

HEALTH AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Health Act 1956.

Clause 1 relates to the Short Title and commencement.

Clause 2 amends the interpretation section of the principal Act. The first 2 amendments are consequential upon *clause 4*, and the third omits smallpox, typhus, and relapsing fever from the definition of the term "quarantinable disease".

Clause 3 relates to the provision of toilet facilities on commercial premises. At present, where men and women are employed, separate toilets must be provided for each sex. Under the amendment, unisex facilities will be permitted where not more than 10 persons are employed.

Clause 4 abolishes Port Health Officers, and transfers their functions and powers to Medical Officers of Health and Inspectors of Health.

Clause 5 consolidates and revises the present list of infectious diseases in the First Schedule to the principal Act, and *clause 6* does the same in respect of the present list of notifiable diseases in the Second Schedule to that Act.

Clause 7 is a purely consequential provision.

Hon. Mr Gair

HEALTH AMENDMENT

ANALYSIS

Title	
1. Short Title and commencement	4. Port Health Officers abolished
2. Interpretation	5. New First Schedule substituted
3. Sanitary requirements for business premises	6. New Second Schedule substituted
	7. Repeal and revocations Schedules

A BILL INTITULED

An Act to amend the Health Act 1956

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

1. **Short Title and commencement**—(1) This Act may be cited as the Health Amendment Act 1981, and shall be read together with and deemed part of the Health Act 1956* (hereinafter referred to as the principal Act).
- 10 (2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

*Reprinted 1972, Vol. 2, p. 1449
Amendments: 1973, No. 111; 1975, No. 78; 1976, No. 91; 1978, No. 96;
1979, No. 64; 1980, No. 79

2. Interpretation—Section 2 (1) of the principal Act is hereby amended—

- (a) By omitting from the definition of the term “Medical Officer of Health” the words “except section 93 thereof,”: 5
- (b) By omitting the definition of the term “Port Health Officer”:
- (c) By omitting from the definition of the term “quarantinable disease” the words “yellow fever, smallpox, typhus, or relapsing fever”, and substituting the words “or yellow fever”. 10

3. Sanitary requirements for business premises—Section 40 (1) (b) of the principal Act is hereby amended by omitting the words “members of both sexes are so employed”, and substituting the words “at least 10 persons are so employed 15 of which some are males and some females”.

4. Port Health Officers abolished—(1) Section 93 of the principal Act is hereby repealed.

(2) The provisions of the principal Act specified in the first column of the First Schedule to this Act are hereby 20 amended in the manner indicated in the second column of that Schedule.

5. New First Schedule substituted—The principal Act is hereby amended by repealing the First Schedule (as substituted by section 2 (2) of the Health Amendment Act 1962 25 and amended from time to time), and substituting the First Schedule set out in the Second Schedule to this Act.

6. New Second Schedule substituted—The principal Act is hereby amended by repealing the Second Schedule (as amended by clause 2 of the Notifiable Diseases Order 1965, 30 S.R. 1965/69), and substituting the Second Schedule set out in the Third Schedule to this Act.

7. Repeal and revocations—(1) Section 2 (2) of the Health Amendment Act 1962 is hereby repealed.

(2) The orders specified in the Fourth Schedule to this 35 Act are hereby revoked.

SCHEDULES

FIRST SCHEDULE

Section 4 (2)

AMENDMENTS CONSEQUENTIAL UPON ABOLITION OF
PORT HEALTH OFFICERS

Section	Amendment
Section 76 (1)	By omitting the words "Port Health Officer", and substituting the words "Medical Officer of Health".
Section 94	By omitting the words "Port Health Officer", and substituting the words "Medical Officer of Health or Inspector of Health".
Section 97 (c)	By omitting the words "Port Health Officer or, in the case of an aircraft, by the".
Section 99	By omitting the words "Port Health Officer" wherever they occur, and substituting in each case the words "Medical Officer of Health or Inspector of Health".
Section 101	By repealing the section, and substituting the following section:
	<p>"101. Inspection of ship or aircraft liable to quarantine—(1) Subject to the provisions of any regulations made under this Act, the Medical Officer of Health or Inspector of Health, before granting pratique to any ship liable to quarantine, shall board that ship and inspect it for the purpose of ascertaining whether any infectious disease exists on the ship.</p> <p>"(2) Subject to the provisions of any regulations made under this Act, the Medical Officer of Health or Inspector of Health may board any aircraft liable to quarantine and inspect it.</p> <p>"(3) Subject to the provisions of any regulations made under this Act, the Medical Officer of Health may examine any person who arrives by any such aircraft and who is suffering from any infectious disease, or is believed or suspected by him, on reasonable grounds, to be</p>

*Health Amendment*FIRST SCHEDULE—*continued*AMENDMENTS CONSEQUENTIAL UPON ABOLITION OF
PORT HEALTH OFFICERS—*continued*

Section	Amendment
Section 101— <i>continued</i>	<p>suffering from any quarantinable disease or to have been exposed to the infection of a quarantinable disease during such period as may be prescribed by any such regulations.</p> <p>“(4) In respect of any such ship, aircraft, or person, the Medical Officer of Health or Inspector of Health shall have for the purposes of this section such powers and duties as may be prescribed by regulations made under this Act.</p> <p>“(5) Every person to whom this section applies shall, when required to do so, present himself before the Medical Officer of Health and submit himself to such examination.</p> <p>“(6) The master of every such ship, and the pilot in command of every such aircraft, shall facilitate, by all reasonable means, the boarding of the ship or aircraft by the Medical Officer of Health or Inspector of Health and the exercise of his powers and duties under this section.”</p>
Section 102	<p>By omitting from subsection (1) the words “Port Health Officer”, and substituting the words “Medical Officer of Health or Inspector of Health”.</p> <p>By repealing subsection (2), and substituting the following subsection:</p> <p>“(2) The master of every such ship, and the medical officer if one is carried, shall from time to time supply to the Medical Officer of Health or any person acting under his authority any further information required by the Medical Officer of Health or Inspector of Health.”</p>
Section 104	<p>By omitting from subsection (1) (b), and also from subsection (1) (c), the words “Port Health Officer or”.</p> <p>By omitting from subsection (2) the words “the Port Health Officer, or”.</p> <p>By omitting from that subsection the words “the Port Health Officer or” in both places where they occur.</p>

FIRST SCHEDULE—*continued*
 AMENDMENTS CONSEQUENTIAL UPON ABOLITION OF
 PORT HEALTH OFFICERS—*continued*

Section	Amendment
Section 105	By omitting the words "Port Health Officer", and substituting the words "Medical Officer of Health or Inspector of Health".
Section 106	By omitting the words "Port Health Officer", and substituting the words "Medical Officer of Health or Inspector of Health".
Section 107	By omitting from subsection (1) the words "Port Health Officer", and substituting the words "Medical Officer of Health or Inspector of Health".
Section 108	By inserting in subsection (2), after the words "Medical Officer of Health", the words "or Inspector of Health".
Section 109	By repealing the section, and substituting the following section: <p style="text-align: center;">"108. Persons suffering from quarantinable disease—If any person on board any ship, or arriving by any aircraft, is found to be suffering from any quarantinable disease, or is believed or suspected by the Medical Officer of Health or Inspector of Health, on reasonable grounds, to be suffering from any such disease, or to have been so recently exposed to the infection of any such disease that he may suffer therefrom in consequence, the Medical Officer of Health or Inspector of Health may do all such things and give all such directions in respect of that person as may be prescribed by regulations made under this Act."</p>
Section 109	By omitting the words "Port Health Officer or of the Medical Officer of Health", and substituting the words "Medical Officer of Health or Inspector of Health".
Section 110	By omitting the words "Port Health Officer" wherever they occur, and substituting in each case the words "Medical Officer of Health or Inspector of Health".

*Health Amendment*FIRST SCHEDULE—*continued*AMENDMENTS CONSEQUENTIAL UPON ABOLITION OF
PORT HEALTH OFFICERS—*continued*

Section	Amendment
Section 111	By omitting from subsection (1) the words "Port Health Officer or any officer of the Department acting under his authority", and substituting the words "Medical Officer of Health or Inspector of Health, or any officer of the Department of Health acting under his authority,".
	By omitting from subsection (2) the words "Port Health Officer", and substituting the words "Medical Officer of Health".
Section 112	<p>By omitting from subsection (1) the words "Port Health Officer", and substituting the words "Medical Officer of Health or Inspector of Health".</p> <p>By repealing subsection (2), and substituting the following subsection:</p> <p>"(2) Every person on any ship who, being liable to quarantine, leaves the ship without the authority of the Medical Officer of Health or Inspector of Health commits an offence and is liable on summary conviction before a District Court Judge to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$2,000 or to both. Every person who commits an offence against this subsection may be arrested without warrant by any constable, or by the Medical Officer of Health or any person authorised by him in that behalf, and may be taken in custody to the ship or to any hospital or place of isolation, and may be detained until he is released from quarantine pursuant to section 98 of this Act."</p> <p>By repealing subsection (4), and substituting the following subsection:</p> <p>"(4) Every person commits an offence against this Act who contravenes or fails to comply in any respect with any provision of this Part of this Act or with any requirement or direction of the Medical Officer of Health or Inspector of Health pursuant to any such provision."</p>

FIRST SCHEDULE—*continued*
 AMENDMENTS CONSEQUENTIAL UPON ABOLITION OF
 PORT HEALTH OFFICERS—*continued*

Section	Amendment
Section 118 (f)	By omitting the words "Port Health Officers, Medical Officers of Health," and substituting the words "Medical Officers of Health".

SECOND SCHEDULE

Section 5

NEW FIRST SCHEDULE SUBSTITUTED IN PRINCIPAL ACT

"FIRST SCHEDULE

Section 2

"INFECTIOUS DISEASES

PART I—NOTIFIABLE INFECTIOUS DISEASES

Section A—Infectious Diseases Notifiable to Medical Officer of Health and Local Authority

Amoebiasis.	Meningoencephalitis—p r i m a r y amoebic.
Anthrax.	Plague—bubonic, pneumonic, or septicaemic.
Brucellosis.	Poliomyelitis.
Cholera.	Psittacosis.
Diphtheria.	Rabies.
Dysentery (see amoebiasis and shigellosis).	Relapsing fever.
Enteric fever—typhoid, paratyphoid.	Salmonellosis.
Hepatitis A.	Shigellosis.
Hepatitis B.	Smallpox.
Hepatitis non A or B.	Trachoma.
Leptospirosis.	Typhus.
Meningococcal infection.	Yellow fever.

SECOND SCHEDULE—*continued**Section B—Infectious Diseases Notifiable to Medical Officer of Health*

Campylobacter infection.	Eye infection due gonococcus.
Congenital rubella.	Gastroenteritis.
Encephalitis—acute arthropod-borne.	Listeriosis.
—post infection.	Meningoencephalitis.
—post vaccinal.	Septicaemia.
Lassa fever.	Staphylococcal skin infection.
Legionellosis.	Streptococcal Infection
Listeriosis.	Groups A and B.
Listeriosis.	Toxoplasmosis.
Marburg virus-like disease.	Puerperal infection—Any woman who within 14 days of child-birth or abortion or whilst in a maternity hospital, has a temperature of 38°C or over or who has any infection either generalised or local arising from the genital tract or breasts.
Neonatal infection—Any infant who within 14 days of birth or whilst in a maternity hospital exhibits one of the following:	
Congenital rubella.	
Congenital syphilis.	

PART II—OTHER INFECTIOUS DISEASES

Chancroid.	Mumps—epidemic parotitis.
Varicella (chickenpox).	Nocardiosis.
Dermatophytosis (tinea).	Non-gonococcal urethritis.
Erysipelas.	Pediculosis.
Giardiasis.	Pneumonia.
Gonorrhoeal infection.	Scabies.
Impetigo contagiosa.	Streptococcal sore throat—including scarlet fever.
Influenza.	Syphilis.
Rubella, other than congenital rubella.	Venereal granuloma.
Morbilli (measles).	Whooping cough—pertussis.
Herpes simplex.	Yersiniosis.
Herpes zoster (shingles).	Viral gastroenteritis.”

THIRD SCHEDULE

Section 6

NEW SECOND SCHEDULE SUBSTITUTED IN PRINCIPAL ACT

“SECOND SCHEDULE

Section 2

DISEASES NOTIFIABLE TO MEDICAL OFFICER OF HEALTH
(OTHER THAN NOTIFIABLE INFECTIOUS DISEASES)

Section A—Conditions Arising from Occupation

Poisoning by—Arsenic	}	and their compounds.
Cadmium		
Chromium		
Lead		
Manganese		
Mercury		

Poisoning by—any chlorinated solvent.
 any organophosphate pesticide.
 any other pesticide.
 phosphorus.

Damage to eyesight to include ulceration of the cornea or heat cataract.

Decompression sickness arising from occupation.

Pulmonary diseases due to the inhalation of dust fibres or chemicals at work.

Noise induced hearing impairment.

Primary malignant neoplasm of the mesothelium (mesothelioma) of the pleura or of the peritoneum.

Carcinoma of the nasal cavity or associated air sinuses.

Primary neoplasm of bladder.

Skin diseases arising from occupation.

Section B—Other Conditions

Actinomycosis.

Ancylostomiasis.

Cysticercosis.

Decompression sickness arising from recreation.

Dengue fever.

Eclampsia.

Food poisoning—all forms (chemical, bacterial, toxic).

Hydatid disease.

Lead absorption *causing whole blood levels in excess of

—for 0–10 years of age 1.45 umols/litre.

—over 10 years of age 2.9 umols/litre.

Malaria.

Poisoning arising from chemical contamination of environment.

Ross River fever.

Schistosomiasis.

Taeniasis.

Tetanus.

Trichinosis.”

*Not occupational

FOURTH SCHEDULE

Section 7(2)

ORDERS REVOKED

Order	Serial Number
The Infectious Diseases Order 1964	S.R. 1964/39
The Infectious Diseases Order 1965	S.R. 1965/49
The Notifiable Diseases Order 1965	S.R. 1965/69
The Infectious Diseases Order 1966	S.R. 1966/94
The Infectious Diseases Order 1969	S.R. 1969/8
The Infectious Diseases Order (No. 2) 1964	S.R. 1969/188
The Infectious Diseases Order 1972	S.R. 1972/108
The Infectious Diseases Order 1978	S.R. 1978/110
The Infectious Diseases Order 1980	S.R. 1980/111