

**DRAFT SECOND READING SPEECH**  
**HON JEREMY ROCKLIFF MP**

*Health Legislation (Miscellaneous Amendments) Bill 2022*

*\* Check Hansard for delivery \**

Mister Speaker.

The purpose of this Bill is to make minor amendments to several health-related Acts.

The Tasmanian Government is committed to ensuring that Tasmania's legislation remains up to date and fit for purpose. Accordingly, this Bill proposes minor amendments to update, clarify and improve the operation of several pieces of legislation.

I will now outline the reasons behind each of the main proposed changes.

Amendments to the definition of "paramedic"

Under the Ambulance Service Act 1982 and Ambulance Service (Paramedic) Regulations 2014, a paramedic is a person who is registered under the Health Practitioner Regulation National Law (Tasmania) in the paramedic profession.

Paramedicine became a regulated profession under the Health Practitioner Regulation National Law (Tasmania) on 1 December 2018. Since then, it has been a requirement for all paramedics to be registered with the Paramedicine Board of Australia and to meet the Board's registration requirements before being able to lawfully practice in Australia.

Sections of the Ambulance Service Act that are concerned with defining paramedics, and the Ambulance Service (Paramedic) Regulations, pre-date this requirement.

This Bill proposes removing the definition of "paramedic" from the Ambulance Service Act and instead inserting a new, contemporary definition for the term in the Acts Interpretation Act 1931.

Under the proposed new definition, the term “paramedic” is defined to mean a person registered under the Health Practitioner Regulation National Law (Tasmania) in the paramedicine profession. This is consistent with definition provided for the term through section 3AB of the Ambulance Service Act and the Ambulance Service (Paramedic) Regulations and is consistent with the requirements of the Health Practitioner Regulation National Law (Tasmania).

The term “paramedic” is also used in the Poisons Act 1971 and in the End-of-Life Choices (Voluntary Assisted Dying) Act 2021. In both cases, the term is defined with reference to the meaning of “paramedic” that is set out in the Ambulance Service Act.

As members will know, except where otherwise expressly provided, the provisions of the Acts Interpretation Act have application in the interpretation and construction of all Tasmanian Acts, except in clearly defined instances.

The Bill proposes amending the Poisons Act and End-of-Life Choices (Voluntary Assisted Dying) Act to remove the definitions of “paramedic” contained in those Acts, in favour of the Acts Interpretation Act definition, in this context.

The Bill also proposes rescinding the Ambulance Service (Paramedic) Regulations on the basis that they will no longer be required.

Amendments to the definition of “pharmacist”

The term “pharmacist” is used in various Tasmanian Acts. Some Acts both use and define the term, while others simply use it.

The Bill proposes inserting a new definition for the term “pharmacist” in the Acts Interpretation Act 1931.

The definition reflects the definition set out in the Agricultural and Veterinary Chemicals (Control of Use) Act 1995, the Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011, the Public Trustee Act 1930 and the Workers Rehabilitation and Compensation Act 1988.

It will apply in the interpretation and construction of these Acts, and in the interpretation and construction of other Acts that use the term, but that do not define it.

There are two Acts that use the term “pharmacist” in unique ways. The first of these is the Poisons Act 1971.

The Poisons Act uses the term “pharmaceutical chemist”. Under section 3 of that Act, the term “pharmaceutical chemist” is defined to mean a person registered under the Health Practitioner Regulation National Law (Tasmania) in the pharmacy profession but does not include a person who holds provisional, student or non-practicing registration on that profession.

The Poisons Act also uses the term “pharmacy trainee”. That term is defined under section 3 of the Act to mean a person who holds provisional registration in the pharmacy profession.

This differentiation reflects the registration scheme that exists for pharmacists under the Health Practitioner Regulation National Law (Australia) and the requirement for a pharmacist to undertake a period of training, and to be provisionally registered for this purpose, before progressing to general registration.

The Bill proposes retaining this differentiation but replacing the terms “pharmaceutical chemist” and “pharmacy trainee” with new, more contemporary terms that better align with the language used in the Health Practitioner Regulation National Law (Tasmania).

The second Act to use the term “pharmacist” in a unique way is the Pharmacy Control Act 2001. That Act defines the term “pharmacist” to mean a person who holds general registration under the Health Practitioner Regulation National Law (Tasmania) in the pharmacy profession.

The Pharmacy Control Act is concerned with pharmacy ownership and requires a pharmacist owner to hold general registration in the pharmacy profession. Retaining the definition as drafted is consistent with this requirement.

The definition of “pharmacist” proposed to be included in the Acts Interpretation Act will not apply to the Poisons Act and Pharmacy Control Act. Instead, the definitions for the terms that are provided in the Acts themselves will apply.

#### Amendments to the Health Act and Health (Fees) Regulations

The Bill proposes amending the Health Act and Health (Fees) Regulations to, in effect, relocate the definition of “hospital services” from the regulations to the Act.

This is needed as the definition is used in the Act as well as in the regulations.

Other than for a minor change to the definition of “health service establishment”, the definitions are themselves not changing.

#### Amendments to the Poisons Act and Poisons Regulations

As I have already noted, this Bill proposes minor amendments to update, clarify and improve the operation of several pieces of legislation.

In relation to the Poisons Act and Poisons Regulations, the Bill proposes several amendments to update references to pharmacists and to correct the spelling of the word

“authorize” and its derivatives. These are minor, technical changes that do not change the legislation’s use or application.

The Bill also proposes more substantial amendments to sections of the Act relating to the monitored medicines database and to provisions regulating drugs of dependence.

The Bill proposes amending provisions that require prescribers and dispensers to check the monitored medicines database, to provide for the drafting of regulations which effectively exempt certain prescribers and dispensers from those requirements.

The Bill also proposes amending provisions that make it an offence to make a drug of dependence available to a person in certain, relevant, circumstances to provide for the drafting of regulations which, again, effectively exempt certain prescribers from those offences.

The circumstances in which regulations may be considered include circumstances involving patients who are in receipt of pain medication as part of their end-of-life care.

The amendments also propose minor changes to section 59E of the Poisons Act. Those proposed changes are needed to allow the Secretary to authorise a medical practitioner, dentist or other prescriber to make more than one narcotic substance or specified substance available to a patient, and to specify an amount that is up to a maximum amount, through a single authority.

The amendments will streamline section 59E’s operation and provide greater flexibility for prescribers without compromising any of the protections and oversight mechanisms that the section affords vulnerable patients.

Amendments to the Public Health Act

Lastly, the Bill proposes amendments to sections 10 and 151 of the Public Health Act.

Section 10 of the Public Health Act provides for the appointment of persons as environmental health officers and medical officers of health.

Environmental health officers and medical officers of health have various powers and functions under the Public Health Act including the power to enter and inspect premises and vehicles, and the power to issue infringement notices.

The Bill proposes amending section 10 of the Public Health Act to clarify the Director of Public Health's power to appoint a person with approved qualifications as an environmental health officer or medical officer of health for the purposes of the Act.

The proposed amendments will align the appointment process under section 10 of the Public Health Act to appointment processes in place under other similar legislation such as the Food Act 2003 and the Radiation Protection Act 1995.

Given the nature of their powers and functions, the Bill also proposes inserting provisions clarifying, and removing any doubt about, the validity of past appointments and of powers and functions exercised by environmental health officers or medical officers of health prior to the making of the amendments.

The Bill proposes amending section 151 of the Public Health Act to clarify the enforceable nature of a requirement, imposed by the Director of Public Health, for a person, public authority or Agency to remove or destroy an article, item, goods or substances that, in the Director's opinion, may cause a threat to public health. This amendment is of a technical nature and addresses a drafting anomaly.

I commend the Bill to the House.