

No. 17 of 1975

AN ORDINANCE

To revise the Ordinances of the Australian Capital Territory in consequence of the establishment of the Capital Territory Health Commission.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this first day of July, 1975.

JOHN R. KERR
Governor-General.

By His Excellency's Command,

D. EVERINGHAM
Minister of State for Health.

ORDINANCES REVISION (HEALTH COMMISSION) ORDINANCE 1975

1. This Ordinance may be cited as the *Ordinances Revision (Health Commission) Ordinance 1975*.* Short title.
2. The Ordinances specified in Schedule 1 are amended as set out in that Schedule. Amendment of Ordinances.
3. An Ordinance specified in Column 1 of Schedule 2, as amended by this Ordinance, may be cited in the manner specified in Column 2 of that Schedule opposite to the reference to that Ordinance in Column 1. Citation of amended Ordinances.
4. Section 2 of the *Cemeteries Ordinance 1933-1966* is amended by inserting, after the definition of "cemetery", the following definition:— Amendment of the *Cemeteries Ordinance 1933-1966*.

" 'Commissioner' has the same meaning as in the *Health Commission Ordinance 1975*;"

* Notified in the *Australian Government Gazette* on 1 July 1975.

Amendments
of the
*Dentists
Registration
Ordinance
1931-1970.*

5. (1) In this section, the *Dentists Registration Ordinance* 1931-1970 is referred to as the Principal Ordinance.

(2) Section 4 of the Principal Ordinance is amended by omitting the definition of "the Director".

(3) Section 6 of the Principal Ordinance is amended—

(a) by omitting from sub-section (1) the word "Director" and substituting the word "Chairman"; and

(b) by omitting sub-section (3).

(4) Section 34 of the Principal Ordinance is amended by omitting sub-section (1B.) and substituting the following sub-section:—

"(1B) Nothing in this section prohibits a person who—

(a) occupies, or is employed to perform the duties of, an office under the *Public Service Act* 1922-1974 of Dental Therapist (Female); or

(b) occupies, or is employed to perform the duties of, a position under the *Health Commission Ordinance* 1975 of dental therapist,

from doing any act that would be a contravention of this section if the act is done by that person in the performance of the duties of that office or position and subject to the direction and control of a registered dentist."

(5) Section 38 of the Principal Ordinance is amended by omitting sub-section (2) and substituting the following sub-section:—

"(2) Nothing in this section applies to a person who—

(a) occupies, or is employed to perform the duties of, an office under the *Public Service Act* 1922-1974 of Dental Therapist (Female); or

(b) occupies, or is employed to perform the duties of, a position under the *Health Commission Ordinance* 1975 of dental therapist,

in relation to the performance of the duties of that office or position if those duties are performed under the direction and control of a registered dentist."

(6) Section 40 of the Principal Ordinance is amended—

(a) by omitting from sub-section (2A) the words "and payable to the Director"; and

(b) by omitting from sub-section (2A) the words "by an officer authorized in writing by the Director".

Amendments
of the
*Fluoroscopes
Ordinance
1958-1966.*

6. Section 2 of the *Fluoroscopes Ordinance* 1958-1966 is amended—

(a) by omitting from the definition of "approved institution" the word "Director-General" and substituting the word "Commissioner";

- (b) by inserting, after the definition of “ approved institution ”, the following definition:—

“ ‘Commissioner’ has the same meaning as in the *Health Commission Ordinance 1975*;”;

- (c) by omitting from the definition of “ qualified radiographer ” the word “ Director-General ” and substituting the word “ Commissioner ”; and

- (d) by omitting the definition of “ the Director-General ”.

7. Section 4 of the *Hawkers Ordinance 1936-1974* is amended—

- (a) by inserting, after the definition of “ City Area ”, the following definition:—

“ ‘Commissioner’ has the same meaning as in the *Health Commission Ordinance 1975*;”;

- (b) by omitting the definition of “ the Director of Health ”.

Amendments
of the
*Hawkers
Ordinance
1936-1974.*

8. (1) In this section, the *Lake Burley Griffin Ordinance 1965-1968*, as amended by the *Lake Burley Griffin Ordinance 1975*, is referred to as the Principal Ordinance.

Amendments
of the *Lake
Burley Griffin
Ordinance
1965-1975.*

(2) Section 20 of the Principal Ordinance is amended by omitting paragraph (7)(b) and substituting the following paragraph:—

“ (b) an officer or employee of the Capital Territory Health Commission;”.

(3) Section 22 of the Principal Ordinance is amended by omitting paragraph (2)(b) and substituting the following paragraph:—

“ (b) an officer or employee of the Capital Territory Health Commission;”.

(4) Section 25 of the Principal Ordinance is amended by omitting paragraph (3)(b) and substituting the following paragraph:—

“ (b) an officer or employee of the Capital Territory Health Commission;”.

(5) Section 1 of the *Lake Burley Griffin Ordinance 1975* is amended by omitting sub-section (2).

9. (1) In this section, the *Meat Ordinance 1931-1968* is referred to as the Principal Ordinance.

Amendments
of the *Meat
Ordinance
1931-1968.*

(2) Section 4 of the Principal Ordinance is amended—

- (a) by omitting from the definition of “ Approved ” the word “ Director-General ” and substituting the word “ Commissioner ”;

- (b) by omitting the definition of “ Department ” and substituting the following definition:—

“ ‘Commissioner’ has the same meaning as in the *Health Commission Ordinance 1975*;”;

- (c) by omitting the definitions of “ The Director ” and “ The Director-General ”.

(3) Section 6 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) the words “Director-General and the Director each” and substituting the word “Commissioner”; and
- (b) by omitting sub-section (2) and substituting the following sub-section:—

“(2) If the exercise of a power or the performance of a function is dependent upon the opinion, belief or state of mind of an officer or other person in relation to a matter, the exercise of that power or the performance of that function by the Commissioner in pursuance of sub-section (1) is dependent upon the opinion, belief or state of mind, as the case may be, of the Commissioner in relation to that matter.”.

Amendments
of the
*Medical
Practitioners
Registration
Ordinance
1930-1973.*

10. (1) In this section, the *Medical Practitioners Registration Ordinance* 1930-1973 is referred to as the Principal Ordinance.

(2) Section 4 of the Principal Ordinance is amended by omitting the definition of “the Director”.

(3) Section 6 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) the word “Director” and substituting the word “Chairman”; and
- (b) by omitting sub-section (3).

(4) Section 41 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (2A) the words “and payable to the Director”; and
- (b) by omitting from sub-section (2A) the words “by an officer authorized in writing by the Director”.

Amendments
of the *Milk
Authority
Ordinance
1971-1974.*

11. Section 4 of the *Milk Authority Ordinance* 1971-1974 is amended—

- (a) by inserting, after the definition of “authorized officer”, the following definition:—

“‘Health Commission’ means the Capital Territory Health Commission established by the *Health Commission Ordinance* 1975;” and

- (b) by omitting the definition of “the Director-General”.

Amendments
of the *Nurses
Registration
Ordinance
1933-1974.*

12. (1) In this section, the *Nurses Registration Ordinance* 1933-1974 is referred to as the Principal Ordinance.

(2) Section 4 of the Principal Ordinance is amended—

- (a) by inserting, before the definition of “member”, the following definition:—

“‘Director-General’ means the person for the time being occupying, or performing the duties of, the office of Director-General of Health;” and

(b) by omitting the definitions of “the Assistant Director” and “the Director”.

(3) Section 6 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) the words “Assistant Director” and substituting the word “Chairman”; and
- (b) by omitting sub-section (3).

(4) Section 28L of the Principal Ordinance is amended by omitting sub-section (3) and substituting the following sub-section:—

“ (3) Nothing in this section applies to—

- (a) a person who occupies, or is employed to perform the duties of, an office under the *Public Service Act 1922-1974* of Nursing Aide; or
- (b) a person who occupies, or is employed to perform the duties of, a position under the *Health Commission Ordinance 1975* of nursing aide.”.

(5) Section 29 of the Principal Ordinance is amended by omitting from sub-section (5) the word “Director” and substituting the word “Director-General”.

(6) Section 41 of the Principal Ordinance is amended by omitting paragraph (f) and substituting the following paragraph:—

- “ (f) the giving or performance, under the supervision of a registered nurse and in the performance of her official duties, of any nursing service—
- (i) by a person who occupies, or is employed to perform the duties of, an office under the *Public Service Act 1922-1974* of Nursing Aide; or
 - (ii) by a person who occupies, or is employed to perform the duties of, a position under the *Health Commission Ordinance 1975* of nursing aide.”.

(7) Section 44 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (2A) the words “and payable to the Director”; and
- (b) by omitting from sub-section (2A) the words “by an officer authorized in writing by the Director”.

13. (1) Section 4 of the *Optometrists Ordinance 1956-1974* is amended by omitting from sub-section (1) the definition of “the Assistant Director”.

Amendments
of the
*Optometrists
Ordinance
1956-1974.*

(2) Section 6 of the *Optometrists Ordinance 1956-1974* is amended—

- (a) by omitting from sub-section (1) the words “Assistant Director” and substituting the word “Chairman”; and

- (b) by omitting sub-section (2) and substituting the following sub-section:—

“ (2) The Minister shall appoint a member to be Chairman of the Board.”.

Amendments
of the
*Pharmacy
Ordinance
1931-1974.*

14. (1) In this section, the *Pharmacy Ordinance 1931-1974* is referred to as the Principal Ordinance.

(2) Section 5 of the Principal Ordinance is amended by omitting the definitions of “ the Assistant Director ” and “ the Director ”.

(3) Section 7 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) the words “ Assistant Director ” and substituting the word “ Chairman ”; and
(b) by omitting sub-section (3).

(4) Section 49 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (2A) the words “ and payable to the Director ”; and
(b) by omitting from sub-section (2A) the words “ by an officer authorized in writing by the Director ”.

Amendments
of the
*Poisons and
Dangerous
Drugs
Ordinance
1933-1967.*

15. (1) In this section, the *Poisons and Dangerous Drugs Ordinance 1933-1967* is referred to as the Principal Ordinance.

(2) Section 5 of the Principal Ordinance is amended—

- (a) by omitting from the definition of “ Authorized person ” in sub-section (1) the words “ Board or the Director-General ” and substituting the word “ Commissioner ”;
(b) by inserting after the definition of “ Coca Leaves ” in sub-section (1) the following definition:—

“ ‘Commissioner’ has the same meaning as in the *Health Commission Ordinance 1975*; ”; and

- (c) by omitting from sub-section (1) the definitions of “ the Board ” and “ the Director ”.

(3) Section 7 of the Principal Ordinance is amended by omitting the words “ Canberra Community Hospital or to any person employed by the Department of Health ” and substituting the words “ Capital Territory Health Commission or to an officer or employee of the Commission ”.

(4) Section 40b of the Principal Ordinance is amended by omitting paragraph (e) and substituting the following paragraph:—

“ (e) an officer or employee of the Capital Territory Health Commission authorized in writing by the Commissioner; or ”.

(5) Section 40c of the Principal Ordinance is amended by omitting paragraph (c) and substituting the following paragraph:—

“ (e) an officer or employee of the Capital Territory Health Commission authorized in writing by the Commissioner.”.

16. Section 4 of the *Public Health Ordinance 1928-1966* is amended by omitting the definitions of "Authorized" and "Director-General" and substituting the following definitions:—

Amendment
of the *Public
Health
Ordinance
1928-1966*.

"'authorized' means authorized in writing by the Minister or the Commissioner;

"'Commissioner' has the same meaning as in the *Health Commission Ordinance 1975*;"

17. Section 2 of the *Public Health (Prohibited Drugs) Ordinance 1957-1966* is amended—

Amendments
of the *Public
Health
(Prohibited
Drugs)
Ordinance
1957-1966*.

(a) by inserting, before the definition of "Magistrate", the following definition:—

"'Commissioner' has the same meaning as in the *Health Commission Ordinance 1975*;" and

(b) by omitting the definition of "the Director-General".

18. Section 3 of the *Tuberculosis Ordinance 1950-1974* is amended—

Amendments
of the
*Tuberculosis
Ordinance
1950-1974*.

(a) by inserting, before the definition of "medical practitioner", the following definition:—

"'Commissioner' has the same meaning as in the *Health Commission Ordinance 1975*;" and

(b) by omitting the definition of "the Director-General".

SCHEDULE 1

Provisions amended	Omit	Insert
CEMETERIES ORDINANCE 1933-1966		
Sub-section 16 (1) ..	Director-General of Health ..	Commissioner
CHILD WELFARE ORDINANCE 1957-1974		
Sub-section 112 (2) ..	Director-General of Health ..	Capital Territory Health Commission
FLUOROSCOPES ORDINANCE 1958-1966		
Section 4 ..	Director-General ..	Commissioner
Sub-section 7 (1) ..	Director-General ..	Commissioner
Sub-section 7 (2) ..	Director-General ..	Commissioner
Sub-section 7 (3) ..	Director-General ..	Commissioner
Sub-section 8 (1) ..	Director-General in writing ..	Commissioner in writing
	Director-General such ..	Commissioner such
	Director-General requests ..	Commissioner requests
Sub-section 8 (3) ..	Director-General ..	Commissioner
Sub-section 9 (1) ..	Director-General may ..	Commissioner may
	Director-General of ..	Commissioner of
Section 10 ..	Director-General in ..	Commissioner in
	Director-General such ..	Commissioner such
	Director-General requests ..	Commissioner requests
Sub-section 11 (1) ..	Director-General ..	Commissioner
Sub-section 12 (1) ..	Director-General refuses ..	Commissioner refuses
	Director-General shall ..	Commissioner shall
Sub-section 12 (3) ..	Director-General ..	Commissioner
Sub-section 12 (5) ..	Director-General shall ..	Commissioner shall
	Director-General having ..	Commissioner having
Sub-section 12 (6) ..	Director-General ..	Commissioner
	Director-General's ..	Commissioner's
Sub-section 12 (7) ..	Director-General ..	Commissioner
Sub-section 12 (8) ..	Director-General ..	Commissioner
HAWKERS ORDINANCE 1936-1974		
Section 8A ..	Director of Health ..	Commissioner
Sub-section 12A (2) ..	Director of Health ..	Commissioner
MEAT ORDINANCE 1931-1968		
Section 9 ..	Director-General ..	Commissioner
Section 13 ..	Director-General ..	Commissioner
Sub-section 19AA (1) ..	Director-General ..	Commissioner
Sub-section 19AA (3) ..	Director-General ..	Commissioner
MILK AUTHORITY ORDINANCE 1971-1974		
Paragraph 22 (3) (c) ..	Director-General ..	Health Commission
Paragraph 22 (3) (e) ..	Director-General ..	Health Commission
Sub-paragraph 22 (3A) (b) (iii) ..	Director-General ..	Health Commission
Sub-paragraph 22 (3A) (b) (v) ..	Director-General ..	Health Commission
Sub-section 26 (3) ..	Director-General ..	Health Commission
Sub-section 28 (2) ..	Director-General ..	Health Commission
Sub-section 28 (3) ..	Director-General ..	Health Commission
Sub-section 28 (6) ..	Director-General ..	Health Commission

SCHEDULE 1—continued

Provisions amended	Omit	Insert
POISONS AND DANGEROUS DRUGS ORDINANCE 1933-1967		
Section 6	Board	Commissioner
Sub-section 8 (1) ..	Board may, if it	Commissioner may, if he
Sub-section 8 (2) ..	Board	Commissioner
Sub-section 8 (3) ..	Board	Commissioner
Sub-section 8 (4) ..	Board	Commissioner
Sub-section 29 (1) ..	Board	Commissioner
Sub-section 29 (2) ..	Board	Commissioner
Section 33	Director-General	Commissioner
Sub-section 40D (2) ..	Director	Commissioner
Sub-section 40E (1) ..	Director	Commissioner
Sub-section 40E (2) ..	Director	Commissioner
PUBLIC HEALTH ORDINANCE 1928-1966		
Section 7	Director-General	Commissioner
Sub-section 7A (1) ..	Director-General	Commissioner
Sub-section 7A (2) ..	Director-General	Commissioner
Section 8	Director-General	Commissioner
PUBLIC HEALTH (PROHIBITED DRUGS) ORDINANCE 1957-1966		
Sub-section 4 (2) ..	Director-General	Commissioner
Sub-section 5 (2) ..	Director-General	Commissioner
Section 6	Director-General under Director-General directs	Commissioner under Commissioner directs
TUBERCULOSIS ORDINANCE 1950-1974		
Sub-section 4 (1) ..	Director-General	Commissioner
Sub-section 5 (1) ..	Director-General	Commissioner
Sub-section 5 (2) ..	The Director-General the Director-General	The Commissioner the Commissioner
Sub-section 7 (1) ..	Director-General has Director-General in respect Director-General may Director-General specifies	Commissioner has Commissioner in respect Commissioner may Commissioner specifies
Sub-section 7 (3) ..	Director-General	Commissioner
Section 8	Director-General is	Commissioner is
Sub-section 9 (1) ..	Director-General for Director-General) Director-General or	Commissioner for Commissioner) Commissioner or
Sub-section 9 (2) ..	Director-General for Director-General)	Commissioner for Commissioner)
Sub-section 9 (3) ..	Director-General	Commissioner
Sub-section 9 (5) ..	Director-General	Commissioner
Sub-section 9 (8) ..	Director-General	Commissioner
Sub-section 9 (10) ..	Director-General	Commissioner
Sub-section 9 (12) ..	Director-General	Commissioner
Sub-section 10 (1) ..	Director-General	Commissioner
Sub-section 12 (1) ..	Director-General Department of Health	Commissioner Capital Territory Health Commis- sion
Sub-section 12 (2) ..	Director-General	Commissioner
VENEREAL DISEASES ORDINANCE 1956-1966		
Section 17	the Commonwealth	Australia, the Capital Territory Health Commission

SCHEDULE 2

Section 3

Column 1	Column 2
<p><i>Cemeteries Ordinance 1933-1966</i> <i>Child Welfare Ordinance 1957-1974</i> <i>Dentists Registration Ordinance 1931-1970</i> <i>Fluoroscopes Ordinance 1958-1966</i> <i>Hawkers Ordinance 1936-1974</i> <i>Lake Burley Griffin Ordinance 1965-1968, as amended by the Lake Burley Griffin Ordinance 1975</i> <i>Meat Ordinance 1931-1968</i> <i>Medical Practitioners Registration Ordinance 1930-1973</i> <i>Milk Authority Ordinance 1971-1974</i> <i>Nurses Registration Ordinance 1933-1974</i> <i>Optometrists Ordinance 1956-1974</i> <i>Pharmacy Ordinance 1931-1974</i> <i>Poisons and Dangerous Drugs Ordinance 1933-1967</i> <i>Public Health Ordinance 1928-1966</i> <i>Public Health (Prohibited Drugs) 1957-1966</i> <i>Tuberculosis Ordinance 1950-1974</i> <i>Venereal Diseases Ordinance 1956-1966</i></p>	<p><i>Cemeteries Ordinance 1933-1975</i> <i>Child Welfare Ordinance 1957-1975</i> <i>Dentists Registration Ordinance 1931 1975</i> <i>Fluoroscopes Ordinance 1958-1975</i> <i>Hawkers Ordinance 1936-1975</i> <i>Lake Burley Griffin Ordinance 1965-1975</i> <i>Meat Ordinance 1931-1975</i> <i>Medical Practitioners Registration Ordinance 1930-1975</i> <i>Milk Authority Ordinance 1971-1975</i> <i>Nurses Registration Ordinance 1933-1975</i> <i>Optometrists Ordinance 1956-1975</i> <i>Pharmacy Ordinance 1931-1975</i> <i>Poisons and Dangerous Drugs Ordinance 1933-1975</i> <i>Public Health Ordinance 1928-1975</i> <i>Public Health (Prohibited Drugs) 1957-1975</i> <i>Tuberculosis Ordinance 1950-1975</i> <i>Venereal Diseases Ordinance 1956-1975</i></p>