



Australian Capital Territory

Health Legislation Amendment Act 2006 (No 2)

A2006-46

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended—schs 1 and 2	2
4 Legislation repealed	2
Schedule 1 Health Professionals Act 2004	3
Schedule 2 Other amendments	17
Part 2.1 Cemeteries and Crematoria Regulation 2003	17
Part 2.2 Children and Young People Act 1999	17
Part 2.3 Crimes Act 1900	18

J2006-413

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Contents

		Page
Part 2.4	Drugs of Dependence Act 1989	18
Part 2.5	Firearms Act 1996	21
Part 2.6	Food Act 2001	21
Part 2.7	Gene Technology Act 2003	22
Part 2.8	Health Act 1993	23
Part 2.9	Health Records (Privacy and Access) Act 1997	24
Part 2.10	Juries Act 1967	25
Part 2.11	Legislation Act 2001	25
Part 2.12	Optometrists Act 1956	26
Part 2.13	Physiotherapists Act 1977	27
Part 2.14	Prostitution Act 1992	28
Part 2.15	Public Health Act 1997	28
Part 2.16	Public Health Regulation 2000	29



Australian Capital Territory

Health Legislation Amendment Act 2006 (No 2)

A2006-46

An Act to amend the law relating to health, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Health Legislation Amendment Act 2006 (No 2)*.

2 Commencement

- (1) This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

- (2) However, a date or time provided by a special commencement provision for an amendment made by this Act has effect, or is taken to have had effect, as the commencement date or time of the amendment.

- (3) In this section:

special commencement provision, for an amendment made by this Act, is a provision, in brackets beginning with the text ‘commencement:’, at the end of the amendment.

Example

An amendment followed by ‘(commencement: 12 November 2006)’ means that the amendment is taken to have commenced on 12 November 2006.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

3 Legislation amended—schs 1 and 2

This Act amends the legislation mentioned in schedules 1 and 2.

4 Legislation repealed

The following Acts are repealed:

- (a) *Sexually Transmitted Diseases Act 1956* A1956-9;
- (b) *Tuberculosis Act 1950* A1950-6.

Schedule 1 Health Professionals Act 2004

(see s 3)

[1.1] Section 14

substitute

14 Who is a *health professional*?

- (1) A *health professional* is someone who provides a health service while working in a health profession.
- (2) To remove any doubt, each of the following is a *health professional*:
 - (a) a dental hygienist;
 - (b) a dental prosthetist;
 - (c) a dental technician;
 - (d) a dental therapist;
 - (e) a dentist;
 - (f) an enrolled nurse;
 - (g) a medical practitioner;
 - (h) a midwife;
 - (i) a nurse;
 - (j) an optometrist;
 - (k) a pharmacist;
 - (l) a physiotherapist;
 - (m) a podiatrist;
 - (n) a psychologist;

- (o) a veterinary surgeon.

[1.2] New section 17 (2)

insert

- (2) To remove any doubt, a person is also a *registered* health professional if the person is registered in a specialist area of a health profession.

Example

an enrolled nurse enrolled in the specialist area of enrolled nurse (medications)

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

[1.3] Section 23 (c)

substitute

- (c) requirements for admission to a specialist area (if any) within the profession; and

[1.4] Section 39A

substitute

39A Definitions—pt 7

In this part:

non-presidential member, of a health professions tribunal panel, means a member of the panel other than a presidential member.

presidential member, of the health professions tribunal, means—

- (a) the president of the tribunal; or
(b) a deputy president of the tribunal.

[1.5] Section 40A (c)

substitute

- (c) non-presidential members chosen by a presidential member under section 42 (1) (b) to be on a health profession tribunal panel.

[1.6] Sections 42 and 43

substitute

42 Health professions tribunal panel

- (1) A health professions tribunal panel for an application relating to a health professional in a health profession is formed by—
- (a) a presidential member of the health professions tribunal; or
- Note* The president of the tribunal may give directions about the presidential member who is to be the presidential member of a particular health professions tribunal panel (see s 41C (2)).
- (b) a presidential member of the health professions tribunal and 2 non-presidential members chosen by the presidential member from the health professions representative list for the health profession.
- (2) If a panel is formed under subsection (1) (b) for an application relating to a health professional in a health profession, at least 1 member chosen from the health professions representative list must be in the same profession as the health professional.

43 Health professions representative list

- (1) The president of the health professions tribunal must keep a list (the ***health professions representative list***) of at least 10 people for each health profession nominated by the Minister.
- (2) However, the Minister must not nominate a person under subsection (1) unless satisfied that the person has the experience or expertise to assist the health professions tribunal.

43A Health professions tribunal panel may hear multiple applications

- (1) This section applies if—
 - (a) a health professions tribunal panel is formed under section 42 for an application (the *first application*) relating to a health professional (the *subject health professional*) in a health profession; and
 - (b) the health professions tribunal receives another application (a *later application*) relating to a health professional regulated by the same health profession board as the subject health professional.
- (2) If the requirements of section 42 (2) are met, the health professions tribunal panel for the first application may, but need not, deal with the later application.

Note The health professions tribunal president is responsible for ensuring the orderly and prompt discharge of the tribunal's business (see s 41C (1)).

[1.7] New sections 44A and 44B

insert

44A What happens if presidential member unavailable after tribunal panel hearing started?

- (1) This section applies if a health professions tribunal panel formed under section 42 (1) (b) for an application in relation to a health professional in a health profession—
 - (a) starts to deal with the application; and
 - (b) the presidential member stops being available for the panel for any reason.

- (2) If the parties to the application agree and the president of the tribunal does not give a direction under section 41C (Role of president of tribunal) to form a new panel to deal with the application, the application may be dealt with by the remaining members of the panel.

44B What happens if non-presidential member unavailable after tribunal panel hearing started?

- (1) This section applies if a health professions tribunal panel formed under section 42 (1) (b) for an application in relation to a health professional in a health profession—
- (a) starts to deal with the application; and
 - (b) a non-presidential member stops being available for the panel for any reason.
- (2) The presidential member and the remaining member (if any) may continue to deal with the application if the presidential member considers it appropriate to do so.

Note The presidential member decides questions of law arising in a proceeding (see s 63 (2)). If the presidential member and the remaining member of the health professions tribunal panel cannot agree about a question other than a question of law, the presidential member's decision is the decision of the tribunal (see s 63 (4)).

[1.8] New paragraph 58 (2) (ca)

insert

- (ca) require a party to undergo stated medical, psychiatric or psychological assessment;

[1.9] Section 61 (5)

omit

3 months

substitute

6 months

[1.10] New section 62A

insert

62A Deciding applications for review of decision by board or panel

- (1) This section applies if the tribunal is deciding an application for review of a decision of a health profession board or a professional standards panel (the *original decision-maker*).
- (2) The tribunal may exercise the functions given by this Act to the original decision-maker in relation to the application as if the decision had not been made.

[1.11] New section 64 (1) (m)

insert

- (m) require the person to pay the reasonable costs of hearing the application.

[1.12] Section 72 (2) (d)

substitute

- (d) the provision, by mail order, or over the internet or by other electronic means, of manufactured aids to rehabilitation or surgical prosthetics and orthotics; or

[1.13] New section 72A*insert***72A False representation of person as health professional**

A registered health professional commits an offence if—

- (a) the health professional represents that someone employed or engaged by the health professional is a registered health professional; and
- (b) the representation is false; and
- (c) the representation was made in the course of practising as a health professional.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

[1.14] New section 73A*insert***73A Direction to engage in unprofessional conduct**

A person commits an offence if—

- (a) the person—
 - (i) employs a registered health professional; or
 - (ii) provides premises where the registered health professional practises in the profession; and
- (b) the person directs the health professional to engage in conduct that, if engaged in, would contravene a standard of practice that applies to the health professional.

Maximum penalty: 50 penalty units.

[1.15] New sections 75A and 75B

in part 8, insert

75A Sale of optical lenses

- (1) A person commits an offence if—
- (a) the person supplies prescription spectacles or prescription contact lenses to someone else; and
 - (b) the person is not a registered optometrist.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) In this section:

prescription spectacles or prescription contact lenses means spectacles (including sunglasses) or contact lenses prescribed in writing by a registered medical practitioner or registered optometrist.

supply includes sell by mail order or over the internet.

75B Standard of drugs

- (1) A registered pharmacist must not use or supply, or allow the use or supply of, drugs or medicine—
- (a) for drugs or medicine that are therapeutic goods—that do not conform with a standard applicable to the goods under the *Therapeutic Goods Act 1989* (Cwlth); or
 - (b) for drugs or medicine (other than therapeutic goods) for which a standard is stated in the Australian Pharmaceutical Formulary—that are not of the standard required for the drugs or medicine in the Australian Pharmaceutical Formulary.

Maximum penalty: 50 penalty units.

- (2) Strict liability applies to subsection (1) (a) and (b).

- (3) In this section:

standard, in relation to therapeutic goods—see the *Therapeutic Goods Act 1989* (Cwlth).

the Australian Pharmaceutical Formulary means the latest edition of the Australian Pharmaceutical Formulary, published by the Pharmaceutical Society of Australia (the *PSA*), as amended by any amendments published by the PSA since the last edition.

therapeutic goods—see the *Therapeutic Goods Act 1989* (Cwlth).

[1.16] Section 129 (5)

substitute

- (5) An informed person need not divulge or communicate protected information to a court, or produce a document containing protected information to a court, unless it is necessary to do so for this Act, another territory law or another law applying in the ACT.

[1.17] New part 13A

after section 129, insert

Part 13A Optometrists—authorisation for possession and use of poisons and restricted substances

129F ACT Optometrists Board—reviewable decisions

Each of the following decisions of the board is a *reviewable decision*:

- (a) a decision under section 129C (1) to refuse to issue an optometrist drug authority;
- (b) a decision under section 129C (3) to issue an optometrist drug authority subject to conditions;

- (c) a decision under section 129C (4) to amend a condition of a registered optometrist's optometrist drug authority;
- (d) a decision under section 129D (1) to issue an optometrist drug authority for a period less than the maximum period allowed under the ACT requirements;
- (e) a decision under section 129D (2) to withdraw a registered optometrist's optometrist drug authority.

129G ACT Optometrists Board—review of decisions

Application may be made to the AAT for review of a reviewable decision.

129H ACT Optometrists Board—notification of decisions

- (1) If the board makes a reviewable decision, it must give a written notice of the decision to each person affected by the decision.
- (2) The notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

(commencement: immediately before the commencement of the *Health Professionals Act 2004*, section 136 (1) (h))

[1.18] New sections 130A to 130C

insert

130A Pharmacists—record of prescriptions

- (1) A registered pharmacist must keep a record of every prescription dispensed, compounded or made up by the pharmacist.
- (2) The record must be made as prescribed by the *Poisons Regulation 1993*, section 4.

130B Medical practitioner etc may dispense medicines

A registered dentist, registered medical practitioner or registered veterinary surgeon may compound or dispense any medicine or drug for a patient or animal under his or her professional care without becoming a registered pharmacist.

130C Restrictions on supply of certain medicines etc

- (1) A person commits an offence if—
- (a) the person is not—
 - (i) a registered medical practitioner; or
 - (ii) an authorised nurse practitioner; or
 - (iii) acting in accordance with a registered medical practitioner's direct instructions to the person; and
 - (b) the person intentionally attends on, prescribes for, or supplies a substance or instrument to, someone else—
 - (i) for the treatment or cure of a sexual health condition (whether or not the other person has the condition); or
 - (ii) to influence the course of a pregnancy.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Absolute liability applies to subsection (1) (a) (i).
- (3) Strict liability applies to subsection (1) (a) (ii) and (iii).
- (4) Subsection (1) does not apply to—
 - (a) a registered pharmacist who dispenses a substance or instrument to someone else under a prescription given by a registered medical practitioner or authorised nurse practitioner; or

(b) a registered pharmacist who, in the ordinary course of the pharmacist's business, sells or supplies a substance or instrument (other than a substance or instrument prescribed by regulation) for a purpose other than a purpose mentioned in subsection (1) (b).

(5) In this section:

authorised nurse practitioner means a registered nurse practitioner who is the occupant of a nurse practitioner position acting within the scope of practice for the position.

nurse practitioner position—see the *Health Act 1993*, section 195 (2).

scope of practice—see the *Health Act 1993*, section 195 (2).

sexual health condition means—

- (a) a sexually transmitted disease; or
- (b) a disease affecting a reproductive organ or function; or
- (c) impotence; or
- (d) an ailment relating to sexual intercourse.

sexually transmitted disease means—

- (a) chancroid, chlamydial disease, donovanosis, gonorrhoea, HIV/AIDS, lymphogranuloma venereum or syphilis; or
- (b) a disease prescribed by regulation.

(commencement: on the commencement of the *Health Professionals Act 2004*, section 136 (1) (i))

[1.19] New section 150L*insert***150L Nurses Act, s 82 (1) notice—transitional**

- (1) The Legislation Act, section 19 (1) (e) (Contents of register) does not apply to the following notifiable instruments:
 - *Notice in accordance with section 82 of the Nurses Act 1988* NI2000-241
 - *Nurses (Decision of Board) Notice 2004* NI2004-208
 - *Nurses (Decision of Board) Notice 2004 (No 2)* NI2004-454
 - *Nurses (Decision of Board) Notice 2005* NI2005-425.
- (2) This section expires on the day it commences.
- (3) This section is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

[1.20] Section 151*substitute***151 Transitional regulations**

A regulation may prescribe savings or transitional matters necessary or convenient to be prescribed because of the enactment of this Act or the *Health Professionals Legislation Amendment Act 2006 (No 2)*.

[1.21] Section 153*substitute***153 Expiry—pt 15**

This part expires on 9 January 2009.

[1.22] Dictionary, new definition of *deals with*

insert

deals with, a matter—a health professions tribunal panel ***deals with*** a matter if the panel does 1 or more of the following:

- (a) hears the matter;
- (b) decides the matter;
- (c) makes an order in relation to the matter;
- (d) exercises any other function of the tribunal in relation to the matter.

[1.23] Dictionary, new definition of *health professions representative list*

insert

health professions representative list means the list kept by the president of the health professions tribunal under section 43.

Schedule 2 Other amendments

(see s 3)

Part 2.1 Cemeteries and Crematoria Regulation 2003

[2.1] Section 9 (1) (b)

omit

doctor or nurse

substitute

doctor, nurse or midwife

Part 2.2 Children and Young People Act 1999

[2.2] Section 159 (1) (c)

substitute

(c) a nurse; or

(ca) an enrolled nurse; or

(cb) a midwife; or

[2.3] Dictionary, note 2, new dot points

insert

- enrolled nurse
- midwife
- nurse

Part 2.3 Crimes Act 1900

[2.4] Section 76 (2)

substitute

- (2) A medical procedure has a genuine therapeutic purpose only if—
- (a) performed on a person in labour, or who has just given birth, and for medical purposes connected with the labour or birth, by a doctor or midwife; or
 - (b) it is necessary for the health of the person on whom it is performed and is performed by a doctor.

[2.5] Dictionary, note 2, new dot points

insert

- doctor
- midwife

Part 2.4 Drugs of Dependence Act 1989

[2.6] Section 3 (1), note

substitute

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1 defines the following terms:

- dentist
- enrolled nurse
- midwife
- nurse
- pharmacist
- veterinary surgeon.

[2.7] Section 3 (1), definitions of *enrolled nurse* and *nurse*

omit

[2.8] Section 43 (1) (b)

substitute

- (b) a nurse or midwife employed to provide first aid to workers in the course of their employment; or

[2.9] Section 61 (2) (b) (ii)

substitute

- (ii) in a class 1 institution, if no pharmacist is available when the drug is required—a nurse or midwife in the institution.

[2.10] Section 61 (3), (4) and (5) and section 84 (2)

omit

or nurse

substitute

, nurse or midwife

[2.11] Section 86 (1)

substitute

- (1) A doctor, pharmacist, nurse, midwife or health worker may apply to the chief health officer for approval to supply syringes.

[2.12] Section 120 (4) (a) (i)

substitute

- (i) a doctor, intern, dentist, pharmacist, nurse or midwife; or

[2.13] Section 160 (1), definition of *exempt person*, paragraph (c) (i) and (ii)

substitute

- (i) a doctor, intern, pharmacist, nurse or midwife; or
- (ii) a student nurse, or student midwife, who has completed the pharmacology units of his or her nursing or midwifery studies; or

[2.14] Section 160 (1), new definitions

insert

student midwife means a person who is conditionally registered as a midwife under the *Health Professionals Act 2004* while undertaking a midwifery course to achieve the standard required to be unconditionally registered as a midwife in the ACT.

student nurse means a person who is conditionally registered as a nurse under the *Health Professionals Act 2004* while undertaking a nursing course to achieve the standard required to be unconditionally registered as a nurse in the ACT.

[2.15] Section 170 (1) (b)

substitute

- (b) a doctor, pharmacist, nurse or midwife employed within a class 1 institution or a class 2 institution acting in the course of his or her employment; or

[2.16] Section 170 (3) (c)

omit

nurse or

substitute

nurse, midwife or

[2.17] Sections 171 (4) (d)

substitute

- (d) a doctor, pharmacist, nurse or midwife employed within a class 1 institution or a class 2 institution acting in the course of his or her employment; or

[2.18] Section 173 (6) (b)

substitute

- (b) if the person is a doctor, intern, dentist, veterinary surgeon, pharmacist, nurse or midwife—the health profession board that has responsibility under the *Health Professionals Act 2004* for the registration of members of the person’s profession.

Part 2.5 Firearms Act 1996

[2.19] Section 115 (4), definition of *health professional*, paragraph (a)

substitute

- (a) a doctor, psychologist, nurse, midwife or social worker;

Part 2.6 Food Act 2001

[2.20] Section 145 (2)

omit

this Act or another Act.

substitute

this Act, another territory law or another law applying in the ACT.

[2.21] Section 145 (4)

substitute

- (4) A person to whom this section applies need not divulge or communicate protected information to a court, or produce a document containing protected information to a court, unless it is necessary to do so for this Act, another territory law or another law applying in the ACT.

Part 2.7 Gene Technology Act 2003

[2.22] Section 172 (4) (c)

substitute

- (c) state the day (not later than 28 days after the day the warrant is issued) that the warrant ceases to have effect; and

[2.23] New section 194 (3A)

insert

- (3A) However, the Minister is taken to have complied with this section if the Minister presents a copy of a Commonwealth independent review report to the Legislative Assembly not later than 5 years after the commencement of this Act.

[2.24] Section 194 (4), new definition of *Commonwealth independent review report*

insert

Commonwealth independent review report means the report of an independent review of the Commonwealth Act undertaken under that Act, section 194 (Review of operation of Act).

Part 2.8 Health Act 1993

[2.25] New section 250

insert

250 Approval of facilities—transitional

- (1) To remove any doubt, anything done during the prescribed period in a medical facility, or a part of a medical facility, approved under a prescribed notified instrument is taken, for all purposes, to have been done in a medical facility, or part of a medical facility, approved under section 30D (1).

- (2) In this section:

prescribed notified instrument—each of the following is a ***prescribed notified instrument***:

- (a) *Health (Medical Facilities) Approval 2006 (No 1)*, NI2006-289;
- (b) *Health (Medical Facilities) Approval 2006 (No 2)*, NI2006-288;
- (c) *Health (Medical Facilities) Approval 2006 (No 3)*, NI2006-287;
- (d) *Health (Medical Facilities) Approval 2006 (No 4)*, NI2006-266.

prescribed period means—

- (a) for an instrument mentioned in the definition of ***prescribed notified instrument***, paragraph (a), (c) or (d)—the period starting on 7 July 2005 and ending on 31 July 2006; or
- (b) for an instrument mentioned in the definition of ***prescribed notified instrument***, paragraph (b)—the period starting on 1 July 2004 and ending on 31 July 2006.

- (3) This section expires on the day it commences.
- (4) This section is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

(commencement: on the day after this Act's notification day)

Part 2.9 Health Records (Privacy and Access) Act 1997

[2.26] Schedule 1, principle 12

substitute

Principle 12: Transfer of consumer to another health service provider or of health service provider to another practice

- 1 If a consumer transfers from 1 health service provider (the *first provider*) to another health service provider (the *second provider*)—
 - (a) the consumer may ask the first provider to give the second provider the consumer's health record; and
 - (b) the first provider—
 - (i) must give the second provider the consumer's record or a copy of the record; and
 - (ii) may also give the second provider a written summary of the consumer's health record.
- 2 If a health service provider transfers from 1 practice (the *first practice*) to another practice and a consumer continues to see the provider—
 - (a) the consumer may ask the first practice to give the provider the consumer's health record; and

- (b) the first practice—
 - (i) must give the provider the consumer's record or a copy of the record; and
 - (ii) may also give the provider a written summary of the consumer's health record.
- 3 The fee chargeable for giving a health record, or a copy or written summary of a health record, under this principle is—
 - (a) if a fee has been determined under section 34 for this principle—the determined fee; or
 - (b) in any other case—nil.

Part 2.10 Juries Act 1967

[2.27] Schedule 2, part 2.2, item 5

substitute

- 5 a practising nurse, practising enrolled nurse or practising midwife

Part 2.11 Legislation Act 2001

[2.28] Dictionary, part 1, new definitions

insert

enrolled nurse—

- (a) means a person unconditionally enrolled as a nurse under the *Health Professionals Act 2004*; and
- (b) for an activity, includes a person conditionally enrolled as a nurse under the *Health Professionals Act 2004* to the extent that the person is allowed to do the activity under the person's conditional registration.

midwife—

- (a) means a person unconditionally registered as a midwife under the *Health Professionals Act 2004*; and
- (b) for an activity, includes a person conditionally registered as a midwife under the *Health Professionals Act 2004* to the extent that the person is allowed to do the activity under the person's conditional registration.

Part 2.12 Optometrists Act 1956

[2.29] Part 4A, heading

omit

(commencement: immediately before the commencement of the *Health Professionals Act 2004*, section 136 (1) (h))

[2.30] Section 45A heading

substitute

129A Definitions—pt 13A

(commencement: immediately before the commencement of the *Health Professionals Act 2004*, section 136 (1) (h))

[2.31] Section 45A, definition of *ACT requirements*

substitute

ACT requirements—see section 129B.

(commencement: immediately before the commencement of the *Health Professionals Act 2004*, section 136 (1) (h))

[2.32] Section 45A, new definition of *board*

insert

board means the ACT Optometrists Board established under the *Health Professionals Regulation 2004*, schedule 11.

(commencement: immediately before the commencement of the *Health Professionals Act 2004*, section 136 (1) (h))

[2.33] Sections 45A to 45E (as amended)

relocate to Health Professionals Act 2004, part 13A as sections 129A to 129E

(commencement: immediately before the commencement of the *Health Professionals Act 2004*, section 136 (1) (h))

Part 2.13 Physiotherapists Act 1977

[2.34] Section 3 (1), definition of *nurse*

omit

[2.35] Section 3 (2)

after

nurse,

insert

enrolled nurse, midwife,

Part 2.14 Prostitution Act 1992

[2.36] Dictionary, definition of *sexually transmitted disease*

substitute

sexually transmitted disease means—

- (a) chancroid, chlamydial disease, donovanosis, gonorrhoea, HIV/AIDS, lymphogranuloma venereum or syphilis; or
- (b) a disease prescribed by regulation.

Part 2.15 Public Health Act 1997

[2.37] Section 76 (1) (b) and (c)

substitute

- (b) for any other place—enter the place at any time with the consent of the occupier, or in accordance with a warrant issued under section 80 or section 81.

[2.38] New section 100 (1A)

insert

- (1A) However, the Minister must not make a determination under subsection (1) unless the Minister believes, on reasonable grounds, that the determination is necessary to protect public health.

[2.39] Section 101 (1)

substitute

- (1) The chief health officer may declare, in writing—
 - (a) a disease or medical condition to be a notifiable condition; and
 - (b) a disease mentioned in paragraph (a) or section 100 (1) (a) to be a transmissible notifiable condition.

- (1A) However, the chief health officer must not make a declaration under subsection (1) unless the chief health officer believes, on reasonable grounds, that the declaration is necessary to protect public health.

[2.40] New section 115A

insert

115A Public health direction—confinement

- (1) This section applies if the chief health officer gives a public health direction under section 113 (1) (e) requiring a person who has a transmissible notifiable condition, or a contact of the person, (the *confined person*) to be confined to a stated place for a stated period.
- (2) The chief health officer must review the public health direction not later than 48 hours after the confined person was first confined under the direction.

Part 2.16 Public Health Regulation 2000

[2.41] New section 9 (2) (ba) and (bb)

insert

- (ba) an enrolled nurse;
- (bb) a midwife;

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 19 October 2006.

2 Notification

Notified under the Legislation Act on 17 November 2006.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Health Legislation Amendment Bill 2006 (No 2), which was passed by the Legislative Assembly on 14 November 2006.

Clerk of the Legislative Assembly

© Australian Capital Territory 2006