

TASMANIA

**COMMUNITY, HEALTH, HUMAN SERVICES AND
RELATED LEGISLATION (MISCELLANEOUS
AMENDMENTS) BILL 2018**

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**COMMUNITY, HEALTH, HUMAN SERVICES AND
RELATED LEGISLATION (MISCELLANEOUS
AMENDMENTS) BILL 2018**

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
27 November 2018

*(Brought in by the Minister for Health, the Honourable
Michael Darrel Joseph Ferguson)*

A BILL FOR

An Act to amend the *Ambulance Service Act 1982*, the *Disability Services Act 2011*, the *Health Act 1997*, the *Mental Health Act 2013*, the *Pharmacy Control Act 2001*, the *Poisons Act 1971*, the *Right to Information Act 2009* and the *Youth Justice Act 1997*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Community, Health, Human Services and Related Legislation (Miscellaneous Amendments) Act 2018*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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3. Consequential Amendments

The legislation specified in Schedule 1 is amended as specified in that Schedule.

4. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which this Act commences.

SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Section 3

Ambulance Service Act 1982

1. The long title is amended as follows:
 - (a) by omitting “Director” and substituting “Commissioner”;
 - (b) by inserting “or her” after “his”.
2. Section 19 is amended as follows:
 - (a) by inserting in subsection (1) “or the Secretary” after “Commissioner”;
 - (b) by inserting in subsection (3) “or the Secretary” after “Commissioner”.
3. Section 41B(1) is amended by omitting “of the Ambulance Service”.

Disability Services Act 2011

1. Section 4(1) is amended as follows:
 - (a) by omitting “provider;” from paragraph (b) of the definition of *funded provider* and substituting “provider; or”;

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(b) by inserting the following paragraph after paragraph (b) in the definition of *funded provider*:

(c) any other entity that is determined by the Secretary to be a funded provider for the purposes of this definition;

(c) by omitting “provider.” from paragraph (b) of the definition of *supported accommodation* and substituting “provider;”;

(d) by inserting the following definition after the definition of *supported accommodation*:

therapeutic purposes includes treating (by diagnosing, curing or relieving) a disease, disorder, ailment, defect or injury and facilitating such treatment, but does not include preventing or reducing the risk of ailment or injury.

2. Section 44(3) is amended by omitting “a shorter period, if any, specified in the approval” and substituting “such other period, not exceeding 2 years, as agreed to by the Senior Practitioner and specified in the approval”.

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Health Act 1997

1. Section 3 is amended as follows:
 - (a) by omitting the definition of *Board*;
 - (b) by omitting “in section 26(2) of the Commonwealth Act and” from the definition of *Medicare commitments*;
 - (c) by omitting “section 26(2) of the Commonwealth Act and in” from the definition of *Medicare principles*.

2. Section 5 is amended by omitting “in the manner required by the Commonwealth Act” and substituting “in accordance with any requirements under the *Federal Financial Relations Act 2009* of the Commonwealth”.

3. Section 6 is repealed.

4. Schedule 2 is repealed.

Mental Health Act 2013

1. The definition of *involuntary patient* in section 200 is amended as follows:
 - (a) by omitting from paragraph (a) “continuing care order” and substituting “treatment order”;

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(b) by omitting from paragraph (b) “continuing care order” and substituting “treatment order”.

2. Section 204(b)(i) is amended by omitting “continuing care order” and substituting “treatment order”.

Pharmacy Control Act 2001

1. Section 61C(1) is amended by omitting paragraph (c) and substituting the following paragraph:

(c) in the case of a body corporate, each director of the body corporate is a pharmacist and each other member of the body corporate is a pharmacist or a close relative of a pharmacist and –

(i) the controlling interest in the body corporate is held by a pharmacist or by persons who are pharmacists; and

(ii) all the shares and the beneficial interest in those shares are held by pharmacists or close relatives of a pharmacist; and

(iii) control and supervision of any pharmacy services carried on by the pharmacy business are vested in a person who is a pharmacist

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or in persons who are
pharmacists; or

2. Section 80(2) is amended by inserting after paragraph (a) the following paragraph:
 - (b) the establishment, operation and regulation of pharmacy depots at which prescriptions may be left or dispensed prescriptions may be collected;

Poisons Act 1971

1. Section 47(10)(a) is amended by omitting “section 25A or section 25B” and substituting “section 25A, 25B, 25C, 25D or 25E”.
2. Section 54E is amended as follows:
 - (a) by omitting from paragraph (b) “contract.” and substituting “contract; and”;
 - (b) by inserting the following paragraph after paragraph (b):
 - (c) have a notice, approved by the Board, containing details of the location and area (in hectares) to be planted with alkaloid poppies for the relevant growing period.

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Right to Information Act 2009

1. Section 6(1) is amended by inserting after paragraph (m) the following paragraph:

(ma) the Commissioner for Children and Young People;

Youth Justice Act 1997

1. Section 3(1) is amended by omitting the definition of *detention centre manager* and substituting the following definition:

detention centre manager means a person appointed under section 124A;

2. After section 124, the following section is inserted in Division 1:

124A. Appointment of detention centre manager

- (1) The Secretary may appoint a State Service officer or State Service employee as detention centre manager in respect of a detention centre.
 - (2) A detention centre manager may hold that office in conjunction with State Service employment.
3. Section 146B is amended by omitting “the Director of Corrective Services or a person

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nominated by the Director of Corrective Services” and substituting “any person”.