysotile (white asbestos), and tremolite; and
- (b) a mixture containing 1 or more of the minerals mentioned in paragraph (a).

**associated asbestos waste** means—

- (a) ACM, other than a sample of ACM removed for scientific testing, that is removed in a non-workplace area, including ACM dust; or
- (b) disposable items contaminated with ACM.

*Examples for paragraph (b)—*

personal protective equipment, plastic sheeting and rags used for cleaning

**bonded ACM** means ACM, other than friable ACM, that contains a bonding compound reinforced with asbestos fibres.

*Examples—*

asbestos cement pipes, flat or corrugated asbestos cement sheets consisting of sand and cement reinforced with asbestos fibres

**friable ACM** means ACM that, when dry, can be crumbled, pulverised or reduced to powder by hand pressure.

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2 Section 11 (Meaning of *public health risk*) of the Act



***non-workplace area*** means a place, or part of a place, that is not a workplace within the meaning of the *Workplace Health and Safety Act 1995*.

*Note—*

Under the *Workplace Health and Safety Act 1995*, a ***workplace*** is any place where work is, or is to be, performed by—

- (a) a worker; or
- (b) a person conducting a business or undertaking.

***prescribed work*** means—

- (a) doing any of the following in relation to ACM—
  - (i) breaking;
  - (ii) cleaning;
  - (iii) cutting;
  - (iv) maintaining;
  - (v) removing;
  - (vi) repairing;
  - (vii) storing;
  - (viii) using; or
- (b) separating associated asbestos waste from other waste.

***remove***, in relation to ACM, includes move the ACM from the position where it was installed immediately before 18 June 2007.

*Example of removing ACM—*

moving a sheet of ACM to access an area for maintenance

## **2C Administration and enforcement of div 1**

This division is to be administered and enforced by local governments only.

**2D Removal of friable ACM**

A person must not remove friable ACM unless the person holds a certificate to carry out the removal under the *Workplace Health and Safety Act 1995*.

Maximum penalty—100 penalty units.

**2E Removal of bonded ACM**

A person must not remove a quantity of bonded ACM that is 10m<sup>2</sup> or more unless the person holds a certificate to carry out the removal under the *Workplace Health and Safety Act 1995*.

Maximum penalty—100 penalty units.

**2F Cleaning or cutting ACM**

(1) A person must not use—

- (a) a power tool, or a device attached to a power tool, to cut or clean ACM; or

*Examples—*

- using an electric sander to remove paint from asbestos cement sheeting
- using an angle grinder to cut asbestos cement pipes

- (b) a high pressure water process to clean ACM; or

*Example—*

using a water blaster to clean an asbestos cement roof

- (c) compressed air to clean ACM or a surface where ACM is present.

*Examples—*

- using compressed air to clean an area after working with asbestos cement sheeting
- using compressed air to clean the brake drums of a car

Maximum penalty—100 penalty units.

(2) In this section—

***power tool*** means an electric, battery, hydraulic, fuel or pneumatic powered tool, other than a battery powered drill that operates at less than 650 r.p.m.

**2G Requirement to seal bonded ACM if broken**

- (1) This section applies if—
  - (a) a person is removing bonded ACM or carrying out specified work in relation to bonded ACM in a non-workplace area; and
  - (b) the bonded ACM is broken.
- (2) The person must ensure a broken surface of the bonded ACM that is not being removed from the non-workplace area is sealed.

*Example of sealing a broken surface of bonded ACM—*

applying paint or PVA glue to the surface

Maximum penalty—100 penalty units.

- (3) In this section—

***specified work*** means manufacturing, construction, repair, alteration, cleaning or demolition work.

**2H Requirement to take reasonable measures to minimise release of asbestos fibres**

- (1) A person who carries out prescribed work must take reasonable measures to minimise—
  - (a) the risk of asbestos fibres being released; and
  - (b) the associated hazard to the health of the person or any other person.

Maximum penalty—100 penalty units.
- (2) For subsection (1), reasonable measures may include 1 or more of the following—
  - (a) spraying water or a coat of PVA glue on ACM or other associated asbestos waste;
  - (b) using vacuum cleaning equipment that complies with AS 3544 to collect asbestos fibres;
  - (c) cleaning all equipment that is contaminated with ACM;
  - (d) using a wet cloth to wipe away dust that may have originated from ACM;

- (e) ensuring, as far as practicable, that ACM is not broken or abraded;
  - (f) wearing personal protective equipment to minimise the person's exposure to airborne asbestos fibres;
  - (g) collecting and handling associated asbestos waste separately from other waste.
- (3) Subsection (2) does not limit what might be reasonable measures.
- (4) In this section—
- AS 3544** means AS 3544 'Industrial vacuum cleaners for particulates hazardous to health' (1988).

## **2I Packaging and disposal of associated asbestos waste**

- (1) A person who carries out prescribed work must ensure all associated asbestos waste is packaged and disposed of as soon as practicable in the way mentioned in subsection (2).
- Maximum penalty—100 penalty units.
- (2) The associated asbestos waste must be—
- (a) either—
    - (i) double wrapped in plastic sheeting that is at least 0.2mm thick and sealed with adhesive tape; or
    - (ii) double bagged in plastic bags that are at least 0.2mm thick, and no more than 1200mm long and 900mm wide, and sealed with adhesive tape; and
  - (b) labelled with a warning that is clearly visible and states that—
    - (i) the packaging contains asbestos; and
    - (ii) damage to the packaging and dust inhalation should be avoided; and

*Example of warning—*

'CAUTION - ASBESTOS  
DO NOT DAMAGE OR OPEN BAG  
DO NOT INHALE DUST

## CANCER AND LUNG DISEASE HAZARD'

- (c) disposed of at a site approved by a local government for the disposal of asbestos waste.

**2J Prohibition on selling or giving away ACM**

- (1) A person must not sell or give away ACM stored at a non-workplace area.

Maximum penalty—100 penalty units.

- (2) In this section—

*sell* includes barter, exchange or supply.

**Division 2 Mosquitos****2K Purpose of div 2**

This division prescribes, under section 61(1)(b) and (c) of the Act, measures to—

- (a) control mosquitos; and  
(b) prevent and control the public health risks mentioned in section 11(1)(a) and (b)(i) of the Act in relation to mosquitos.

*Note—*

Mosquitos are defined as a *designated pest* in schedule 2 of the Act.

**2L Definitions for div 2**

In this division—

*mosquito* includes a mosquito egg, larva, pupa and adult mosquito.

*relevant person*, for a place, means—

- (a) an occupier of the place; or  
(b) if there is no occupier of the place—an owner of the place.

**relevant tank** means a tank or other receptacle that is used or intended to be used for holding or storing water or another liquid.

## **2M Administration and enforcement of div 2**

This division is to be administered and enforced by local governments only.

## **2N Requirement to ensure place is not a breeding ground for mosquitos**

- (1) A relevant person for a place must ensure that an accumulation of water or another liquid at the place is not a breeding ground for mosquitos.

Maximum penalty—40 penalty units.

- (2) For subsection (1), it is irrelevant whether the accumulation of water is artificial, natural, permanent or temporary.
- (3) In a proceeding for an offence against subsection (1), it is a defence for the defendant to prove that the defendant took all reasonable steps to ensure subsection (1) was complied with.
- (4) In this section—

**breeding ground**, for mosquitos, means a place where mosquito eggs, larvae or pupae are present.

*Examples of places where liquid may accumulate and become a breeding ground for mosquitos—*

bromeliads, containers, ditches, drains, gutters, car bodies, ponds, swimming and tidal pools, sump traps, tyres, tubs, water features

## **2O Construction, installation and maintenance of a relevant tank**

- (1) A person must not construct a relevant tank unless the tank complies with section 2P.

Maximum penalty—40 penalty units.

- (2) A person must not install a relevant tank, whether above or below ground, unless the tank complies with section 2P.

Maximum penalty—40 penalty units.

- (3) A relevant person for a place at which a relevant tank is installed must ensure the tank is maintained so it continues to comply with section 2P.

Maximum penalty—40 penalty units.

## **2P Requirements for a relevant tank**

For section 2O, a relevant tank must have at every opening of the tank—

- (a) mosquito-proof screens that—
- (i) are made of brass, copper, aluminium or stainless steel gauze; and
  - (ii) have a mesh size of not more than 1mm; and
  - (iii) are installed in a way that does not cause or accelerate corrosion; and
  - (iv) stop mosquitos passing through the openings; or
- (b) flap valves that, when closed, stop mosquitos passing through the openings.

## **2Q Offence to damage screen or flap valve**

- (1) A person must not destroy, damage or remove a mosquito-proof screen or flap valve fixed to a relevant tank.

Maximum penalty—40 penalty units.

- (2) However, subsection (1) does not apply to a person removing the mosquito-proof screen or flap valve to carry out maintenance, if the screen or flap valve is immediately replaced after the maintenance is completed.

## **Division 3 Rats and mice**

### **2R Purpose of div 3**

This division prescribes, under section 61(1)(b) and (c) of the Act, measures to—

- (a) control rats and mice; and

- (b) prevent and control the public health risks mentioned in section 11(1)(a) and (b)(i) of the Act in relation to rats and mice.

*Note—*

Rats and mice are defined as a *designated pest* in schedule 2 of the Act.

## **2S Definition for div 3**

In this division—

***relevant structure*** means any of the following—

- (a) a building;
- (b) a drain;
- (c) a pipe connected to a building;
- (d) a retaining wall;
- (e) a wharf.

## **2T Administration and enforcement of div 3**

This division is to be administered and enforced by local governments only.

## **2U Requirement for owner of relevant structure**

- (1) An owner of a relevant structure must take reasonable steps to stop rats and mice entering the structure.

Maximum penalty—40 penalty units.

- (2) For subsection (1), reasonable steps may include the following—

- (a) sealing or covering any holes or gaps in the exterior surface of the structure;

*Examples—*

- covering a gap in the floor or an external wall of a house with timber
- for a hole in the cladding of a brick house, filling it with mortar or covering it with a metal plate screwed to the wall



- filling a hole with chicken wire or covering it securely with a vermin-proof covering
  - (b) fitting a cover, grate or plug securely in a covered pipe or drain, including a disused pipe or drain;
  - (c) removing a disused pipe or drain.
- (3) This section does not apply in relation to rats or mice kept under section 2X.

## **2V Offence to damage screen etc. on relevant structure**

- (1) A person must not destroy, damage or remove a screen or other object that has been fixed to a relevant structure for the purpose of stopping rats and mice entering the structure.

Maximum penalty—40 penalty units.

- (2) However, subsection (1) does not apply to a person removing the screen or other object to carry out maintenance, if the screen or object is immediately replaced after the maintenance is completed.

## **2W Requirement to ensure rats or mice do not live or breed on land around dwelling**

- (1) A relevant person for land around a dwelling must ensure—
- (a) rats or mice are not harboured on the land; and
  - (b) the land is not a breeding ground for rats or mice.

Maximum penalty—40 penalty units.

- (2) In a proceeding for an offence against subsection (1), it is a defence for the defendant to prove that the defendant took all reasonable steps to ensure subsection (1) was complied with.

- (3) This section does not apply in relation to rats or mice kept under section 2X.

- (4) In this section—

*relevant person*, for a place, means—

- (a) an occupier of the place; or
- (b) if there is no occupier of the place—an owner of the place.

**2X Requirements about keeping rats or mice as pets etc.**

- (1) This section applies to a person who keeps rats or mice—
  - (a) as pets; or
  - (b) at a laboratory for medical, research, scientific or teaching purposes; or
  - (c) for the purpose of selling them, giving them away or using them as a food source for other animals.
- (2) The person must keep the rats or mice in an enclosure from which they can not escape.  
Maximum penalty—40 penalty units.
- (3) This section does not limit an applicable local law about keeping rats or mice.
- (4) In this section—  
*sell* includes barter, exchange or supply.

**Part 2 Notifiable conditions****3 Notifiable condition—Act, s 64(1), definition *notifiable condition***

For the definition *notifiable condition* in section 64(1) of the Act, the medical conditions mentioned in schedule 1, column 1 are notifiable conditions.

**4 Clinical diagnosis notifiable condition—Act, s 62, definition *clinical diagnosis notifiable condition***

For paragraph (b) of the definition *clinical diagnosis notifiable condition* in section 62 of the Act, schedule 1, column 2 identifies which of the notifiable conditions mentioned in schedule 1, column 1 are clinical diagnosis notifiable conditions.

**5 Pathological diagnosis notifiable condition—Act, s 62, definition *pathological diagnosis notifiable condition***

For paragraph (b) of the definition *pathological diagnosis notifiable condition* in section 62 of the Act, schedule 1, column 3 identifies which of the notifiable conditions mentioned in schedule 1, column 1 are pathological diagnosis notifiable conditions.

**6 Pathology request notifiable condition—Act, s 62, definition *pathology request notifiable condition***

For the definition *pathology request notifiable condition* in section 62 of the Act, schedule 1, column 4 identifies which of the notifiable conditions mentioned in schedule 1, column 1 are pathology request notifiable conditions.

**7 Provisional diagnosis notifiable condition—Act, s 62, definition *provisional diagnosis notifiable condition***

For paragraph (b) of the definition *provisional diagnosis notifiable condition* in section 62 of the Act, schedule 1, column 5 identifies which of the notifiable conditions mentioned in schedule 1, column 1 are provisional diagnosis notifiable conditions.

**8 Controlled notifiable condition—Act, s 63(1), definition *controlled notifiable condition***

For the definition *controlled notifiable condition* in section 63(1) of the Act, schedule 1, column 6 identifies which of the notifiable conditions mentioned in schedule 1, column 1 are controlled notifiable conditions.

**9 Requirements for notice—Act, s 70(2)(a)**

For section 70(2)(a)<sup>3</sup> of the Act, the notice must be given by fax, email or other electronic means—

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3 Section 70 (When a doctor must notify) of the Act

- (a) for a clinical diagnosis notifiable condition or provisional diagnosis notifiable condition mentioned in schedule 2—immediately after the examination; or
- (b) for a clinical diagnosis notifiable condition or provisional diagnosis notifiable condition not mentioned in schedule 2—within 48 hours after the examination.

#### **10 Requirements for notice—Act, s 71(2)(a)**

For section 71(2)(a)<sup>4</sup> of the Act, the notice must be given by fax, email or other electronic means—

- (a) for a clinical diagnosis notifiable condition or provisional diagnosis notifiable condition mentioned in schedule 2—immediately after the examination; or
- (b) for a clinical diagnosis notifiable condition or provisional diagnosis notifiable condition not mentioned in schedule 2—within 48 hours after the examination.

#### **11 Requirements for notice—Act, s 72(2)(a)**

For section 72(2)(a)<sup>5</sup> of the Act, the notice must be given by fax, email or other electronic means—

- (a) for a pathological diagnosis notifiable condition mentioned in schedule 2—immediately after the pathological examination; or
- (b) for a pathological diagnosis notifiable condition not mentioned in schedule 2—within 48 hours after the pathological examination.

#### **12 Requirements for notice—Act, s 73(2)(a)**

For section 73(2)(a)<sup>6</sup> of the Act, the notice must be given by fax, email or other electronic means—

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4 Section 71 (When the person in charge of hospital must notify) of the Act

5 Section 72 (When the director of a pathology laboratory must notify a pathological diagnosis notifiable condition) of the Act

6 Section 73 (When the director of a pathology laboratory must notify pathology request notifiable condition) of the Act

- (a) for a pathology request notifiable condition mentioned in schedule 2—immediately after the receipt of the request; or
- (b) for a pathology request notifiable condition not mentioned in schedule 2—within 48 hours after the receipt of the request.

## **Part 2A                    Infection control**

### **12A    Prescribed facilities—Act, s 149(3)(b)**

For section 149(3)(b) of the Act, a facility where a declared health service is provided by the Brisbane City Council immunisation service is a prescribed facility.

## **Part 2B                    Child health—contagious conditions**

### **12B    Contagious condition—Act, s 158, definition *contagious condition***

For the definition *contagious condition* in section 158 of the Act, the contagious medical conditions mentioned in the left column of schedule 2A, part 1 are contagious conditions.

### **12C    Requirements for vaccination—Act, s 158, definition *vaccinated***

- (1) This section prescribes, for the definition *vaccinated* in section 158 of the Act, the way for vaccinating a child for a vaccine preventable condition.
- (2) The way is for the child to receive all vaccinations for the condition recommended for the child's age in the document called 'National Immunisation Program Schedule' (IMM66)

published by the Department of Health and Ageing (Cwlth) in November 2005.

*Editor's note—*

A copy of the document is available on the internet at <[www.immunise.health.gov.au](http://www.immunise.health.gov.au)>.

**12D Vaccine preventable condition—Act, s 158, definition  
*vaccine preventable condition***

For the definition *vaccine preventable condition* in section 158 of the Act, the contagious conditions mentioned in the left column of schedule 2A, part 2 are vaccine preventable conditions.

**12E Prescribed period for a contagious condition—Act, s 160**

- (1) For section 160(2) and (3)(a) of the Act, the right column in schedule 2A, part 1 identifies the prescribed period for a child suspected under chapter 5<sup>7</sup> of the Act of having a contagious condition.
- (2) For section 160(3)(b) of the Act, the right column in schedule 2A, part 2 identifies the prescribed period for a vaccine preventable condition for a child who does not have the condition but who is suspected under chapter 5 of the Act of—
  - (a) having contact with a child suspected of having the condition; and
  - (b) not having been vaccinated for the condition.

## **Part 3                      Perinatal statistics**

### **13        Notifications about perinatal statistics—Act, s 217**

For section 217 of the Act, a notification must be given within 35 days after the day of the delivery.

## **Part 4                      Health information**

### **14        Prescribed agreements—Act, s 226(1)(a)(i)(B)**

Each agreement mentioned in schedule 3, part 1 is prescribed for section 226(1)(a)(i)(B)<sup>8</sup> of the Act.

## **Part 5                      Cancer notifications**

### **15        Types of skin cancer and non-invasive carcinoma—Act, s 229, definition *cancer***

For paragraph (b) of the definition *cancer* in section 229 of the Act, the following types of skin cancer and non-invasive carcinoma are prescribed—

- (a) basal cell carcinoma of the skin;
- (b) squamous cell carcinoma of the skin;
- (c) benign neoplasm, other than a central nervous system or brain tumour.

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<sup>8</sup> Section 226 (Disclosure to Commonwealth, another State or Commonwealth or State entity) of the Act

**16 Notifications about cancer—Act, s 234(1)(b) and (3)**

- (1) For section 234(1)(b)<sup>9</sup> of the Act, a notification must be given within 30 days after the pathological examination.
- (2) For section 234(3) of the Act, a notification must be given within 30 days after the separation or cessation.

**17 Prescribed agreements—Act, s 244(1)(a)(i)(B)**

Each agreement mentioned in schedule 3, part 2 is prescribed for section 244(1)(a)(i)(B)<sup>10</sup> of the Act.

**Part 6 Pap Smear Register****18 Clinical information—Act, s 251, definition *clinical information***

- (1) For paragraph (b) of the definition *clinical information*, in section 251 of the Act, the following information about a woman is prescribed—
  - (a) the dates and results of any vaginal vault smear tests for the woman;
  - (b) whether a Pap smear, vaginal vault smear or histological sample was obtained from the woman;
  - (c) the provider details of the provider who performed the procedure to obtain the Pap smear, vaginal vault smear or histological sample;
  - (d) the number used by the pathology laboratory to identify the provider's request for the testing of the Pap smear, vaginal vault smear or histological sample;
  - (e) the code used by the pathology laboratory to identify the woman;

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<sup>9</sup> Section 234 (Notifications about cancer to be given to chief executive) of the Act

<sup>10</sup> Section 244 (Disclosure to Commonwealth, another State or Commonwealth or State entity) of the Act



- (f) the accession code for the Pap smear, vaginal vault smear or histological sample;
- (g) any recommendation code for the Pap smear test or vaginal vault smear test;
- (h) the date the final result of the Pap smear test, vaginal vault smear test or histology test is given to the provider, whether or not preliminary results have also been given to the provider.

(2) In this section—

***accession code***, for a Pap smear, vaginal vault smear or histological sample, means a code used by a pathology laboratory to identify the Pap smear, vaginal vault smear or histological sample.

***provider details***, of a provider, means—

- (a) if the provider is a medical practitioner—the provider's name, postal address and provider number; or
- (b) if the provider is not a medical practitioner—the provider's name and postal address.

***provider number***, of a provider, means the number that is allocated by the Health Insurance Commission to the provider under the *Health Insurance Act 1973* (Cwlth) and identifies the provider and the places where the provider practises his or her profession.

***recommendation code***, for a Pap smear test or vaginal vault smear test, means a code used by a pathology laboratory to identify any recommendation made to a provider after testing the Pap smear or vaginal vault smear.

***vaginal vault smear*** means the cells scraped from the top of the vagina of a woman who has had her cervix removed, for detecting whether the woman has had a recurrence of squamous intraepithelial abnormalities of her vaginal vault.

***vaginal vault smear test*** means the process for testing a vaginal vault smear, to detect the recurrence of squamous intraepithelial abnormalities of the vaginal vault.



## Schedule 1      Notifiable conditions

sections 3 to 8

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Notifiable condition	Clinical diagnosis notifiable condition	Pathological diagnosis notifiable condition	Pathology request notifiable condition	Provisional diagnosis notifiable condition	Controlled notifiable condition
acquired immunodeficiency syndrome (AIDS)	•				•
acute flaccid paralysis	•				
acute rheumatic fever	•				
acute viral hepatitis				•	
adverse event following vaccination	•				
anthrax		•	•		
arbovirus infections—		•			
• alphavirus infections, including Barmah Forest, getah, Ross River and sindbis viruses		•			
• bunyavirus infections, including gan gan, mapputta, termeil and trubanaman viruses		•			
• flavivirus infections, including alfuy, Edge Hill, Japanese encephalitis, kokobera, kunjin, Murray Valley encephalitis, Stratford and other unspecified flaviviruses (excluding dengue fever and yellow fever)		•	•		
• any other arbovirus infections (excluding dengue fever and yellow fever)		•			

## Schedule 1 (continued)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>	<b>Column 6</b>
<b>Notifiable condition</b>	<b>Clinical diagnosis notifiable condition</b>	<b>Pathological diagnosis notifiable condition</b>	<b>Pathology request notifiable condition</b>	<b>Provisional diagnosis notifiable condition</b>	<b>Controlled notifiable condition</b>
atypical mycobacterial infection		•			
avian influenza		•	•	•	•
botulism (food-borne)		•	•		
botulism (intestinal - adult)		•	•		
botulism (intestinal - infantile)		•	•		
botulism (wound)		•			
brucellosis		•			
campylobacteriosis		•			
chancroid		•			
chlamydia trachomatis infection (anogenital)		•			
chlamydia trachomatis infection (non-anogenital)		•			
chlamydia trachomatis infection (lymphogranuloma venereum)		•			
cholera		•			•
ciguatera intoxication	•				
Creutzfeldt-Jakob disease	•	•		•	
cryptococcosis		•			
cryptosporidiosis		•			
dengue fever		•		•	
diphtheria		•		•	
donovanosis		•			

## Schedule 1 (continued)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Notifiable condition	Clinical diagnosis notifiable condition	Pathological diagnosis notifiable condition	Pathology request notifiable condition	Provisional diagnosis notifiable condition	Controlled notifiable condition
echinococcosis (hydatid disease)		•			
equine morbillivirus (Hendra virus) infection		•	•		
food-borne or waterborne illness in 2 or more cases	•				
food-borne or waterborne illness in food handler	•				
gonococcal infection (anogenital)		•			
gonococcal infection (non-anogenital)		•			
haemolytic uraemic syndrome (HUS)	•	•		•	
haemophilus influenza type b infection (invasive)		•		•	
Hansen's disease (leprosy)		•			
hepatitis A		•			
hepatitis B (acute)		•			
hepatitis B (chronic)		•			
hepatitis B (not otherwise specified)		•			
hepatitis C		•			•
hepatitis D		•			
hepatitis E		•			
hepatitis (other)		•			
human immunodeficiency virus infection (HIV)		•			•

## Schedule 1 (continued)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>	<b>Column 6</b>
<b>Notifiable condition</b>	<b>Clinical diagnosis notifiable condition</b>	<b>Pathological diagnosis notifiable condition</b>	<b>Pathology request notifiable condition</b>	<b>Provisional diagnosis notifiable condition</b>	<b>Controlled notifiable condition</b>
influenza		•			•
invasive group A streptococcal infection		•			
lead exposure		•			
legionellosis		•			
leptospirosis		•			
listeriosis		•			
lyssavirus (Australian bat lyssavirus)		•	•		
lyssavirus (Australian bat lyssavirus), potential exposure	•				
lyssavirus (rabies)		•	•		•
lyssavirus (unspecified)		•	•		
malaria		•			
measles		•		•	
melioidosis		•			
meningococcal infection (invasive)		•		•	
mumps		•			
ornithosis (psittacosis)		•			
paratyphoid		•			•
pertussis	•	•			
plague		•	•		•
pneumococcal disease (invasive)		•			

## Schedule 1 (continued)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Notifiable condition	Clinical diagnosis notifiable condition	Pathological diagnosis notifiable condition	Pathology request notifiable condition	Provisional diagnosis notifiable condition	Controlled notifiable condition
poliomyelitis - wild type and vaccine associated		•	•		
Q fever		•			
rotavirus infection		•			
rubella, including congenital rubella		•			
salmonellosis		•			
severe acute respiratory syndrome (SARS)		•	•	•	•
shiga toxin and vero toxin producing <i>escherichia coli</i> infection SLTEC/VTEC		•			
shigellosis		•			
smallpox		•	•	•	•
syphilis, including congenital syphilis		•			•
tetanus	•	•			
tuberculosis		•			•
tularaemia		•	•		
typhoid		•			•
varicella - zoster virus infection (chickenpox, shingles or unspecified)		•			
viral haemorrhagic fevers (Crimean-Congo, Ebola, Lassa fever and Marburg viruses)		•	•	•	•
yellow fever		•	•		•
yersiniosis		•			

## **Schedule 2      Immediate notifications**

sections 9 to 12

acute flaccid paralysis

anthrax

avian influenza

botulism (food-borne)

botulism (intestinal - adult)

botulism (intestinal - infantile)

cholera

ciguatera intoxication

dengue fever

equine morbillivirus (Hendra virus) infection

flavivirus infections, including alfuy, Edge Hill, Japanese encephalitis, kokobera, kunjin, Murray Valley encephalitis, Stratford and other unspecified flaviviruses (excluding dengue fever and yellow fever)

food-borne or waterborne illness in 2 or more cases

food-borne or waterborne illness in food handler

haemolytic uraemic syndrome (HUS)

hepatitis A

legionellosis

lyssavirus (Australian bat lyssavirus)

lyssavirus (Australian bat lyssavirus), potential exposure

lyssavirus (rabies)

measles

meningococcal infection (invasive)

paratyphoid

plague



**Schedule 2 (continued)**

poliomyelitis - wild type and vaccine associated

severe acute respiratory syndrome (SARS)

smallpox

tularaemia

typhoid

viral haemorrhagic fevers (Crimean-Congo, Ebola, Lassa fever and Marburg viruses)

yellow fever

## Schedule 2A Contagious conditions

sections 12B, 12D and 12E

### Part 1 Contagious conditions and prescribed period for a child suspected of having a contagious condition

Contagious condition	Prescribed period for a child suspected of having the condition	
	Start of period	End of period
diphtheria	onset of symptoms of the condition	the treating doctor gives written confirmation 2 negative throat swabs have been taken from the child— (a) the first swab taken at least 24 hours after the child finishes a course of antibiotics; and (b) the second swab taken 48 hours later
enterovirus 71 neurological disease	onset of symptoms of the condition	the treating doctor gives written confirmation the virus is no longer present in the child's bowel motions
gastroenteritis illness	onset of symptoms of the condition	the child has no symptoms of the condition and has not had a loose bowel motion for at least 24 hours or, if a laboratory test confirms a norovirus, for at least 48 hours
haemophilus influenzae type b infection (invasive)	onset of symptoms of the condition	the treating doctor gives written confirmation the child is not infectious
hepatitis A	onset of symptoms of the condition	the treating doctor gives written confirmation the child is not infectious, but not earlier than 7 days after the onset of symptoms
measles	onset of symptoms of the condition	the treating doctor gives written confirmation the child is not infectious, but not earlier than 4 days after the onset of the rash caused by the condition
meningococcal infection (invasive)	onset of symptoms of the condition	the treating doctor gives written confirmation the child is not infectious

## Schedule 2A (continued)

Contagious condition	Prescribed period for a child suspected of having the condition	
	Start of period	End of period
paratyphoid	onset of symptoms of the condition	the treating doctor gives written confirmation the child is not infectious after— (a) the child has completed an appropriate course of antibiotics; and (b) the child has not had a loose bowel motion for at least 24 hours
pertussis (whooping cough)	onset of symptoms of the condition	the treating doctor gives written confirmation the child is not infectious, but not earlier than— (a) 5 days after the child starts an appropriate course of antibiotics; or (b) 14 days after the onset of coughing caused by the condition
poliomyelitis—wild type and vaccine associated	onset of symptoms of the condition	the treating doctor gives written confirmation the child is not infectious, but not earlier than 14 days after the onset of symptoms
rubella	onset of symptoms of the condition	4 days after the onset of the rash caused by the condition
tuberculosis	onset of symptoms of the condition	the treating doctor gives written confirmation the child is not infectious
typhoid	onset of symptoms of the condition	the treating doctor gives written confirmation the child is not infectious after— (a) the child has completed an appropriate course of antibiotics; and (b) the child has not had a loose bowel motion for at least 24 hours
varicella - zoster virus infection (chickenpox)	onset of symptoms of the condition	all blisters caused by the condition have dried, but not earlier than 5 days after the onset of symptoms

## Schedule 2A (continued)

**Part 2****Vaccine preventable conditions and prescribed period for an at risk child**

Vaccine preventable condition	Prescribed period for an at risk child for the condition	
	Start of period	End of period
measles	1 for an at risk child who has had relevant contact with a child diagnosed with measles—the at risk child's first relevant contact with the diagnosed child	1 for an at risk child who has had relevant contact with a child diagnosed with measles— (a) when the at risk child is vaccinated for measles, if the child is vaccinated within 72 hours of the child's first relevant contact with the diagnosed child; or (b) otherwise—when the outbreak of measles at the school or child care service attended by the at risk child is declared to be over by the chief executive
	2 for another at risk child—no prescribed period	2 for another at risk child—no prescribed period
pertussis (whooping cough)	1 for an at risk child who lives in the same house as a child diagnosed with pertussis—the at risk child's first relevant contact with the diagnosed child	1 for an at risk child who lives in the same house as a child diagnosed with pertussis— (a) when the child has taken 5 days of an appropriate course of antibiotics; or (b) 14 days after the child's last relevant contact with the diagnosed child
	2 for another at risk child—no prescribed period	2 for another at risk child—no prescribed period

## Schedule 2A (continued)

**Part 3**                      **Definitions****1**            **Definitions for sch 2A**

In this schedule—

***at risk child***, for a vaccine preventable condition, means a child who does not have the condition but who is suspected of—

- (a) having contact with a child suspected of having the condition; and
- (b) not having been vaccinated for the condition.

***diagnose***, a child with a vaccine preventable condition, means a doctor or laboratory test confirms the child has the condition.

***infectious period***, for a vaccine preventable condition, means—

- (a) for measles—the period starting 4 days before the onset of the rash caused by the condition and ending 4 days after the onset of the rash; or
- (b) for pertussis (whooping cough)—the period starting with the onset of symptoms of the condition and ending 3 weeks after the onset of symptoms.

***relevant contact***, of an at risk child for a vaccine preventable condition with a child who has been diagnosed with the condition, means contact by the at risk child with the diagnosed child during the diagnosed child's infectious period for the condition.

***suspected*** means suspected under chapter 5<sup>12</sup> of the Act.

## **Schedule 3      Agreements**

sections 14 and 17

### **Part 1                      Health information**

National Health Information Agreement between the Health Authorities of the States and Territories of Australia, the Health Insurance Commission, the Australian Institute of Health and Welfare and the Commonwealth of Australia (2004 to 2009)

### **Part 2                      Cancer notifications**

National Health Information Agreement between the Health Authorities of the States and Territories of Australia, the Health Insurance Commission, the Australian Institute of Health and Welfare and the Commonwealth of Australia (2004 to 2009)

## Schedule 4      Dictionary

section 2AA

*ACM*, for part 1A, division 1, see section 2B.

*asbestos*, for part 1A, division 1, see section 2B.

*associated asbestos waste*, for part 1A, division 1, see section 2B.

*bonded ACM*, for part 1A, division 1, see section 2B.

*friable ACM*, for part 1A, division 1, see section 2B.

*mosquito*, for part 1A, division 2, see section 2L.

*non-workplace area*, for part 1A, division 1, see section 2B.

*prescribed work*, for part 1A, division 1, see section 2B.

*relevant person*, for a place, for part 1A, division 2, see section 2L.

*relevant structure*, for part 1A, division 3, see section 2S.

*relevant tank*, for part 1A, division 2, see section 2L.

*remove*, for part 1A, division 1, see section 2B.

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 18 June 2007. Future amendments of the Public Health Regulation 2005 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		



## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
0A	none	1 December 2005	
1	none	16 January 2006	
1A	2006 SL No. 91	19 May 2006	
1B	2006 SL No. 308	15 December 2006	
1C	2007 SL No. 86	18 June 2007	

## 5 List of legislation

### **Public Health Regulation 2005 SL No. 281**

made by the Governor in Council on 24 November 2005

notfd gaz 25 November 2005 pp 1132–3

ss 1–2 commenced on date of notification

pt 7 commenced 16 January 2006 (see s 2(2))

remaining provisions commenced 1 December 2005 (see s 2(1))

exp 1 September 2016 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Health Legislation Amendment Regulation (No. 3) 2006 SL No. 91 s 1, pt 3**

notfd gaz 19 May 2006 pp 252–4

commenced on date of notification

### **Health Legislation Amendment Regulation (No. 7) 2006 SL No. 308 pts 1, 5**

notfd gaz 15 December 2006 pp 1861–5

commenced on date of notification

### **Public Health and Other Legislation Amendment Regulation (No. 1) 2007 SL No. 86 pts 1, 3**

notfd gaz 18 May 2007 pp 345–8

ss 1–2 commenced on date of notification

remaining provisions commenced 18 June 2007 (see s 2)

Note— A regulatory impact statement and explanatory note were prepared

## 6 List of annotations

### **Dictionary**

s 2AA ins 2007 SL No. 86 s 8

**PART 1A—PUBLIC HEALTH RISKS****pt hdg** ins 2007 SL No. 86 s 9**Division 1—Asbestos****div 1 (ss 2A–2J)** ins 2007 SL No. 86 s 9**Division 2—Mosquitos****div 2 (ss 2K–2Q)** ins 2007 SL No. 86 s 9**Division 3—Rats and mice****div 3 (ss 2R–2X)** ins 2007 SL No. 86 s 9**PART 2A—INFECTION CONTROL****pt 2A (s 12A)** ins 2006 SL No. 308 s 29**PART 2B—CHILD HEALTH—CONTAGIOUS CONDITIONS****pt 2B (ss 12B–12E)** ins 2007 SL No. 86 s 10**Emergency officers (general)—Act, s 333(1)(e)****s 19** ins 2006 SL No. 91 s 17**PART 8—AMENDMENT OF HEALTH REGULATION 1996****pt hdg** om R0A (see RA ss 7(1)(k) and 40)**Human research ethics committee—Act, sch 2, definition “human research ethics committee”****s 20** prev s 20 om R0A (see RA ss 7(1)(k) and 40)  
pres s 20 (prev s 19) renum 2006 SL No. 91 s 16**Omission of pts 3, 3A and 9****s 21** om R0A (see RA ss 7(1)(k) and 40)**Omission of ss 202 and 203****s 22** om R0A (see RA ss 7(1)(k) and 40)**Omission of sch 2 (Notifiable and controlled notifiable diseases)****s 23** om R0A (see RA ss 7(1)(k) and 40)**SCHEDULE 1—NOTIFIABLE CONDITIONS**

amd 2006 SL No. 91 s 18

**SCHEDULE 2A—Contagious conditions**

ins 2007 SL No. 86 s 11

**SCHEDULE 4—DICTIONARY**

ins 2007 SL No. 86 s 12