2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health)

Health Legislation Amendment Bill 2025

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2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health)

Health Legislation Amendment Bill 2025

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 Name of Act

This Act is the *Health Legislation Amendment Act 2025*.

2 Commencement

This Act commences on the 7th day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](http://www.legislation.act.gov.au/a/2001-14), s 75 (1)).

3 Legislation amended—sch 1

This Act amends the legislation mentioned in schedule 1.

Schedule 1 Legislation amended

(see s 3)

Part 1.1 Gene Technology Act 2003

[1.1] Section 7, note

omit

other than Norfolk Island

[1.2] Section 19 (1) and (2) (a)

omit

Commonwealth administrative appeals tribunal

substitute

Commonwealth administrative review tribunal

[1.3] Section 19 (3)

omit

Commonwealth Administrative Appeals Tribunal Act (other than part 4A)

substitute

[Administrative Review Tribunal Act 2024](https://www.legislation.gov.au/C2024A00040/latest/versions) (Cwlth) (other than part 7)

[1.4] Section 19 (4)

omit

Commonwealth Administrative Appeals Tribunal Act

substitute

[Administrative Review Tribunal Act 2024](https://www.legislation.gov.au/C2024A00040/latest/versions) (Cwlth)

[1.5] Section 19 (4)

omit

part 4A

substitute

part 7

[1.6] Section 19 (4), note 1

omit

Commonwealth Administrative Appeals Tribunal Act

substitute

[Administrative Review Tribunal Act 2024](https://www.legislation.gov.au/C2024A00040/latest/versions) (Cwlth)

[1.7] Section 183 heading

substitute

183 Review of decisions by Commonwealth administrative review tribunal

[1.8] Section 183 (1)

omit

Commonwealth Administrative Appeals Tribunal Act

substitute

[Administrative Review Tribunal Act 2024](https://www.legislation.gov.au/C2024A00040/latest/versions) (Cwlth)

[1.9] Section 183 (2)

omit

Commonwealth Administrative Appeals Tribunal Act, section 3

substitute

[Administrative Review Tribunal Act 2024](https://www.legislation.gov.au/C2024A00040/latest/versions) (Cwlth), section 4

[1.10] Sections 192B to 192D

omit

[1.11] Section 192E, new note

insert

Note 2 This section does not appear in the Commonwealth Act.

[1.12] Dictionary, definitions of Commonwealth administrative appeals tribunal and Commonwealth Administrative Appeals Tribunal Act

omit

[1.13] Dictionary, new definition of Commonwealth administrative review tribunal

insert

Commonwealth administrative review tribunal means the Administrative Review Tribunal established under the [Administrative Review Tribunal Act 2024](https://www.legislation.gov.au/C2024A00040/latest/versions) (Cwlth), section 8.

Part 1.2 Gene Technology (GM Crop Moratorium) Act 2004

[1.14] New part 3A

insert

Part 3A Notification and review of decisions

32A Meaning of reviewable decision—pt 3A

In this part:

reviewable decision means a direction given by the Minister under section 12.

32B Reviewable decision notices

If the Minister makes a reviewable decision, the decision‑maker must give a reviewable decision notice to the person to whom the direction the subject of the reviewable decision is given.

Note 1 The Minister must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see [ACT Civil and Administrative Tribunal Act 2008](http://www.legislation.act.gov.au/a/2008-35), s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the [ACT Civil and Administrative Tribunal Act 2008](http://www.legislation.act.gov.au/a/2008-35).

32C Applications for review

The following may apply to the ACAT for review of a reviewable decision:

 (a) a person mentioned in section 32B;

 (b) any other person whose interests are affected by the decision.

[1.15] Section 34

omit

administrative appeals tribunal

substitute

ACAT

[1.16] Dictionary, note 2, new dot point

insert

 ACAT

[1.17] Dictionary, new definition of reviewable decision

insert

reviewable decision, for part 3A (Notification and review of decisions)—see section 32A.

Part 1.3 Gene Technology Regulation 2004

[1.18] Section 38, note

omit

Commonwealth administrative appeals tribunal

substitute

Commonwealth administrative review tribunal

Part 1.4 Human Cloning and Embryo Research Act 2004

[1.19] Section 23, definition of proper consent, paragraph (a) and note

substitute

 (a) the Ethical guidelines on the use of assisted reproductive technology in clinical practice and research, issued by the CEO of the NHMRC in 2017 and updated in 2023; or

Note The guidelines are accessible at [www.nhmrc.gov.au](http://www.nhmrc.gov.au/).

[1.20] Section 23, definition of proper consent, paragraph (b)

omit

the [Research Involving Human Embryos Regulations 2003](https://www.legislation.gov.au/F2003B00031/latest/versions) (Cwlth)

substitute

regulations made for the [Research Involving Human Embryos Act 2002](https://www.legislation.gov.au/C2004A01082/latest/versions) (Cwlth), section 24 (9), definition of ***proper consent***

[1.21] Section 23, definition of unsuitable for implantation, paragraph (a) and note

substitute

 (a) is diagnosed by preimplantation genetic diagnosis as unsuitable for implantation, in accordance with the Ethical guidelines on the use of assisted reproductive technology in clinical practice and research, issued by the CEO of the NHMRC in 2017 and updated in 2023; or

Note The guidelines are accessible at [www.nhmrc.gov.au](http://www.nhmrc.gov.au/).

[1.22] Section 23, definition of unsuitable for implantation, paragraph (b)

omit

the [Research Involving Human Embryos Regulations 2003](https://www.legislation.gov.au/F2003B00031/latest/versions) (Cwlth)

substitute

regulations made for the [Research Involving Human Embryos Act 2002](https://www.legislation.gov.au/C2004A01082/latest/versions) (Cwlth), section 7 (1), definition of unsuitable for implantation, paragraph (b)

[1.23] Section 30 (4) (c)

after

issued by

insert

the CEO of

[1.24] Section 30 (4) (c)

omit

the [Research Involving Human Embryos Regulations 2003](https://www.legislation.gov.au/F2003B00031/latest/versions) (Cwlth) for this paragraph

substitute

regulations made for the [Research Involving Human Embryos Act 2002](https://www.legislation.gov.au/C2004A01082/latest/versions) (Cwlth), section 21 (4) (c)

[1.25] Section 40, definition of Commonwealth administrative appeals tribunal

omit

[1.26] Section 40, new definition of Commonwealth administrative review tribunal

insert

Commonwealth administrative review tribunal means the Administrative Review Tribunal established under the [Administrative Review Tribunal Act 2024](https://www.legislation.gov.au/C2024A00040/latest/versions) (Cwlth), section 8.

[1.27] Section 40, definition of decision

substitute

decision—see the [Administrative Review Tribunal Act 2024](https://www.legislation.gov.au/C2024A00040/latest/versions) (Cwlth), section 4.

[1.28] Section 41 (1)

omit

Commonwealth administrative appeals tribunal

substitute

Commonwealth administrative review tribunal

[1.29] Section 41 (2)

omit

[Commonwealth Administrative Appeals Tribunal Act 1975](https://www.legislation.gov.au/C2004A01401/2011-12-27/versions) (Cwlth)

substitute

[Administrative Review Tribunal Act 2024](https://www.legislation.gov.au/C2024A00040/latest/versions) (Cwlth)

[1.30] Section 51 (1) (a)

omit

section 25A

substitute

section 25

[1.31] Section 51 (1) (b)

omit

section 47A

substitute

section 47B

Part 1.5 Medicines, Poisons and Therapeutic Goods Act 2008

[1.32] Section 156, definition of Commonwealth administrative laws, paragraph (a)

substitute

 (a) the [Administrative Review Tribunal Act 2024](https://www.legislation.gov.au/C2024A00040/latest/versions) (Cwlth); and

Endnotes

1 Presentation speech

 Presentation speech made in the Legislative Assembly on 5 February 2025.

2 Notification

 Notified under the [Legislation Act](http://www.legislation.act.gov.au/a/2001-14) on 2025.

3 Republications of amended laws

 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au/).

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