

# AUSTRALIAN CAPITAL TERRITORY

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## Community and Health Service (Consequential Provisions) Ordinance 1988

No. 29 of 1988

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

Dated 30 June 1988.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

GARY PUNCH  
Minister of State for the Arts  
and Territories

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An Ordinance to make certain amendments consequent upon the making of the *Community and Health Service (Amendment) Ordinance 1988*

### Short title

1. This Ordinance may be cited as the *Community and Health Service (Consequential Provisions) Ordinance 1988*.<sup>1</sup>

### Commencement

2. This Ordinance shall come into operation on 2 July 1988.

### Amendments of Ordinances

3. The Ordinances specified in the Schedule are amended as set out in that Schedule.

(Ord. 45/88)—Cat. No.

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

**Transitional**

**4. (1)** In this section, “former executive officer” means—

- (a) a Commissioner or the Chairman within the meaning of the repealed *Health Commission Ordinance 1975*;
- (b) the Chairman within the meaning of the repealed *Health Services Ordinance 1975*; or
- (c) the Chairman or General Manager within the meaning of the *Health Authority Ordinance 1985*, as in force at any time before 31 December 1987.

**(2)** Where, at any time before 2 July 1988, a document or other thing was given to, served on or lodged with a former executive officer under a provision of an Ordinance amended, or repealed and remade (with or without modifications), by this Ordinance, the document or thing shall, on and after 2 July 1988, be taken to have been given to, served on or lodged with the Service under that provision as amended or remade by this Ordinance.

**(3)** Where—

- (a) this Ordinance amends or repeals and remakes (with or without modifications) a provision of another Ordinance;
- (b) at any time before 2 July 1988—
  - (i) an instrument was made, granted or issued;
  - (ii) any other act was done; or
  - (iii) a decision was made;under that provision by a former executive officer; and
- (c) the instrument, act or decision had effect immediately before 2 July 1988;

then, on and after 2 July 1988—

- (e) the instrument has effect as if it had been made, granted or issued by the Service; and
- (f) the act or decision, as the case may be, has effect as if it had been done or made by the Service;

under the provision as amended or remade by this Ordinance.

**(4)** A reference in an instrument referred to in subsection (3) (other than an Ordinance) to a former executive officer shall, in relation to any act or thing done or to be done on or after 2 July 1988, be read as a reference to the Service.

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**SCHEDULE**

Section 3

AMENDMENTS OF ORDINANCES

***Blood Donation (Acquired Immune Deficiency Syndrome) Ordinance 1985***

**Section 2 (definitions of “approved”, “Authority” and “Chairman”)—**

Omit the definitions.

**Section 2—**

Insert each of the following definitions in its appropriate alphabetical position:

“ ‘approved’ means approved by the Service by instrument in writing for the purposes of this Ordinance;

‘Service’ means the Australian Capital Territory Community and Health Service;”.

***Cemeteries Ordinance 1933***

**Subsection 2 (1) (definition of “Commissioner”)—**

Omit the definition.

**Subsection 2 (1)—**

Insert the following definition in its appropriate alphabetical position:

“ ‘Service’ means the Australian Capital Territory Community and Health Service;”.

**Paragraph 16 (b)—**

Omit “Commissioner”, substitute “Service”.

***Children’s Services Ordinance 1986***

**Subsection 4 (1) (definition of “Health Authority”)—**

Omit the definition.

**Subsection 4 (1)—**

Insert the following definition in its appropriate alphabetical position:

“ ‘Service’ means the Australian Capital Territory Community and Health Service;”.

**Paragraph 13 (2) (d)—**

Omit “Health Authority”, substitute “Service”.

**Paragraph 103 (2) (b)—**

Omit “Health Authority”, substitute “Service”.

**Subsection 162 (1)—**

Omit “Health Authority”, substitute “Service”.

***Hawkers Ordinance 1936***

**Subsection 4 (1) (definition of “Commissioner”)—**

Omit the definition.

**SCHEDULE—continued**

**Subsection 4 (1)—**

Insert the following definition in its appropriate alphabetical position:

“ ‘Service’ means the Australian Capital Territory Community and Health Service;”.

**Section 8A—**

Omit all the words after “certificate”, substitute “issued by the Service, or a person authorised in writing by the Service to issue certificates for the purposes of this section, certifying that the vehicle has been inspected and that the Service is satisfied that the vehicle is suitable for the carriage of food.”.

**Section 12A (2)—**

Omit all the words after “certificate”, substitute “issued by the Service, or a person authorised in writing by the Service to issue certificates for the purposes of this subsection, certifying that the vehicle to which the application relates has been inspected and that the Service is satisfied that the vehicle is suitable for the carriage of food.”.

***Health Professions Boards (Procedures) Ordinance 1981***

**Section 3—**

Insert the following definition in its appropriate alphabetical position:

“ ‘Service’ means the Australian Capital Territory Community and Health Service;”.

**Further amendments—**

The following provisions are amended by omitting “Capital Territory Health Commission” (wherever occurring) and substituting “Service”:

Paragraphs 34 (2) (a) and (b) and subsections 34 (3) and (4).

***Meat Ordinance 1931***

**Section 4 (definitions of “authorised person” and “General Manager”)—**

Omit the definitions, substitute respectively the following definitions:

“ ‘authorised person’ means—

- (a) a person authorised in writing by the Service for the purposes of the provision in which the expression appears;
- (b) a person appointed under section 5; or
- (c) an inspector within the meaning of the *Public Health Ordinance 1928*;

‘General Manager’ has the same meaning as in the *Community and Health Service Ordinance 1985*;”.

**Section 4—**

Insert the following definition in its appropriate alphabetical position:

“ ‘Service’ means the Australian Capital Territory Community and Health Service;”.

**Section 8—**

Omit “General Manager”, substitute “Service”.

**SCHEDULE**—continued

**Subsection 9 (1)**—

- (a) Omit “General Manager”, substitute “Service”.
- (b) Omit “he or she”, substitute “the Service”.

**Section 9A**—

Omit “General Manager”, substitute “Service”.

***Mental Health Ordinance 1983***

**Subsection 4 (1) (definitions of “Chairman” and “Commission”)**—

Omit the definitions.

**Subsection 4 (1)**—

Insert each of the following definitions in its appropriate alphabetical position:

“ ‘General Manager’ has the same meaning as in the *Community and Health Service Ordinance 1985*;

‘Service’ means the Australian Capital Territory Community and Health Service;”.

**Section 8**—

Omit “Chairman”, substitute “General Manager”.

**Section 10 (5)**—

Omit “Chairman”, substitute “General Manager”.

**Subsection 11 (1)**—

- (a) Omit “Commission”, substitute “Service”.
- (b) Omit “*Health Commission Ordinance 1975*”, substitute “*Community and Health Service Ordinance 1985*”.

**Paragraph 14 (a) and subparagraph 14 (a) (vi)**—

Omit “Chairman”, substitute “Service”.

**Section 16**—

Omit “Commission”, substitute “General Manager”.

**Subsection 61 (2)**—

Omit “Commission”, substitute “General Manager”.

**Subsection 62 (3)**—

Omit “Commission”, substitute “General Manager”.

**Subsection 64 (1)**—

Omit “Commission”, substitute “General Manager”.

**Paragraph 75 (g)**—

Omit the paragraph, substitute the following paragraph:

**SCHEDULE—continued**

- “(g) a person nominated by the Human Rights Commissioner of the Human Rights and Equal Opportunity Commission;”.

**Section 78—**

Omit “Capital Territory Health Commission”, substitute “Service”.

**Further amendments—**

The following provisions are amended by omitting “Commission” (wherever occurring) and substituting “Service”:

Subsections 6 (1) and (3), 9 (1) and (2), 10 (1), (3) and (4), paragraph 12 (2) (b), subsections 15 (2), 17 (1) and (2), 18 (1) and (2), 19 (2), 20 (4) and 21 (1), (2), (3), (4) and (5), paragraph 21 (5) (d), subsections 51 (2) and (4), section 59 (paragraph (b) of the definition of “mental health facility”), subsections 61 (1), (3) and (5), 62 (2) and (4), 63 (1), (2), (3), (4) and (5), 65 (1), (2) and (3), 66 (1) and (4) and 68 (1), section 69 and subsections 71 (1) and (3).

***Milk Authority Ordinance 1971***

**Subsection 4 (1) (definition of “Health Commission”)—**

Omit the definition.

***Poisons and Dangerous Drugs Ordinance 1933***

**Subsection 5 (1) (definition of “Commissioner”)—**

Omit the definition.

**Subsection 5 (1)—**

Insert each of the following definitions in its appropriate alphabetical position:

“ ‘General Manager’ has the same meaning as in the *Community and Health Service Ordinance 1985*;

‘Service’ means the Australian Capital Territory Community and Health Service;”.

**Section 6—**

Repeal the section.

**Section 7—**

(a) Omit “Capital Territory Health Commission”, substitute “Service”.

(b) Omit “Commission”, substitute “Service”.

**Subsection 8 (1)—**

(a) Omit “Commissioner” and “he”, substitute “Service” and “it” respectively.

(b) Omit “Capital Territory Health Commission”, substitute “Service”.

**Paragraph 40B (e)—**

Omit the paragraph, substitute the following paragraph:

“(e) an officer or employee of the Service authorised in writing by the Service for the purposes of this section; or”.

**SCHEDULE**—continued

**Paragraph 40C (e)**—

Omit the paragraph, substitute the following paragraph:

“(e) an officer or employee of the Service authorised in writing by the Service for the purposes of this section.”.

**Further amendments**—

The following provisions are amended by omitting “Commissioner” (wherever occurring) and substituting “Service”:

Subsections 5 (1) (definition of ‘authorized person’), 8 (2), (3) and (4) and 29 (1) and (2).

*Poisons and Narcotic Drugs Ordinance 1978*

**Subsection 3 (1) (definitions of “Authority” and “General Manager”)**—

Omit the definitions.

**Subsection 3 (1)**—

Insert each of the following definitions in its appropriate alphabetical position:

“ ‘General Manager’ has the same meaning as in the *Community and Health Service Ordinance 1985*;

‘Service’ means the Australian Capital Territory Community and Health Service;”.

**Subparagraph 9 (c) (ii)**—

Omit the subparagraph, substitute the following subparagraph:

“(ii) an officer or employee of the Service authorised by the Service to have a Schedule 8 substance in his or her possession;”.

**Paragraph 29D (1) (b)**—

Omit “Authority”, substitute “Service”.

**Subsection 29D (2)**—

Omit “General Manager” and “he”, substitute “Service” and “the Service” respectively.

**Subsection 29D (3)**—

Omit “General Manager” and “he”, substitute “Service” and “the Service” respectively.

**Further amendments**—

The following provisions are amended by omitting “General Manager” (wherever occurring) and substituting “Service”:

Subsections 10 (1), (2) and (3), 29D (1) and (4), section 29G, paragraph 49 (1) (a), subsections 49 (1), 49A (1), 50 (4) (second occurring) and 53 (2).

*Public Health Ordinance 1928*

**Section 4 (definition of “authorized”)**—

Omit “Commissioner”, substitute “Service”.

**Section 4 (definition of “Commissioner”)**—



**SCHEDULE**—continued

Omit the definition.

**SCHEDULE**—continued

**Section 4—**

Insert each of the following definitions in its appropriate alphabetical position:

“ ‘General Manager’ has the same meaning as in the *Community and Health Service Ordinance 1985*;

‘Service’ means the Australian Capital Territory Community and Health Service;”.

**Sections 7, 7A and 8—**

Repeal the sections, substitute the following sections:

**Powers of Medical Officer of Health**

“7. The Medical Officer of Health has, in addition to his or her other powers under this Ordinance, all the powers conferred by this Ordinance on an inspector.

**Delegation**

“8. (1) The Service may, either generally or as otherwise provided by the instrument of delegation, by writing under its seal, delegate any of its powers under this Ordinance other than this power of delegation.

“(2) A power so delegated when exercised by the delegate, shall, for the purposes of this Ordinance, be deemed to have been exercised by the Service.

“(3) A delegation under this section does not prevent the exercise of a power by the Service.”.

***Public Health (Prohibited Drugs) Ordinance 1957***

**Section 2 (definition of “Commissioner”)—**

Omit the definition.

**Section 2—**

Insert each of the following definitions in its appropriate alphabetical position:

“ ‘General Manager’ has the same meaning as in the *Community and Health Service Ordinance 1985*;

‘Service’ means the Australian Capital Territory Community and Health Service;”.

**Subsection 5 (2)—**

Omit “Commissioner”, substitute “General Manager”.

**Section 6—**

(a) Omit “Commissioner” (first occurring), substitute “General Manager”.

(b) Omit “Commissioner” (second and third occurring), substitute “Service”.

**Subsection 6A (1)—**

Omit “Commissioner”, substitute “Service”.

**Subsection 6B—**

Omit “Commissioner”, substitute “Service”.

**SCHEDULE—continued**  
***Radiation Ordinance 1983***

**Subsection 5 (1)—**

Insert each of the following definitions in its appropriate alphabetical position:

“ ‘General Manager’ has the same meaning as in the *Community and Health Service Ordinance 1985*;

‘Service’ means the Australian Capital Territory Community and Health Service;”.

**Paragraphs 8 (1) (d) and (e)—**

Omit the paragraphs, substitute the following word and paragraph:

“and (d) a member nominated by the Service.”.

**Subsection 9 (1)—**

Omit “Chairman of the Capital Territory Health Commission”, substitute “Service”.

**Subsection 9 (2)—**

Omit “Chairman of the Capital Territory Health Commission”, substitute “General Manager”.

**Further amendments—**

The following provisions are amended by omitting “Capital Territory Health Commission” (wherever occurring) and substituting “Service”:

Subsection 19 (4), paragraph 28 (d), subsection 31 (2), paragraph 48 (5) (e) and subsection 50 (2).

***Transplantation and Anatomy Ordinance 1978***

**Subsection 4 (1) (definition of “Commission”)—**

Omit the definition.

**Subsection 4 (1)—**

Insert the following definition in its appropriate alphabetical position:

“ ‘Service’ means the Australian Capital Territory Community and Health Service;”.

**Subsection 5 (1)—**

Omit the subsection, substitute the following subsection:

“(1) For the purposes of this Ordinance, the Service may, by instrument in writing, appoint a medical practitioner to be a designated officer for a hospital conducted by the Service.”.

**Subsection 5 (2)—**

Omit “Commission”, substitute “Service”.

***Tuberculosis Ordinance 1950***

**Section 3 (definition of “Commissioner”)—**

Omit the definition.

**SCHEDULE**—continued

**Section 3—**

Insert each of the following definitions in its appropriate alphabetical position:

“ ‘General Manager’ has the same meaning as in the *Community and Health Service Ordinance 1985*;

‘Service’ means the Australian Capital Territory Community and Health Service;”.

**Subsection 4 (1)—**

Omit “Commissioner”, substitute “General Manager”.

**Section 5—**

Repeal the section.

**Subsection 9 (8)—**

Omit “Commissioner”, substitute “Service”.

**Section 12—**

Repeal the section, substitute the following section:

**Delegation**

“12. (1) The Service may, either generally or as otherwise provided by the instrument of delegation, by writing under its seal, delegate any of its powers under this Ordinance other than this power of delegation.

“(2) A power so delegated when exercised by the delegate, shall, for the purposes of this Ordinance, be deemed to have been exercised by the Service.

“(3) A delegation under this section does not prevent the exercise of a power by the Service.”.

**Further amendments**

The following provisions are amended by omitting “Commissioner” (wherever occurring) and substituting “Service”:

Subsections 7 (1) and (3), section 8, subsections 9 (1), (2), (3), (5), (10) and (12) and 10 (1).

***Venereal Diseases Ordinance 1956***

**Section 17—**

Omit “Capital Territory Health Commission”, substitute “Australian Capital Territory Community and Health Service”.

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**NOTE**

1. Notified in the *Commonwealth of Australia Gazette* on 30 June 1988.