



New South Wales

# Health Legislation Amendment (Miscellaneous) Bill 2025

## 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 legislation—

- (a) the *Drug and Alcohol Treatment Act 2007*,
- (b) the *Health Practitioner Regulation (Adoption of National Law) Act 2009*,
- (c) the *Health Practitioner Regulation (New South Wales) Regulation 2016*,
- (d) the *Health Services Act 1997*,
- (e) the *Human Tissue Act 1983*,
- (f) the *Mental Health Act 2007*,
- (g) the *Private Health Facilities Act 2007*.

## 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.

## Schedule 1      Amendment of Drug and Alcohol Treatment Act 2007 No 7

**Schedule 1[1]** aligns the qualifications for a person to be appointed as an official visitor with the qualifications for appointment as an official visitor under the *Mental Health Act 2007*.

**Schedule 1[2]** aligns the provisions concerning the qualifications of official visitors inspecting a drug and alcohol treatment facility with the equivalent provisions for the official visitors inspecting a mental health facility.

## **Schedule 2      Amendment of Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86**

**Schedule 2[1]** replaces the definitions of *professional services room* and *associated professional services room* with the definitions of *associated medication storage and preparation room* and *medication storage and preparation room*.

**Schedule 2[2] and [3]** make consequential amendments.

## **Schedule 3      Amendment of Health Practitioner Regulation (New South Wales) Regulation 2016**

**Schedule 3[1]–[5]** make amendments consequential on Schedule 2.

## **Schedule 4      Amendment of Health Services Act 1997 No 154**

**Schedule 4[1]** provides that local health district boards must include at least 1 person who identifies as an Aboriginal person.

**Schedule 4[2]** inserts proposed section 67KA to provide that the Health Secretary may charge a fee to private health facility operators that book patient transport services provided by the Ambulance Service.

## **Schedule 5      Amendment of Human Tissue Act 1983 No 164**

**Schedule 5** inserts proposed section 27DA to clarify that a person who is a senior available next of kin may delegate the person's functions under the *Human Tissue Act 1983*.

## **Schedule 6      Amendment of Mental Health Act 2007 No 8**

**Schedule 6[1] and [2]** make amendments to clarify that the Secretary may impose conditions on the appointment of a person as an accredited person under the *Mental Health Act 2007*.

## **Schedule 7      Amendment of Private Health Facilities Act 2007 No 9**

**Schedule 7[2]** makes an amendment to the staffing requirements for private health facilities to allow prescribed facilities to operate with registered midwives on duty rather than registered nurses.

**Schedule 7[3]** makes an amendment to allow regulations to be made to require the medical advisory committee of a private health facility to be expanded to include additional members and to allow the facility operator to include additional appropriate persons on the committee.

**Schedule 7[1] and [4]** make consequential amendments.



New South Wales

# Health Legislation Amendment (Miscellaneous) Bill 2025

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*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*



New South Wales

## **Health Legislation Amendment (Miscellaneous) Bill 2025**

No , 2025

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### **A Bill for**

An Act to make miscellaneous amendments to legislation relating to health and associated matters.

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*The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.*

*Legislative Council*

*Clerk of the Parliaments*

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**Tabling copy**

<b>The Legislature of New South Wales enacts—</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Health Legislation Amendment (Miscellaneous) Act 2025</i> .	3
<b>2 Commencement</b>	4
This Act commences as follows—	5
(a) for Schedule 4[1]—on a day to be appointed by proclamation,	6
(b) for Schedule 4[2]—on 1 July 2025,	7
(c) for Schedule 5—on the day that is 4 months after the date of assent to this Act,	8
(d) otherwise—on the date of assent to this Act.	9

<b>Schedule 1</b>	<b>Amendment of Drug and Alcohol Treatment Act 2007 No 7</b>	1
		2
<b>[1] Section 27 Official visitors</b>		3
Omit section 27(2) and (3). Insert instead—		4
(2) A person may be appointed as an official visitor if the person—		5
(a) is a medical practitioner, or		6
(b) is a psychologist, or		7
(c) has any other qualifications prescribed by the regulations, or		8
(d) is otherwise a suitably qualified or interested person.		9
<b>[2] Section 29 Inspections of alcohol or drug dependency treatment centre by official visitors</b>		10
Omit section 29(2). Insert instead—		11
(2) For a visit to a treatment centre—		12
(a) at least one official visitor must be a person referred to in section 27(2)(a), (b) or (c), and		13
(b) at least one official visitor must be a person referred to in section 27(2)(d).		14
		15
		16
		17

<b>Schedule 2</b>	<b>Amendment of Health Practitioner Regulation</b>	1
	<b>(Adoption of National Law) Act 2009 No 86</b>	2
<b>[1] Schedule 5F Pharmacies [NSW]</b>		3
	Omit the definitions of <i>associated professional services room</i> and <i>professional services room</i> from clause 1.	4
		5
	Insert in alphabetical order—	6
	<i>associated medication storage and preparation room</i> , in relation to a	7
	pharmacy business, means a medication storage and preparation room	8
	specified as being associated with the pharmacy business in an approval in	9
	force under clause 3.	10
	<i>medication storage and preparation room</i> means premises in or on which a	11
	person carries on a pharmacy business that involves only—	12
	(a) the preparation and packaging of drugs, or the packaging of drugs, by	13
	or under the personal supervision of a pharmacist, for supply to	14
	individual patients or to a health care facility for supply to patients or	15
	residents of the facility; and	16
	(b) the storage of the drugs.	17
<b>[2] Schedule 5F, clause 1</b>		18
	Omit “professional services” from the definition of <i>pharmacy</i> , paragraph (b).	19
	Insert instead “medication storage and preparation”.	20
<b>[3] Schedule 5F, clauses 6(9), 9(2), 11(4) and 12(4)</b>		21
	Omit “professional services” wherever occurring.	22
	Insert instead “medication storage and preparation”.	23

<b>Schedule 3</b>	<b>Amendment of Health Practitioner Regulation</b>	1
	<b>(New South Wales) Regulation 2016</b>	2
<b>[1] Clause 3 Definitions</b>		3
	Omit “ <i>professional services room</i> ” from clause 3(1).	4
	Insert instead “ <i>medication storage and preparation room</i> ”.	5
<b>[2] Clause 12 Standards for approval of pharmacy premises</b>		6
	Omit “professional services rooms” from clause 12(1).	7
	Insert instead “medication storage and preparation rooms”.	8
<b>[3] Clause 13, heading</b>		9
	Omit “professional services room premises”.	10
	Insert instead “medication storage and preparation rooms”.	11
<b>[4] Clause 13(1)</b>		12
	Omit “professional services rooms” from clause 13(1).	13
	Insert instead “medication storage and preparation rooms”.	14
<b>[5] Schedule 6, heading</b>		15
	Omit “professional services room premises”.	16
	Insert instead “medication storage and preparation rooms”.	17



## Schedule 4      Amendment of Health Services Act 1997 No 154

### [1]      Section 26 Constitution of local health district boards

Insert after section 26(4)—

- (4A)      At least 1 member of a local health district board must be a person who identifies as an Aboriginal person.

### [2]      Section 67KA

Insert after section 67K—

#### 67KA      Health Secretary may charge booking and cancellation fees

- (1)      The Health Secretary may charge a private provider a fee for the following activities—
- (a)      making a booking for ambulance services,
- (b)      cancelling a booking for ambulance services within—
- (i)      4 hours before the time the service was to be provided, or
- (ii)     1 hour after the time the service was to be provided.
- (2)      A fee charged under this section must be the fee set out for the activity in the scale of fees published under section 67L.
- (3)      A service that is not provided because the patient was not ready or available to be transported within 1 hour after the time the services were to be provided is taken to have been cancelled for subsection (1)(b).
- (4)      In this section—
- residential care home* has the same meaning as in the *Aged Care Act 2024* of the Commonwealth.
- private provider* means the following—
- (a)      the licensee of a private health facility,
- (b)      the operator of a residential care home,
- (c)      a provider, or a class of provider, of health services prescribed by the regulations.

<b>Schedule 5</b>	<b>Amendment of Human Tissue Act 1983 No 164</b>	1
<b>Section 27DA</b>		2
Insert after section 27D—		3
<b>27DA</b>	<b>Delegation of functions of senior available next of kin</b>	4
	A senior available next of kin of a potential tissue donor may from time to time, by written instrument, authorise another person to exercise the senior available next of kin’s functions and powers under this part, other than this power of delegation.	5 6 7 8

<b>Schedule 6</b>	<b>Amendment of Mental Health Act 2007 No 8</b>	1
<b>[1] Section 136 Accredited persons</b>		2
Insert “or the holder of an office” after “a person” in section 136(1).		3
<b>[2] Section 136(2)</b>		4
Omit “may appoint the holder of an office as an accredited person and”.		5

## Schedule 7      Amendment of Private Health Facilities Act 2007 No 9

### [1]    Section 4 Definitions

Omit the definition of *director of nursing* from section 4(1). Insert in alphabetical order—  
*director of midwifery*—see section 37(2)(a).  
*director of nursing*—see section 37(2)(b).

### [2]    Section 37

Omit section 37. Insert instead—

#### 37    Mandatory staffing requirements for private health facilities

- (1)    The licensee of a private health facility must, at all times there is a patient at the facility, ensure there is—
  - (a)    for a facility prescribed by the regulations—a midwife on duty, or
  - (b)    otherwise—a registered nurse on duty.Maximum penalty—1,000 penalty units.
- (2)    The licensee of a private health facility must ensure that—
  - (a)    for a facility prescribed by the regulations—a midwife is appointed to be responsible for the care of patients at the facility (the *director of midwifery*), or
  - (b)    otherwise—a registered nurse is appointed to be responsible for the care of patients at the facility (the *director of nursing*).Maximum penalty—1,000 penalty units.
- (3)    The licensee of a private health facility must ensure that a vacancy in the position of director of midwifery or director of nursing for the facility is filled within 7 days, or another period prescribed by the regulations, after the vacancy occurs.  
Maximum penalty—1,000 penalty units.
- (4)    The licensee of a private health facility must, except as provided by the regulations, give the Secretary written notice in accordance with this section of the name and qualifications of the person appointed as director of midwifery or director of nursing for the facility.  
Maximum penalty—50 penalty units.
- (5)    A notice under subsection (4) must be given before the person is appointed or, if that is not practicable, immediately after the person's appointment.
- (6)    The regulations may—
  - (a)    prescribe the minimum necessary qualifications for a person to be appointed as the director of midwifery or director of nursing for a private health facility, and
  - (b)    prescribe information that must accompany a notice under subsection (4).
- (7)    Nothing in this Act prevents the licensee of a private health facility, if qualified, from carrying out the duties of director of midwifery or director of nursing for the facility.

(8)	It is a defence to the prosecution of an offence under this section if the person charged proves that the person took all reasonable steps to comply with the relevant requirements under this section.	1 2 3
<b>[3]</b>	<b>Section 39 Medical advisory committee</b>	4
	Omit section 39(1). Insert instead—	5
(1)	The licensee of a private health facility must appoint, in accordance with any requirements prescribed by the regulations, a medical advisory committee for the facility consisting of the following—	6 7 8
(a)	at least 5 medical practitioners registered under the <i>Health Practitioner Regulation National Law (NSW)</i> ,	9 10
(b)	the persons prescribed by the regulations for the class of private health facility,	11 12
(c)	other health practitioners the licensee considers appropriate.	13
	Maximum penalty—1,000 penalty units.	14
<b>[4]</b>	<b>Section 40 Act and regulations to be readily available</b>	15
	Insert “of midwifery or director” after “director”.	16