

Passed by both Houses



New South Wales

Health Legislation (Miscellaneous) Amendment Bill 2022

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2022



New South Wales

Health Legislation (Miscellaneous) Amendment Bill 2022

Act No _____, 2022

*An Act to amend the *Health Practitioner Regulation (Adoption of National Law) Act 2009*, the *Health Services Act 1997*, the *Mental Health Act 2007*, the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*, the *Private Health Facilities Act 2007*, the *Public Health Act 2010* and the *Subordinate Legislation Act 1989* for particular purposes.*

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Health Legislation (Miscellaneous) Amendment Act 2022*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendments to legislation

1.1 Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86

Section 4 Adoption of Health Practitioner Regulation National Law

Insert at the end of the section—

- (2) If, after the commencement of this subsection, the Parliament of Queensland amends the Schedule to the *Health Practitioner Regulation National Law Act 2009* of Queensland, the amendment (the **Queensland amendment**) does not apply in New South Wales until a regulation is made applying the Queensland amendment as an amendment to the *Health Practitioner Regulation National Law (NSW)*, with or without modification.
- (3) A regulation made under subsection (2) that applies a Queensland amendment with modification may, for that purpose, amend the Schedule to this Act.
- (4) Despite the *Interpretation Act 1987*, section 39, a regulation made under subsection (2) may commence on the day the Queensland amendment commences, including a day that is earlier than the day the regulation is published on the NSW legislation website.
- (5) A regulation made under subsection (2) is repealed on the day after all of its provisions have commenced.
- (6) The repeal of a regulation under subsection (5) does not affect the application of the Queensland amendment, with or without modification, provided for by the regulation.

1.2 Health Services Act 1997 No 154

Schedule 6A National Health Funding Pool and Administration

Omit clause 1(1), definitions of *COAG* and *Standing Council on Health*.

Insert in alphabetical order—

COAG means the body, however named, consisting of—

- (a) the Prime Minister of the Commonwealth, and
- (b) the Premier or Chief Minister of each State.

Standing Council on Health means the body, however named, consisting of Ministers of the Commonwealth and each State with portfolio responsibility for health.

1.3 Mental Health Act 2007 No 8

[1] Section 203 COVID-19 pandemic—examination by audio visual link for purpose of detention

Omit “31 March 2022” from section 203(5)(b). Insert instead “30 June 2022”.

[2] Schedules 3 and 3A

Omit “the Mental Health Advocacy Service” and “The Mental Health Advocacy Service” wherever occurring.

Insert instead “LawAccess NSW” and “The LawAccess NSW”, respectively.

1.4 Mental Health and Cognitive Impairment Forensic Provisions Act 2020 No 12

Schedule 1 Medical certificate as to examination of inmate

Omit “at [*state name of correctional centre or detention centre where examination took place*] separately from any other medical practitioner, I personally examined [*name of inmate in full*]”.

Insert instead “at [*state place where examination took place*], separately from any other medical practitioner, I personally examined [*name of inmate in full*] *detained at [*name of correctional centre or detention centre where inmate is imprisoned or detained if not the place where the examination took place*]”.

1.5 Private Health Facilities Act 2007 No 9

[1] Section 12A Special conditions during COVID-19 pandemic

Omit section 12A(3). Insert instead—

- (3) This section is repealed, and any conditions referred to in this section are revoked, on 30 June 2022.

[2] Section 70 Exemptions during COVID-19 pandemic

Omit section 70(3). Insert instead—

- (3) This section is repealed on 30 June 2022.

1.6 Public Health Act 2010 No 127

[1] Section 62 Making of public health orders relating to person with Category 4 or 5 condition or contact order condition

Insert “relating to the condition for which the order was made” after “test” in section 62(3)(g).

[2] Section 62(9) and (10)

Insert after subsection (8)—

- (9) The authorised medical practitioner making the public health order must give the person subject to the order—
- (a) information about the duration of the order, and
 - (b) information about the person’s rights of review in relation to the order, and
 - (c) any other information prescribed by the regulations.
- (10) Failure to give the information specified in subsection (9) does not invalidate the order.

[3] Section 79 Duties of persons in relation to sexually transmissible diseases or conditions

Insert after section 79(1)—

- (1A) Without limiting subsection (1), reasonable precautions include acting in accordance with the information relating to the means of minimising the risk of infecting other people if the information is provided to the person under section 78(1).

[4] Section 135 COVID-19 emergency measures

Omit “The COVID-19 emergency measures provisions” from section 135(1).

Insert instead “Sections 63(2A) and (2B), 64(7) and 71A”.

[5] Section 135(2)

Omit the subsection. Insert instead—

(2) Sections 112(2) and 118(6) and (7) are repealed on 30 September 2022.

1.7 Subordinate Legislation Act 1989 No 146

Schedule 5 Further postponement of repeal of certain statutory rules

Omit “1 September 2022” from clause 11.

Insert instead “1 September 2024”.