2025

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health)

Health Legislation Amendment Bill 2025 (No 2)

Contents

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(As presented)

(Minister for Health)

Health Legislation Amendment Bill 2025 (No 2)

A Bill for

An Act to amend legislation about health

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 2025 (No 2)*.

2 Commencement

(1) Sections 11 and 44 to 46 commence on the later of—

(a) the 14th day after this Act's notification day; and

(b) the commencement of the *Aged Care Act 2024* (Cwlth), section 10.

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

(2) Part 6 (other than sections 44 to 46) commences on the later of—

(a) the day after this Act's notification day; and

(b) the commencement of the *Voluntary Assisted Dying Act 2024*, section 3.

(3) The remaining provisions commence on the 14th day after this Act's notification day.

3 Legislation amended

This Act amends the following legislation:

- *Health Act 1993*
- *Health Professionals (Special Events Exemptions) Act 2000*
- *Medicines, Poisons and Therapeutic Goods Act 2008*
- *Medicines, Poisons and Therapeutic Goods Regulation 2008*
- *Voluntary Assisted Dying Act 2024*.

Part 2 Health Act 1993

4 Definitions—pt 6 Section 80 (1), definition of *approved medical facility*

after

a medical facility

insert

, or a part of a medical facility,

5 Declaration of protected area Section 86 (1)

substitute

(1) The Minister must, on application by a person responsible for the management of an approved medical facility, declare an area around the facility to be a protected area.

Part 3 Health Professionals (Special Events Exemptions) Act 2000

6 Exemptions relating to offences Section 11 (1)

omit

Skin Penetration Procedures Act 1994

substitute

Public Health Act 1997, part 3

Part 4 Medicines, Poisons and Therapeutic Goods Act 2008

7 Interpretation provisions in medicines and poisons standard—application to Act Section 16 (1)

omit

(other than the definition of ***poison***)

8 Section 16 (1), note

omit

9 When *authorised* to deal with regulated substances Section 20 (5), definition of *recognised research institution*, paragraph (c)

substitute

(c) a hospital operated by the Territory;

10 Section 69 (1), definition of *manufacturer's pack*, note etc

omit the following notes

- section 69 (1), definition of ***manufacturer's pack***, note
- division 4.3.6 heading, note
- section 71 (1) to (3), notes
- section 73, note

11 Dictionary, definition of *residential aged care facility*

substitute

residential aged care facility means a residential care home within the meaning of the *Aged Care Act 2024* (Cwlth), section 10.

Part 5 Medicines, Poisons and Therapeutic Goods Regulation 2008

12 Overview of things to which medicines and poisons standard does not apply Section 6 (2) (a)

omit

(General Exemptions) (see the standard, par 1 (2) (h))

13 Section 6 (2) (b)

omit

(Substances considered not to require control by scheduling) (see the standard, par 1 (2) (h))

14 Section 6 (2) (c)

substitute

(c) a substance to which the standard, appendix G applies;

15 Section 6 (2) (d)

omit

(see the standard, par 1 (2) (j))

16 Section 6 (2) (e)

omit

(see the standard, par 1 (2) (k))

17 General overview of authorisations for medicines Section 10 (3), note, 1st dot point

omit

, par 1 (2) (see s 6)

18 Sections 430, 431, 440 and 441

omit

the Canberra Hospital

substitute

a hospital operated by the Territory

19 Packaging of supplied manufacturer's packs of medicines—Act, s 59 (1) (c) (i) and (2) (c) (i) Section 501 (a)

omit

, sections 2.1 (2) to 2.6 (2)

20 Labelling of supplied manufacturer's packs of medicines—Act, s 60 (1) (c) (i) and (2) (c) (i) Section 502 (2) (a)

omit

, sections 1.1 (2) to 1.6 (2)

21 Packaging of supplied manufacturer's packs of low and moderate harm poisons—Act, s 59 (1) (c) (i) and (2) (c) (i) Section 665 (1) (a)

omit

, sections 2.1 (2) to 2.6 (2)

22 Labelling of supplied manufacturer's packs of low and moderate harm poisons—Act, s 60 (1) (c) (i) and (2) (c) (i) Section 666 (a)

omit

, sections 1.1 (2) to 1.6 (2)

23 General overview of authorisations for dangerous poisons Section 670 (3), note, 1st dot point

omit

, par 1 (2) (see s 6)

24 Authorisation conditions for dangerous poisons suppliers licences—Act, s 44 (1) (b) and (2) (b) Section 686 (d) and note

substitute

(d) if a dangerous poison sold under the licence is subject to the medicines and poisons standard, appendix J—the poison will be supplied only to a person who is allowed to use the poison under the appendix;

25 Recording supply of dangerous poisons Section 722

omit

, section 5.1 (1) and (2)

26 Packaging of supplied manufacturer's packs of dangerous poisons—Act, s 59 (1) (c) (i) and (2) (c) (i) Section 731 (a)

omit

, sections 2.1 (2) to 2.6 (2)

27 Labelling of supplied manufacturer's packs of dangerous poisons—Act, s 60 (1) (c) (i) and (2) (c) (i) Section 732 (a)

omit

, sections 1.1 (2) to 1.6 (2)

28 Storage of dangerous poisons—Act, s 61 (b) and (c) Section 735 (2)

omit

, section 3.1 (1) and (2)

29 Section 751 heading

substitute

751 Manufacture, supply and use of first group paints for certain purposes—Act, s 71 (1)

30 Section 751 (2)

omit

31 Section 752

substitute

751A Manufacture, supply and use of paints or tinters for certain purposes—Act, s 71 (3)

A paint or tinter is prescribed if it must not be manufactured, supplied or used under the medicines and poisons standard if it contains more than a stated amount of lead.

752 Manufacture, supply and use of paints for toys—Act, s 72 (b)

A paint that complies with the requirements for paints for application to toys under the medicines and poisons standard is prescribed.

32 Manufacture, supply and use of paints containing pesticides—Act, s 73 (b) Section 753 (1)

substitute

(1) A pesticide is prescribed if a paint or tinter containing the pesticide may be manufactured, supplied or used under the medicines and poisons standard.

33 Section 862

substitute

862 Certain containers not to be used for human-use substances—Act, s 63 (1) (b)

A container that must not be used to supply a human-use product under the medicines and poisons standard is prescribed.

34 Dictionary, definition of *primary pack* and note

omit

35 Further amendments, notes

omit the following notes

- section 72 (e), note
- section 76 (f), note
- section 78 (f), note
- section 123 (f), note
- section 125 (h), note

- section 132 (a), note
- section 141 (2) (a), note
- section 161 (d), note
- section 162 (b), note
- section 253 (e), note
- section 256 (e), note
- section 751 (1) (d), note
- dictionary, definition of ***manufacturer's pack***, note

36 Further amendments, mentions of *(Drugs required to be labelled with a sedation warning)*

omit

(Drugs required to be labelled with a sedation warning)

in

- section 123 (m)
- section 152 (f)
- section 161 (g)
- section 253 (h)
- section 256 (i)

Part 6 Voluntary Assisted Dying Act 2024

37 Notifying individual and board about outcome of final assessment Section 36 (2)

omit

If the coordinating practitioner decides that

substitute

After the coordinating practitioner decides whether

38 Section 36 (4) (a)

omit

that

substitute

whether

39 Transfer request made by individual New section 38 (5) (aa)

insert

(aa) record the request acceptance in the individual's health record; and

40 Section 41

substitute

41 Application—div 4.1

This division applies if an individual's coordinating practitioner has—

(a) decided that the individual meets the final assessment requirements; and

(b) prepared a final assessment report for the individual.

41 Transfer of administering practitioner functions—transfer request made by individual New section 47 (5) (ba)

insert

(ba) record the request acceptance in the individual's health record; and

42 Giving, receiving and possessing approved substances—change in contact person Section 67 (5) (a) and (b) (ii)

after

given the substance to

insert

the individual or

43 Contact person to tell coordinating practitioner about death
Section 78 (2)

omit

2 business days

substitute

4 business days

44 Definitions—pt 7
Section 101 (1), definition of *facility*, paragraph (d)

substitute

(d) a residential care home within the meaning of the *Aged Care Act 2024* (Cwlth), section 10.

45 Section 101 (1), definition of *resident*, examples

omit

residential aged care facility

substitute

residential care home

46 Section 101 (2), definitions of *residential aged care facility* and *residential care*

omit

47 Requirements for health professionals when raising voluntary assisted dying as an end of life choice Section 155 (1)

after

A doctor or nurse practitioner

insert

with the necessary expertise

48 Section 155 (1) (b)

omit

49 Section 155 (3)

substitute

(3) In this section:

necessary expertise—a doctor or nurse practitioner has the ***necessary expertise*** if they are satisfied that they have the expertise to appropriately discuss treatment and palliative care options with an individual.

relevant health professional means—

(a) a counsellor who meets the requirements prescribed by regulation; or

(b) a health practitioner other than a doctor or nurse practitioner with the necessary expertise; or

(c) a social worker who meets the requirements prescribed by regulation; or

(d) any other health professional prescribed by regulation.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 4 September 2025.

2 Notification

Notified under the Legislation Act on 2025.

3 Republications of amended laws

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