

Health (Amendment) Bill

EXPLANATORY MEMORANDUM

Outline

Summary

This Bill makes a number of unrelated amendments to the *Health Act* 1958. In broad terms, the Bill will—

- (a) introduce a “registration of intent” scheme based on the recommendations of the Social Development Committee in its Report Upon Inquiry into Certificate of Need Legislation;
- (b) enable municipal councils to delegate to their officers the power to approve routine applications;
- (c) repeal the requirement that certain public buildings must be registered with the Chief General Manager of the Department of Health and provide for the exemption of public buildings from various provisions of the Act;
- (d) adjust the maximum fees which may be fixed for registrations and other services under the Act; and
- (e) correct anomalies and discrepancies in the Act and in cognate legislation.

Registration of Intent

The Bill will introduce into the Health Act a system of approvals in principle for certain private hospital developments and for major diagnostic and therapeutic equipment.

These approvals are to be known as a “registration of intent”. Under the registration of intent scheme, any person who—

- (a) proposes to establish a new private hospital, alter or extend an existing hospital, transfer the registration of a private hospital to other premises, alter the number of beds, or change the allocation of beds as between kinds of care; or
- (b) proposes to install, replace or relocate radiation equipment, or diagnostic or therapeutic equipment exceeding \$300 000 in value—

must first apply to the Chief General Manager for a registration of intent with respect to the proposal.

The Chief General Manager can require notice of the application to be published, and must take into account any submissions or alternative proposals received.

The Chief General Manager must also consider the application in the context of the Health Services Development Guidelines.

A registration of intent, in the case of the establishment of a private hospital, alterations or extensions to an existing hospital, or transfer to other premises, will be valid for up to two years.

In other cases, a registration of intent will be valid for up to a year. It may be renewed once only. Within the period of its validity, the necessary application must be made for the registration of the private hospital or equipment, or for approval of plans and specifications with respect to a private hospital, as the case may be.

A registration of intent will be an essential pre-requisite for the subsequent approval of the application.

Decisions of the Chief General Manager will be final, subject to applications for review under the *Administrative Law Act* 1978.

The Health Services Development Guidelines mentioned earlier will replace the more limited planning criteria already contained in the *Health Act* 1958 (i.e. sections 108AE (5), 179 (8) (aa) and 182 (4)).

Among other things, they will provide for the orderly development of health care services, the stimulation of lower cost alternatives to high cost inpatient services and facilities, and the improved distribution of health care facilities and services.

The Bill will require the Chief General Manager to give notice of the intention to issue Health Services Development Guidelines.

Public comments and submissions must be invited and considered by the Chief General Manager.

The final guidelines must be published in the *Government Gazette* and will have effect from the date fixed in the publication.

Delegations

Much of the Health Act is administered by local government including its provisions dealing with apartment houses, boarding houses, camping areas and the like.

As the Act currently stands, all applications for the registration and transfer of registration of such premises must be considered by the council itself.

This is an unnecessary imposition on the time of council meetings as most, if not all, applications are routine and could be determined quite competently at officer level.

In 1977, section 65 of the Health Act was amended to enable councils to delegate their powers to approve applications for the installation of septic tank systems.

Delegations under the section have improved the quality of service to ratepayers, and reduced the amount of time and office work which need to be devoted to routine matters for councillors and council officers alike.

As a result of experience with section 65, the Municipal Association of Victoria has recommended to the Government that councils should also have the capacity to delegate other powers under the Act.

This Bill takes up the recommendation of the Association, and the relevant amendments will give councils the ability to delegate to their officers responsibility for dealing with a number of routine applications and orders which would otherwise have to be dealt with by the council.

Public Buildings

The Health Act currently requires various classes of public buildings to be registered with the Chief General Manager of the Department of Health.

The approval of the Chief General Manager is also required to the erection or alteration of public buildings such as certain hospitals, places of entertainment, schools except for state schools, and churches, and to the erection of temporary public buildings.

These requirements are becoming increasingly irrelevant in protecting the public health and safety, especially as they are being supplanted, to all intents and purposes, by the Victoria Building Regulations.

With this in mind, the Bill will repeal the requirement that public buildings must be registered with the Chief General Manager.

It also includes a provision which will enable specified public buildings, or classes of public buildings, to be exempted from all or any of the requirements of the relevant Division of the Act.

This power will be used to phase out the various requirements relating to the alteration or erection of public buildings as public health and safety issues are taken up by the Victoria Building Regulations.

The overall effect will be to remove from the Health Act over a period of time what will become a progressively unjustifiable imposition on the proprietors of public buildings.

Fees

Fees payable under the Health Act are, in most cases, payable to municipalities.

They, in fact, represent a significant source of revenue to offset the cost of the administration and inspectorial services which must be provided to the community under the Health Act.

Present fees are either at, or close to, the maximum levels which may be fixed or prescribed under the Act. There is, therefore, a need for these fees to be revised to provide a capacity for future adjustments.

This Bill will increase the ceilings fixed in the Act by 50%.

The new maximum fees to be introduced by the Bill will provide sufficient scope for adjustments in fees payable under the Health Act for the next few years in accordance with the Government's expressed policies on fees and charges.

Minor Amendments

The opportunity of this Bill is also being taken to correct various anomalies and discrepancies in the Health Act, and in related legislation. These will make no changes of substance but will tidy up a number of errors and inaccuracies which have become evident in the Act.

CLAUSE NOTES

Clause 1 sets out the main purposes of the legislation.

Clause 2 is the commencement provision.

Clause 3 defines the *Health Act* 1958 as being the Principal Act.

Clause 4 revises the various fees which may be fixed under the following sections of the Principal Act.—

- (a) section 65 (2) (d) which requires council approval to the installation of a septic tank system;
- (b) section 93 (m) which provides for the registration of cowkeepers, dairymen or purveyors of milk with a council;
- (c) section 108 (1) (ea) which enables licenses to be issued with respect to dangerous substances;
- (d) section 142 (a) which provides for the registration with councils of hairdressers' shops, beauty parlours and like establishments and chiropodists' establishments;
- (e) section 142A (a) which provides for the registration with councils of premises at which tattooing, ear piercing, acupuncture or similar processes are performed;
- (f) section 192 which enables the Chief General Manager to charge fees for the examination of plans and specifications for a permanent public building;

- (g) section 195 (4) which enables the Chief General Manager to charge fees for the approval of plans and specifications for a temporary public building;
- (h) section 196 (2) (c) which requires an application for council approval to the erection of a temporary public building to be accompanied by the prescribed fee;
- (i) section 371 (4) which provides for the supply of certified extracts of registrations, renewals or transfers from registers kept by the Chief General Manager and councils; and
- (j) section 390 (2) (e) which fixes various fees for the registration of a person as a cinematograph operator.

Clause 5 revises the various fees listed in the Eleventh Schedule to the Principal Act.

This Schedule sets out maximum fees which may be prescribed by regulation or fixed by resolution of the council, for the registration, renewal of registration, and the transfer of registration of the various categories of premises which are registerable under the Act.

Clause 6 inserts a new Part XVI into the Principal Act providing for the preparation and publication of Health Services Development Guidelines.

Proposed section 315 enables the Chief General Manager to prepare guidelines with respect to health care services and facilities.

Proposed section 316 requires notice to be published of any draft guidelines prepared by the Chief General Manager.

Proposed section 317 entitles any person to make a submission to the Chief General Manager about the guidelines.

Proposed section 318 provides that after considering any submissions received, the Chief General Manager can adopt the guidelines either with or without amendments, or decide not to adopt the guidelines.

Proposed section 319 requires the Chief General Manager to publish any adopted guidelines in the *Government Gazette*.

Proposed section 320 enables the Chief General Manager to amend or revoke a guideline in the same way as for the adoption of a guideline.

Clause 7 inserts into the Principal Act a new Part XVII which establishes a registration of intent scheme.

Proposed section 321 requires any person who proposes to build a private hospital, or to add to, alter or extend a private hospital, or an existing building for use as a private hospital, or who proposes to register a new private hospital, transfer the registration of a private hospital to other premises, to alter the number, or classification of beds for which a private hospital is registered, or to register any equipment to be used for diagnostic or therapeutic purposes valued at more than \$300 000 to first obtain a registration of intent from the Chief General Manager.

The clause goes on to exempt from this requirement any private hospital for which plans and specifications had been approved prior to the commencement of the clause, or where a registration of intent had been obtained with respect to a related application. It would not be necessary, for example, to obtain a registration of intent to alter the total number of beds for which a private hospital is registered if the alteration was directly related to extensions to the hospital for which a registration of intent had already been obtained.

Proposed section 322 enables any person who intends to carry out a proposal referred to in proposed section 321 to apply to the Chief General Manager for the registration of that intent.

Proposed section 323 empowers the Chief General Manager to require notice of the application to be published by the applicant.

Proposed section 324 requires the Chief General Manager, in considering an application for registration of intent, to take into account the Health Services Development Guidelines and any submissions or alternative proposals received in response to the notice.

Proposed section 325 enables the Chief General Manager to either approve the application with or without conditions, or to refuse the application.

Proposed section 326 provides that a registration of intent remains in force for the period specified in the approval. This must not exceed two years in the case of the establishment or transfer of registration of a private hospital or alterations, additions or extensions to a private hospital or an existing building, and twelve months in any other case.

Proposed section 327 enables a registration of intent to be extended on application to the Chief General Manager. A registration of intent may be extended once only for a period not exceeding that for which the original approval could have been given.

Proposed section 328 provides that a decision of the Chief General Manager, subject to the *Administrative Law Act* 1978, is conclusive.

Proposed section 329 empowers the Chief General Manager to exempt any proposal to register a radiation apparatus, sealed radio-active source or other equipment from compliance with the application of the Part. Notice of an exemption must be published in the *Government Gazette*. Exemptions may be revoked or varied by the Chief General Manager.

Proposed section 330 authorises the Governor in Council to prescribe fees for applications, registrations and extensions, and other matters to give effect to the Part.

Clause 8 inserts a new Division 2AB into Part V of the Principal Act. The new Division provides for the registration with the Chief General Manager of certain diagnostic and therapeutic equipment.

Proposed section 108AM prohibits the use of any diagnostic or therapeutic equipment valued at more than \$300 000 unless the equipment is either registered with the Chief General Manager or exempted from registration under the Division. The section does not apply to diagnostic or therapeutic equipment which is already registerable under the radiation safety provisions of the Health Act.

Proposed section 108AN requires the owner of any diagnostic or therapeutic equipment to which section 108AM applies to register that equipment with the Chief General Manager. The Chief General Manager may register the equipment and can impose conditions on registration. However, before registering the equipment, the Chief General Manager must be satisfied that a registration of intent is in force in respect of that equipment.

Proposed section 108AO empowers the Chief General Manager to vary, suspend or cancel the registration of equipment in certain circumstances, and sets out the procedures which must be followed before registration is varied, suspended or cancelled.

Proposed section 108AP provides for appeals to the County Court against decisions of the Chief General Manager to vary, cancel, suspend, or impose conditions on, a registration.

Proposed section 108AQ fixes a penalty of 100 penalty units for contravening or failing to comply with any provision of the Division, or with any condition, restriction or limitation of any registration or exemption.

Proposed section 108AR authorises the Governor in Council to make regulations with respect to exempting equipment from the registration requirements and fixing fees for registration.

Clause 9 includes various consequential amendments and transitional provisions.

Sub-clause (1) repeals the planning criteria in section 108AE (5) (c) of the Principal Act which apply to the registration of radiation equipment. These criteria will be replaced by the Health Services Development Guidelines. The sub-clause also inserts a new sub-section (4A) into the section prohibiting the Chief General Manager from registering any radiation apparatus or sealed radio-active source for which a registration of intent is required unless a registration of intent is in force.

Sub-clause (2) is a transitional provision. It continues the application of the present planning criteria in section 108AE (5) (c) to approvals in principle current prior to the repeal of that paragraph and to the renewal of the registration of radiation equipment which is already registered under the Act, provided that that equipment is located at the same premises.

Sub-clause (3) repeals section 5 (2) of the *Health (Radiation Safety) Act 1983*. Section 5 (2) was a transitional provision which, in effect, exempted equipment licensed under the Health Act prior to the commencement of the section from the planning criteria in section 108AE (5) (c) of the Act. It will be replaced by the new transitional provision in sub-clause (4).

Clause 10 has the effect of repealing the existing planning criteria in sections 179 (8) and 182 (4) of the Principal Act. Under the revised provisions, the Chief General Manager must be satisfied that—

- (1) in the case of an application for the registration of a private hospital or the transfer of registration to other premises, or for changes in bed numbers or classifications, either a registration of intent is in force or plans and specifications have been approved under section 182; or
- (2) in the case of applications for approvals for plans and specifications for a new private hospital, or alterations to an existing private hospital, a registration of intent is in force in relation to the proposed works.

Clause 11 empowers a council to delegate to an officer or to officers of the council its powers under sections 76, 206 and Part XIX of the Principal Act. These powers relate, respectively, to the construction of drains on private premises, the removal of houses to other municipal districts, and the granting, renewal or transfer of registration of the various classes of premises which are registerable with councils under the Act.

Clause 12 amends the penalty in section 83 (1) of the Principal Act. This section makes it an offence for a sewerage authority to remove cattle from land used by the authority for the depositing of night soil. The clause increases the penalty from \$20 to 1 penalty unit per head of cattle so removed.

Clause 13 makes various related amendments to sections 178, 179 and 186 of the Principal Act. The overall effect of the amendments is enable the Chief General Manager to classify as a “day procedure centre” those private hospitals which only admit day patients.

Clause 14 amends section 179 (6B) of the Principal Act to give proprietors of private hospitals the right to apply to the Chief General Manager to vary, revoke or add to the prescribed kind or kinds of care in respect of which the private hospital is registered. The present sub-section rests sole initiative for any such change in the Chief General Manager.

Clause 15 inserts a new sub-section (8A) into section 179 of the Principal Act. The new sub-section gives the Chief General Manager the capacity to consult the owner of the

premises at which a private hospital is located before determining an application to transfer the registration of the private hospital to other premises. The Health Act does not currently require the owner to be notified of a proposal to transfer the registration of a private hospital elsewhere. As a result, a registration can be transferred to some other place without the knowledge, and despite the potential objections, of the owner of the premises.

The clause also extends the operation of sections 179 (9) and 180 (1) to include transfers of registration.

Clause 16 inserts a number of new sub-sections into section 182 of the Principal Act. The new provisions fix a maximum period of two years for which an approval of plans and specifications for a private hospital, or for additions or alterations to a private hospital granted by the Chief General Manager will be valid. Further extensions of time may be granted by the Chief General Manager provided each extension does not exceed two years.

Clause 17 is directed at the problem created by the granting of a small number of open-ended approvals some years ago for the development of private hospitals. Although construction work is never likely to commence, the existence of such approvals may well preclude consideration of alternative proposals under the Health Services Development Guidelines. The purpose of this clause is to impose a time limit on these outstanding approvals. Under the clause, those approvals which had been granted for an unspecified period will expire twelve months after the commencement of the clause if works have not been completed unless, in the meantime, an extension is granted by Chief General Manager. Alternatively, a “show cause” notice can be served on the proprietor and the approval cancelled by the Chief General Manager after giving the proprietor the opportunity of being heard.

Clause 18 inserts two new sub-sections in section 182A of the Principal Act. The purpose of the amendments is to give the proprietor of a private hospital who is not also the owner of the premises the right to recover from the owner the costs of complying with any order of the Chief General Manager under section 199 (1) of the Act, unless the order is the result of some default of the proprietor.

Section 199 (1) provides that where the Chief General Manager is satisfied that in the case of any public building any requirement of or under the Act is not being complied with, the Chief General Manager can order the proprietor to comply with the requirement.

The proposed amendments to section 182A are modelled on similar provisions in section 411 of the Health Act relating to orders issued by councils.

Clause 19 repeals section 193 of the Principal Act. The effect is to delete from the Act the requirement that certain public buildings, essentially places of entertainment, must be registered with the Chief General Manager.

Clause 20 inserts a new section 199A into the Principal Act. The new section will enable the Chief General Manager, by notice in the *Government Gazette*, to exempt a public building, or class of public building from all or any of the requirements of the Division relating to public buildings.

Clause 21 makes a number of amendments to sections 407 and 408 of the Principal Act. These sections set out the procedures which must be followed when an authorised officer has seized “any drug or substance or animal or thing” as a result of a contravention of the Act. Paragraphs (a), (b) and (d) of the clause resolve inconsistencies between the wording of sections 407 and 408 to bring it into line with the empowering section—section 401. Paragraph (c) has the effect of requiring that a complaint about a seizure must be dealt with by a magistrate rather than any two justices. This amendment is necessary as justices no longer sit as a court.

Clause 22 increases from \$2000 to \$5000 the amount of costs which may be recovered at the option of the Chief General Manager or of a council either summarily or in proceedings before the County Court.

Clauses 23 and 24 make a number of minor amendments to the Principal Act, and to related legislation. Details of each of the proposed amendments are set out in the following tables—

FIRST SCHEDULE

Item	Section Amended	Purpose
1	3	Amends the definition of “boarding-house” by updating the reference to “licensed victualler to read “licensed hotelkeeper” to reflect the current terminology used in the <i>Liquor Control Act</i> 1968.
2	3	Corrects the definition of “common lodging-house” by substituting “licensed hotelkeeper” for “licensed victualler”.
3	3	Repeals the definition of “daily penalty”. The definition is unnecessary as the Health Act no longer fixes daily penalties for offences.
4	3	Revises the definition of “house” by updating the expression “licensed victuallers’ premises” to read “licensed hotelkeepers’ premises”.
5	3	Substitutes for “licensed victualler” a definition of “licensed hotelkeeper”.
6	3	Repeals the interpretation of “Minister”. A definition in the Act is unnecessary as “Minister” is defined by section 38 of the <i>Interpretation of Legislation Act</i> 1984.
7	3	Amends the definition of “piggery”, which is an offensive trade under the Health Act, by reducing the number of pigs which constitute a piggery from five to four. The item also omits the requirement that the pigs must be kept for the purpose of trade. The amendment brings the definition of “piggery” into line with that used by the Department of Agriculture for the purpose of the tattoo branding scheme operated by that Department.
8	3	Amends the definition of “public building”. The purpose of the amendment is to make clear that amusement structures do not have to comply with the Health Act provisions relating to public buildings. It will resolve doubts which have arisen about the continuing applicability of the Health Act following the transfer to the <i>Lifts and Cranes Act</i> 1967 of those sections dealing with amusement structures.
9	4	Amends an error in the interpretation of “Chairman of the Board of Public Health”. This is currently defined, in part, as being “the chairman of the Chief General Manager”. The item corrects the definition to read “the Chief General Manager”.
10	31 (5)	This item corrects a grammatical error by substituting “a” for “an” in the expression “an health surveyor”.
11	66 (1)	Updates the reference to the Public Service Act in section 66 (1). This section deals with appointments of inspectors for the purpose of registering plumbers and gas-fitters.
12	82 (5)	Repeals the proviso in section 82 (5), which requires the Chief General Manager to refuse an application for the disposal of industrial waste if the approval would be contrary to Part XVI of the Act. Part XVI was repealed by the <i>Health (Amendment) Act</i> 1978.
13	95 (3A)	Revises the reference to “Minister for Minerals and Energy” to read “Minister for the time being administering the <i>Minerals and Energy Act</i> 1976”. The sub-section requires the consent of that Minister to any application relating to a trade involving the reception and disposal of refuse and rubbish.
14	107	Corrects a reference to the Health Commission to read “Chief General Manager”. The provision concerned deals with the registration of dangerous trades.
15	108 (1)	Substitutes references to “Chief General Manager” for “Commission” whenever occurring. The sub-section enables the Governor in Council to make regulations about dangerous trades.

FIRST SCHEDULE—continued

<i>Item</i>	<i>Section Amended</i>	<i>Purpose</i>
16	108 (1) (cc)	Drafting correction which substitutes “the Chief General Manager” for the word “it”.
17	108 (1) (cg)	Deletes the expression “relating to any dangerous substance”. The amendment is intended to put beyond doubt that the penalty referred to in the paragraph can be applied to any offence against a regulation made under the Division, rather than only those relating to dangerous substances.
18	118 (2)	Updates a reference to the <i>Poisons Act</i> 1962. The sub-section provides that notwithstanding anything in the <i>Poisons Act</i> 1962 a council may provide for the sale of disinfectants and deodorants.
19	124 (2)	Inserts the words “or by the Department”. The amendment makes clear that a registered general nurse employed by the Health Department, in addition to a health surveyor or nurse employed by a council, is authorised to examine school children for pediculosis.
20	126 (2)	Revises the reference to “licensed victualler”. The provision deals with the letting of houses and rooms to persons suffering from an infectious disease.
21	135 (a)	Substitutes “licensed hotelkeeper’s premises” for “licensed victualler’s premises” in the provision which makes it an offence for a person suffering from an infectious disease to expose himself in a public place.
22	146 (1)	Updates references to the Public Service Act, and to the Consolidated Fund in the provision dealing with the conditions of employment of the Director of Tuberculosis.
23	179 (9) (b)	Makes a drafting correction by substituting “the Chief Manager” for “it”.
24	183 (4) (c)	Substitutes “copies” for “of copies”. Among other things the provision concerned makes it an offence for a person to prevent a medical practitioner or nurse from “making of copies” of an entry in the record of patients required to be kept at a private hospital. The amendment corrects the obvious error.
25	197A	Metricates the expression “1000 square feet”. Section 197A exempts certain tents and marquees with a floor area less than 1000 square feet from the requirements of the Act relating to temporary public buildings.
26	201 (1)	Substitutes “magistrates’ court” for “court of petty sessions”. The section concerned enables a justice to summons before the court a person permitting a house to be overcrowded.
27	208FA (ii) and (iii)	This item deletes duplications of the word “that” in the relevant sub-paragraphs.
28	209A (5)	Revises the definition of a State Agricultural College for the purpose of exemptions from the boarding-house provisions of the Act.
29	213A (5)	Revises the definition of a State Agricultural College for the purpose of exemptions from the common lodging-house provisions of the Act.
30	228 (1) (b)	Amends the reference to “licensed victuallers’ premises” in the provision enabling regulations to be made regarding fire precautions in various classes of buildings.
31	259 (1)	Updates the reference to the “British Pharmaceutical Codex” in the definition of “proprietary medicine”.
32	263 (5)	Revises the reference to the <i>Poisons Act</i> 1962 in the provision dealing with applications for the registration of proprietary medicines.
33	270	Updates the reference to the <i>Poisons Act</i> 1962. The section requires the provisions of the Division (relating to proprietary medicines) to be read in aid of the other provisions of the Act, and of the <i>Poisons Act</i> 1962.

FIRST SCHEDULE—*continued*

<i>Item</i>	<i>Section Amended</i>	<i>Purpose</i>
34	270A (1) (b)	Updates a reference to the "British Pharmaceutical Codex". The section sets out the various formularies which may be used as a guide in the preparation of medicines in Victoria.
35	270B (1)	Revises the reference to the "British Pharmacopeia (sic) Codex" in the definition of "Contraceptive".
36	270E (3)	Amends the reference to the <i>Poisons Act</i> 1962 in the provision with prohibits the registration of a contraceptive in certain circumstances.
37	270J (3)	Converts to equivalent penalty units, the penalty of \$250 for selling a package of registered contraceptives unless it bears the words "Registered Victoria".
38	270P	Updates the reference to the <i>Poisons Act</i> 1962. Section 270P requires the provisions of the Division relating to contraceptives to be read in aid of the other provisions of the Act and of the <i>Poisons Act</i> 1962.
39	371 (1)	Deletes the requirement that records of registrations, renewals and transfers made under the Act kept by the Chief General Manager and by councils must be "in the prescribed form". The effect is to enable a register to be maintained in such form as is considered appropriate (e.g. in book form or on computer) provided that it contains the prescribed particulars.
40	384 (b)	Updates a reference to the "Justices Acts" by substituting the " <i>Magistrates' Courts Act</i> 1971 and the <i>Magistrates (Summary Proceedings) Act</i> 1975". The provision deals with the powers of the Chief General Manager or an officer holding an inquiry for the purposes of the Act.
41	390 (2A)	Deletes the superfluous word "and" between paragraphs (b) and (c). Section 390 (2A) enables regulations to be made prescribing labels to be attached to packages of substances compounds or mixtures.
42	398(1)	Revises a reference to "the Consolidated Revenue" to read "Consolidated Fund". The sub-section concerned enables the Treasurer to suspend payments due to a council if the council fails to carry out a power or duty under the Act.
43	418	Substitutes "Director-General of Conservation, Forests and Lands" for "Commissioner of Crown Lands and Survey". Section 418 makes it the duty of the Commissioner to put Crown land in a municipality into a sanitary condition whenever required by the council.
44	431	Repeals the section which, in part, prohibits a justice who is a member of a council from adjudicating on cases involving the council. The section is no longer required because all such cases are now dealt with by magistrates.
45	445	Deletes references to "justices". Section 445 provides for appeals to the County Court against convictions or orders of any justices or magistrates' court under the Act.
46	450 (2)	Amends a reference to "the consolidated revenue" to read "Consolidated Fund". The sub-section provides that all fines, penalties and forfeitures recovered by the Chief General Manager are to form part of the Consolidated Fund.
47	451 (1)	Revises the reference to the Public Service Act in the provision which empowers the Governor in Council to employ medical practitioners as Government medical officers.
48	Part XX	Repeals the heading "Division 6—Transitory Provisions". The heading is superfluous as all the provisions in Division 6 have now been repealed.

SECOND SCHEDULE

SECOND SCHEDULE—continued

Item	Purpose
1	This amendment to item 26 of the Schedule to the <i>Building Control Act</i> 1981 will have the effect of repealing section 182A of the Health Act. Section 182A applies the provisions of sections 198 and 199 to private hospitals as if a private hospital were a public building. When item 28 of the Schedule is proclaimed, sections 198 and 199 will be repealed. Section 182 will then become redundant. The purpose of this amendment is to enable its consequential repeal.
2	This amendment makes two changes to item 28 of the Schedule to the <i>Building Control Act</i> 1981. The first is to repeal proposed section 188 of the Health Act to be inserted by that Schedule. The repeal of proposed section 188 becomes necessary because it corresponds to section 193 of the Health Act being repealed by the Bill. The second change is to bring the penalty for offences against regulations made under proposed section 189 into line with the penalty in section 200 (2). The latter is the equivalent existing provision in the Health Act.
3	The effect of this amendment to item 29 of the Schedule to the <i>Building Control Act</i> 1981 will be to repeal section 208H of the Health Act. The section applies sections 198 and 199 to a child minding centre as if a child minding centre was a public building. As indicated in notes on item 1 above, sections 198 and 199 will be repealed by item 28 of the Schedule. This amendment provides for the consequential repeal of section 208H.
4	This amendment to the <i>Medical Practitioners (Private Hospitals) Act</i> 1984 deletes the requirement in proposed section 184A of the Health Act that the proprietor of a private hospital must, among other things, keep a record showing the "value" of any interest which a medical practitioner has in that private hospital. An interest may be held in many ways, both direct and indirect, and often will be difficult to quantify. The purpose of this amendment is to omit a requirement which would be difficult to comply with in practice.
5	Item 18 (b) of the <i>Health (General Amendment) Act</i> 1984 had the effect of repealing a reference to a daily penalty in section 208F of the Health Act. The purpose of this amendment is to correct a drafting error in the repealing words by inserting the missing word "daily".
6	When proclaimed, section 9 (7) (b) of the <i>Health (Amendment) Act</i> 1985 will insert a scale of fees for the registration of special accommodation houses in the Eleventh Schedule of the Health Act after the entry for "food vending machines". The entry for food vending machines is no longer extant as it was repealed on 1 January 1986 with the commencement of the <i>Food Act</i> 1984. The proposed amendment will have the effect of now inserting the scale of fees after the entry for dangerous trades premises.
7	This amendment increases by 50% the maximum fees fixed in section 9 (7) (b) of the <i>Health (Amendment) Act</i> 1985 which may be prescribed for the registration of special accommodation houses.
8	The item in the Schedule of the <i>Health (Amendment) Act</i> 1985 relating to section 49A of the Health Act substituted "Chief General Manager" for "Commission" (i.e. the Health Commission of Victoria) wherever occurring. An unintended effect was to also substitute "Chief General Manager" for "Commission" in the expression "Rural Water Commission". The purpose of this amendment is to correct the obvious error which has occurred.
9	This item makes a similar correction to the amendments made to section 82 of the Health Act by the <i>Health (Amendment) Act</i> 1985 as outlined in the notes on item 8 above.

SECOND SCHEDULE—*continued*

<i>Item</i>	<i>Purpose</i>
10	This amendment corrects an error in the item in the Schedule to the <i>Health (Amendment) Act 1985</i> relating to the <i>Historic Buildings Act 1981</i> . The item concerned substituted “Department of Health” for “Health Commission of Victoria” in the definition of “Public authority”. However, the section referred to in the item should have been section 3, and not section 13.
11	This item corrects an error in amendments made to section 18 of the <i>Hospitals and Charities Act 1958</i> by the Schedule to the <i>Health (Amendment) Act 1985</i> . The relevant item had the effect of substituting “Chief General Manager” for “it” in this section. There were, in fact, two “it”s in the provision. The amendment should have related only to the second “it”, and not to the first.
12 and 13	These two amendments to the Schedule to the <i>Health (Amendment) Act 1985</i> are complementary. They have the effect, respectively, of inserting in the Schedule a missing reference to the <i>Hospitals Superannuation Act</i> , and correcting a reference to the “ <i>Hospitals Remuneration Tribunal Act 1978</i> ” to read “ <i>Hospitals Superannuation Act 1965</i> ”.
14	This amendment to the Schedule to the <i>Health (Amendment) Act 1985</i> corrects a typographical error in the item referring to the Director General of Community Services. In the amendments made by that Act to the <i>St. Nicholas Hospital (Sale of Land) Act 1982</i> the Director General is incorrectly identified as the “Director General of Community 1982 Services”.