

MISCELLANEOUS ACTS (PUBLIC HEALTH) REPEAL AND
AMENDMENT ACT 1990 No. 123

NEW SOUTH WALES



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**MISCELLANEOUS ACTS (PUBLIC HEALTH) REPEAL AND
AMENDMENT ACT 1990 No. 123**

NEW SOUTH WALES



Act No. 123, 1990

An Act to repeal certain Acts and to amend certain other Acts in connection with the enactment of the Public Health Act 1990 and the Unhealthy Building Land Act 1990. [Assented to 20 December 1990]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Miscellaneous Acts (Public Health) Repeal and Amendment Act 1990.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Repeals

3. Each Act specified in Schedule 1 is repealed.

Amendments

4. Each Act specified in Schedule 2 is amended as set out in that Schedule.

SCHEDULE 1 - REPEALS

(Sec. 3)

PART 1 - PUBLIC HEALTH ACT 1902

Public Health Act 1902 No. 30
Public Health (Night-soil Removal) Act 1902 No. 110
Public Health (Amendment) Act 1915 No. 7
Public Health (Amendment) Act 1921 No. 18
Public Health Amendment (Cremation) Act 1932 No. 32
Public Health (Amendment) Act 1937 No. 1
Public Health (Amendment) Act 1944 No. 16
Public Health (Further Amendment) Act 1944 No. 35
Public Health (Emergency Medical Treatment) Amendment Act 1983
No. 209
Public Health (Amendment) Act 1985 No. 70
Public Health (Proclaimed Diseases) Amendment Act 1985 No. 183
Public Health (Necropolis) Amendment Act 1986 No. 146
Public Health (Workers Compensation) Amendment Act 1987 No. 82
Public Health (Amendment) Act 1989 No. 86
Public Health (Proclaimed Diseases) Amendment Act 1989 No. 206

SCHEDULE 1 - REPEALS - *continued*

PART 2 - OTHER ACTS

Noxious Microbes Act 1900 No. 23
Sydney Abattoir and Nuisances Prevention Act 1902 No. 37
Noxious Trades Act 1902 No. 82
Venereal Diseases Act 1918 No. 46
Drug and Alcohol Rehabilitation Establishments Act 1987 No. 120

SCHEDULE 2 - AMENDMENTS

(Sec. 4)

BUSINESS FRANCHISE LICENCES (TOBACCO) ACT 1987 No. 93

(1) Section 36 (**Grant of licences**):

From section 36 (2), omit "section 75I (1) of the Public Health Act 1902", insert instead "section 59 of the Public Health Act 1990".

(2) Section 50 (**Cancellation of licence**):

Omit "section 75I (1) of the Public Health Act 1902", insert instead "section 59 of the Public Health Act 1990".

FOOD PRESERVATION BY SULPHUR DIOXIDE ENABLING ACT 1920 No. 48

Section 3 (**Definitions**):

Omit the definition of "Local authority", insert instead:

"Local authority" has the same meaning as it has in the Public Health Act 1990.

LOCAL GOVERNMENT ACT 1919 No. 41

(1) Section 295:

After section 294, insert:

Functions relating to the health of the public

295. (1) In so far as, immediately before the repeal of the Public Health Act 1902, a provision of that Act referred to in the Table to this section conferred or imposed a function on a council that was not then exercisable under this Act by the council, this section confers or imposes the function on the council.

SCHEDULE 2 - AMENDMENTS - *continued*

(2) For the purposes of subsection (1), if a provision to which that subsection applies included a reference (however expressed) to regulations, or the making of regulations, in relation to a matter in respect of which, but for this section, ordinances could not be made, the reference is to be taken to be a reference to ordinances or the making of ordinances.

(3) For the purposes of subsection (1), the provisions referred to in the Table apply as if they formed part of this Act, but may be modified as prescribed.

TABLE

Provision of Public Health Act 1902	Subject
Section 39A	Immunisation of minors against infectious diseases
Section 51C	Contribution towards upkeep of crematory
Part 5	Common lodging-houses
Sections 58-62	Buildings unfit for occupation
Part 6A	Undertakers and mortuaries
Part 7	Nuisances

(2) Section 299 (Temporary hospital accommodation):
Omit the section.

SCHEDULE 2 - AMENDMENTS - *continued*

MEDICAL PRACTITIONERS ACT 1938 No. 37

Section 41A (Unregistered person not to treat certain diseases):

From section 41A (3), omit "unless, where the disease has been declared to be an infectious disease under section 28 of the Public Health Act 1902, and he is required by section 29 (1) of that Act to give the notice referred to in that subsection, he fails to give that notice".

NATIONAL PARKS AND WILDLIFE ACT 1974 No. 80

After section 155, insert:

Kosciusko National Park

155A. The regulations may confer or impose on the Director, with any necessary modifications, any function relating to the health of the public in Kosciusko National Park that is, or but for being modified would be, the same as a function conferred or imposed on a council by or under the Local Government Act 1919 in relation to the health of the public in its area.

NOISE CONTROL ACT 1975 No. 35

(1) Section 4 (Definitions):

From section 4 (1), omit the definition of "local authority", insert instead:

"local authority" has the same meaning as it has in the Public Health Act 1990;

(2) Section 8:

Omit the section, insert instead:

Exercise of functions of local authority

8. A power, authority, duty or function conferred or imposed by or under this Act on a local authority in relation to premises may be exercised or performed only by the local authority for the area in which the premises are situated.

SCHEDULE 2 - AMENDMENTS - *continued*

PRISONS ACT 1952 No. 9

Section 9 (Medical officers):

From section 9 (4) and (5), omit "Government Medical Officer appointed under the Public Health Act 1902 for the district" wherever occurring, insert instead "medical officer of health appointed under the Public Health Act 1990 for the medical district under that Act".

RURAL WORKERS ACCOMMODATION ACT 1969 No. 34

The Schedule:

From item (40) of the Schedule, omit "a local authority referred to in section 17 of the Public Health Act 1902, as subsequently amended," insert instead "the appropriate local authority under the Public Health Act 1990".

SEARCH WARRANTS ACT 1985 No. 37

Section 10 (Definitions):

From the definition of "search warrant" in section 10, omit "section 96A of the Public Health Act 1902;" insert instead:

section 73 of the Public Health Act 1990;

WESTERN LANDS ACT 1901 No. 70

Section 36 (Regulations):

After section 36 (2), insert:

(3) The regulations may confer or impose on the Commissioner, with any necessary modifications, any power, authority, duty or function relating to the health of the public that is, or but for being modified would be, the same as a power, authority, duty or function conferred or imposed on a council by or under the Local Government Act 1919 in relation to the health of the public in its area.

[*Minister's second reading speech made in -
Legislative Assembly on 22 November 1990
Legislative Council on 4 December 1990*]

FIRST PRINT

**MISCELLANEOUS ACTS (PUBLIC HEALTH) REPEAL AND
AMENDMENT BILL 1990**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Public Health Bill 1990.

The object of this Bill is to amend certain Acts as a consequence of the enactment of the Act proposed by the Public Health Bill 1990.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be proclaimed.

Clause 3 repeals the Acts listed in Schedule 1.

Clause 4 amends various Acts, as set out in Schedule 2, as a consequence of the enactment of the Act proposed by the Public Health Bill 1990.

Schedule 1 is divided into 2 Parts. Part 1 sets out, as Acts to be repealed, the Public Health Act 1902 and its various amending Acts. Part 2 sets out, as other Acts to be repealed, the Noxious Microbes Act 1900, the Sydney Abattoir and Nuisances Prevention Act 1902, the Noxious Trades Act 1902, the Venereal Diseases Act 1918 and the Drug and Alcohol Rehabilitation Establishments Act 1987.

Schedule 2 amends various Acts as follows:

Business Franchise Licences (Tobacco) Act 1987

This Act has cross-references to the provisions of the Public Health Act 1902 that relate to the sale of tobacco to juveniles. The proposed amendments would substitute cross-references to the corresponding provisions of the proposed Public Health Act 1990.

Miscellaneous Acts (Public Health) Repeal and Amendment 1990

Food Preservation by Sulphur Dioxide Enabling Act 1920

The proposed amendment would give to the expression "Local authority" the same meaning as it would have in the proposed Public Health Act 1990.

Local Government Act 1919

The proposed amendments would transfer to the Local Government Act 1919 certain functions of local councils that are at present conferred or imposed on them by the Public Health Act 1902. A provision relating to temporary hospital accommodation would be repealed. The proposed amendments are an interim measure pending the enactment of new legislation.

Medical Practitioners Act 1938

This Act has a reference to the expression "infectious disease" which is used in the Public Health Act 1902. This expression would be replaced in the proposed Public Health Act 1990 by the expression "scheduled medical condition". The proposed amendment would be consequential on the change of expression and would remove a cross-reference that would no longer be applicable.

National Parks and Wildlife Act 1974

The proposed amendment would enable regulations to be made in relation to the health of the public in Kosciusko National Park that would confer on the Director of National Parks and Wildlife functions similar to those conferred on a council under the Local Government Act 1919.

Noise Control Act 1975

These are amendments consequential on the manner in which the definition of "local authority" is expressed in the proposed Public Health Act 1990.

Prisons Act 1952

This amendment is consequential on the use in the proposed Public Health Act 1990 of the expression "medical officer of health" instead of "Government Medical Officer" as used in the Public Health Act 1902.

Rural Workers Accommodation Act 1969

This amendment is consequential on the manner in which the definition of "local authority" is expressed in the proposed Public Health Act 1990.

Search Warrants Act 1985

Section 10 of this Act refers to a provision of the Public Health Act 1902 that relates to search warrants. The proposed amendment would substitute in that section a reference to the corresponding provision of the Public Health Act 1990.

Western Lands Act 1901

The amendment would enable regulations to be made in relation to the health of the public in the Western Division of the State that would confer on the Western Lands Commissioner functions similar to those conferred on a council by the Local Government Act 1919.

FIRST PRINT

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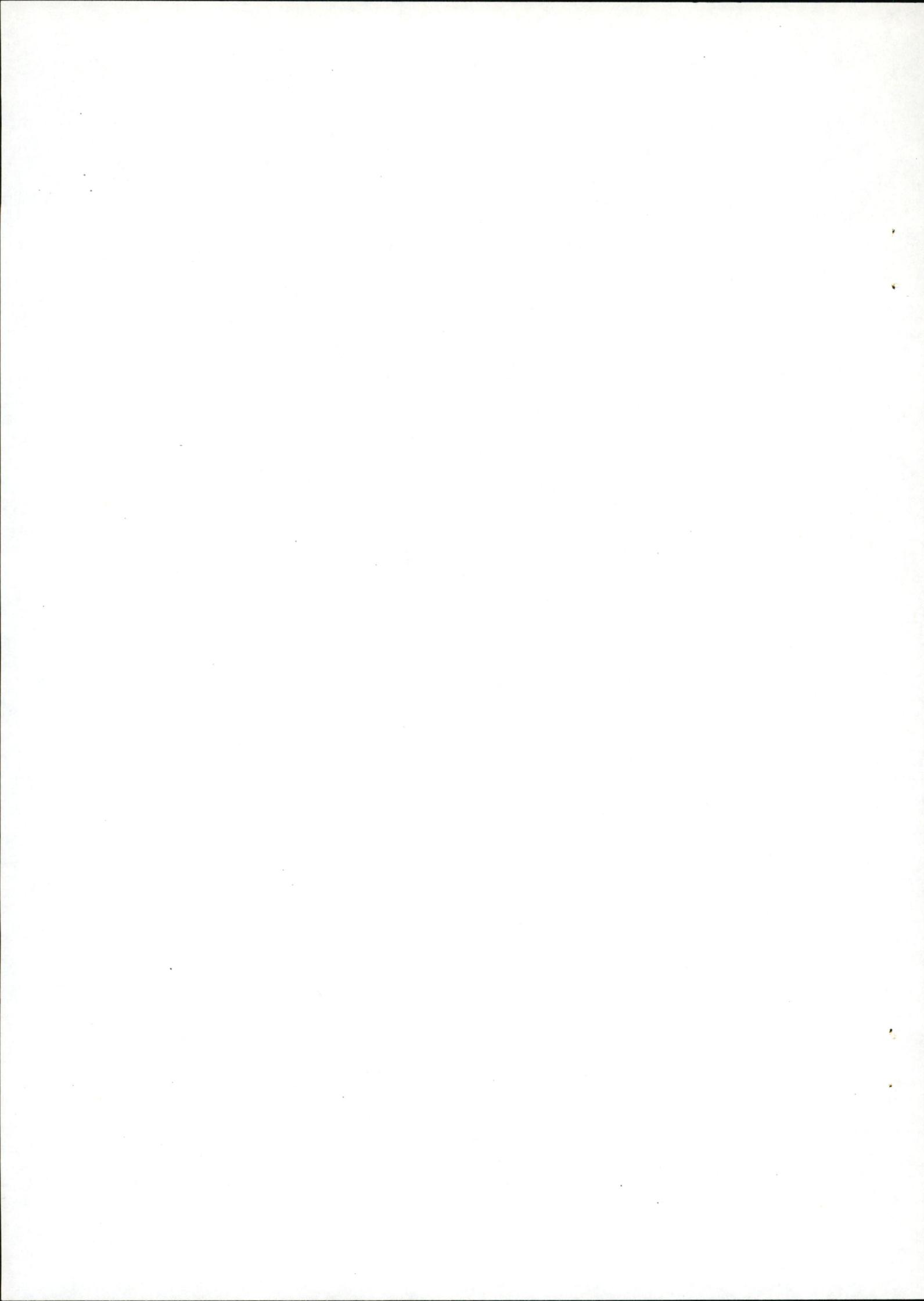


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NEW SOUTH WALES



No. , 1990

A BILL FOR

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