



New South Wales

Health Legislation Amendment (Miscellaneous) Bill 2024

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 the following Acts—

- (a) the *Assisted Reproductive Technology Act 2007*,
- (b) the *Crimes Act 1900*,
- (c) the *Drug and Alcohol Treatment Act 2007*,
- (d) the *Health Records and Information Privacy Act 2002*,
- (e) the *Medicines, Poisons and Therapeutic Goods Act 2022*,
- (f) the *Mental Health Act 2007*,
- (g) the *Private Health Facilities Act 2007*,
- (h) the *Public Health Act 2010*,
- (i) the *Public Health (Tobacco) Act 2008*.

This Bill also repeals the *Health Services Amendment (Ambulance Services) Act 2015*.

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.

Clause 3 repeals the *Health Services Amendment (Ambulance Services) Act 2015*, which contains amendments to the *Health Services Act 1997* and the *Health Insurance Levies Act 1982* that are no longer required.

Schedule 1 Amendment of Assisted Reproductive Technology Act 2007 No 69

Schedule 1[2] amends a provision that limits the use of gametes from the same donor in assisted reproductive technology treatment (*ART treatment*) in New South Wales. The amendment authorises the Secretary of the Ministry of Health (the *Secretary*) to—

- (a) give certain information about ART treatment carried out in New South Wales to certain relevant persons in other States and Territories, and
- (b) authorise a provider of ART treatment in New South Wales to give the information to certain relevant persons in other States and Territories.

The regulations may provide for the circumstances in which the information may be shared, the kinds of information that may not be shared and the conditions under which the information may be shared. **Schedule 1[1]** makes a consequential amendment.

Schedule 2 Amendment of Crimes Act 1900 No 40

Schedule 2[1] extends existing offences relating to assaulting or hindering frontline health workers to include medical practitioners and other persons working at a medical practice. **Schedule 2[2]** makes a law revision amendment.

Schedule 3 Amendment of Drug and Alcohol Treatment Act 2007 No 7

Schedule 3[1] makes it clear that a person acting as an official visitor or the principal official visitor is entitled to remuneration determined by the Minister for Health. **Schedule 3[2]** inserts a related note that refers to the *Interpretation Act 1987*, section 47. That section provides that the power to appoint a person to an office includes the power to appoint a person to act in that office in certain circumstances.

Schedule 4 Amendment of Health Records and Information Privacy Act 2002 No 71

Schedule 4[1] and [2] provide that a State owned corporation that is not subject to the *Privacy Act 1988* of the Commonwealth is a public sector agency for the *Health Records and Information Privacy Act 2002*. As a result, a State owned corporation will be required to comply with the Health Privacy Principles and other health privacy codes of practice under that Act. **Schedule 4[5]** inserts a savings and transitional provision. **Schedule 4[3] and [4]** make minor and consequential amendments.

Schedule 5 Amendment of Medicines, Poisons and Therapeutic Goods Act 2022 No 73

Schedule 5[1] reduces the maximum penalty for a Tier 5 offence committed by a corporation from 120 penalty units to 100 penalty units. **Schedule 5[2]** reduces the maximum penalty for each day of a continuing Tier 5 offence committed by a corporation from 60 penalty units to 50 penalty units.

Schedule 5[3] inserts an amendment to the *Public Health (Tobacco) Act 2008* that is consequential on the repeal of the *Poisons and Therapeutic Goods Act 1966* by the *Medicines, Poisons and Therapeutic Goods Act 2022*.

Schedule 6 Amendment of Mental Health Act 2007 No 8

Schedule 6[2], [3] and [5] require notice of certain matters relating to a community treatment order to be given to each designated carer and the principal care provider of the person subject to the community treatment order. **Schedule 6[1]** makes a consequential amendment.

Currently, notice of a breach of a community treatment order must be handed directly to the person subject to the order or, if that is not reasonably practicable, posted to the person. **Schedule 6[4]** enables the notice to be given by email or other methods prescribed by the regulations, if the notice cannot be handed directly to the person.

Schedule 6[6] makes it clear that a person acting as an official visitor or the Principal official visitor is entitled to remuneration determined by the Minister for Health. **Schedule 6[7]** inserts a related note that refers to the *Interpretation Act 1987*, section 47. That section provides that the power to appoint a person to an office includes the power to appoint a person to act in that office in certain circumstances.

Schedule 7 Amendment of Private Health Facilities Act 2007 No 9

Schedule 7[1] extends an existing condition of a private health facility licence. Currently, a private health facility licence is subject to a condition that the licensee must give the information prescribed by the regulations to the Secretary. The amendment allows the Secretary to also specify information that must be given to the Secretary under the condition.

Schedule 7[2] enables the regulations to apply, adopt or incorporate a publication as in force from time to time, as well as in force on a particular day, as is currently the case.

Schedule 8 Amendment of Public Health Act 2010 No 127

Schedule 8[1] enables the Secretary to determine requirements for the installation, maintenance and operation of regulated systems for legionella control.

Schedule 8[2] and [3] enable the Secretary to determine the occasions on which the principal of a school or child care facility must ask a parent of a child at the school or child care facility to provide the child's immunisation or vaccination certificate.

Schedule 8[4] enables the regulations to provide for the Secretary to exempt, with or without conditions, a person from a provision of the regulations about the disposal of bodies, including burials, cremations, exhumations and mortuaries.

Schedule 9 Amendment of Public Health (Tobacco) Act 2008 No 94

Schedule 9[2] allows the Secretary to appoint inspectors for the *Public Health (Tobacco) Act 2008*. Currently, authorised officers appointed under the *Public Health Act 2010* act as inspectors for the *Public Health (Tobacco) Act 2008*. **Schedule 9[1]** makes a consequential amendment. **Schedule 9[3]** inserts a transitional provision.