

FACT SHEET

Community, Health, Human Services and Related Legislation (Miscellaneous Amendments) Bill 2018

- 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 *Right to Information Act 2009* and the *Youth Justice Act 1997*. The main changes are summarised below.
- Changes to the *Ambulance Act 1982* 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 2011* allow the provisions of the Act around monitoring and regulation of funded services to be extended to services funded under the National Disability Insurance Scheme; 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 amendments to the *Health Act 1997* are to repeal the Hospitals and Ambulance Service Advisory Board provisions and to address incorrect references to Commonwealth legislation.
- Two technical issues are addressed in the *Pharmacy Control Act 2001*. 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 ensures that any growth in pharmacy depot arrangements can be regulated in an appropriate manner for consumers.
- There is also an issue with the treatment of family trusts under the 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 1971*. 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 the new 5-year licensing regime.
- The change to the *Right to Information Act 2009* is to add the Commissioner for Children and Young People in the list of persons or bodies generally exempted from the Act, similar to other statutory officers excluded from that Act. Information relating to the administration of the office can still be sought from the Commissioner, and information the Commissioner obtains from other Agencies can be sought from those Agencies directly.
- The changes to the *Youth Justice Act 1997* provide statutory appointment provisions for a detention centre manager and amend the delegation power for the detention centre manager.
- Other minor changes in the Bill correct terminology and cross references within the various Acts.