



Western Australia

Health (Notification of Lead Poisoning) Regulations 1985

Compare between:

[16 Nov 2016, 01-b0-00] and [10 Jan 2017, 01-c0-00]

Western Australia

Health Act 1911

Health (Notification of Lead Poisoning) Regulations 1985

Part 1 — Preliminary

[Heading inserted in Gazette 15 Nov 2016 p. 5055.]

1. Citation

These regulations may be cited as the *Health (Notification of Lead Poisoning) Regulations 1985*¹.

2. Commencement

These regulations shall come into operation on the day of publication of the *Health — Infectious Diseases Order (No. 2) 1985*¹.

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.

[Regulation 3 inserted in Gazette 15 Nov 2016 p. 5055-6.]

4. Lead poisoning a prescribed condition of health

Lead poisoning is prescribed as a condition of health to which Part IXA applies.

Part 2 — Notification of lead poisoning

[Heading inserted in Gazette 15 Nov 2016 p. 5056.]

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.

[Regulation 5 inserted in Gazette 15 Nov 2016 p. 5056-7.]

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.

[Regulation 6 inserted in Gazette 15 Nov 2016 p. 5057.]

Part 3 — Western Australian Lead Poisoning Register

[Heading inserted in Gazette 15 Nov 2016 p. 5058.]

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.

[Regulation 7 inserted in Gazette 15 Nov 2016 p. 5058.]

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.

[Regulation 8 inserted in Gazette 15 Nov 2016 p. 5058-9.]

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.

[Regulation 9 inserted in Gazette 15 Nov 2016 p. 5059.]

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.

[Regulation 10 inserted in Gazette 15 Nov 2016 p. 5059.]

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.

[Regulation 11 inserted in Gazette 15 Nov 2016 p. 5060.]

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).

[Regulation 12 inserted in Gazette 15 Nov 2016 p. 5060.]

Notes

- ¹ This is a compilation of the *Health (Notification of Lead Poisoning) Regulations 1985* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Health (Notification of Lead Poisoning) Regulations 1985</i>	24 May 1985 p. 1760	24 May 1985 (see r. 2 and <i>Gazette</i> 24 May 1985 p. 1759)
<i>Health (Offences and Penalties) Amendment Regulations (No. 2) 1988</i> Pt. 8	23 Dec 1988 p. 4970-5	23 Dec 1988
Reprint 1: The <i>Health (Notification of Lead Poisoning) Regulations 1985</i> as at 2 Apr 2004 (includes amendments listed above)		
<i>Health (Notification of Lead Poisoning) Amendment Regulations 2016</i>	15 Nov 2016 p. 5055-60	r. 1 and 2: 15 Nov 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Nov 2016 (see r. 2(b))

- ^{1a} [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

Provisions that have not come into operation

<u>Citation</u>	<u>Gazettal</u>	<u>Commencement</u>
Health Regulations Amendment (Public Health) Regulations 2016 Pt. 16 ²	10 Jan 2017 p. 237-308	24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165)

- ² [On the date as at which this compilation was prepared, the *Health Regulations Amendment \(Public Health\) Regulations 2016* Pt. 16 had not come into operation. It reads as follows:](#)

**Part 16 — Health (Notification of Lead Poisoning)
Regulations 1985 amended**

56. Regulations amended

_____ This Part amends the *Health (Notification of Lead Poisoning) Regulations 1985*.

57. Regulation 3 amended

_____ In regulation 3 delete the definition of *EDPH*.

58. Various references to “EDPH” amended

_____ In the provisions listed in the Table delete “EDPH” (each occurrence) and insert:

_____ Chief Health Officer

Table

<u>r. 3 def. of <i>corresponding officer</i></u>	<u>r. 3 def. of <i>required details</i></u>
<u>r. 5(1) def. of <i>approved form</i></u>	<u>r. 5(1) def. of <i>required information</i> par. (b), r. 5(2) and (3)</u>
<u>r. 6(1) def. of <i>required information</i> par. (b) and r. 6(3)</u>	<u>r. 7(1), (2), (3) and (5)</u>
<u>r. 9(2) and (3)</u>	<u>r. 10</u>
<u>r. 11(1) and (2)(a)</u>	

_____ Note: The heading to amended regulation 9 is to read:

_____ Chief Health Officer may authorise disclosure of information