

Question on Notice
No. 847
Asked on 24 May 2006

MR HOBBS asked the Minister for Health (MR ROBERTSON)-

QUESTION:

With reference to changes to the *Public Health Act 1937* which relate to the responsibility for public health risks which include the prevention of children without the required vaccinations attending schools and note that Governor in Council can order a local authority to perform its duties and can enforce an order—

- (1) Will the State Government provide extra funding to local authorities to ensure the administration and enforcement of the requirements of the *Public Health Act 1937*?
- (2) Has the Government determined the level of support or funding to be provided to local authorities should any local authority have to defend legal action taken by an individual or individuals challenging the discrimination of their respective non-vaccinated children?

ANSWER:

The provisions referred to by the Honourable Member are now contained in the *Public Health Act 2005* following an extensive review of the public health provisions in the *Health Act 1937*, and provides the basic safeguards necessary to protect and promote the health of the Queensland public.

It would appear that you may be unclear about the difference between the public health risk provisions under Chapter 2 of the *Public Health Act 2005* and the contagious childhood provisions under Chapter 5 of the *Public Health Act 2005*.

Chapter 5 of the Act deals with aspects of Child Health and contains powers in relation to contagious conditions and powers in relation to child abuse and neglect.

The Act enables the Chief Executive (Health) and persons in charge of schools and child care services to issue directions about the attendance of a child at school or child care, if the child is suspected of having a contagious condition. Similar provisions also apply in relation to children at risk of contracting a contagious condition because they have not been vaccinated for the condition.

There is no requirement in the *Public Health Act 2005 Chapter 5 – Child Health* for local governments to be involved in the administration and enforcement of this specific section of the legislation. Responsibility for this chapter resides with schools, child care services and Queensland Health and therefore no funding has been allocated to local governments.

The Act clearly makes a distinction to enable responsibility for the administration and enforcement of specified public health risks to be allocated to either the State or local governments. The State will administer the Act for “State public health risks” (eg lead used for collecting consumable water) and local governments will administer the Act for “local government public health risks” (eg designated pests such as mosquitoes).

Chapter 2 of the *Public Health Act 2005* allows for action to be taken to control public health risks, which are defined in Section 11 of the Act.

The Act allows the State and a local government to agree to administer Chapter 2 of the Act in partnership for particular public health risks. The State may request and receive local government assistance to administer the Act for State Government public health risks. Conversely, local governments may request and receive State assistance.

However, the Act recognises that the State bears ultimate responsibility for protecting public health. Where a local government fails to act in relation to a significant public health risk, the Chief Executive of Queensland Health may take action in relation to that risk. However, the Chief Executive of Queensland Health must first give the local government a reasonable opportunity to take the necessary action.

It should be noted that the Act enables public health risks to be further defined in regulation and provides that any regulation about public health risks must stipulate who has responsibility for administering the Act in respect of the public health risk. For example, the regulation may prescribe measures to be taken by owners and occupiers to help prevent vermin (such as rats) from breeding, and that monitoring of compliance lies with local governments.