



New South Wales

# Health Legislation Amendment (Miscellaneous Provisions) Bill 2026

## 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 *Health Care Complaints Act 1993*,
- (b) the *Health Practitioner Regulation (Adoption of National Law) Act 2009*,
- (c) the *Health Services Act 1997*,
- (d) the *Mental Health Act 2007*,
- (e) the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*,
- (f) the *Public Health Act 2010*.

## 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 Health Care Complaints Act 1993 No 105

**Schedule 1[1]** provides that, after investigating a complaint against a health practitioner, the Health Care Complaints Commission (the Commission) may decide to commence and conduct proceedings for certain offences under, or contraventions of, the *Health Care Complaints Act*

1993 or the *Public Health Act 2010*. **Schedule 1[2]** provides that the Commission need not consult with a relevant professional council in making this decision.

**Schedule 1[3]** provides that the Commission's functions include conducting proceedings for certain offences and contraventions.

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

**Schedule 2[2]** provides that the Minister, instead of the Governor, may appoint and remove the President and Deputy President of a Council for a health profession. **Schedule 2[1]** contains a savings provision consequent on Schedule 2[2].

**Schedule 2[3]** sets out the circumstances in which a member of a Council vacates office and provides that the Minister, instead of the Governor, may remove a member from office. The amendment also allows a community member to be removed from office if the member ceases to be a NSW resident.

## **Schedule 3      Amendment of Health Services Act 1997 No 154**

**Schedule 3[1] and [2]** make minor amendments for the purpose of effecting statute law revision.

**Schedule 3[3] and [4]** provide for circumstances in which a visiting health practitioner cannot appeal a decision by a public health organisation not to re-appoint the person.

**Schedule 3[5]–[7]** make amendments to the procedure of Committees of Review to provide for legal representation, the issue of practice notes by the Health Secretary and the power of Committees to make orders with consent. **Schedule 3[11]** contains a transitional provision for existing appeals to a Committee.

**Schedule 3[8]** inserts proposed section 126A to enable the Health Secretary to authorise certain health workers to use certain surveillance devices, including surveillance devices installed in a patient transport vehicle, without committing an offence under the *Surveillance Devices Act 2007*. The proposed amendment provides that authorisations may be issued to mitigate or respond to risks of harm and for other prescribed purposes.

**Schedule 3[9]** amends the purposes for which the Health Secretary may provide services.

**Schedule 3[10]** provides for special meetings of a local health district board to consider the exercise of employer functions relating to the Chief Executive of the local health district. The amendment also makes minor statute law revision amendments.

## **Schedule 4      Amendment of Mental Health Act 2007 No 8**

**Schedule 4** extends provisions that apply to persons employed at a facility to contractors working at the facility.

## **Schedule 5      Amendment of Mental Health and Cognitive Impairment Forensic Provisions Act 2020 No 12**

**Schedule 5[1]** extends provisions that apply to persons employed at a facility to contractors working at the facility. **Schedule 5[2]** makes consequential amendments.

## **Schedule 6      Amendment of Public Health Act 2010 No 127**

**Schedule 6[1]–[5]** amend section 55 to—

- (a) require certifiers at pathology laboratories to report instances of Category 3 scheduled medical conditions to the Health Secretary regardless of who requested the pathology test, and
- (b) require requesting practitioners to give certain information to certifiers or the Secretary to enable reporting.

**Schedule 6[6] and [7]** make consequential amendments to section 56.

**Schedule 6[8]** inserts a new offence requiring persons at pathology laboratories who certify positive test results for sexually transmitted infections to give patients prescribed information about the infection if there is no referring medical practitioner. **Schedule 6[9]** makes a consequential amendment.



New South Wales

# Health Legislation Amendment (Miscellaneous Provisions) Bill 2026

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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 Provisions) Bill 2026**

No. \_\_\_\_\_, 2026

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### **A Bill for**

An Act to make miscellaneous amendments to health legislation; and for other purposes.

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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**

**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

This Act is the *Health Legislation Amendment (Miscellaneous Provisions) Act 2026*.

3

**2 Commencement**

4

This Act commences as follows—

5

- (a) for Schedule 6—on a day or days to be appointed by proclamation,
- (b) otherwise—on the date of assent to this Act.

6

7

<b>Schedule 1</b>	<b>Amendment of Health Care Complaints Act 1993</b>	1
	<b>No 105</b>	2
<b>[1]</b>	<b>Section 39 What action is taken after an investigation?</b>	3
	Omit “section 41A.” from section 39(1)(g).	4
	Insert instead—	5
	section 41A,	6
	(h) decide to commence and conduct proceedings for an offence under, or	7
	a contravention of, this Act or the <i>Public Health Act 2010</i> , Part 7,	8
	Division 3.	9
<b>[2]</b>	<b>Section 39(3)</b>	10
	Insert after section 39(2)—	11
	(3) Subsection (2) does not apply if the Commission decides to take an action	12
	referred to in subsection (1)(h).	13
<b>[3]</b>	<b>Section 80 Functions of Commission</b>	14
	Insert after section 80(1)(c)—	15
	(c1) to commence and conduct proceedings for offences under, and	16
	contraventions of, this Act and the <i>Public Health Act 2010</i> , Part 7,	17
	Division 3,	18

<b>Schedule 2</b>	<b>Amendment of Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86</b>	1
		2
<b>[1]</b>	<b>Schedule 1 Modification of Health Practitioner Regulation National Law</b>	3
	Insert at the end of Schedule 1[25], Schedule 5A, with appropriate part numbering—	4
<b>Part</b>	<b>Provision consequent on enactment of Health Legislation Amendment (Miscellaneous Provisions) Act 2026 [NSW]</b>	5
		6
		7
<b>1</b>	<b>Application to existing Presidents and Deputy Presidents of Councils [NSW]</b>	8
(1)	This clause applies to persons who held office under this Law, Schedule 5C, clause 10 immediately before its substitution by the amending Act.	9
		10
(2)	Clause 10(1) and (2), as substituted by the amending Act, do not apply to the existing appointments of the persons.	11
		12
(3)	However, clause 10(3) and (4), as substituted by the amending Act, do apply to the persons.	13
		14
(4)	In this clause—	15
	<i>amending Act</i> means the <i>Health Legislation Amendment (Miscellaneous Provisions) Act 2026</i> .	16
		17
<b>[2]</b>	<b>Schedule 1[25], Schedule 5C, clause 10</b>	18
	Omit the clause.	19
	Insert instead—	20
<b>10</b>	<b>President and Deputy President of Council [NSW]</b>	21
(1)	The Minister must appoint the following for each Council from the members of the Council—	22
		23
(a)	a President,	24
(b)	a Deputy President.	25
(2)	The President must be a member who is registered in the health profession for which the Council is established.	26
		27
(3)	The office of President or Deputy President becomes vacant if the person holding the office—	28
		29
(a)	is removed from the office by the Minister under subclause (4), or	30
(b)	resigns from the office by written notice to the Minister, or	31
(c)	ceases to be a member.	32
(4)	The Minister may remove a member from the office of President or Deputy President.	33
		34
<b>[3]</b>	<b>Schedule 1[25], Schedule 5C, clause 15</b>	35
	Omit the clause.	36
	Insert instead—	37
<b>15</b>	<b>Casual vacancies [NSW]</b>	38
(1)	A member of a Council vacates office if the member—	39

- (a) dies, or 1
- (b) is absent from 4 consecutive meetings of the Council if— 2
  - (i) the member has been given reasonable notice of each of the 3 meetings— 4
    - (A) in person, or 5
    - (B) by post, or 6
    - (C) if the member has consented, whether expressly or 7 impliedly, to service of documents generally or documents 8 of that kind by electronic communication—by electronic 9 communication, and 10
  - (ii) the Minister has not— 11
    - (A) granted the member a leave of absence, or 12
    - (B) excused the member's absence within 4 weeks of the last 13 of the meetings from which the member was absent, or 14
- (c) becomes personally insolvent, or 15
- (d) becomes a mentally incapacitated person, or 16
- (e) is convicted of— 17
  - (i) an offence punishable by imprisonment for 12 months or more, or 18
  - (ii) an offence in another jurisdiction that, if committed in New South 19 Wales, would be an offence punishable by imprisonment for 12 20 months or more, or 21
- (f) ceases to have a qualification or requirement necessary for the 22 member's appointment as a member, other than the nomination of a 23 particular person or body, or 24
- (g) resigns from office by written instrument addressed to the Minister, or 25
- (h) is removed from office by the Minister under subclause (2) or (3). 26
- (2) The Minister may remove a member from office by written notice given to the 27 member. 28
- (3) Without limiting subclause (2), the Minister may remove a member from 29 office if— 30
  - (a) for a member appointed to a Council on a basis that included that the 31 member's principal place of practice was in the State—the member's 32 principal place of practice ceases to be in the State, or 33
  - (b) for a member appointed to a Council on the basis that the member is a 34 NSW resident who is not, and has never been, registered under this Law 35 for the relevant health profession for which the Council is established— 36 the member ceases to be a NSW resident, or 37
  - (c) the member contravenes clause 16. 38

<b>Schedule 3</b>	<b>Amendment of Health Services Act 1997 No 154</b>	1
<b>[1]</b>	<b>Section 52F Boards of specialty network governed health corporations</b>	2
	Omit “provisions of Division 2 of Part 2 of Chapter 3 (except section 26(1))” from section 52F(2).	3
	Insert instead “relevant provisions”.	4
<b>[2]</b>	<b>Section 52F(3)</b>	5
	Insert after section 52F(2)—	6
	(3) In this section—	7
	<i>relevant provisions</i> means—	8
	(a) Chapter 3, Part 2, Division 2, except section 26(1), and	9
	(b) Schedule 4A.	10
<b>[3]</b>	<b>Section 106 Right of appeal to Minister</b>	11
	Omit section 106(2)(a).	12
	Insert instead—	13
	(a) a decision by a public health organisation not to re-appoint the person as a visiting practitioner if—	14
	(i) the organisation has ceased to offer appointments of the kind to which the person seeks re-appointment, or	15
	(ii) the person was appointed—	16
	(A) for 6 months or less, and	17
	(B) other than through an advertised recruitment process,	18
<b>[4]</b>	<b>Section 106(4)</b>	19
	Insert after section 106(3)—	20
	(4) The regulations may prescribe exceptions to subsection (2)(a)(ii).	21
<b>[5]</b>	<b>Section 110 Right of appearance</b>	22
	Omit section 110(1).	23
	Insert instead—	24
	(1) In proceedings before a Committee, a party to the proceedings may—	25
	(a) appear in person, or	26
	(b) be represented by—	27
	(i) an agent, or	28
	(ii) an Australian legal practitioner.	29
<b>[6]</b>	<b>Section 111A</b>	30
	Insert after section 111—	31
	<b>111A Procedure before Committee</b>	32
	(1) The Health Secretary may issue practice notes about the conduct of proceedings before a Committee.	33
	(2) The Health Secretary must make practice notes available on a website of the Ministry of Health.	34

(3)	A practice note is binding on the parties to the proceedings and the Committee.	1
[7]	<b>Section 112 Determination of appeal</b>	2
	Insert after section 112(1)—	3
(1AA)	A Committee may make orders with the consent of the parties at any time during the proceedings.	4 5
[8]	<b>Section 126A</b>	6
	Insert after section 126AA—	7
<b>126A</b>	<b>Workplace safety—authorisation to use surveillance devices</b>	8
(1)	The Health Secretary may issue authorisations under this section—	9
(a)	to mitigate or respond to risks of harm to persons, or	10
(b)	for other prescribed purposes.	11
(2)	The Health Secretary may authorise a relevant worker or a class of relevant workers to use a surveillance device or allow a surveillance device to be used.	12 13
(3)	The Health Secretary may authorise a relevant organisation, or a person acting for a relevant organisation, to install or maintain a surveillance device.	14 15
(4)	An authorisation may be subject to conditions.	16
(5)	A person authorised under this section does not commit an offence against the <i>Surveillance Devices Act 2007</i> , section 7 or 8 if the person complies with this section in relation to a surveillance device.	17 18 19
(6)	A surveillance device may be used in the course of a relevant worker’s work if—	20 21
(a)	before using the surveillance device, the relevant worker makes a reasonable attempt to ensure that the persons likely to be recorded by the device are aware the device is capable of recording images or sound, or both, or	22 23 24 25
(b)	in the relevant worker’s reasonable opinion, there is a significant risk of harm to the relevant worker or another person, or	26 27
(c)	the recording of images or sound, or both, by the surveillance device is inadvertent or unexpected.	28 29
(7)	For a surveillance device installed and maintained in a vehicle, a sign must be displayed in the vehicle informing persons that recordings may take place.	30 31
(8)	In this section—	32
	<b>relevant organisation</b> means—	33
(a)	a statutory health organisation, or	34
(b)	the Health Administration Corporation.	35
	<b>relevant worker</b> means—	36
(a)	a member of the NSW Health Service, or	37
(b)	a contractor of, or a student at, a relevant organisation.	38
	<b>surveillance device</b> means equipment capable of recording images or sound, or both, that is—	39 40
(a)	worn on the person of a relevant worker, or	41
(b)	installed in a patient transport vehicle operated by a relevant organisation.	42 43

<b>[9] Section 126B Health Secretary to provide certain services</b>	1
Omit section 126B(1).	2
Insert instead—	3
(1) The Health Secretary may provide services for the following purposes—	4
(a) to support the public health system and public health organisations,	5
(b) to support public hospitals,	6
(c) to enable the coordinated provision of health services—	7
(i) involving more than one public health organisation, or	8
(ii) on a State-wide basis.	9
<b>[10] Schedule 4A Constitution and procedure of local health district boards</b>	10
Omit clause 17.	11
Insert instead—	12
<b>17 Special meetings of Board</b>	13
(1) The Chief Executive must call a special meeting of the Board if—	14
(a) the Chairperson directs, or	15
(b) at least 3 members request a meeting.	16
(2) A request by the members must be in writing and signed by the members.	17
(3) On receipt of a request, the Chief Executive must—	18
(a) call the meeting within 48 hours, and	19
(b) hold the meeting within 7 days.	20
(4) At least 24 hours before a special meeting, the Chief Executive must give each member and person invited—	21
(a) written notice of the meeting that specifies the business for the meeting, and	22
(b) the material referred to in clause 16(4) that the Chief Executive considers appropriate.	23
(5) The members and persons at the special meeting must consider only business specified in the notice of the meeting.	24
<b>17A Special meetings relating to Chief Executive</b>	25
(1) This clause applies to special meetings of the Board to exercise, or consider exercising, employer functions relating to the Chief Executive.	26
(2) The following persons may call a meeting—	27
(a) the Chairperson,	28
(b) the Deputy Chairperson, if—	29
(i) the Chairperson is not available, and	30
(ii) the Deputy Chairperson considers that the urgency of the matter requires the Board to consider the matter before the Chairperson becomes available.	31
(3) For a meeting under this clause—	32
(a) the person calling the meeting need not invite the Chief Executive, and	33
(b) the Chief Executive is not required to attend.	34

(4)	Clause 17(3)(b), (4) and (5) apply to a meeting under this clause as if a reference to the Chief Executive were a reference to the person calling the meeting.	1 2 3
[11]	<b>Schedule 7 Savings, transitional and other provisions</b>	4
	Insert at the end of the schedule, with appropriate part numbering—	5
<b>Part</b>	<b>Provisions consequent on enactment of Health Legislation Amendment (Miscellaneous Provisions) Act 2026</b>	6 7 8
<b>1</b>	<b>Definition</b>	9
	In this part—	10
	<i>relevant provisions</i> means—	11
(a)	section 110(1), as substituted by the <i>Health Legislation Amendment (Miscellaneous Provisions) Act 2026</i> , and	12 13
(b)	sections 111A and 112(1AA).	14
<b>2</b>	<b>Existing appeals to Committees of Review</b>	15
	The relevant provisions apply only to appeals notified to the Minister under this Act, section 107(1) after the commencement of the relevant provisions.	16 17

<b>Schedule 4</b>	<b>Amendment of Mental Health Act 2007 No 8</b>	1
<b>Section 4</b>	<b>Definitions</b>	2
	Insert in alphabetical order in section 4(1)—	3
	<i>employed</i> , at a facility, includes working under a contract at the facility.	4

<b>Schedule 5</b>	<b>Amendment of Mental Health and Cognitive Impairment Forensic Provisions Act 2020 No 12</b>	1
		2
<b>[1] Section 3 Definitions</b>		3
	Insert in alphabetical order in section 3(1)—	4
	<i>employed</i> , at a facility, includes working under a contract at the facility.	5
<b>[2] Sections 113(2) and 119(1)(a)</b>		6
	Omit “person employed in” wherever occurring.	7
	Insert instead “person employed at”.	8

<b>Schedule 6</b>	<b>Amendment of Public Health Act 2010 No 127</b>	1
<b>[1] Section 55 Laboratories to notify Secretary of Category 3 conditions</b>		2
Omit section 55(1)(a).		3
Insert instead—		4
(a) a pathology test is conducted to determine whether a person has a Category 3 condition, and		5 6
<b>[2] Section 55(3) and (3A)</b>		7
Omit section 55(3).		8
Insert instead—		9
(3) The certifier may request information from the requesting practitioner if required to complete the report.		10 11
(3A) The requesting practitioner must give the certifier the requested information within 72 hours of the request.		12 13
Maximum penalty—50 penalty units.		14
<b>[3] Section 55(4)</b>		15
Omit “medical practitioner” wherever occurring.		16
Insert instead “requesting practitioner”.		17
<b>[4] Section 55(5)</b>		18
Omit “registered medical practitioner”.		19
Insert instead “requesting practitioner”.		20
<b>[5] Section 55(6)</b>		21
Insert after section 55(5)—		22
(6) In this section—		23
<i>requesting practitioner</i> , for a pathology test, means—		24
(a) the registered health practitioner who requested the test, or		25
(b) another person prescribed by the regulations.		26
<b>[6] Section 56 Protection of patient’s identity</b>		27
Omit “under section 54 or in information provided under section 54 or 55” from section 56(1).		28 29
Insert instead “or in information provided under section 54”.		30
<b>[7] Section 56(2)</b>		31
Insert after section 56(1)—		32
(2) A requesting practitioner must not include a patient’s name or address when providing information under section 55 if the condition to which the information relates is a Category 5 condition.		33 34 35
<b>[8] Section 78A</b>		36
Insert after section 78—		37

<b>78A</b>	<b>Other persons to give information about sexually transmitted infections</b>	1
(1)	This section applies to a person who certifies the results of a pathology test if—	2 3
(a)	the test is carried out to determine whether a person (a <i>patient</i> ) has a sexually transmitted infection, and	4 5
(b)	the test is conducted other than at the request of a registered medical practitioner, and	6 7
(c)	the test has a positive result.	8
(2)	The person must, as soon as practicable, give the patient information prescribed by the regulations about the infection. Maximum penalty—50 penalty units.	9 10 11
(3)	It is a defence to proceedings for an offence under this section if the defendant satisfies the court that the defendant—	12 13
(a)	believed the relevant information had previously been given to the patient by a registered medical practitioner, or	14 15
(b)	had another reasonable excuse.	16
<b>[9]</b>	<b>Section 79 Duties of persons in relation to sexually transmissible diseases or conditions</b>	17 18
	Omit “section 78(1)” from section 79(1A).	19
	Insert instead “section 78(1) or 78A(2)”.	20