

NORTHERN TERRITORY OF AUSTRALIA
HEALTH SERVICES AMENDMENT ACT 2019

Act No. 8 of 2019

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 8 of 2019

An Act to amend the *Health Services Act*

[Assented to 28 March 2019]
[Introduction 28 November 2018]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Health Services Amendment Act 2019*.

2 Commencement

This Act commences on the day fixed by the Administrator by *Gazette* notice.

3 Act amended

This Act amends the *Health Services Act*.

4 Section 7 amended (Definitions)

(1) Section 7, definitions ***Board, chairperson, deputy chairperson, Health Service Board, Medicare Local*** and ***member***

omit

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- (2) Section 7

insert (in alphabetical order)

Primary Health Network, for the Territory, means the entity established as the Primary Health Network for the Territory for the purposes of the National Health Reform Agreement agreed by COAG on 2 August 2011, as amended from time to time.

5 Section 12 amended (Health Services)

- (1) Section 12(2)

omit

governed by a Health Service Board which is

- (2) Section 12(4)

omit

6 Part 4, Division 3 repealed

Part 4, Division 3

repeal

7 Section 30 amended (Appointment of Chief Operating Officer)

- (1) Section 30(2)

omit

with the agreement of the Board for the Service

- (2) Section 30(4)

omit

in consultation with the Board for the Service

8 Section 32 amended (Functions of COO)

- (1) Section 32(2)(b)

omit

after they have been approved by the Board

(2) Section 32(3), (4) and (5)

omit, insert

(3) The COO of a Service, in performing the COO's functions, is:

(a) accountable to the CEO for:

(i) the performance of the Service in providing health services; and

(ii) the financial management of the Service; and

(b) subject to the lawful directions of the CEO.

9 Section 33 amended (Powers of COO)

Section 33(b)

omit

10 Section 33A inserted

After section 33, in Part 4, Division 4

insert

33A Delegation by COO

(1) The COO of a Service may delegate any of the COO's powers or functions under this Act to an appropriately qualified employee in the Service.

(2) In this section:

appropriately qualified means having the qualifications, experience or standing appropriate to the exercise of the power or performance of the function.

*Note for definition **appropriately qualified***

Standing refers to a person's classification level or how senior the person is in the Service.

11 Sections 39, 42 and 43 repealed

Sections 39, 42 and 43

repeal

12 Section 44 amended (Variation of SDA)

Section 44(3)

omit

13 Section 47 amended (Annual report by Service to Minister)

(1) Section 47, heading

omit

by

insert

on

(2) Section 47(1)

omit, insert

(1) The Department must give the Minister an annual report that includes information about the performance of each Service.

14 Sections 65 and 66 repealed

Sections 65 and 66

repeal

15 Section 67 amended (Obstruction of authorised officer)

(1) Section 67(1)(a), before "obstructs"

insert

intentionally

(2) Section 67(1)(c)

omit, insert

(c) the authorised officer is acting in an official capacity and the person has knowledge of that circumstance.

16 Section 68 amended (Misleading information)

(1) Section 68(1)(a), before "gives"

insert

intentionally

(2) Section 68(1)(c) and (d)

omit, insert

(c) the information is misleading and the person has knowledge of that circumstance; and

(d) the authorised officer is acting in an official capacity and the person has knowledge of that circumstance.

(3) Section 68(2)(a), before "gives"

insert

intentionally

(4) Section 68(2)(c) and (d)

omit, insert

(c) the document contains misleading information and the person has knowledge of that circumstance; and

(d) the authorised officer is acting in an official capacity and the person has knowledge of that circumstance.

17 Section 69 amended (Falsely representing to be authorised officer)

(1) Section 69(a), before "represents,"

insert

intentionally

(2) Section 69(b)

omit, insert

(b) the representation is false and the person has knowledge of that circumstance.

18 Section 70 and Part 8 replaced

Section 70 and Part 8

repeal, insert

70 Offence to disclose certain information

- (1) A person commits an offence if:
- (a) the person obtains information in the course of performing a function connected with the administration of this Act or exercising a power under this Act; and
 - (b) the information is confidential and the person is reckless in relation to that circumstance; and
 - (c) the person intentionally engages in conduct; and
 - (d) the conduct results in the disclosure of the information and the disclosure is not:
 - (i) for a purpose connected with the administration of this Act, including a legal proceeding arising out of the operation of this Act; or
 - (ii) to a person who is otherwise entitled to the information; and
 - (e) the person is reckless in relation to the result and circumstance mentioned in paragraph (d).

Maximum penalty: 100 penalty units or imprisonment for 12 months.

- (2) Strict liability applies to subsection (1)(a).
- (3) If the information mentioned in subsection (1) relates to a person, it is a defence to a charge for an offence against that subsection if the person has consented to the disclosure of the information.
- (4) Without limiting subsection (1)(d)(i), a disclosure is authorised for this Act in any of the following circumstances:
- (a) the information is provided to the Commonwealth by the System Manager;
 - (b) the information is provided to the System Manager under an SDA or a Health Service Directive;

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- (c) the information is provided as part of an investigation into a Service, a Health Service Inquiry or a Health Service Audit.

Note for section 70

In addition to the circumstances mentioned in this section, a person who discloses information mentioned in this section will not be criminally responsible for an offence if the disclosure is justified or excused by or under a law (see section 43BE of the Criminal Code).

19 Act further amended

The Schedule has effect.

20 Repeal of Act

This Act is repealed on the day after it commences.

Schedule Act further amended

section 19

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 9(5)	Medicare Local	Primary Health Network
section 37(1)	The Board for a	A
section 37(2)	chairperson of the Board for	COO of
sections 37(4), 46(1) and 52(2)	Board for	COO of
sections 56(3)(b) and 60(3)(b)	the Board and	
section 61(1)(b)	, or the Board for the Service,	
section 62(2)(a)	or the Board for the relevant Service	
section 62(2)(b)	Board or the Board	Service
section 62(4)	Board for the relevant Service, and the	
section 63(2)	Board for the relevant Service or the	
section 63(5)(a)	Board for the relevant Service or the COO of the or the Board	COO of the relevant
section 63(6)	, or the Board for the relevant Service,	
section 63(7)	Board and the COO	COO of the Service

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 64(2)	, or the Board of the relevant Service, or the Board	
section 64(4)(a) and (6)	, or the Board for the relevant Service,	
section 64(4)(b)	Board	Service
section 64(7)	Board and the	