



New South Wales

Health Legislation Amendment (Miscellaneous) Bill 2023

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to make miscellaneous amendments to various Acts relating to health and associated matters.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Health Administration Act 1982 No 135

Schedule 1 makes minor amendments to section 21G to—

- (a) clarify the power of the Health Secretary to direct a health services organisation to conduct a serious adverse event review of a reportable incident, and
- (b) ensure that a health services organisation may—
 - (i) replace members of a serious adverse event review team who are unable to complete a serious adverse event review, and
 - (ii) appoint additional members to a serious adverse event review team if required to allow for the timely and effective completion of a review.

Schedule 2 Amendment of Health Care Complaints Act 1993 No 105

Schedule 2 makes a minor amendment to the definition of *disciplinary body* to clarify that it includes a Professional Standards Committee as well as a responsible tribunal.

Schedule 3 Amendment of Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86

Schedule 3[1] inserts proposed section 136A to address an omission in the Health Practitioner Regulation National Law (NSW) (the *National Law*). The National Law, section 136 currently makes it an offence to direct or incite a registered health practitioner to engage in professional misconduct or in unprofessional conduct. “Unprofessional conduct” is not a term used in New South Wales with the relevant term used in New South Wales being “unsatisfactory professional conduct”. The proposed amendment addresses the omission.

Schedule 3[2] inserts proposed section 221A to ensure that the provisions in the National Law concerning prohibition orders extend to prohibition orders made by relevant tribunals in other jurisdictions rather than only orders made in New South Wales.

Schedule 4 Amendment of Human Tissue Act 1983 No 164

Schedule 4 clarifies that information about a deceased organ or tissue donor may be disclosed with the consent of the donor’s next of kin.

Schedule 5 Amendment of Mental Health Act 2007 No 8

Schedule 5 makes a minor amendment to Schedule 3 to clarify the right of a patient appearing before the Mental Health Review Tribunal to have access to grooming items including shaving equipment and make-up.

Schedule 6 Amendment of Poisons and Therapeutic Goods Act 1966 No 31

Schedule 6 inserts proposed sections 45A and 45B to provide the Health Secretary with the power to order that in certain circumstances seized goods are forfeited to the State and that forfeited goods may be disposed of by the Secretary.

Schedule 7 Amendment of Public Health Act 2010 No 127

Schedule 7[1] makes a minor amendment to section 85, definition of *immunisation certificate* to reflect the replacement of the Australian Childhood Immunisation Register with the Australian Immunisation Register.

Schedule 7[2] makes a minor amendment to section 100 to remove certain procedural steps that are required before a code of conduct for non-registered health practitioners can be made. The procedural steps duplicate requirements in the *Subordinate Legislation Act 1989*.

Schedule 8 Amendment of Public Health (Tobacco) Act 2008 No 94

Schedule 8[1]–[3] make minor amendments to provide that an inspector for certain purposes under the Act includes an inspector appointed for another Act administered by the Minister for Health.

Schedule 8[4]–[6] make minor amendments to section 44 to clarify the powers of inspectors to search premises or things on premises.