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**HEALTH**

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HE301

Health Act 1911

**Health (Notification of Lead Poisoning)  
Amendment Regulations 2016**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Health (Notification of Lead Poisoning) Amendment Regulations 2016*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**3. Regulations amended**

These regulations amend the *Health (Notification of Lead Poisoning) Regulations 1985*.

**4. Part 1 heading inserted**

Before regulation 1 insert:

**Part 1 — Preliminary****5. Regulation 3 replaced**

Delete regulation 3 and insert:

**3. Terms used**

In these regulations —

*corresponding officer* means a person who, under the law of another State or a Territory, has functions that correspond or substantially correspond to the functions of the EDPH under these regulations;

- EDPH** means the Executive Director, Public Health;
- identifying information** means information from which the identity of the person to whom the information relates is apparent or can reasonably be ascertained;
- lead poisoning** means a concentration of lead in a person's whole blood at or above 5 micrograms per decilitre ( $\mu\text{g/dL}$ );
- register** means the register referred to in regulation 7(1);
- required details**, in relation to notification given to the EDPH of lead poisoning, means —
- (a) the name and contact details of the person giving the notification; and
  - (b) the following information about the person who has lead poisoning, to the extent that the information is known by the person giving the notification —
    - (i) the full name, sex, date of birth, residential address and occupation of the person;
    - (ii) the full name and residential address of a parent or guardian of the person, if the person has not reached 18 years of age.

**6. Part 2 heading inserted**

After regulation 4 insert:

**Part 2 — Notification of lead poisoning**

**7. Regulations 5 and 6 replaced**

Delete regulations 5 and 6 and insert:

**5. Notification by medical practitioner**

- (1) In this regulation —
- approved form** means the form approved by the EDPH, as specified on a website maintained by the Department, in which required information is to be provided to the EDPH;
- medical practitioner** means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;
- required information** means —
- (a) the required details; and

- (b) any other information specified by the EDPH on a website maintained by the Department as information that is to be provided to the EDPH by a medical practitioner in relation to lead poisoning.
- (2) If a medical practitioner attends a person who has lead poisoning, the practitioner must notify the EDPH of the required information —
- (a) within 72 hours after becoming aware of the lead poisoning; and
  - (b) in the approved form.

Penalty for this subregulation: a fine of \$1 000, but the minimum penalty —

- (a) for a first offence, is a fine of \$100;
  - (b) for a second offence, is a fine of \$200;
  - (c) for a subsequent offence, is a fine of \$500.
- (3) Subregulation (2) does not apply if the medical practitioner knows that the EDPH has been notified by another person of the required information in relation to the lead poisoning.

#### **6. Notification by responsible pathologist**

- (1) In this regulation —
- required information* means —
- (a) the required details; and
  - (b) any other information specified by the EDPH on a website maintained by the Department as information that is to be provided to the EDPH by a responsible pathologist in relation to lead poisoning.
- (2) Subregulation (3) applies if —
- (a) a sample of a person's blood is analysed at a pathology laboratory; and
  - (b) the analysis indicates the person has lead poisoning.
- (3) The responsible pathologist must notify the EDPH in writing of the required information within 72 hours after becoming aware the analysis indicates the person has lead poisoning.

Penalty for this subregulation: a fine of \$1 000, but the minimum penalty —

- (a) for a first offence, is a fine of \$100;
- (b) for a second offence, is a fine of \$200;
- (c) for a subsequent offence, is a fine of \$500.

**8. Part 3 inserted**

At the end of the regulations insert:

**Part 3 — Western Australian Lead Poisoning Register****7. Western Australia Lead Poisoning Register**

- (1) The EDPH must keep a register to be known as the Western Australian Lead Poisoning Register.
- (2) The register must contain all information notified to the EDPH under regulations 5 and 6.
- (3) The register may contain —
  - (a) information given to the EDPH by a corresponding officer; and
  - (b) any other information the EDPH considers appropriate, having regard to the purposes mentioned in subregulation (4).
- (4) The register must be kept for the following purposes —
  - (a) to monitor the number of cases of lead poisoning in Western Australia;
  - (b) to plan, monitor and evaluate services for the control of lead poisoning and the care of persons with lead poisoning in Western Australia;
  - (c) to compile and publish general or statistical information relating to lead poisoning;
  - (d) to carry out research into the causes, prevention, screening and treatment of lead poisoning.
- (5) The register must be kept in the manner and form determined by the EDPH.

**8. Offence to disclose information without authority**

A person who has access to the register in the course of the person's duty must not disclose information in the register unless the disclosure —

- (a) is made with the written consent of the person to whom the information relates; or
- (b) is authorised under regulation 9; or
- (c) is authorised or required under another written law.

Penalty: a fine of \$1 000, but the minimum penalty —

- (a) for a first offence, is a fine of \$100;

- (b) for a second offence, is a fine of \$200;
- (c) for a subsequent offence, is a fine of \$500.

**9. EDPH may authorise disclosure of information**

- (1) In this regulation —

*Australian Institute of Health and Welfare* means the Australian Institute of Health and Welfare established under the *Australian Institute of Health and Welfare Act 1987* (Commonwealth) section 4.

- (2) The EDPH may authorise the disclosure of information in the register —

- (a) for the purposes of research approved in accordance with guidelines for the conduct of medical research involving humans issued in compliance with the *National Health and Medical Research Council Act 1992* (Commonwealth) section 10; or
- (b) to the Australian Institute of Health and Welfare, if the EDPH is satisfied that the information is to be used solely for a purpose mentioned in regulation 7(4); or
- (c) to a corresponding officer in another State or a Territory, if the EDPH is satisfied that the usual place of residence of the person to whom the information relates is, was or will be in that State or Territory.

- (3) The EDPH may authorise the disclosure of any information in the register, other than identifying information, for a purpose mentioned in regulation 7(4).

- (4) An authorisation under this regulation must be in writing and may apply generally or to a specific case or class of cases.

**10. Right to know of information in register**

On the written request of a person, the EDPH must —

- (a) search the register for information about the person; and
- (b) as soon as is reasonably practicable, either —
  - (i) tell the person that there is no information about the person in the register, if that is the case; or
  - (ii) give the person a copy of any information about the person in the register.

**11. Request to delete identifying information**

- (1) A person may request the EDPH in writing to cause any identifying information about the person to be deleted from the register.
- (2) If a person makes a request under subregulation (1) —
  - (a) the EDPH must ensure that the request is complied with as soon as is practicable; and
  - (b) any information about the person that is not identifying information may be retained in the register.

**12. Persons under a legal disability**

A parent or guardian of a person who is under a legal disability may on behalf of the person —

- (a) give written consent for the purposes of regulation 8(a); and
- (b) make a written request for the purposes of regulation 10 or 11(1).

N. HAGLEY, Clerk of the Executive Council.