



Queensland

Health Legislation Amendment Regulation (No. 2) 2012

Subordinate Legislation 2012 No. 208

made under the

Food Act 2006

Health Act 1937

Public Health Act 2005

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
Part 2	Amendment of Food Regulation 2006	
3	Regulation amended	3
4	Amendment of s 3 (Sale of prescribed food—Act, s 48)	3
5	Amendment of s 4 (Display of licence details by mobile premises—Act, s 69)	3
Part 3	Amendment of Health (Drugs and Poisons) Regulation 1996	
6	Regulation amended	4
7	Amendment of s 7 (Application of interpretation provisions in current Poisons Standard to regulation)	4
8	Amendment of s 12 (Certain containers not to be used)	4
9	Replacement of s 17 (Applications—form and fee)	5
	17 Approved form and fee	5
10	Amendment of s 20F (Time for deciding applications for operating approvals)	5
11	Amendment of s 59 (Hospitals)	5

Contents

12	Amendment of s 186 (Acitretin, etretinate, isotretinoin and tretinoin)	5
13	Amendment of s 200 (Authorised persons to obtain restricted drugs on purchase order)	6
14	Amendment of s 213 (Approval needed for treating certain drug dependent persons with restricted drugs of dependency)	6
15	Amendment of s 256A (Particular individuals who provide child care or education and care)	6
16	Amendment of appendix 2 hdg (Application fees for licences)	6
17	Amendment of appendix 9 (Dictionary)	7
Part 4	Amendment of Public Health Regulation 2005	
18	Regulation amended	7
19	Amendment of s 2K (Purpose of div 2)	7
20	Amendment of s 2R (Purpose of div 3)	7
21	Amendment of s 12C (Requirements for vaccination—Act, s 158, definition vaccinated)	8
22	Amendment of s 12E (Prescribed period for a contagious condition—Act, s 160)	8
23	Amendment of s 20 (Human research ethics committee—Act, sch 2, definition human research ethics committee)	8
24	Amendment of sch 2A (Contagious conditions)	8
25	Amendment of sch 4 (Dictionary)	17

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Health Legislation Amendment Regulation (No. 2) 2012*.

2 Commencement

Part 4, other than sections 19, 20, 21, and 23 commences immediately after the commencement of the *Health Legislation Amendment Act 2011*, sections 52 to 63.

Part 2 Amendment of Food Regulation 2006

3 Regulation amended

This part amends the *Food Regulation 2006*.

4 Amendment of s 3 (Sale of prescribed food—Act, s 48)

Section 3, ‘section 48(2)(l)’—

omit, insert—

‘section 48(2)(k)’.

5 Amendment of s 4 (Display of licence details by mobile premises—Act, s 69)

(1) Section 4(e), from ‘is a vehicle under the *Transport*’ to ‘*Editor’s note—*’—

omit, insert—

[s 6]

‘are a vehicle, under the *Transport Operations (Road Use Management) Act 1995*, that is required to be registered under that Act—the registration number of the vehicle.

Note—’.

(2) Section 4—

insert—

‘(f) if the premises are a food vending machine—

- (i) the serial number for the food vending machine; or
- (ii) other unique identifying number or mark for the food vending machine.’.

Part 3 **Amendment of Health (Drugs and Poisons) Regulation 1996**

6 **Regulation amended**

This part amends the *Health (Drugs and Poisons) Regulation 1996*.

7 **Amendment of s 7 (Application of interpretation provisions in current Poisons Standard to regulation)**

Section 7(4), example, ‘Also, paragraph 1(2)(g), (h) and (i)’—

omit, insert—

‘Also, paragraph 1(2)(h) and (i) of the current Poisons Standard’.

8 **Amendment of s 12 (Certain containers not to be used)**

Section 12(1), after ‘paragraph 21,’—

insert—

‘21a,’.

9 Replacement of s 17 (Applications—form and fee)

Section 17—

omit, insert—

‘17 Approved form and fee

‘(1) A relevant application must be—

- (a) in the approved form, if any; and
- (b) accompanied by any fee for the relevant application prescribed in appendix 2.

‘(2) In this section—

relevant application means—

- (a) an application for, or renewal of, an endorsement; or
- (b) an application for an amendment of, or the repeal of a decision to suspend or cancel, an endorsement.’.

10 Amendment of s 20F (Time for deciding applications for operating approvals)

Section 20F(4), ‘agreed extended period’—

omit, insert—

‘agreed extended decision period’.

11 Amendment of s 59 (Hospitals)

Section 59(5), ‘In this section—*do an authorised thing*, at a hospital, means—’—

omit, insert—

‘In this section—

do an authorised thing, at a hospital, means—’.

12 Amendment of s 186 (Acitretin, etretinate, isotretinoin and tretinoin)

(1) Section 186(3)(a), ‘, etretinate or tretinoin’—

[s 13]

omit, insert—

‘or etretinate’.

(2) Section 186(3)(b), after ‘isotretinoin’—

insert—

‘or tretinoin’.

13 Amendment of s 200 (Authorised persons to obtain restricted drugs on purchase order)

Section 200(3)(b), ‘—have’—

omit, insert—

‘—must have’.

14 Amendment of s 213 (Approval needed for treating certain drug dependent persons with restricted drugs of dependency)

Section 213(8), ‘for subsection (8)’—

omit.

15 Amendment of s 256A (Particular individuals who provide child care or education and care)

Section 256A(5), definition *guardian*, paragraph (a), ‘*Editor’s note—*’—

omit, insert—

‘*Note—*’.

16 Amendment of appendix 2 hdg (Application fees for licences)

Appendix 2, heading, ‘licences’—

omit, insert—

‘endorsements’.

17 Amendment of appendix 9 (Dictionary)

(1) Appendix 9—

insert—

‘*ECP* means the acronym used by the Queensland Ambulance Service for the expression ‘extended care program.’.

(2) Appendix 9, definition *criminal history*, ‘record’—

omit, insert—

‘history’.

Part 4 Amendment of Public Health Regulation 2005

18 Regulation amended

This part amends the *Public Health Regulation 2005*.

19 Amendment of s 2K (Purpose of div 2)

Section 2K, note, ‘a designated pest’—

omit, insert—

‘*designated pests*’.

20 Amendment of s 2R (Purpose of div 3)

Section 2R, note, ‘a designated pest’—

omit, insert—

‘*designated pests*’.

[s 21]

21 Amendment of s 12C (Requirements for vaccination—Act, s 158, definition *vaccinated*)

Section 12C(2), ‘by the Department of Health and Ageing (Cwlth) in November 2005’—

omit, insert—

‘, from time to time, by the Department of Health and Ageing (Cwlth)’.

22 Amendment of s 12E (Prescribed period for a contagious condition—Act, s 160)

Section 12E(2)(a) and (b)—

omit, insert—

‘(a) not having been vaccinated for the condition; and

(b) being at risk of contracting the condition if the child continues to attend a school, education and care service or child care service.’.

23 Amendment of s 20 (Human research ethics committee—Act, sch 2, definition *human research ethics committee*)

Section 20(1), ‘Research Involving Humans, issued by the NHMRC in 1999’—

omit, insert—

‘Human Research 2007, issued by the NHMRC in 2007’.

24 Amendment of sch 2A (Contagious conditions)

(1) Schedule 2A, parts 1 and 2—

omit, insert—

‘Part 1

Contagious conditions and prescribed period for contagious condition for child

Contagious condition	Prescribed period for a contagious condition for a child suspected of having the condition	
	Start of period	End of period
diphtheria	the earlier of the following— (a) onset of symptoms; (b) relevant contact of the child with a person infected with the condition	either— (a) if the child has had symptoms—the treating doctor confirms 2 negative throat swabs have been taken from the child— (i) the first swab taken at least 24 hours after the child finishes a course of an appropriate antibiotic; and (ii) the second swab taken at least 24 hours after the first swab; or (b) otherwise—the treating doctor confirms 1 negative throat swab has been taken from the child
enterovirus 71 neurological disease	onset of symptoms	the treating doctor confirms the virus is no longer present in the child’s bowel motions
gastroenteritis illness	onset of symptoms	the child has no symptoms 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	the earlier of the following— (a) the treating doctor confirms the child is not infectious after the child has taken 4 days of an appropriate antibiotic; (b) the chief executive advises a parent of the child that the chief executive is satisfied the risk of the child transmitting the contagious condition is low, having regard to— (i) the way the contagious condition is transmitted; and (ii) the nature of the environment at the child’s school, education and care service or child care service

[s 24]

Contagious condition	Prescribed period for a contagious condition for a child suspected of having the condition	
	Start of period	End of period
hepatitis A	the earlier of the following— (a) onset of symptoms; (b) the child is diagnosed	the earlier of the following— (a) the treating doctor confirms the child is not infectious, but not earlier than 7 days after the onset of jaundice; (b) the chief executive advises a parent of the child that the chief executive is satisfied the risk of the child transmitting the contagious condition is low, having regard to— (i) the way the contagious condition is transmitted; and (ii) the nature of the environment at the child's school, education and care service or child care service
human influenza with pandemic potential	the earlier of the following— (a) onset of symptoms; (b) relevant contact of the child with a person infected with the condition	either— (a) if the child has had symptoms—the treating doctor confirms the child is not infectious but not earlier than 5 days after the onset of the symptoms; or (b) otherwise—7 days after the child's last contact with a person who is, or is suspected of being, infected with the condition

Contagious condition	Prescribed period for a contagious condition for a child suspected of having the condition	
	Start of period	End of period
measles	the earlier of the following— (a) onset of symptoms; (b) relevant contact of the child with a person infected with the condition	either— (a) if the child has had symptoms—the treating doctor confirms the child is not infectious, but not earlier than 4 days after the onset of the rash caused by the condition; or (b) otherwise—the earliest of the following— (i) if the child is vaccinated for measles within 72 hours of the relevant contact for the child—the child is vaccinated; (ii) if the child receives normal human immunoglobulin (<i>NHIG</i>) within 7 days after the relevant contact for the child—the child receives <i>NHIG</i> ; (iii) 18 days after the child’s last contact with a person who is, or is suspected of being, infected with the condition
meningococcal infection (invasive)	onset of symptoms	the treating doctor confirms the child is not infectious after the child has completed at least 24 hours of a course of an appropriate antibiotic

[s 24]

Contagious condition

Prescribed period for a contagious condition for a child suspected of having the condition

Start of period

End of period

paratyphoid

the earliest of the following—
(a) onset of symptoms;
(b) the child is diagnosed;
(c) relevant contact of the child with a person infected with the condition

either—
(a) if the child has had symptoms or is diagnosed—the treating doctor confirms the child is not infectious after—
(i) the child has completed a course of an appropriate antibiotic; and
(ii) at least 48 hours after the course of antibiotics, the child has a negative stool specimen; and
(iii) at least 1 week after the negative stool specimen, the child has another negative stool specimen;
or
(b) otherwise—the earlier of the following—
(i) the treating doctor confirms the child is not infectious after the child has 2 negative stool specimens at least 24 hours apart;
(ii) the chief executive advises a parent of the child that the chief executive is satisfied the risk of the child transmitting the contagious condition is low, having regard to—
(A) the way the contagious condition is transmitted; and
(B) the nature of the environment at the child's school, education and care service or child care service

Contagious condition	Prescribed period for a contagious condition for a child suspected of having the condition	
	Start of period	End of period
pertussis (whooping cough)	the earlier of the following— (a) onset of symptoms; (b) relevant contact of the child with a person infected with the condition	either— (a) if the child has had symptoms—the treating doctor confirms the child is not infectious, but not earlier than— (i) 5 days after the child starts a course of an appropriate antibiotic; or (ii) if the child has an onset of paroxysmal coughing caused by the condition—14 days after the onset of the coughing; or (iii) otherwise—21 days after the onset of coughing; or (b) otherwise—the earlier of the following— (i) the treating doctor confirms the child is not infectious but not earlier than 14 days after the relevant contact; (ii) the chief executive advises a parent of the child that the chief executive is satisfied the risk of the child transmitting the contagious condition is low, having regard to— (A) the way the contagious condition is transmitted; and (B) the nature of the environment at the child’s school, education and care service or child care service
poliomyelitis	the earliest of the following— (a) onset of symptoms; (b) the child is diagnosed; (c) relevant contact of the child with a person infected with the condition	the chief executive advises a parent of the child that the chief executive is satisfied the risk of the child transmitting the contagious condition is low, having regard to— (a) the way the contagious condition is transmitted; and (b) the nature of the environment at the child’s school, education and care service or child care service

[s 24]

Contagious condition	Prescribed period for a contagious condition for a child suspected of having the condition	
	Start of period	End of period
rubella	onset of symptoms	4 days after the onset of the rash caused by the condition
tuberculosis	onset of symptoms	the treating doctor confirms the child is not infectious
typhoid	the earliest of the following— (a) onset of symptoms; (b) the child is diagnosed; (c) relevant contact of the child with a person infected with the condition	either— (a) if the child has had symptoms or been diagnosed—the treating doctor confirms the child is not infectious after— (i) the child has completed a course of an appropriate antibiotic; and (ii) at least 48 hours after the course of antibiotics, the child has a negative stool specimen; and (iii) at least 1 week after the negative stool specimen, the child has another negative stool specimen; or (b) otherwise—the earlier of the following— (i) the treating doctor confirms the child is not infectious after the child has 2 negative stool specimens at least 24 hours apart; (ii) the chief executive advises a parent of the child that the chief executive is satisfied the risk of the child transmitting the contagious condition is low, having regard to— (A) the way the contagious condition is transmitted; and (B) the nature of the environment at the child’s school, education and care service or child care service
varicella - zoster virus infection (chickenpox)	onset of symptoms	all blisters caused by the condition have dried, but not earlier than 5 days after the onset of symptoms

‘Part 2

Vaccine preventable condition and prescribed periods for the condition

Vaccine preventable condition

Prescribed period for the condition for a child

	Start of period	End of period
measles	the chief executive gives a direction there is an outbreak of the condition at the school, education and care service or child care service attended by the child	<p>the earlier of the following—</p> <p>(a) if the child is not vaccinated—the chief executive gives a direction that the outbreak of the condition at the school, education and care service or child care service is over;</p> <p>(b) if the child is vaccinated during the outbreak—the chief executive advises a parent of the child that the chief executive is satisfied the risk of the child contracting the contagious condition is low, having regard to—</p> <p>(i) the way the contagious condition is transmitted; and</p> <p>(ii) the nature of the environment at the child’s school, education and care service or child care service</p>

[s 24]

Vaccine preventable condition Prescribed period for the condition for a child condition

Start of period

the chief executive gives a direction there is an outbreak of the condition in the community, if there is a risk of children and staff at the school, education and care service or child care service attended by the child contracting the condition

End of period

the chief executive advises a parent of the child that the chief executive is satisfied the risk of the child contracting the contagious condition is low, having regard to—

- (a) the way the contagious condition is transmitted; and
- (b) the nature of the environment at the child's school, education and care service or child care service'.

(2) Schedule 2A, part 3, section 1, definitions *at risk child*, *infectious period* and *relevant contact*—

omit.

(3) Schedule 2A, part 3, section 1—

insert—

'confirms means gives written confirmation.

relevant contact, of a child for a contagious condition, means—

(a) for diphtheria—the child's first close contact with a person (the *infected person*) who is, or is suspected of being, infected with the condition during the period—

(i) starting 7 days before the onset of symptoms in the infected person; and

(ii) ending when the treating doctor confirms 2 negative throat swabs have been taken from the person at the following times—

(A) the first swab taken at least 24 hours after the person finishes a course of an appropriate antibiotic;

(B) the second swab taken at least 24 hours after the first swab; or

- (b) for a contagious condition other than diphtheria—contact with a person who has been diagnosed with the condition while the person is infectious for the condition.

symptoms, for a contagious condition, means symptoms of the condition.’.

- (4) Schedule 2A, part 3, section 1, definition *diagnose*, ‘*diagnose*, a child with a vaccine preventable’—

omit, insert—

‘*diagnosed*, for a child with a contagious’.

25 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

‘*confirms*, for schedule 2A, see schedule 2A, part 3, section 1.

diagnosed, for schedule 2A, see schedule 2A, part 3, section 1.

relevant contact, for schedule 2A, see schedule 2A, part 3, section 1.

suspected, for schedule 2A, see schedule 2A, part 3, section 1.

symptoms, for schedule 2A, see schedule 2A, part 3, section 1.’.

ENDNOTES

- 1 Made by the Governor in Council on 22 November 2012.
- 2 Notified in the gazette on 23 November 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is Queensland Health.