



Australian Capital Territory

Health Legislation Amendment Act 2010

A2010-2

Contents

	Page
Part 1	Preliminary
1	Name of Act 2
2	Commencement 2
Part 2	Drugs of Dependence Act 1989
3	Legislation amended—pt 2 3
4	Treatment Part 9 3
5	Inspection Division 11.2 3
6	Notification and review of decisions Part 12 3
7	Secrecy Section 201 (1) 3
8	Section 201 (3) (a) 3
9	Reviewable decisions Schedule 1 3

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

Contents

		Page
10	Dictionary	4
11	New part 20	5
Part 3	Health Records (Privacy and Access) Act 1997	
12	Legislation amended—pt 3	6
13	The privacy principles Schedule 1, principle 4.1, new clause 3 (c)	6
Schedule 1	Consequential amendments	7
Part 1.1	Children and Young People Act 2008	7
Part 1.2	Court Procedures Rules 2006	7
Part 1.3	Crimes Sentencing Act 2005	7



Australian Capital Territory

Health Legislation Amendment Act 2010

A2010-2

An Act to amend legislation about health, and for other purposes

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

Part 1 Preliminary

1 Name of Act

This Act is the *Health Legislation Amendment Act 2010*.

2 Commencement

This Act commences on a day fixed by the Minister by written notice.

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

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

Part 2 Drugs of Dependence Act 1989

3 Legislation amended—pt 2

This part amends the *Drugs of Dependence Act 1989*.

4 Treatment Part 9

omit

5 Inspection Division 11.2

omit

6 Notification and review of decisions Part 12

omit

7 Secrecy Section 201 (1)

omit

a treatment centre inspector,

8 Section 201 (3) (a)

omit

9 Reviewable decisions Schedule 1

omit

10 Dictionary

omit the definitions of

approval

approval holder

approved treatment centre

assessment order

director

member

offender

opioid dependency treatment centre

panel

proper officer

responsible officer

reviewable decision

treatment

treatment centre

treatment centre inspector

treatment order

11 New part 20*insert***Part 20 Transitional—treatment orders****300 Definitions—pt 20**

In this part:

commencement day means the day the *Health Legislation Amendment Act 2010*, part 2 commences.

old provisions means those provisions, and parts of provisions, of this Act that were omitted by the *Health Legislation Amendment Act 2010*, part 2.

301 Transitional

If, immediately before the commencement day, a treatment order is in force under part 9 in relation to a person, the old provisions that are necessary for the treatment order to be given effect continue in force in relation to the treatment order.

302 Expiry—pt 20

- (1) This part expires 2 years after the day it commences.
- (2) This part is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

Part 3 Health Records (Privacy and Access) Act 1997

12 Legislation amended—pt 3

This part amends the *Health Records (Privacy and Access) Act 1997*.

13 The privacy principles Schedule 1, principle 4.1, new clause 3 (c)

before the example, insert

- (c) an electronic copy of the record has been generated—
 - (i) by a method described in the *Electronic Transactions Act 2001*, section 11 (2) (b); and
 - (ii) when the record is destroyed it is reasonable to expect that the information contained in the electronic copy will be readily accessible so as to be useable for subsequent reference.

Note The *Electronic Transactions Act 2001*, section 11 (Retention of information and documents) provides that, if a person is required to retain a document, the requirement is taken to be met if the person retains an electronic form of the document.

Schedule 1 Consequential amendments

Part 1.1 Children and Young People Act 2008

[1.1] Dictionary, definition of *drug of dependence*

substitute

drug of dependence—see the *Drugs of Dependence Act 1989*, dictionary.

Part 1.2 Court Procedures Rules 2006

[1.2] Rule 4700, definition of *sentence*, example 3

omit

[1.3] Rule 5000, definition of *sentence*, example 3

omit

Part 1.3 Crimes Sentencing Act 2005

[1.4] Section 13 (3) (g), note 1

omit

[1.5] Section 29 (1) (i)

omit

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 12 November 2009.

2 Notification

Notified under the Legislation Act on 16 February 2010.

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 2010, which originated in the Legislative Assembly as the Health Legislation Amendment Bill 2009 and was passed by the Assembly on 9 February 2010.

Acting Clerk of the Legislative Assembly

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