

Health (Amendment) Bill

No.

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LEGISLATIVE COUNCIL

Read 1° 11 November 1986

(Brought in by the Honourable D. R. White)

(No. 2)

A BILL

to amend the *Health Act* 1958, and other Acts and for other purposes.

Health (Amendment) Act 1986

The Parliament of Victoria enacts as follows:

Purposes.

1. The main purposes of this Act are—

- (a) to establish a system for registration of intent; and
- 5 (b) to increase by 50 per centum the maximum fees which may be prescribed or fixed under the *Health Act* 1958; and
- (c) to make various other amendments to the *Health Act* 1958, and to other Acts.

Commencement.

10 2. (1) This Act (except items 5, 6, 8, 9, 10, 11, 12, 13 and 14 in the Second Schedule) comes into operation on a day or days to be proclaimed.

15 (2) Item 5 in the Second Schedule is deemed to have come into operation immediately before the commencement of the *Health (General Amendment) Act* 1984.

(3) Items 6, 8, 9, 10, 11, 12, 13 and 14 in the Second Schedule are deemed to have come into operation on 10 December 1985.

Principal Act.

3. In this Act the *Health Act* 1958 is called the Principal Act.

No 6270.
Reprinted to
No 10262.
Subsequently
amended by
No. 16/1986

Increases in fees.

4. The Principal Act is amended as follows:

- (a) In section 65 (2) (d)— 5
 (i) for “\$45” substitute “\$67.50”; and
 (ii) for “\$30” substitute “\$45”; and
 (iii) for “\$1.50” substitute “\$2.25”; and
 (iv) for “\$6” substitute “\$9”;
- (b) In section 93 (m) for “\$4” (wherever occurring) substitute “\$6”; 10
- (c) In section 108 (1) (ea) for “\$130” substitute “\$195”;
- (d) In section 142 (a) for “\$15” substitute “\$22.50”;
- (e) In section 142A (a) for “\$150” substitute “\$225”;
- (f) In section 192— 15
 (i) for “\$5” substitute “\$7.50”; and
 (ii) for “\$250” substitute “\$375”;
- (g) In section 195 (4)—
 (i) for “\$5” substitute “\$7.50”; and
 (ii) for “\$100” substitute “\$150”; 20
- (h) In section 196 (2) (c) for “\$100” substitute “\$150”;
- (i) In section 371 (4) for “\$10” substitute “\$15”;
- (j) In section 390 (2) (e)—
 (i) for “\$25” substitute “\$37.50”; and
 (ii) for “\$18” (wherever occurring) substitute “\$27”; and 25
 (iii) for “\$12” (wherever occurring) substitute “\$18”.

Increases in Registration Fees in the Eleventh Schedule.

5. In the Eleventh Schedule to the Principal Act, the column headed “Maximum Fees” is amended as follows:

- (a) For “40” (wherever occurring) substitute “60”; 30
 (b) For “15” (wherever occurring) substitute “22.50”;
- (c) For “100” (wherever occurring) substitute “150”;
- (d) For “150” substitute “225”;
- (e) For “200” (wherever occurring) substitute “300”;
- (f) For “50” (wherever occurring) substitute “75”; 35
- (g) For “130” substitute “195”;
- (h) For “60” (wherever occurring) substitute “90”;

- (i) For “30” (wherever occurring) substitute “45”;
- (j) For “75” (wherever occurring) substitute “112.50”;
- (k) For “300” substitute “450”;
- (l) For “500” substitute “750”;
- 5 (m) For “1000” substitute “1500”.

New Part XVI. inserted.

6. After Part XV. of the Principal Act insert—

“PART XVI.—HEALTH SERVICES DEVELOPMENT GUIDELINES”

Preparation of guidelines.

- 10 “315. (1) The Chief General Manager may prepare guidelines for all or any of the following:
 - (a) The orderly development of health care services;
 - (b) The improvement of the quality of health care services and health facilities;
 - 15 (c) The development of lower cost alternatives in providing health care services and health facilities;
 - (d) The improved distribution of health care services and health facilities;
 - 20 (e) The avoidance of unnecessary and costly duplication of health care services and health facilities.
- (2) A guideline may apply to the whole or any part of Victoria.”

Notice of draft guidelines.

- 25 “316. (1) The Chief General Manager must cause a notice of any guidelines prepared under section 315 to be published—
 - (a) in the *Government Gazette*; and
 - (b) in a newspaper circulating generally in Victoria; and
 - (c) if a guideline applies to a particular area of Victoria, in another newspaper circulating generally in that area.
- (2) The notice must—
 - 30 (a) state where copies of the draft guidelines can be obtained; and
 - (b) specify a period of not less than 30 days after the date of the notice for making submissions.”

Submissions.

- 35 “317. Any person may make a submission to the Chief General Manager about the guidelines within the period specified in the notice.”

Adoption of guidelines.

“318. After considering any submissions received, the Chief General Manager may—

- (a) adopt the guidelines; or
- (b) adopt the guidelines with amendments; or
- (c) decide not to adopt the guidelines.”

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Publication of adopted guidelines.

“319. (1) The Chief General Manager must cause any adopted guidelines to be published by notice in the *Government Gazette*.

(2) An adopted guideline has effect under this Act from a day specified by the Chief General Manager in the notice published in the *Government Gazette* under sub-section (1).”

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Amendment or revocation of guidelines.

“320. The Chief General Manager may amend or revoke a guideline following the same procedures as for the adoption of a guideline.”

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New Part XVII. inserted.

7. Before Part XIX. of the Principal Act insert—

“PART XVII.—REGISTRATION OF INTENT”**When is a registration of intent required?**

‘321. (1) Subject to sub-sections (2) and (3), a person must obtain a registration of intent under this Part before applying under this Act—

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- (a) for approval of plans and specifications for—
 - (i) the erection, building or rebuilding of a private hospital; or
 - (ii) an addition, alteration or extension to a private hospital or an existing building with the view of using the building as a private hospital; or
- (b) to register a new private hospital; or
- (c) to transfer the registration of a private hospital to other premises; or
- (d) to alter the total number of beds for which a private hospital is registered; or
- (e) to alter the number or numbers of beds for persons receiving care of a prescribed kind or kinds for which a private hospital is registered; or
- (f) to vary, revoke or add to the prescribed kind or kinds of care in respect of which a private hospital is registered; or

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(g) to register any radiation apparatus or sealed radio-active source under Division 2AA or any equipment under Division 2AB of Part V.—

- 5 (i) which is used or to be used for diagnostic or therapeutic purposes for human beings; and
- (ii) which together with its component parts has a value of more than \$300 000 at the time the application for registration of intent is made.

10 (2) A person who obtains a registration of intent for a proposal referred to in section 321 (1) (a) in respect of a building or private hospital is not required to obtain a registration of intent before applying—

- (a) to register the building as a new private hospital; or
- 15 (b) to transfer the registration of a private hospital to the building; or
- (c) to alter the total number of beds for which that private hospital is registered; or
- (d) to alter the number or numbers of beds for persons receiving care of a prescribed kind or kinds for which that private
- 20 hospital is registered; or
- (e) to vary, revoke, or add to the prescribed kind or kinds of care in respect of which that private hospital is registered—

25 if the Chief General Manager is satisfied that the proposal referred to in paragraphs (a) to (e) of this sub-section is directly related to the proposal referred to in section 321 (1) (a).

(3) A person who had obtained approval of the plans and specifications for a building or private hospital under section 182 before the commencement of section 7 of the *Health (Amendment) Act 1986* is not required to obtain a registration of intent before applying—

- 30 (a) to register the building as a new private hospital; or
- (b) to transfer the registration of a private hospital to the building; or
- (c) to alter the total number of beds for which that private hospital is registered; or
- 35 (d) to alter the number or numbers of beds for persons receiving care of a prescribed kind or kinds for which that private hospital is registered; or
- (e) to vary, revoke, or add to the prescribed kind or kinds of care in respect of which that private hospital is registered—

40 if the approval is in force at the time of the application and if the Chief General Manager is satisfied that the proposal referred to in paragraphs (a) to (e) of this sub-section is directly related to the proposal referred to in section 321 (1) (a).

(4) In this section—

“**Component part**” means any component, accessory or ancillary equipment which is necessary to enable the apparatus, source or equipment to function for its intended purpose.

“**Value**” means the cost at which—

- (a) the apparatus, source or equipment; and
- (b) the component parts—

could be purchased new in the open market at the time the application for registration of intent is made.”

Application for registration of intent.

“322. Any person who intends to carry out a proposal referred to in section 321 (1) may apply in writing to the Chief General Manager for a registration of intent in relation to that proposal.”

Notice of application.

“323. (1) The Chief General Manager may require an applicant under section 322 to publish a notice of the application in a newspaper circulating generally in the area or areas affected by the application or generally in Victoria.

(2) The notice must—

- (a) be in a form approved by the Chief General Manager; and
- (b) give brief details of the proposal; and
- (c) invite any interested person—
 - (i) to make a submission to the Chief General Manager about the proposal; or
 - (ii) to propose an alternative approach to meet the need to be met by the proposal.”

What matters must be taken into account?

“324. In deciding whether or not to approve an application for a registration of intent, the Chief General Manager must take into account—

- (a) the Health Services Development Guidelines for the time being in force under Part XVI.; and
- (b) if a notice is published under section 323, any submissions or proposals for alternative approaches received in response to the notice.”

Decision.

“325. (1) The Chief General Manager may—

- (a) approve the application; or
- (b) approve the application subject to conditions; or

(c) refuse to approve the application.

(2) If an application is approved, the Chief General Manager must record the registration of intent in respect of the proposal.”

How long is a registration of intent in force?

5 “326. A registration of intent continues in force for the period specified in the approval which must not exceed—

(a) two years, in the case of—

(i) a proposal for the establishment of a private hospital;
or

10 (ii) the transfer of registration of a private hospital to other premises; or

(iii) the erection, building or rebuilding of a private hospital;
or

15 (iv) any addition, alteration or extension to a private hospital or an existing building with the view of using the building as a private hospital; and

(b) 12 months in any other case.”

Extension.

20 “327. (1) A person to whom a registration of intent is granted may apply to the Chief General Manager for an extension of the period of operation of the registration of intent.

(2) The Chief General Manager may extend the period of operation of the registration of intent for one further period not exceeding the period for which the original approval could have been given.”

25 **Decision of Chief General Manager is final.**

“328. Subject to the *Administrative Law Act 1978*, a decision of the Chief General Manager in relation to an application for a registration of intent or an extension of the registration period, is conclusive.”

Exemption.

30 “329. (1) The Chief General Manager may by notice published in the *Government Gazette* exempt any proposal to register a radiation apparatus, sealed radio-active source or other equipment from the application of this Part.

35 (2) The Chief General Manager may grant the exemption under sub-section (1) subject to any conditions the Chief General Manager thinks fit.

(3) The Chief General Manager may revoke or vary any exemption granted under sub-section (1).”

Regulations.

“330. The Governor in Council may make regulations for or with respect to—

- (a) prescribing fees and scales of fees not exceeding \$2000 for applications, registrations, and extensions under this Part; and 5
- (b) any other matter which is authorised or required to be prescribed for carrying out or giving effect to this Part.”.

New Division 2AB inserted in Part V.

8. In Part V. of the Principal Act, after Division 2AA, insert— 10

“Division 2AB—Registration of Diagnostic and Therapeutic Equipment”

Certain equipment must be registered.

‘108AM. (1) A person must not use equipment for diagnostic or therapeutic purposes which together with its component parts has a value exceeding \$300 000 unless the equipment is registered or exempted from registration under this Division. 15

(2) Sub-section (1) does not apply to diagnostic or therapeutic equipment to which Division 2AA applies.

(3) In this section— 20

“**Component part**” means any component, accessory or ancillary equipment which is necessary to enable the diagnostic or therapeutic equipment to function for its intended purpose.

“**Value**” means the cost at which the equipment and its component parts could be purchased new in the open market at the time the application for registration is made.’ 25

Registration.

‘108AN. (1) The owner of any diagnostic or therapeutic equipment in Victoria to which section 108AM applies must register the equipment with the Chief General Manager. 30

(2) The Chief General Manager must not approve any application for the registration of any equipment for which a registration of intent is required under Part XVII. unless the Chief General Manager is satisfied that a registration of intent is in force under the Part in relation to the applicant’s proposal to register that equipment. 35

(3) Subject to sub-section (2), the Chief General Manager may register the equipment and impose conditions on the registration.

(4) The provisions of Part XIX. with any necessary changes apply to the period of operation and renewal of registration under this Division. 40

(5) In this section, “owner” in relation to equipment that has been let out on hire includes the person who takes it on hire.’

Suspension or cancellation of registration.

5 ‘108AO. (1) Subject to this section, the Chief Manager may vary, suspend or cancel the registration of any equipment if the Chief General Manager is satisfied—

- (a) that the registration was obtained improperly; or
- (b) that the registered owner has contravened, or failed to comply with, a condition of the registration; or
- 10 (c) that the registered owner has been convicted of an offence against this Division.

(2) The Chief General Manager must not cancel or suspend a registration unless—

- 15 (a) the Chief General Manager has sent to the registered owner by post, notice in writing of the intention to cancel or suspend that registration and the grounds upon which the intention is based; and
- (b) the Chief General Manager has held an inquiry into the matter and afforded the person a reasonable opportunity to give an explanation personally or in writing.

- 20 (3) A registration—
- (a) cancelled under this section ceases to have effect; or
 - (b) suspended under this section ceases to have effect for the period of the suspension.

25 (4) In this section “registered owner” means a person in whose name any equipment is registered under section 108AN.’

Appeals.

30 “108AP. (1) A person who feels aggrieved by a decision of the Chief General Manager varying, cancelling or suspending a registration or imposing conditions on a registration granted on the application of the person under this Division may appeal to a judge of the County Court within three months after receiving notification of the variation, cancellation, suspension or condition.

35 (2) The judge must hear and decide an appeal under this section and for that purpose may exercise the same powers in relation to the appeal as if it were a matter which came before the judge in the exercise of his or her ordinary jurisdiction.

(3) The decision of the judge is final.”

Offences.

“108AQ. Any person who contravenes or fails to comply with any provision of this Division or of any condition, restriction or limitation of any registration or exemption under this Division is guilty of an offence and liable to a penalty of not more than 100 penalty units.”

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Regulations.

“108AR. The Governor in Council may make regulations for or with respect to—

- (a) exempting or authorising the Chief General Manager to exempt any equipment or class of equipment from the requirement to be registered under this Division and imposing or authorising the Chief General Manager to impose conditions in relation to the exemption; and
- (b) prescribing fees for registration and renewals under this Division; and
- (c) generally any matter which is authorised or required to be prescribed for carrying out or giving effect to this Division.”.

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Radiation apparatus.

9. (1) Section 108AE of the Principal Act is amended as follows:

- (a) After sub-section (4) insert—
 - “(4A)The Chief General Manager must not approve any application for the registration of any radiation apparatus or sealed radio-active source for which a registration of intent is required under Part XVII. unless the Chief General Manager is satisfied that a registration of intent is in force under that Part in relation to the applicant’s proposal to register that apparatus or source.”;
- (b) In sub-section (5)—
 - (i) at the end of paragraph (a) insert “or”; and
 - (ii) omit “or” at the end of paragraph (b); and
 - (iii) paragraph (c) is repealed;
- (c) Sub-sections (7) and (8) are repealed;
- (d) After sub-section (10) insert—
 - “(10A) Sub-sections (9) and (10) do not apply to an apparatus or source for which a registration of intent is required under Part XVII.”;
- (e) Sub-section (13) is repealed.

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(2) Notwithstanding the amendment of the Principal Act by this section, section 108AE (5) (c) of the Principal Act continues to apply with respect to—

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- (a) the registration of an apparatus for which an approval under section 108^{AE} (10) was in force at the commencement of this section; and
- 5 (b) the registration of an apparatus which had been registered under section 108^{AE} before the commencement of this section if—
- (i) the new registration is for the same apparatus and for the same premises to which the old registration applied; and
- 10 (ii) the new registration is required because the previous period of registration has expired.
- (3) Section 5 (2) of the *Health (Radiation Safety) Act* 1983 is repealed.
- 15 (4) Sections 108^{AE} (4A) and 321 of the Principal Act do not apply to the registration of a radiation apparatus or a sealed radio-active source if—
- (a) immediately before the commencement of section 5 of the *Health (Radiation Safety) Act* 1983, there was a licence in force in respect of that apparatus or source issued under section 108 of the Principal Act; and
- 20 (b) the registration relates to the same premises to which the licence applied.

Consequential amendments relating to the registration of intent.

- 25 10. (1) In section 179 (8) (aa) of the Principal Act omit all words and expressions after “premises” and insert “or an application under sub-section (6A) or (6B) be satisfied that—
- (i) a registration of intent is in force under Part XVII. in relation to the proposal; or
- 30 (ii) if a registration of intent is not required for the proposal because of section 321 (2) or (3), the plans and specifications of the proposed private hospital have been approved under section 182 and the approval is in force.”.
- (2) For section 182 (4) of the Principal Act substitute—
- 35 “(4) The Chief General Manager must not approve the plans and specifications unless the Chief General Manager is satisfied that a registration of intent is in force under Part XVII. in relation to the proposed works.”.

Delegation of powers of councils.

- 40 11. (1) In section 76 of the Principal Act, after sub-section (2) insert—
- “(3) The council may delegate to one or more of its officers any of its powers under this section except this power of delegation.

(4) The refusal by an officer to give a consent is of no effect until it is ratified by the council.”.

(2) In section 206 of the Principal Act, after sub-section (3) insert—

“(4) A council may delegate to one or more of its officers any of its powers under this section except this power of delegation.

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(5) The decision by an officer to refuse to consent to the removal of a house or to refuse to grant a certificate is of no effect until it is ratified by the council.”.

(3) After section 374 of the Principal Act insert—

Delegation of councils' powers in relation to registration of premises. 10

“374A. (1) A council may delegate to one or more of its officers any of its powers under this Part except this power of delegation.

(2) The refusal by an officer to grant, renew or transfer the registration of any premises is of no effect until it is ratified by the council.”.

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Offences in relation to cattle.

12. In section 83 (1) of the Principal Act, for “\$20” substitute “1 penalty unit”.

Day procedure centres.

13. (1) In section 178 (1) of the Principal Act, before the definition of “Hospital”, insert— 20

‘ “**Day procedure centre**” means a private hospital classed by the Chief General Manager as a day procedure centre.’.

(2) Section 179 of the Principal Act is amended as follows:

(a) In sub-section (2), after “nursing home” insert “or as a day procedure centre”; 25

(b) After sub-section (3) insert—

“(3A) The Chief General Manager may class a private hospital as a day procedure centre if the Chief General Manager is of the opinion that the private hospital only provides care to patients who are admitted and discharged on the same day.”; 30

(c) In sub-section (4), after “nursing home” insert “or as a day procedure centre”;

(d) In sub-section (5), omit all the words and expressions appearing after “private hospital”; 35

(e) In sub-section (7), after “nursing home” insert “or as a day procedure centre”;

(f) In sub-section (8) (d), after “nursing home” insert “or as a day procedure centre”.

(3) Section 186 of the Principal Act is amended as follows:

5 (a) In paragraph (a) after “nursing homes” insert “and into day procedure centres”; and

(b) For paragraph (j) substitute—

‘(j) regulating or prohibiting the use of the words “day procedure centre”, “hospital”, “nursing home” and “private hospital”.’.

10 Variation of prescribed kinds of care.

14. In section 179 (6B) for “may, after consultation with the proprietor of a private hospital,” substitute “may—

(a) upon application by the proprietor of a private hospital; or

15 (b) in the Chief General Manager’s discretion, after consultation with the proprietor of a private hospital—”.

Transfer of registrations of private hospitals.

15. (1) Section 179 of the Principal Act is amended as follows:

(a) After sub-section (8) insert—

20 “(8A) Before making a determination upon an application for transfer of registration to other premises, the Chief General Manager may consult with the owner of the premises from which the registration is to be transferred and may take into consideration the opinion of the owner.”;

25 (b) In sub-section (9), after “renewal of registration” insert “or for transfer of registration to another person or to other premises or an application under sub-section (6A) or (6B)”.

(2) In section 180 (1) of the Principal Act, after “renewal of registration” insert “or for transfer of registration to another person or to other premises or an application under sub-section (6A) or (6B)”.

30 Approvals for building of or additions to private hospitals.

16. Section 182 of the Principal Act is amended as follows:

(a) After sub-section (2) insert—

35 “(2A) An approval granted by the Chief General Manager under this section continues in force for a period, not exceeding two years, specified by the Chief General Manager.

(2B) A proprietor may apply to the Chief General Manager during the approval period for an extension of the approval period.

(2C) The Chief General Manager may grant an extension or extensions of the approval period but each extension must not exceed two years.

(2D) The Chief General Manager may refuse to grant an extension of the approval period. 5

(2E) All works must be undertaken or carried out within the approval period specified by the Chief General Manager.”;

(b) In sub-section (6), after “sub-section (4)” insert “or to refuse to grant an extension pursuant to the provisions of sub-section (2D)”. 10

Transitional—cancellation and expiration of some existing approvals.

17. (1) An approval granted under section 182 of the Principal Act before the commencement of section 16 of this Act which—

(a) was granted for an unspecified period; 15

(b) has not been cancelled or extended under this section—
expires at the end of 12 months after that commencement.

(2) The Chief General Manager may cancel an approval granted under section 182 of the Principal Act before the commencement of section 16 of this Act if— 20

(a) the approval was granted for an unspecified period; and

(b) the works for which the approval was granted had not been completed before that commencement.

(3) The Chief General Manager must not cancel an approval under sub-section (2) unless the Chief General Manager has first given the proprietor— 25

(a) at least one month’s notice of the Chief General Manager’s intention to cancel the approval; and

(b) an opportunity to make a submission or be heard.

(4) The Chief General Manager may, on the application of the proprietor before the expiration of 12 months after the commencement of section 16 of this Act, grant one extension of the approval for a specified period not exceeding two years. 30

(5) An approval which is extended under sub-section (4) expires at the end of the extension period. 35

Recovery of expenses from owner.

18. Section 182A of the Principal Act is amended as follows:

(a) For “182A. The” substitute “182A. (1) The”;

(b) At the end of the section, insert—

“(2) Notwithstanding any covenant or agreement to the contrary, a proprietor (other than an owner) who incurs 40

expenses in complying with an order under section 199 (1) may—

(a) recover the expenses from the owner in any court of competent jurisdiction as money paid to the use of the owner; or

(b) deduct the expenses from or set off the expenses against any rent presently due or which may at any time become due to the owner in respect of the property—

unless the order was made as the result of an act or default of the proprietor who incurred the expenses.

(3) If an owner referred to in sub-section (2) is a tenant to another person of the same premises, the owner may in the same manner recover, deduct or set off the expenses, notwithstanding any covenant or agreement to the contrary.”.

Repeal of section 193.

19. Section 193 of the Principal Act is repealed.

New section 199A inserted.

20. After section 199 of the Principal Act insert—

Exemptions.

“199A. (1) The Chief General Manager may by notice published in the *Government Gazette* exempt the proprietor of any specified public building or of any specified class of public buildings from complying with all or any of the requirements of this Division.

(2) The Chief General Manager may grant an exemption under sub-section (1) subject to any conditions the Chief General Manager thinks fit.

(3) The Chief General Manager may revoke or vary any exemption granted under sub-section (1).”.

Seizure of drugs, substances, animals or things.

21. The Principal Act is amended as follows:

(a) In section 407 (1), after “substance” insert “or animal”;

(b) In section 408 (1), after “drug” insert “or substance or animal”;

(c) In section 408 (1A), for “any two justices” substitute “a magistrate”;

(d) In section 408 (2), after “animal” insert “or thing”.

Increase in jurisdiction for recovery of certain debts.

22. In section 446 of the Principal Act, for “\$2000” substitute “\$5000”.

Miscellaneous amendments to the Principal Act.

23. The Principal Act is amended as set out in the First Schedule. 5

Amendments to other Acts.

24. The Acts mentioned in the Second Schedule are amended as set out in the Second Schedule.

SCHEDULES

FIRST SCHEDULE

Section 23

Amendments to the Principal Act

<i>Item</i>	<i>Provisions of Principal Act</i>	<i>Extent of Amendment</i>
1.	Section 3	In the definition of "Boarding-house", for "licensed victualler" substitute "licensed hotelkeeper".
2.	"	In the definition of "Common lodging-house", for "licensed victualler" substitute "licensed hotelkeeper".
3.	"	Omit the definition of "Daily penalty".
4.	"	In the definition of "House", for "licensed victuallers' premises" substitute "licensed hotelkeepers' premises".
5.	"	For the definition of "Licensed victualler" substitute— ' "Licensed hotelkeeper" means licensed hotelkeeper within the meaning of the <i>Liquor Control Act 1968</i> .'
6.	"	Omit the definition of "Minister".
7.	"	In the definition of "Piggery", for "five" substitute "four" and omit "for purposes of trade".
8.	"	In paragraph (b) of the definition of "Public building" for "an amusement structure under Division 1A of Part XI." substitute "a structure that is operated for hire or reward and is intended for use by members of the public for their entertainment or amusement, where the entertainment or amusement is intended to be derived by those persons when there is movement of the structure or a part thereof or when they are travelling on around or along the structure or a part thereof".
9.	Section 4	In the definition of "Chairman of the Board of Public Health" omit "the chairman of".
10.	Section 31 (5)	For "an" substitute "a".
11.	Section 66 (1)	For " <i>Public Service Act 1958</i> " substitute " <i>Public Service Act 1974</i> ".
12.	Section 82 (5)	The proviso is repealed.
13.	Section 95 (3A)	For "Minister for Minerals and Energy" substitute "Minister for the time being administering the <i>Minerals and Energy Act 1976</i> ".
14.	Section 107	For "Commission" substitute "Chief General Manager".
15.	Section 108 (1)	For "Commission" (wherever occurring) substitute "Chief General Manager".
16.	Section 108 (1) (ee)	For "it" substitute "the Chief General Manager".
17.	Section 108 (1) (eg)	Omit "relating to any dangerous substance".

FIRST SCHEDULE—*continued*

<i>Item</i>	<i>Provisions of Principal Act</i>	<i>Extent of Amendment</i>
18.	Section 118 (2)	For “ <i>Poisons Act 1962</i> ” substitute “ <i>Drugs, Poisons and Controlled Substances Act 1981</i> ”.
19.	Section 124 (2)	After “council” (where secondly occurring) insert “or by the Department”.
20.	Section 126 (2)	For “licensed victualler” substitute “licensed hotelkeeper”.
21.	Section 135 (a)	For “licensed victualler’s premises” substitute “licensed hotelkeeper’s premises”.
22.	Section 146 (1)	For “ <i>Public Service Act 1958</i> ” substitute “ <i>Public Service Act 1974</i> ” and for “Revenue” substitute “Fund”.
23.	Section 179 (9) (b)	For “it” substitute “the Chief General Manager”.
24.	Section 183 (4) (c)	For “of copies” substitute “copies”.
25.	Section 197A	For “1000 square feet” substitute “92.9 square metres”.
26.	Section 201 (1)	For “court of petty sessions” substitute “magistrates’ court”.
27.	Section 208 ^{FA} (a) (ii) and (iii)	Omit “that”.
28.	Section 209A (5)	In paragraph (a) after “Schedule 2” insert “or Schedule 3” and for paragraph (b) substitute “that is an Agricultural College within the meaning of section 2 of the <i>Victorian College of Agriculture and Horticulture Act 1982</i> ”.
29.	Section 213A (5)	In paragraph (a) after “Schedule 2” insert “or Schedule 3” and for paragraph (b) substitute “that is an Agricultural College within the meaning of section 2 of the <i>Victorian College of Agriculture and Horticulture Act 1982</i> ”.
30.	Section 228 (1) (b)	For “Licensed victuallers’ premises” substitute “Licensed hotelkeepers’ premises”.
31.	Section 259 (1)	In paragraph (b) (i) of the definition of “Proprietary medicine”, for “British Pharmaceutical Codex” substitute “Pharmaceutical Codex incorporating the British Pharmaceutical Codex”.
32.	Section 263 (5)	For “ <i>Poisons Act 1962</i> ” substitute “ <i>Drugs, Poisons and Controlled Substances Act 1981</i> ”.
33.	Section 270	For “ <i>Poisons Act 1962</i> ” substitute “ <i>Drugs, Poisons and Controlled Substances Act 1981</i> ”.
34.	Section 270A (1) (b)	For “British Pharmaceutical Codex” substitute “Pharmaceutical Codex incorporating the British Pharmaceutical Codex”.
35.	Section 270B (1)	In paragraph (b) (i) of the definition of “Contraceptive”, for “British Pharmacopoeia Codex” substitute “Pharmaceutical Codex incorporating the British Pharmaceutical Codex”.
36.	Section 270E (3)	For “ <i>Poisons Act 1962</i> ” substitute “ <i>Drugs, Poisons and Controlled Substances Act 1981</i> ”.
37.	Section 270J (3)	For “\$250” substitute “2½ penalty units”.

FIRST SCHEDULE—continued

<i>Item</i>	<i>Provisions of Principal Act</i>	<i>Extent of Amendment</i>
38	Section 270P	For “ <i>Poisons Act 1962</i> ” substitute “ <i>Drugs, Poisons and Controlled Substances Act 1981</i> ”.
39	Section 371 (1)	Omit “in the prescribed form and”.
40	Section 384 (b)	For “ <i>Justices Acts</i> ” substitute “ <i>Magistrates’ Courts Act 1971 and the Magistrates (Summary Proceedings) Act 1975</i> ”.
41	Section 390 (2A)	Omit “and” after paragraph (b).
42	Section 398 (1)	For “ <i>Consolidated Revenue</i> ” substitute “ <i>Consolidated Fund</i> ”.
43	Section 418	For “ <i>Commissioner of Crown lands and Survey</i> ” substitute “ <i>Director-General of Conservation, Forests and Lands</i> ”.
44	Section 431	This section is repealed.
45	Section 445	Omit “ <i>justices or</i> ” (wherever occurring) and in sub-section (2) for “ <i>County Court</i> ” (where secondly occurring) substitute “ <i>the County Court</i> ”.
46	Section 450 (2)	For “ <i>consolidated revenue</i> ” substitute “ <i>Consolidated Fund</i> ”.
47	Section 451 (1)	For “ <i>Public Service Act 1958</i> ” substitute “ <i>Public Service Act 1974</i> ”.
48	Part XX.	The heading “ <i>Division 6—Transitory Provisions</i> ” is repealed.

SECOND SCHEDULE

Section 24

Amendments to other Acts

<i>Item</i>	<i>Number of Act</i>	<i>Title of Act</i>	<i>Extent of Amendment</i>
1.	9720	<i>Building Control Act 1981</i>	In Schedule item 26 relating to the <i>Health Act 1958</i> , for “ <i>Section 182</i> ” substitute “ <i>Sections 182 and 182A</i> ”.
2.			In Schedule item 28 relating to the <i>Health Act 1958</i> — (a) proposed section 188 is repealed; and (b) in proposed section 189 (2) (b), for “\$500” substitute “10 penalty units”.
3.			In Schedule item 29 relating to the <i>Health Act 1958</i> , for “ <i>Sections 204 and 208G</i> ” substitute “ <i>Sections 204, 208G and 208H</i> ”.
4.	10032	<i>Medical Practitioners (Private Hospitals) Act 1984</i>	In section 8, in proposed section 184A (a) to be inserted in the <i>Health Act 1958</i> , omit “and value”.
5.	10158	<i>Health (General Amendment) Act 1984</i>	In Schedule item 18 (b) after “ <i>further</i> ” insert “ <i>daily</i> ”.

SECOND SCHEDULE—*continued*

<i>Item</i>	<i>Number of Act</i>	<i>Title of Act</i>	<i>Extent of Amendment</i>
6.	10262	<i>Health (Amendment) Act 1985</i>	In section 9 (7) (b), for “Food vending machines” substitute “Dangerous trades premises (other than electric accumulator works)”.
7.			In section 9 (7) (b)— (a) for “100” substitute “150”; and (b) for “150” substitute “225”; and (c) for “200” substitute “300”.
8.			In the Schedule item relating to the <i>Health Act 1958</i> , section 49A, after “occurring)” insert ‘except after “Rural Water” (wherever occurring)’.
9.			In the Schedule item relating to the <i>Health Act 1958</i> , section 82, after “occurring)” insert ‘except after “Rural Water” (wherever occurring)’.
10.			In the Schedule item relating to the <i>Historic Buildings Act 1981</i> , for “13” substitute “3”.
11.			In the Schedule item relating to the <i>Hospitals and Charities Act 1958</i> , section 18, after “it” insert “(where secondly occurring)”.
12.			In the Schedule item relating to the <i>Hospitals Remuneration Tribunal Act 1978</i> , section 32A (2), before “32A (2)” insert “7354 <i>Hospitals Superannuation Act 1965</i> ”.
13.			In the Schedule item relating to the <i>Hospitals Remuneration Tribunal Act 1978</i> , section 32B (3), for “9163 <i>Hospitals Remuneration Tribunal Act 1978</i> ” substitute “7354 <i>Hospitals Superannuation Act 1965</i> ”.
14.			In the Schedule item relating to the <i>St Nicholas Hospital (Sale of Land) Act 1982</i> for “1982 Services” substitute “Services”.

