

Tabled, ~~by leave,~~

Mina Jackson

AW

S. W. Clerk

Clerk of the Parliaments

21 / 3 / 2024

Statement of Public Interest

Legislative Council: Standing Order 143

Health Legislation Amendment (Miscellaneous) Bill 2024

Statement 1: Need: Why is the policy needed based on factual evidence and stakeholder input?

The Health Legislation Amendment (Miscellaneous) Bill 2023 (Bill) makes a range of minor amendments to various Acts within the Health portfolio. The Bill is part of the Ministry of Health's legislation program that ensures legislation remains current and up-to-date. The Bill has been prepared in consultation with key stakeholders.

Statement 2: Objectives: What is the policy's objective couched in terms of the public interest?

The objective of the Bill is to make minor changes to various Health Acts to ensure that legislation is kept current and up-to-date. The specific objectives are set out below.

The objective of repealing the Health Services (Ambulance Services) Amendment Act 2015 is to tidy up historical legislation that passed in 2015 and never commenced.

The objective of the amendments to the Assisted Reproductive Technology Act 2007 are to assist providers and regulators to share non-identifying information to ensure there is a limit on the number of families created from the one sperm donor.

The objective of the Crimes Act 1900 are to ensure that medical practitioners and their staff who work in private practice are included in the definition of frontline health worker for the purposes of the strengthened assault offences under the Act to recognise that violence against these persons warrants expression recognition.

The objective of the amendments to the Principal Official Visitor provisions in the Drug and Alcohol Treatment Act and the Mental Health Act are to ensure acting arrangements can be put in place when the Principal Official Visitor is unwell or otherwise unable to act, consistent with other ministerial appointments.

The objective of the amendments to the Health Records Information and Privacy Act are to align this Act with recent changes to the Privacy and Personal Information Act 1988, to ensure the complaints process for health information is the same as personal information to streamline the process and ease clarity for the public.

The objectives of the amendments to Medicines, Poisons and Therapeutic Goods Act are to fix minor drafting errors.

The objectives of the amendments to the Mental Health Act are to encourage compliance by a patient with a community treatment order, and to recognise the important role carers play for patients with mental health conditions.

The objectives of the amendments to the Public Health Act and the Private Health Facilities Act are to formalise NSW Health's existing processes whereby the Health Secretary can authorise and approval matters under regulations, and to allow regulations to be made which require compliance with a document as amended from time to time.

The objectives of the amendment to the Public Health (Tobacco) Act are to ensure tobacco inspectors can be appointed under the Public Health (Tobacco) Act in line with the existing procedures in the Public Health Act.

Statement 3: Options: What alternative policies and mechanisms were considered in advance of the bill?

The changes in the Bill can only be achieved through legislative amendment.

Statement 4: Analysis: What were the pros/cons and benefits/costs of each option considered?

If minor amendments to Health Acts are not made, then the legislation will not remain accurate and current. The consolidation of the amendments in the one Bill is the most effective and efficient way to ensure NSW Parliament can consider the amendments.

Statement 5: Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

All of the provisions of the Bill will commence on assent. NSW Health will generally be responsible for administering the changes.

Statement 6: Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The following key stakeholders were consulted during the development of the proposals: The Medical Services Committee, the Australian Medical Association, Association (NSW), the Nurses and Midwives' Association, the Information Privacy Commissioner, the Health Services Union, BEING Mental Health Consumers, Mental Health Carers NSW, Hunter Water, Sydney Water, Landcom, Water NSW, the Port Authority of NSW and the Transport Asset Holding Entity