

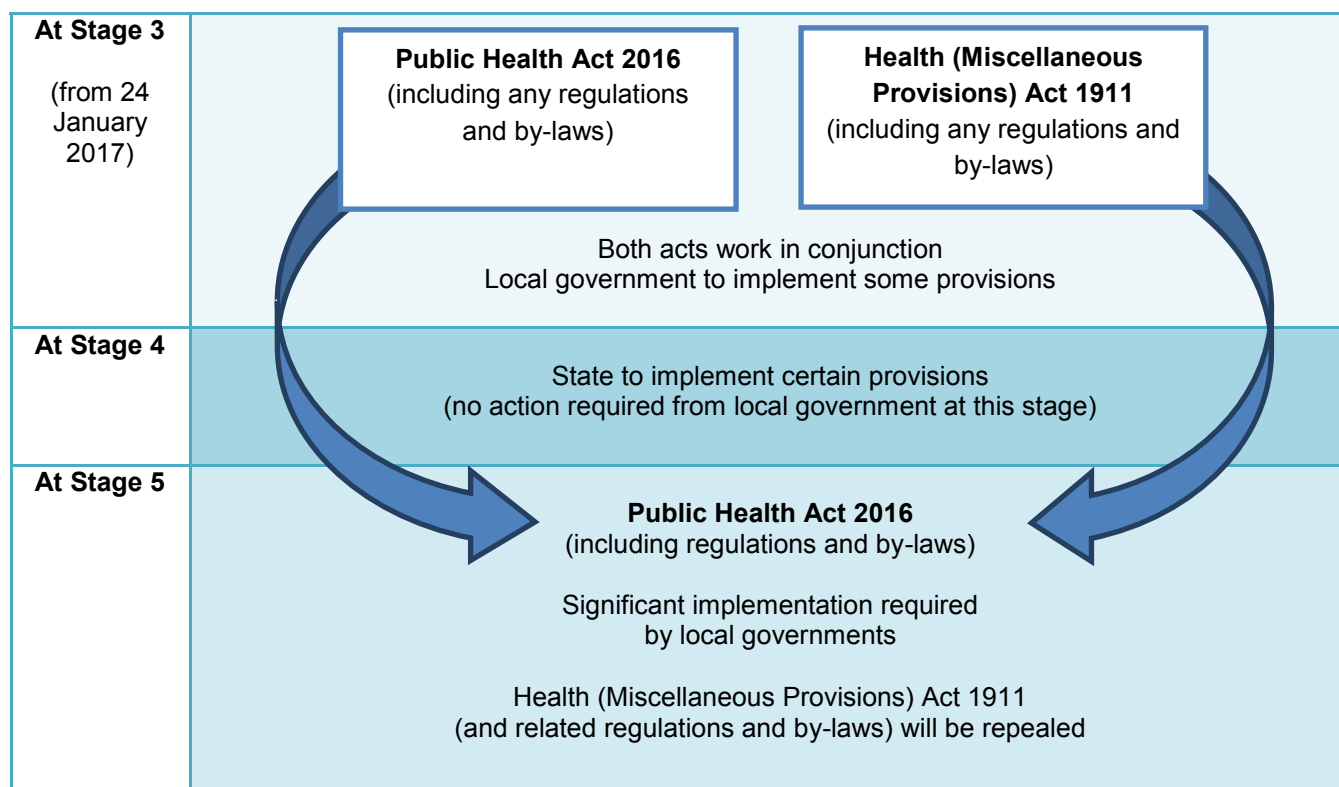
Keeping Up With Changes in the Health Act: A Checklist for Local Government Officers

Did you know that the *Health Act 1911* (now re-named the Health (Miscellaneous Provisions) Act 1911) is being phased out and replaced by the **Public Health Act 2016**?

As of 24 January 2017, the 2016 Act is at stage 3 of its implementation.

What does this mean for you as a local government officer?

Overview of Changes



In a nutshell, this means:

- **New provisions in the 2016 Act apply**
- **Some provisions in the 1911 Act no longer apply**
- **Some provisions in the 1911 Act continue to apply, but only until Stage 5 of implementation (e.g. enforcement of legislation)**

Do you know if your local government is currently compliant with the new legislation?

Civic Legal has prepared a checklist which you may use as part of your implementation processes.

We will release a checklist for implementation of Stage 5 in the future.



Checklist for local governments: Stage 3 implementation

General

Conduct meetings and discussions with relevant officers within the local to update them on the changes in the Public Health Act 2016, includes discussion of the amendments made in the 1911 Act and the related regulations

Designation of authorised officers

Inform existing authorised officers (or previously environmental health officer(s)) that they are now automatically authorised officers under the 2016 Act

Where necessary, ensure that the authorised officers have the qualifications and experience as required under the Act¹

Ensure any designation made is in writing

Prepare certificate of authority template (ID cards) for authorised officers or EHOs²

As part of preparation of certificate of authority cards, determine the designation requirements to be included in the certificate (e.g. the powers under the Act designated to that person, and any restrictions/limitations to the designation)

Issue new certificate of authority cards

Prepare and maintain a list of authorised officers under the Act

If delegations are made, ensure that it is in writing and in accordance with requirements under the Act

Reporting requirements

Identify an officer responsible for undertaking the reporting

Access your local government's current record keeping systems – are these assisting with your reporting requirements?

Report on the performance of the local governments' functions³ under the Act annually on a financial year basis (in October each year)

Asbestos-related notices or offences

Check that all penalties have been updated to reflect amended regulations⁴

Take note of and prepare updated infringement notices for new offences⁵

Where an authorised officer is appointed to issue infringement notices under the regulations, ensure that this is reflected in the certificate of authority cards

Changes to terminology

Amend the terminology in your documentation (e.g. standard letters, standard forms such as inspection forms and notices, council website content, council information resources and guides, etc.) to reflect changes in legislation. Examples to changes include:

- "Health Act 1911" has been renamed "Health (Miscellaneous Provisions) Act 1911"
- "Executive Director, Public Health" is now referred to as "Chief Health Officer"
- "Environmental health officer" is now referred to as "authorised officer"



Preparation for Stage 5 of implementation

Keep apprised of Stage 5 of implementation. This includes, for example:

- Requirement for local governments to prepare a local public health plan
- New enforcement provisions
- New provisions on registration and licensing, public health assessments, and more.

Footnotes

¹ See ss 18 and 25 of the 2016 Act

² For a template, see [Certificate of authority template \(word 200kb\)](#)

³ See ss 16 and 22 2016 Act

⁴ See *Health (Asbestos) Regulations 1992*

⁵ See Schedules 1 and 2 of the *Health (Asbestos) Regulations 1992*

Additional Resources

For further reading, the Department of Health has created a Health Act Toolkit for Local Government, which you can access [here](#).

