



AUSTRALIAN CAPITAL TERRITORY

# Health (Consequential Provisions) Act 1993

No. 14 of 1993

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AUSTRALIAN CAPITAL TERRITORY

## Health (Consequential Provisions) Act 1993

No. 14 of 1993

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### **An Act to repeal the *Health Services Act 1990* and for related purposes**

*[Notified in ACT Gazette S23: 1 March 1993]*

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

#### **PART I—PRELIMINARY**

##### **Short title**

1. This Act may be cited as the *Health (Consequential Provisions) Act 1993*.

##### **Commencement**

2. This Act commences on the day on which the *Health Act 1993* commences.

##### **Interpretation**

3. In this Act, unless the contrary intention appears—  
“Board” has the same meaning as in the repealed Act;  
“Chief Executive” has the same meaning as in the repealed Act;

“commencement day” means the day on which the *Health Act 1993* commences;

“new Act” means the *Health Act 1993*;

“repealed Act” means the *Health Services Act 1990* as in force immediately before the commencement day.

## **PART II—REPEAL AND CONSEQUENTIAL AMENDMENTS**

### **Repeal**

4. The following Acts are repealed:

- (a) the *Health Services Act 1990*;
- (b) the *Health Services (Amendment) Act 1991*.

### **Amendments of Acts**

5. The Acts specified in Schedule 1 are amended as set out in that Schedule.

### **Amendments of Regulations**

6. The Regulations in Schedule 2 are amended as set out in that Schedule.

## **PART III—SAVINGS**

### ***Division 1—Health Services Act 1990***

#### **Quality assurance activities**

7. A determination made by the Board—

- (a) that a process is a quality assurance activity for the purposes of subparagraph 25 (a) (i) of the repealed Act; and
- (b) in force immediately before the commencement day;

continues in force on and after that day as if it were a determination made by the Minister that the process is a quality assurance activity for the purposes of paragraph 7 (a) of the new Act.

#### **Committees appointed by Board**

8. A committee appointed under section 21 of the repealed Act—

- (a) for a purpose referred to in subparagraph 25 (a) (i), (ii) or (iii) of that Act; and

- (b) pursuant to an instrument of appointment in force immediately before the commencement day;

on and after that day, is to be taken to be a committee appointed under section 7 of the new Act for the corresponding purpose referred to in paragraph 7 (a), (b) or (c) of the new Act.

### **Committees appointed by Calvary Hospital**

**9.** A declaration made by the Minister under section 25 of the repealed Act—

- (a) in respect of a committee appointed by the Board of Management of Calvary Hospital; and
- (b) in force immediately before the commencement day;

continues in force on and after that day as if it were a declaration made by the Minister under section 9 of the new Act.

### **Fees and charges**

**10.** A determination under section 48 of the repealed Act in force immediately before the commencement day continues in force on and after that day as if it were a determination under section 17 of the new Act.

### **Rates of interest**

**11.** A determination under subsection 49 (2) of the repealed Act in force immediately before the commencement day continues in force on and after that day as if it were a determination under subsection 18 (2) of the new Act.

## ***Division 2—Other specific provisions***

### ***Children's Services Act 1986***

**12.** The member of the Childrens Services Council—

- (a) referred to in paragraph 13 (2) (d) of the *Children's Services Act 1986* as in force immediately before the commencement day; and
- (b) whose appointment was in force immediately before that day;

on and after that day—

- (c) shall be taken to have been nominated by the Minister pursuant to paragraph 13 (2) (d) of the *Children's Services Act 1986* as amended by this Act; and

- (d) shall continue as a member of the Council until his or her term of appointment expires.

### ***Radiation Act 1983***

**13. (1)** The member of the Radiation Council—

- (a) referred to in paragraph 8 (1) (d) of the *Radiation Act 1983* as in force immediately before the commencement day; and
- (b) whose appointment was in force immediately before that day;

on and after that day—

- (c) shall be taken to have been nominated by the Minister pursuant to paragraph 8 (1) (d) of the *Radiation Act 1983* as amended by this Act; and
- (d) shall continue as a member of the Council until his or her term of appointment expires.

**(2)** The Chairman of the Radiation Council—

- (a) appointed under subsection 9 (1) of the *Radiation Act 1983* as in force immediately before the commencement day; and
- (b) whose appointment was in force immediately before that day;

on and after that day, shall be taken to have been appointed by the Minister under subsection 9 (1) of the *Radiation Act 1983* as amended by this Act.

## **PART IV—TRANSFER TO TERRITORY**

### **Legal proceedings**

**14. (1)** Where, before 1 July 1993, a cause of action by or against the administrative head had arisen but proceedings in respect of that cause of action had not been instituted before that day, such proceedings may be instituted by or against the Territory.

**(2)** Where, before 1 July 1993, there were proceedings by or against the administrative head in a court, tribunal, commission or other body but those proceedings had not been completed before that day, those proceedings may be continued by or against the Territory.

**(3)** In proceedings instituted or continued under this section, each party to the proceedings has the same rights, and is subject to the same obligations, as if the Territory were the administrative head and the proceedings had been instituted or continued by or against the administrative head.

### **Bank accounts**

**15.** A bank account maintained immediately before 1 July 1993 by the administrative head shall, on and after that day, be taken to be an account maintained by the Territory.

### **Rights and liabilities**

**16.** The rights, privileges, obligations and liabilities of the administrative head existing immediately before 1 July 1993 are, on and after that day, the rights, privileges, obligations and liabilities of the Territory.

### **Vesting of property**

**17.** All property, whether real or personal, vested in the administrative head immediately before 1 July 1993 is, on that day, vested in the Territory on the same terms and conditions and subject to the same rights and liabilities.

### **Contracts and agreements**

**18.** A contract or agreement entered into, or taken to have been entered into, by the administrative head and in force immediately before 1 July 1993 continues in force on and after that day as if—

- (a) the Territory were substituted for the administrative head as a party to the contract or agreement; and
- (b) any reference in the contract or agreement to, or taken to be a reference to, the administrative head were (except in relation to matters that occurred before 1 July 1993) a reference to the Territory.

### **Acts of administrative head**

**19.** An act or thing done by, on behalf of or in relation to, or taken to have been done by, on behalf of or in relation to, the administrative head shall, on and after 1 July 1993, be taken to have been done by, on behalf of or in relation to the Territory.

### **Service on Chief Executive**

**20.** A document or other thing given to, served on or lodged with the Chief Executive shall, on and after 1 July 1993, be taken to have been given to, served on or lodged with the Minister or the administrative head, as the case requires.

**Staff employed by administrative head**

21. A person who immediately before 1 July 1993 was taken to be appointed or employed by the administrative head shall, on and after that day, be taken to have been appointed or employed by the Territory on the same terms and conditions as applied to the person immediately before that day.

**PART V—TRANSITION PERIOD****Interpretation**

22. In this Part, unless the contrary intention appears—

“administrative head” means the body corporate referred to in section 23.

**Deemed incorporation**

23. The administrative head is to be taken to be a body corporate called Secretary to the Department of Health incorporated for a public purpose.

**Functions**

24. The administrative head has the following functions:

- (a) to provide health services for the residents of the Territory and, as appropriate, for the residents of the surrounding region;
- (b) to manage the health services and health facilities under the administrative head’s control;
- (c) to provide for the planning and evaluation of health services, including services provided by persons or bodies (whether or not incorporated) other than the administrative head;
- (d) to provide, as appropriate, for the training and education of persons providing health services;
- (e) to make available to the public reports, information and advice in relation to the health of the community and the availability of health services.

**Powers**

25. The administrative head has power to do all things necessary or convenient to be done for or in connection with the performance of the functions under section 24.



### References in transitional provisions

**26.** During the period commencing on 1 March 1993 and ending at the expiration of 30 June 1993—

- (a) a reference in Part IV to 1 July 1993 shall be read as a reference to 1 March 1993;
- (b) a reference in Part IV to the administrative head (other than the reference in section 20) shall be read as a reference to the Board;
- (c) subject to paragraphs (d), (e) and (f), a reference in Part IV to the Territory shall be read as a reference to the administrative head;
- (d) a reference in subsection 14 (2) to the Territory, in respect of proceedings arising out of administrative decisions, shall be read as a reference to the Minister or the administrative head, as the case requires;
- (e) a reference in subsection 14 (3) to the Territory shall be read as a reference to the Minister or the administrative head, as the case may be; and
- (f) a reference in sections 16 and 19 to the Territory shall be read as a reference to the Minister or the administrative head, as the case requires.

### References in health care provisions

**27.** During the period commencing on 1 March 1993 and ending at the expiration of 30 June 1993, a reference in Part II of the new Act to the Territory shall be read as a reference to the administrative head.

### Audit Act to apply

**28. (1)** The administrative head is declared to be a public authority to which Division 3 of Part IX of the *Audit Act 1989* applies.

**(2)** For the purposes of the application of Division 3 of Part IX of the *Audit Act 1989* in relation to the administrative head, in sections 95 and 96 of that Act—

- (a) a reference to moneys includes a reference to moneys held on trust;
- (b) a reference to transactions and affairs includes a reference to transactions and affairs relating to moneys, or assets, held on trust; and
- (c) a reference to assets includes a reference to assets held on trust.

**Payment of fees etc.**

**29. (1)** A fee or other amount payable under a law specified in Schedule 1 or 2 as amended by this Act that would, but for this subsection, have been paid into the Consolidated Revenue Fund is payable to the administrative head.

**(2)** An amount payable under a law specified in Schedule 1 or 2 as amended by this Act that would, but for this subsection, have been payable by the Territory is payable by the administrative head.

**Investments**

**30.** Moneys standing to the credit of the administrative head in an account maintained under section 94 of the *Audit Act 1989* not immediately required for the performance of a function under section 24 may be invested in any manner approved by the Treasurer.

**Repeal**

**31.** This Part ceases to have effect on 1 July 1993 and is to be taken to be repealed on that day.

**PART VI—MISCELLANEOUS****Staff deemed to be officers**

**32.** A person taken to have been appointed or employed under section 21 shall be taken to be an officer within the meaning of subsection 3 (1) of the *Audit Act 1989*.

**Payments into Public Account**

**33.** All moneys that, at the expiration of 30 June 1993—

- (a) are standing to the credit of the administrative head in an account maintained under section 94 of the *Audit Act 1989*; or
- (b) are payable into such an account;

shall be paid into the Territory Public Account.

**Reporting**

**34. (1)** The administrative head shall, as soon as practicable after 30 June 1993, prepare and submit to the Minister a report of the operations of the Board and the administrative head during the financial year ending on 30 June 1993 together with financial statements for that period.

**(2)** Section 97 of the *Audit Act 1989* applies in relation to the report and the statements as if they had been prepared under that section.

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**SCHEDULE 1**

Section 5

**AMENDMENTS OF ACTS**

***Blood Donation (Acquired Immune Deficiency Syndrome) Act 1985***

**Section 2 (definition of “approved”)—**

Omit “Board by instrument in writing”, substitute “Minister by instrument”.

**Section 2 (definition of “Board”)—**

Omit the definition.

***Children’s Services Act 1986***

**Subsection 4 (1) (definition of “Board”)—**

Omit the definition.

**Paragraph 13 (2) (d)—**

Omit “Board”, substitute “Minister”.

**Paragraph 103 (2) (b)—**

Omit the paragraph, substitute the following paragraph:

“(b) a public servant whose duties relate to children’s welfare; or”.

**Subsection 162 (1)—**

(a) Omit “the Director or a person employed by the Board”, substitute “a public servant”.

(b) Omit “the Director or the person”, substitute “that person”.

**Subsection 162 (3)—**

Omit “Director or”.

***Chiropractors Registration Act 1983***

**Section 58—**

Repeal the section.

***Dentists Registration Act 1931***

**Section 18—**

Repeal the section.

**SCHEDULE 1**—continued**Subsection 34 (1B)**—

Omit the subsection.

*Drugs of Dependence Act 1989***Subsection 3 (1) (definitions of “Board” and “Chief Executive”)**—

Omit the definitions.

**Subsection 3 (1) (definition of “methadone program treatment centre”, paragraph (a))**—

Omit “the Board or”.

**Subsection 3 (1) (definition of “treatment centre”)**—

Omit “Board”, substitute “Territory”.

**Subsection 5 (1)**—

Omit “Board”, substitute “Minister”.

**Subsection 6 (1)**—

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 8 (1)**—

Omit “Board”, substitute “Minister”.

**Subsection 9 (5)**—

Omit “Board”, substitute “Minister”.

**Subsection 11 (1)**—

Omit “Board” (first occurring), substitute “Minister”.

**Paragraph 11 (1) (b)**—

Omit “Board”, substitute “Minister”.

**Subsection 14 (1)**—

Omit “Board”, substitute “Minister”.

**Subsection 14 (3)**—

Omit “Board”, substitute “Minister”.

**Subsection 19 (1)**—

Omit “Board”, substitute “Minister”.

**SCHEDULE 1—continued**

**Subsection 20 (1)—**

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 22 (1)—**

Omit “Board”, substitute “Minister”.

**Subsection 25 (1)—**

Omit “Board” (first occurring), substitute “Minister”.

**Paragraph 25 (1) (b)—**

Omit “Board”, substitute “Minister”.

**Subsection 28 (1)—**

Omit “Board”, substitute “Minister”.

**Subsection 28 (3)—**

Omit “Board”, substitute “Minister”.

**Section 31 (definition of “recognised educational institution”)—**

Omit the definition, substitute the following definition:

“ ‘recognised educational institution’ means—

- (a) an educational institution conducted by the Territory;
- (b) the Australian National University; or
- (c) the University of Canberra;”.

**Subsection 32 (1)—**

Omit “Board”, substitute “Minister”.

**Subsection 33 (1)—**

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 35 (1)—**

Omit “Board”, substitute “Minister”.

**Subsection 35 (2)—**

Omit “Board”, substitute “Minister”.

**Subsection 37 (1)—**

Omit “Board” (first occurring), substitute “Minister”.

**SCHEDULE 1—continued****Paragraph 37 (1) (b)—**

Omit “Board”, substitute “Minister”.

**Subsection 37 (2)—**

Omit “Board”, substitute “Minister”.

**Subsection 39 (1)—**

Omit “Board”, substitute “Minister”.

**Subsection 39 (3)—**

Omit “Board” (first occurring), substitute “Minister”.

**Paragraph 39 (3) (b)—**

Omit “Board”, substitute “Minister”.

**Paragraph 67 (d)—**

Omit “Board”, substitute “Minister”.

**Subparagraph 84 (2) (b) (ii)—**

Omit “Board”, substitute “Minister”.

**Section 85 (definition of “course of instruction”)—**

Omit “Board”, substitute “Minister”.

**Subparagraph 106 (3) (b) (ii)—**

Omit “Board”, substitute “Minister”.

**Subparagraph 120 (4) (a) (ii)—**

Omit “Board”, substitute “Minister”.

**Section 121 (definition of “approved treatment centre”)—**

Omit “Board”, substitute “Territory”.

**Paragraph 123 (5) (c)—**

Omit “Board”, substitute “Minister”.

**Paragraph 123 (7) (b)—**

Omit “Board”, substitute “Minister”.

**Subsection 124 (6)—**

Omit “Board”, substitute “Minister”.

**SCHEDULE 1—continued**

**Subsection 129 (1)—**

Omit “Board”, substitute “Minister”.

**Subsection 129 (3)—**

Omit “Board”, substitute “Minister”.

**Subsection 129 (4)—**

Omit “Board”, substitute “Minister”.

**Subsection 129 (5)—**

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 129 (6)—**

Omit “Board”, substitute “Minister”.

**Subsection 130 (1)—**

Omit “Board”, substitute “Minister”.

**Paragraph 130 (2) (b)—**

Omit “Board”, substitute “Minister”.

**Subsection 131 (1)—**

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 131 (3)—**

Omit “Board” (first occurring), substitute “Minister”.

**Paragraph 131 (3) (b)—**

Omit “Board”, substitute “Minister”.

**Section 133—**

Omit “Board”, substitute “Minister”.

**Subsection 134 (1)—**

Omit “Board”, substitute “Minister”.

**Subsection 134 (2)—**

Omit “Board”, substitute “Minister”.

**SCHEDULE 1—continued****Section 136—**

Omit “Board”, substitute “Minister”.

**Section 137—**

Omit “Board” (first and second occurring), substitute “Minister”.

**Paragraph 137 (b)—**

Omit “Board”, substitute “Minister”.

**Section 138—**

Omit “Board” (first occurring), substitute “Minister”.

**Paragraph 138 (d)—**

Omit “Board”, substitute “Minister”.

**Paragraph 138 (f)—**

Omit “Board”, substitute “Minister”.

**Subsection 141 (1)—**

Omit “Board”, substitute “Minister”.

**Subsection 141 (3)—**

Omit “Board”, substitute “Minister”.

**Subsection 141 (4)—**

Omit “Board”, substitute “Minister”.

**Subsection 141 (5)—**

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 142 (1)—**

Omit “Board”, substitute “Minister”.

**Subsection 142 (3)—**

Omit “Board” (wherever occurring), substitute “Minister”.

**Paragraph 142 (4) (a)—**

Omit “Board”, substitute “Minister”.

**Subsection 142 (6)—**

Omit “Board”, substitute “Minister”.



**SCHEDULE 1—continued**

**Subsection 143 (1)—**

Omit “Board”, substitute “Minister”.

**Paragraph 143 (3) (a)—**

Omit “Board”, substitute “Minister”.

**Paragraph 143 (3) (c)—**

Omit “Board”, substitute “Minister”.

**Subsection 143 (5)—**

Omit “Board”, substitute “Minister”.

**Subsection 144 (1)—**

Omit “Board” (first occurring), substitute “Minister”.

**Paragraph 144 (1) (d)—**

Omit “Board”, substitute “Minister”.

**Paragraph 144 (4) (c)—**

Omit “Board”, substitute “Minister”.

**Subsection 144 (5)—**

Omit “Board”, substitute “Minister”.

**Subsection 144 (6)—**

Omit “Board”, substitute “Minister”.

**Subsection 145 (6)—**

Omit “Board”, substitute “Minister”.

**Subsection 146 (2)—**

Omit “Board”, substitute “Minister”.

**Subsection 146 (3)—**

Omit “Board”, substitute “Minister”.

**Subsection 146 (4)—**

Omit “Board” (wherever occurring), substitute “Minister”.

**SCHEDULE 1**—continued**Subsection 149 (1)**—

Omit “Board”, substitute “Minister”.

**Subsection 150 (1)**—

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 150 (3)**—

Omit “Board”, substitute “Minister”.

**Paragraph 151 (b)**—

Omit “Board” (first occurring), substitute “Minister”.

**Subparagraph 151 (b) (v)**—

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 152 (1)**—

Omit “Board”, substitute “Minister”.

**Subsection 152 (2)**—

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 152 (3)**—

Omit “Board”, substitute “Minister”.

**Subsection 152 (4)**—

Omit “Board”, substitute “Minister”.

**Subsection 153 (1)**—

Omit “Board”, substitute “Minister”.

**Subsection 154 (1)**—

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 154 (2)**—

Omit “Board”, substitute “Minister”.

**Subsection 155 (1)**—

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 155 (2)**—

Omit “Board”, substitute “Minister”.

**SCHEDULE 1**—continued

**Subsection 155 (3)**—

Omit “Board”, substitute “Minister”.

**Subsection 156 (1)**—

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 156 (2)**—

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 158 (1)**—

Omit “Board”, substitute “Minister”.

**Subsection 158 (2)**—

Omit “Board”, substitute “Minister”.

**Subsection 158 (3)**—

Omit “Board”, substitute “Minister”.

**Section 159**—

Omit “Board”, substitute “Minister”.

**Subsection 160 (1) (definition of “exempt person”, subparagraph (c) (iii))**—

Omit “Board”, substitute “Minister”.

**Subsection 173 (2)**—

Omit “Board”, substitute “Minister”.

**Subsection 173 (4)**—

Omit “Board”, substitute “Minister”.

**Subsection 173 (5)**—

Omit “Board”, substitute “Minister”.

**Subsection 173 (6)**—

Omit “Board”, substitute “Minister”.

**Subsection 176 (1)**—

Omit “Board” (wherever occurring), substitute “Minister”.

**SCHEDULE 1**—continued**Subsection 176 (2)**—

- (a) Omit “Board”, substitute “Minister”.
- (b) Omit “Chief Executive”, substitute “Minister”.

**Subsection 176 (3)**—

Omit “Chief Executive”, substitute “Minister”.

**Subsection 176 (4)**—

Omit “Chief Executive”, substitute “Minister”.

**Subsection 198 (1)**—

- (a) Omit “Board”, substitute “Minister”.
- (b) Omit “Chief Executive”, substitute “Minister”.

**Section 200**—

Repeal the section, substitute the following section:

**Possession by officials**

“200. The Minister may, by instrument, authorise a public servant or other person engaged by the Territory to possess specified drugs of dependence or specified prohibited substances in the course of his or her duties.”.

**Section 202**—

Repeal the section.

**Section 203**—

- (a) Omit “Board, the Chief Executive or the”.
- (b) Omit “its,”.

**Schedule 4 (Form 5)**—

Omit “Board”, substitute “Minister”.

**Schedule 4 (Form 7)**—

- (a) Omit—
  - “The Chief Executive
  - Board of Health”,substitute—
  - “The Minister for Health”.

**SCHEDULE 1**—continued

(b) Omit “Chief Executive” (last occurring), substitute “Minister”.

***Health Professions Boards (Procedures) Act 1981***

**Paragraph 34 (2) (a)**—

Omit “an officer of the Board of Health”, substitute “the Minister”.

**Paragraph 34 (2) (b)**—

Omit “Board of Health”, substitute “Territory”.

**Subsection 34 (3)**—

Omit “Board of Health”, substitute “Territory”.

**Subsection 34 (4)**—

Omit “Board of Health”, substitute “Territory”.

***Meat Act 1931***

**Section 4 (definition of “authorised person”, paragraph (a))**—

Omit the paragraph.

**Section 4 (definition of “Board”)**—

Omit the definition.

***Medical Practitioners Registration Act 1930***

**Section 18**—

Repeal the section.

***Mental Health Act 1983***

**Subsection 4 (1) (definition of “Board”)**—

Omit the definition.

**Subsection 6 (1)**—

Omit “Board”, substitute “Minister”.

**Subsection 6 (3)**—

Omit “Board”, substitute “Minister”.

**Section 8**—

Omit “Board”, substitute “Minister”.

**SCHEDULE 1**—continued**Subsection 9 (1)**—

Omit “Board”, substitute “Minister”.

**Subsection 9 (2)**—

Omit “Board”, substitute “Minister”.

**Subsection 10 (1)**—

Omit “Board”, substitute “Minister”.

**Subsection 10 (3)**—

Omit “Board”, substitute “Minister”.

**Subsection 10 (4)**—

Omit “Board”, substitute “Minister”.

**Subsection 10 (5)**—

Omit “Board”, substitute “Minister”.

**Subsection 11 (1)**—

Omit the subsection, substitute the following subsection:

“(1) The Director may, by instrument and with the approval of the Minister, delegate to a psychiatrist who—

- (a) is a public servant; or
- (b) is engaged by the Territory;

all or any of his or her powers except this power of delegation.”.

**Paragraph 12 (2) (b)**—

Omit the paragraph, substitute the following paragraph:

“(b) is a psychologist or social worker.”.

**Paragraph 14 (a)**—

Omit “Board” (first occurring), substitute “Minister”.

**Subparagraph 14 (a) (vi)**—

Omit “Board”, substitute “Minister”.

**Subsection 15 (2)**—

Omit “Board”, substitute “Minister”.

**SCHEDULE 1**—continued

**Section 16**—

Omit “Board”, substitute “Minister”.

**Subsection 17 (1)**—

Omit “Board”, substitute “Minister”.

**Subsection 17 (2)**—

Omit “Board”, substitute “Minister”.

**Subsection 18 (1)**—

Omit “Board”, substitute “Minister”.

**Subsection 18 (2)**—

Omit “Board”, substitute “Minister”.

**Subsection 19 (2)**—

Omit “Board”, substitute “Minister”.

**Subsection 20 (4)**—

Omit “Board”, substitute “Minister”.

**Subsection 21 (1)**—

Omit “premises of the Board”, substitute “a mental health facility conducted by the Territory”.

**Subsection 21 (2)**—

Omit “premises of the Board”, substitute “a mental health facility conducted by the Territory”.

**Subsection 21 (3)**—

Omit “premises of the Board”, substitute “a mental health facility conducted by the Territory”.

**Subsection 21 (4)**—

(a) Omit “premises of the Board”, substitute “a mental health facility conducted by the Territory”.

(b) Omit “those premises” (first occurring), substitute “that facility”.

**Paragraph 21 (4) (a)**—

Omit “those premises”, substitute “that facility”.

**SCHEDULE 1—continued****Subsection 21 (5)—**

Omit “premises of the Board”, substitute “a mental health facility conducted by the Territory”.

**Paragraph 21 (5) (b)—**

Omit “those premises”, substitute “the facility”.

**Paragraph 21 (5) (d)—**

Omit “the premises of the Board,”, substitute “the facility;”.

**Subsection 21 (5)—**

Omit “those premises” (last occurring), substitute “the facility”.

**Subsection 51 (2)—**

Omit “Board”, substitute “Minister”.

**Subsection 51 (4)—**

Omit “Board”, substitute “Minister”.

**Section 59 (definition of “mental health facility”, paragraph (b))—**

Omit “Board”, substitute “Territory”.

**Subsection 61 (1)—**

Omit “Board”, substitute “Minister”.

**Subsection 61 (2)—**

Omit “Board”, substitute “Minister”.

**Subsection 61 (3)—**

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 61 (5)—**

Omit “Board”, substitute “Minister”.

**Subsection 62 (2)—**

Omit “Board”, substitute “Minister”.

**Subsection 62 (3)—**

Omit “Board”, substitute “Minister”.

**Subsection 62 (4)—**

Omit “Board” (wherever occurring), substitute “Minister”.



**SCHEDULE 1**—continued

**Subsection 63 (1)**—

- (a) Omit “Board”, substitute “Minister”.
- (b) Omit “it is” (first occurring).

**Subsection 63 (2)**—

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 63 (3)**—

Omit “Board”, substitute “Minister”.

**Subsection 63 (4)**—

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 63 (5)**—

Omit “Board”, substitute “Minister”.

**Subsection 64 (1)**—

Omit “Board”, substitute “Minister”.

**Subsection 65 (1)**—

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 65 (2)**—

Omit “Board”, substitute “Minister”.

**Subsection 65 (3)**—

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 66 (1)**—

Omit “Board” (wherever occurring), substitute “Minister”.

**Subsection 66 (4)**—

- (a) Omit “Board”, substitute “Minister”.
- (b) Omit “it is”.

**Subsection 68 (1)**—

Omit “Board” (wherever occurring), substitute “Minister”.

**Section 69**—

Omit “Board”, substitute “Minister”.

**SCHEDULE 1**—continued**Subsection 71 (1)**—

- (a) Omit “Board”, substitute “Minister”.
- (b) Omit “it”, substitute “he or she”.

**Subsection 71 (3)**—

Omit “Board”, substitute “Minister”.

**Section 78**—

Repeal the section.

*Nurses Act 1988***Section 56**—

Repeal the section.

**Subsection 57 (4)**—

Omit “Board of Health”, substitute “Minister”.

*Optometrists Act 1956***Subsection 15 (1)**—

Omit “to the Board of Health”.

*Pharmacy Act 1931***Section 49**—

Repeal the section.

*Physiotherapists Registration Act 1977***Section 41**—

Repeal the section.

*Poisons Act 1933***Subsection 5 (1) (definition of “Authorized person”)**—

Omit “Board of Health”, substitute “Minister”.

**Subsection 5 (1) (definition of “Board”)**—

Omit the definition.

**Section 7**—

Repeal the section, substitute the following section:

**SCHEDULE 1—continued**

**Crown not bound**

“7. This Act does not bind the Crown.”.

**Subsection 8 (1)—**

Omit “to the Board”.

**Paragraph 40 (1) (f)—**

Omit the paragraph, substitute the following paragraph:

“(f) a public servant, or a person engaged by the Territory, who is authorised in writing by the Minister; or”.

**Paragraph 40 (2) (e)—**

Omit the paragraph, substitute the following paragraph:

“(e) a public servant, or a person engaged by the Territory, who is authorised in writing by the Minister.”.

***Poisons and Drugs (Amendment) Act 1993***

**Paragraph 4 (b) (new definition of “Board”)—**

Omit the definition.

**Paragraph 4 (b) (new definition of “Drugs and Poisons Standard”)—**

Omit “Board”, substitute “Minister”.

**Paragraph 4 (b) (new definition of “recognised institution”, paragraph (a))—**

Omit the paragraph.

**Paragraph 4 (c) (new subsection 3 (4))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47A (1))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47B (1))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new paragraph 47B (1) (a))—**

Omit “it”, substitute “the Minister”.

**SCHEDULE 1—continued****Section 8 (new paragraph 47B (1) (c))—**

Omit “it”, substitute “the Minister”.

**Section 8 (new subsection 47B (2))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47D (1))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47D (3))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47E (1))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47E (2))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47E (3))—**

Omit “Board” (wherever occurring), substitute “Minister”.

**Section 8 (new paragraph 47E (4) (a))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47E (5))—**

(a) Omit “Board”, substitute “Minister”.

(b) Omit “it” (first occurring), substitute “he or she”.

**Section 8 (new subsection 47E (6))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47E (7))—**

Omit “Board” (wherever occurring), substitute “Minister”.

**Section 8 (new subsection 47F (1))—**

Omit “Board” (first occurring), substitute “Minister”.

**Section 8 (new paragraph 47F (1) (b))—**

Omit “Board”, substitute “Minister”.

**SCHEDULE 1—continued**

**Section 8 (new paragraph 47F (1) (c))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subparagraph 47F (1) (d) (ii))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new section 47G)—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47J (1))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47J (2))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47N (1))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47P (1))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new paragraph 47P (1) (c))—**

Omit “it”, substitute “the Minister”.

**Section 8 (new paragraph 47P (1) (d))—**

(a) Omit “it”, substitute “the Minister”.

(b) Omit “him or her”, substitute “the applicant”.

**Section 8 (new subsection 47P (2))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47P (3))—**

Omit “Board may grant him or her”, substitute “Minister may grant the applicant”.

**Section 8 (new section 47Q)—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47R (1))—**

Omit “Board”, substitute “Minister”.

**SCHEDULE 1—continued****Section 8 (new subsection 47R (3))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47S (1))—**

Omit “Board” (first occurring), substitute “Minister”.

**Section 8 (new subparagraph 47S (1) (b) (ii))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new paragraph 47S (1) (d))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new paragraph 47S (1) (f))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47U (1))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new subsection 47U (3))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new paragraph 47U (5) (b))—**

Omit “Board”, substitute “Minister”.

**Section 8 (new section 47V)—**

Omit “Board”, substitute “Minister”.

**Section 9 (new subsection 47Z (1))—**

Omit “Board”, substitute “Minister”.

**Paragraph 10 (a) (new subsection 49 (1A))—**

Omit “Board” (wherever occurring), substitute “Minister”.

**Section 12 (new subsection 54A (1))—**

Omit the subsection.

***Public Health Act 1928*****Section 4 (definition of “authorized”)—**

Omit “or the Board”.

**SCHEDULE 1**—continued

**Section 4 (definition of “Board”)—**

Omit the definition.

**Section 8—**

Repeal the section.

**Section 11B—**

Repeal the section.

*Public Health (Prohibited Drugs) Act 1957*

**Section 2 (definition of “Board”)—**

Omit the definition.

**Subsection 6A (1)—**

Omit “Board may, by instrument in writing”, substitute “Minister may, by instrument”.

**Section 6B—**

Omit “Board”, substitute “Minister”.

*Radiation Act 1983*

**Subsection 5 (1) (definition of “Board”)—**

Omit the definition.

**Subsection 5 (1)—**

Insert the following definition:

“ ‘determined fee’ means the fee determined pursuant to section 77 for the purposes of the provision in which the expression appears;”.

**Paragraph 8 (1) (d)—**

Omit “Board”, substitute “Minister”.

**Subsection 9 (1)—**

Omit “Board”, substitute “Minister”.

**Subsection 9 (2)—**

Omit “Board”, substitute “Minister”.

**SCHEDULE 1**—continued**Subsection 19 (4)**—

Omit “Board”, substitute “Territory”.

**Paragraph 28 (d)**—

Omit the paragraph, substitute the following paragraph:

“(d) the determined fee is paid.”.

**Subsection 31 (2)**—

Omit “to the Board the fee determined by the Minister under section 77 for the purpose of this subsection”, substitute “the determined fee”.

**Paragraph 48 (5) (e)**—

Omit the paragraph, substitute the following paragraph:

“(e) the determined fee has been paid;”.

**Subsection 50 (2)**—

Omit “to the Board the fee determined by the Minister under section 77 for the purpose of this subsection”, substitute “the determined fee”.

*Sexually Transmitted Diseases Act 1956***Section 17**—

Omit “the Board of Health,”.

*Transplantation and Anatomy Act 1978***Subsection 4 (1) (definition of “Board”)**—

Omit the definition.

**Subsection 5 (1)**—

(a) Omit “Board may, by instrument in writing”, substitute “Minister may, by instrument”.

(b) Omit “Board” (last occurring), substitute “Territory”.

**Subsection 5 (2)**—

Omit “Board may, by instrument in writing”, substitute “Territory may, by instrument”.

*Veterinary Surgeons Registration Act 1965***Section 42A**—

Repeal the section.

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**SCHEDULE 2**  
**AMENDMENTS OF REGULATIONS**  
**Meat Regulations**

Section 6

**The Schedule (Form A)—**

Omit—

“The Medical Officer of Health,  
Board of Health”,

substitute—

“The Medical Officer of Health”.

**The Schedule (Form B)—**

Omit—

“Medical Officer of Health,  
Board of Health”,

substitute—

“Medical Officer of Health”.

**Poisons Regulations**

**Schedule—**

Omit—

“Medical Officer of Health,  
Board of Health.”,

substitute—

“Medical Officer of Health”.

**Public Health (Barbers' Shops) Regulations**

**Subregulation 6 (3)—**

Omit “to the Board”.

**The Schedule (Form A)—**

Omit “, Board of Health.”.

**SCHEDULE 2—continued****The Schedule (Form B)—**

Omit—

“Medical Officer of Health,  
Board of Health”,

substitute—

“Medical Officer of Health”.

**Public Health (Boarding-houses) Regulations****The Schedule (Form B)—**

Omit—

“Medical Officer of Health,  
Board of Health.”,

substitute—

“Medical Officer of Health”.

**Public Health (Dairy) Regulations****Subregulation 4 (1) (definition of “approved”)—**

Omit “Board” (wherever occurring), substitute “Minister”.

**Subregulation 4 (1) (definition of “authorized officer”)—**

Omit “Board”, substitute “Minister”.

**Subregulation 6 (4)—**

Omit “to the Board”.

**The Schedule (Form 1)—**

Omit—

“The Medical Officer of Health,  
Board of Health”,

substitute—

“The Medical Officer of Health”.

**SCHEDULE 2—continued**

**The Schedule (Form 2)—**

Omit—

“Medical Officer of Health,  
Board of Health”,

substitute—

“Medical Officer of Health”.

**The Schedule (Form 3)—**

Omit—

“Medical Officer of Health,  
Board of Health”,

substitute—

“Medical Officer of Health”.

**The Schedule (Form 4)—**

Omit—

“The Medical Officer of Health,  
Board of Health”,

substitute—

“The Medical Officer of Health”.

**Public Health (Eating Houses) Regulations**

**The Schedule (Form A)—**

Omit—

“The Medical Officer of Health,  
Board of Health”,

substitute—

“The Medical Officer of Health”.

**The Schedule (Form B)—**

Omit—

“Medical Officer of Health,  
Board of Health”,

substitute—

“Medical Officer of Health”.

**SCHEDULE 2**—continued**Public Health (General Sanitation) Regulations****Regulation 17**—

Omit “Board”, substitute “Territory”.

**Paragraph 18 (b)**—

Omit “Board”, substitute “Minister”.

**Paragraph 18 (c)**—

Omit “Board”, substitute “Minister”.

**Subregulation 28 (2)**—

- (a) Omit “Board” (first occurring), substitute “Territory”.
- (b) Omit “Board” (second occurring), substitute “Minister”.
- (c) Omit “Board” (last occurring), substitute “Territory”.

**Public Health (Infectious and Notifiable Diseases)  
Regulations****Subregulation 4B (1)**—

- (a) Omit “Board” (first occurring), substitute “Territory”.
- (b) Omit “Board” (last occurring), substitute “Minister”.

**Regulation 10**—

Omit “Board” (wherever occurring), substitute “Territory”.

**Subregulation 12 (2)**—

Omit “Board”, substitute “Territory”.

**Public Health (Meat) Regulations****Regulation 4**—

Omit “to the Board” (wherever occurring).

**Regulation 6**—

Omit “to the Board”.

**Schedule (Form A)**—

Omit “, Board of Health”.

**SCHEDULE 2—continued**

**Schedule (Form B)—**

Omit—

“Medical Officer of Health,  
Board of Health”,

substitute—

“Medical Officer of Health”.

**Schedule (Form C)—**

Omit “, Board of Health”.

**Schedule (Form D)—**

Omit—

“Medical Officer of Health,  
Board of Health”,

substitute—

“Medical Officer of Health”.

**Public Health (Medical and Dental Inspection of School Children)  
Regulations**

**Subregulation 3 (2)—**

Omit “Board”, substitute “Minister”.

**Subregulation 4 (2)—**

Omit “Board”, substitute “Minister”.

**Public Health (Piggeries) Regulations**

**The Schedule (Form A)—**

Omit “, Board of Health,”.

**The Schedule (Form B)—**

Omit—

“Medical Officer of Health,  
Board of Health”,

substitute—

“Medical Officer of Health”.

**SCHEDULE 2**—continued**Public Health (Private Hospitals) Regulations****Regulation 3 (definition of “Chief Executive”)—**

Omit the definition.

**Regulation 4—**

Omit “Board”, substitute “Minister”.

**Subregulation 6 (1)—**

Omit “Board”, substitute “Minister”.

**Paragraph 6 (2) (g)—**

Omit “Board”, substitute “Minister”.

**Subregulation 6 (2)—**

Omit “Board” (last occurring), substitute “Minister”.

**Subregulation 6 (3)—**

Omit “Board”, substitute “Minister”.

**Subregulation 7 (1)—**

Omit “Board”, substitute “Minister”.

**Subregulation 7 (3)—**

Omit “Board”, substitute “Minister”.

**Subregulation 7 (4)—**

Omit “Board”, substitute “Minister”.

**Regulation 8—**

Omit “Board” (wherever occurring), substitute “Minister”.

**Paragraph 10 (1) (e)—**

Omit “Board”, substitute “Minister”.

**Regulation 11—**

Omit “Board” (wherever occurring), substitute “Minister”.

**Paragraph 17 (f)—**

Omit “Board”, substitute “Minister”.

**SCHEDULE 2**—continued

**Paragraph 17 (l)**—

Omit “Board”, substitute “Minister”.

**The Schedule (Form 1)**—

Omit—

“The Chief Executive,  
Board of Health”,

substitute—

“The Secretary,  
Department of Health”.

**The Schedule (Form 2)**—

Omit—

“Chief Executive,  
Board of Health”,

substitute—

“Secretary,  
Department of Health”.

**Public Health (Sale of Food and Drugs) Regulations**

**Subregulation 65 (4)**—

Omit —

“Medical Officer of Health,  
Board of Health.”,

substitute—

“Medical Officer of Health”.

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**SCHEDULE 2**—continued**NOTE ABOUT SECTION HEADINGS**

On passage of these amendments to the Bill, the headings to new sections 47G and 47V to be inserted in the *Poisons and Drugs Act 1978* by the *Poisons and Drugs (Amendment) Act 1993* are amended by omitting “**Board**” and substituting “**Minister**”.

*[Presentation speech made in Assembly on 16 February 1993]*