

2024

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health)

Health Legislation Amendment Bill 2024

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(Minister for Health)

Health Legislation Amendment Bill 2024

A Bill for

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

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Health Legislation Amendment Act 2024*.

4 **2 Commencement**

5 (1) This Act (other than part 2 and section 5) commences on the day after
6 its notification day.

7 *Note* The naming and commencement provisions automatically commence on
8 the notification day (see [Legislation Act](#), s 75 (1)).

9 (2) Part 2 commences on the later of—

10 (a) the commencement of the *Assisted Reproductive Technology*
11 *Act 2024*, division 8.6 (Power to seize things); and

12 (b) the commencement of this Act, section 3.

13 (3) Section 5 commences on the later of—

14 (a) the commencement of the *Health Practitioner Regulation*
15 *National Law and Other Legislation Amendment Act 2022*
16 (Qld), chapter 3, part 21 (Interim prohibition orders); and

17 (b) the commencement of this Act, section 3.

18 **3 Legislation amended**

19 This Act amends the following legislation:

- 20 • *Assisted Reproductive Technology Act 2024*
- 21 • *Health Practitioner Regulation National Law (ACT) Act 2010*
- 22 • *Health Records (Privacy and Access) Act 1997*
- 23 • *Medicines, Poisons and Therapeutic Goods Act 2008*
- 24 • *Variation in Sex Characteristics (Restricted Medical Treatment)*
25 *Act 2023*.

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Part 2 Assisted Reproductive Technology Act 2024

4 Return of seized things Section 112 (3)

substitute

- (3) If subsection (2) (a), (b) or (c) applies—
- (a) the thing is forfeited to the Territory; and
 - (b) the director-general may direct that the thing be sold, destroyed or otherwise disposed of.

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Part 3 Health Practitioner Regulation National Law (ACT) Act 2010

5 Modifications—Health Practitioner Regulation National Law Schedule 1, modification 1.3, new section 150 (4A) (aa)

insert

(aa) deal with the notification or complaint, or part, under part 8, division 7A (Interim prohibition orders);

6 Schedule 1, modification 1.3, new section 150 (4A) (ca)

insert

(ca) refer the notification or complaint, or part, to another entity under section 150A (Referral to other entities);

1 **Part 4** **Health Records (Privacy and**
2 **Access) Act 1997**

3 **7 Storage, security and destruction of personal health**
4 **information—safekeeping requirement**
5 **Schedule 1, principle 4.1, new clauses 3 (d) and 4**

6 *after the note, insert*

- 7 (d) the record is a video recording of images captured by an
8 automated security or surveillance camera (*surveillance*
9 *footage*) located at premises from which a health service
10 provider provides services or in an area surrounding the
11 premises.

12 **Example—surveillance footage**

13 a recording of images captured by a closed-circuit television security camera

14 4 In this principle:

15 *surveillance footage*—

- 16 (a) includes an automated video recording made for the purposes of
17 security, public safety, monitoring of activities or community
18 education; but
19 (b) does not include a video recording, whether or not automated,
20 made for the purpose of a clinical procedure or investigation.

21 **Examples—par (b)**

- 22 1 a video recording of a surgery made for quality assurance
23 2 an automated video recording monitoring use of an MRI machine

- 1 **8 Storage, security and destruction of personal health**
2 **information—register of destroyed or transferred records**
3 **Schedule 1, principle 4.2, new clauses 4 and 5**
- 4 *insert*
- 5 4 A record keeper need not keep a record on the register under clause 1
6 if the record destroyed is surveillance footage.
- 7 5 In this principle:
8 *surveillance footage*—see principle 4.1, clause 4.

1 **Part 5** **Medicines, Poisons and**
2 **Therapeutic Goods Act 2008**

3 **9** **Definitions—ch 6A**
4 **Section 97B, definition of *another jurisdiction* and note**

5 *substitute*

6 *another jurisdiction*—

7 (a) means the Commonwealth or a State; and

8 (b) includes an entity established under a law of the Commonwealth
9 or a State.

10 *Note* *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

1 **Part 6** **Variation in Sex Characteristics**
2 **(Restricted Medical Treatment)**
3 **Act 2023**

4 **10 Deciding the application—general treatment plan**
5 **New section 23 (1A)**

6 *after the note, insert*

7 (1A) A decision under subsection (1) is decided by a majority of votes of
8 all assessment committee members.

9 **11 Deciding the application—individual treatment plan**
10 **New section 26 (1A)**

11 *after the note, insert*

12 (1A) A decision under subsection (1) is decided by a majority of votes of
13 all assessment committee members.

14 **12 Decision of internal review committee**
15 **New section 39 (2A)**

16 *insert*

17 (2A) A decision under this section, except a decision taken to be a
18 confirmation under subsection (3), is decided by a majority of votes
19 of all internal review committee members.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 6 June 2024.

2 Notification

Notified under the [Legislation Act](#) on 2024.

3 Republications of amended laws

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