

## FACT SHEET

### *Health and Related Legislation (Miscellaneous Amendments) Bill 2017*

- The purpose of this Bill is to make a number of minor and technical amendments to 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 *Tasmanian Health Organisations Act 2011* and the *Youth Justice Act 1997*.
- The major changes to the Ambulance Act are to allow the Secretary, instead of only the Commissioner, to appoint authorised officers, and for those officers to enforce the Act with infringement notices as required in relation to the Secretary's role as regulator of non-emergency patient transport services.
- The changes to the Disability Services Act are to apply the provisions of the Act around monitoring and regulation of funded services to be extended to services funded under the National Disability Insurance Scheme; to add a definition for "therapeutic purposes" in respect of restrictive interventions approved under the Act by the Guardianship Board or Secretary; and amend the period for which the Board can approve interventions.
- The main amendment to the Health Act is to replace the Hospitals and Ambulance Service Advisory Board with general advisory panel provisions.
- Two technical issues have been identified with the Pharmacy Control Act. The first relates to pharmacy depots, which was identified as a future amendment during earlier amendments to the Act, and the second to family trusts.
- Pharmacy depots are places, such as a general retail shop in geographic areas without a pharmacy, where prescriptions (other than for narcotic substances) can be deposited and sent to a pharmacist who dispenses and return the medications to be collected. The Bill provides a head of power under the Act for regulations to be developed to regulate pharmacy depots as appropriate in future, subject to the usual regulatory impact assessment process. This would be to ensure that any growth in pharmacy depot arrangements is done in an appropriately safe manner for consumers.
- There is also an issue with the treatment of family trusts under the Pharmacy Control Act. Recent changes to the Act addressed this issue in most circumstances but the Bill includes amendments to ensure that both the legal interest and the beneficial interest in each share in an applicant company is held by a pharmacist or a close relative of a pharmacist.
- The Bill includes a minor amendment in respect of poppy grower's licence conditions under the Poisons Act. The amendment will require the poppy grower to have a Notice to Grow (in respect of paddock location, and size for each season) issued by the Poppy Advisory and Control Board so that adequate compliance activity can be undertaken under new 5-year licensing regime.

- The Bill contains an amendment to the Tasmanian Health Organisations Act to clarify the Tasmanian Health Service (THS) may provide services external to Tasmania. As with other significant issues for the jurisdiction of the THS in the current Act, this is subject to the approval of the Responsible Ministers, being the Minister for Health and Treasurer.
- The changes to the Youth Justice Act provide statutory appointment provisions for a detention centre manager and simplify the delegation of the detention centre manager's powers and functions.
- Other minor changes in the Bill correct terminology and cross references within the various Acts.