

THE NORTHERN TERRITORY OF AUSTRALIA

TRANSFER OF POWERS (HEALTH) ACT

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No. 122 of 1978

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# THE NORTHERN TERRITORY OF AUSTRALIA

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No. 122 of 1978

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## AN ACT

Relating to the Transfer to the Northern Territory  
of certain Executive Powers with respect to Health

[Assented to 21 December 1978]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

### PART I - PRELIMINARY

- |  |              |
|--|--------------|
| 1. This Act may be cited as the <u>Transfer of Powers (Health) Act 1978</u> .  | Short title  |
| 2. This Act shall come into operation on 1 January 1979.   | Commencement |
| 3.(1) An appointment duly made, or other action duly taken or done, before the commencement of this Act under or for the purposes of a provision of an Act amended by this Act, and having effect immediately before the commencement of this Act is as valid and effectual as if duly made, taken or done under or for the purposes of that provision as amended by this Act, but any action that may be taken or done in respect of an appointment or action made, taken or done under or for the purposes of that provision as amended by this Act may be taken or done in respect of that first-mentioned appointment or action. | Savings      |
| (2) Subject to sub-sections (3) and (4), the amendments made by this Act do not affect any right, privilege, obligation or liability acquired, accrued or incurred under an Act amended by this Act, or any investigation, legal proceeding, claim, cause or action or remedy in respect of any such right, privilege, obligation or liability, and any such investigation, legal proceeding, claim, cause of action or remedy may be availed of, pursued, instituted, continued or enforced as if this Act had not come into operation.   |              |
| (3) Where, immediately before the commencement of this Act, an amount of money was due, whether or not it was payable, to or by the Commonwealth or a person or body under or by reason of an Act amended  |              |

## Transfer of Powers (Health)

by this Act, that amount of money remains due to or by the Commonwealth or that person or body, as the case may be, until it is paid, as though this Act had not come into operation.

(4) Any action that may be taken or done in respect of a right, privilege, obligation or liability acquired, accrued or incurred under a provision of an Act as amended by this Act may be taken or done in respect of a right, privilege, obligation or liability acquired, accrued or incurred under that provision before this Act came into operation.

### PART II - AMENDMENTS OF DAIRIES SUPERVISION ACT

- Principal Act      4. The Dairies Supervision Act is in this Part referred to as the Principal Act.
- Definitions      5. Section 4(1) of the Principal Act is amended -
- (a) by inserting after the definition of "Cattle" the following definition:
- "'Chief Medical Officer' means the Chief Medical Officer appointed under the Public Health Act"; and
- (b) by omitting the definitions of "The Chief Medical Officer" and "Tuberculin".
- References to Administrator      6. Sections 13(4), (5), 14, 16 and 34(1) of the Principal Act are amended by omitting "Administrator" (wherever occurring) and substituting "Minister".
- Regulations      7. Section 46 of the Principal Act is amended by omitting "Administrator in Council" and substituting "Administrator".

### PART III - AMENDMENTS OF DANGEROUS DRUGS ACT

- Principal Act      8. The Dangerous Drugs Act is in this Part referred to as the Principal Act.
- Repeal and saving      9. Section 3 of the Principal Act is amended -
- (a) by omitting from sub-section (2) "Administrator in Council" (second occurring) and substituting "Minister"; and
- (b) by omitting from sub-section (3) "Administrator in Council" and substituting "Minister".

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10. Section 4(1) of the Principal Act is amended - Definitions
- (a) by inserting before the definition of "coca leaf" the following definition:
- "'Chief Medical Officer' means the Chief Medical Officer appointed under the Public Health Act"; and
- (b) by omitting from paragraph (c) of the definition of "dangerous drugs" the words "Administrator in Council" and substituting "Minister".
11. Section 35 of the Principal Act is amended by omitting "Administrator in Council" and substituting "Administrator". Regulations
- PART IV - AMENDMENTS OF DENTISTS  
REGISTRATION ACT
12. The Dentists Registration Act is in this Part referred to as the Principal Act. Principal Act
13. Section 5 of the Principal Act is amended - Definitions
- (a) by inserting after the definition of "Board" the following definition:
- "'Chief Medical Officer' means the Chief Medical Officer appointed under the Public Health Act";
- (b) by omitting from the definition of "dentistry" the word "Commonwealth" and substituting "Territory"; and
- (c) by omitting the definition of "the Chief Medical Officer".
14. Section 8(1) and (3) of the Principal Act is amended by omitting "Commonwealth Department of Health" and substituting "Territory". Constitution of Board
15. Sections 20(1)(e) and 23 of the Principal Act are amended by omitting "Commonwealth" and substituting "Territory". References to Commonwealth
16. Section 43 of the Principal Act is amended by omitting "Administrator in Council" and substituting "Administrator". Regulations

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PART V - AMENDMENTS OF ENDEMIC  
DISEASES ACT

- Principal Act      17. The Endemic Diseases Act is in this Part referred to as the Principal Act.
- Definitions      18. Section 3 of the Principal Act is amended -
- (a) by inserting after the definition of "Carrier" the following definition:
- "Chief Medical Officer" means the Chief Medical Officer appointed under the Public Health Act;";
- (b) by omitting from the definition of "Endemic disease" the word "Administrator" and substituting "Minister";
- (c) by omitting the definition of "Health Officer" and substituting the following definition:
- "Health Officer" means a person appointed under the Public Health Act to be a Health Officer;"; and
- (d) by omitting the definition of "The Chief Health Officer".
- Disease may be declared to be endemic disease      19. Section 3A of the Principal Act is amended -
- (a) by omitting "Administrator" and substituting "Minister"; and
- (b) by omitting "Chief Health Officer" and substituting "Chief Medical Officer".
- Persons arriving in Northern Territory to answer questions      20. Section 4 of the Principal Act is amended by omitting "Chief Health Officer or any other Health Officer" and substituting "Chief Medical Officer or a Health Officer".
- Examination of persons for endemic disease      21. Section 5 of the Principal Act is amended by omitting "Chief Health Officer or any Health Officer" and substituting "Chief Medical Officer or a Health Officer".
- References to Chief Health Officer      22. Sections 6 and 7 of the Principal Act are amended by omitting "Chief Health Officer or other Health Officer" and substituting "Chief Medical Officer or a Health Officer".
- Expenses of removal, isolation and maintenance      23. Section 8 of the Principal Act is amended by omitting "Director-General of Health" and substituting "Chief Medical Officer".

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24. Section 9 of the Principal Act is amended by omitting "Administrator in Council" and substituting "Administrator". Regulations

#### PART VI - AMENDMENTS OF FOOD AND DRUGS ACT

25. The Food and Drugs Act is in this Part referred to as the Principal Act. Principal Act

26. Section 5 of the Principal Act is amended - Definitions

(a) by omitting from the definition of "Authorized" the word "Administrator" and substituting "Minister";

(b) by inserting after the definition of "Authorized" the following definition:

"'Chief Medical Officer' means the Chief Medical Officer appointed under the Public Health Act";

(c) by omitting from the definition of "Owner" the words "premises owned by the Commonwealth Government or any authority of the Commonwealth" and substituting "premises owned by the Territory or the Commonwealth or any authority of the Territory or the Commonwealth"; and

(d) by omitting the definition of "The Chief Medical Officer".

27. Sections 7(1), (2), 9, 12(a), 14(3)(c), 15(1) and 18(1) of the Principal Act are amended by omitting "Administrator in Council" (wherever occurring) and substituting "Minister". References to Administrator in Council

28. Sections 19(1), (2), 21(6), (7) and 86(n) of the Principal Act are amended by omitting "Administrator" (wherever occurring) and substituting "Minister". References to Administrator

29. Section 111 of the Principal Act is amended by omitting "Administrator in Council" and substituting "Administrator". Regulations

#### PART VII - AMENDMENTS OF HOSPITAL ADVISORY BOARDS ACT

30. The Hospital Advisory Boards Act is in this Part referred to as the Principal Act. Principal Act

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### Definitions

31. Section 4 of the Principal Act is amended -

(a) by inserting after the definition of "board" the following definition:

"Chief Medical Officer" means the Chief Medical Officer appointed under the Public Health Act;"; and

(b) by omitting the definitions of "the Director of Health" and "the Minister".

### References to Administrator in Council

32. Sections 5, 6, 7(1) and (2) of the Principal Act are amended by omitting "Administrator in Council" (wherever occurring) and substituting "Minister".

### References to Administrator

33. Sections 8(1), (7), (10), 9(1), 10, 11(1)(d), 12(1) and (2) of the Principal Act are amended by omitting "Administrator" (wherever occurring) and substituting "Minister".

### General powers and duties of a board

34. Section 13(1)(b) of the Principal Act is amended by omitting "Director of Health and to the Director-General of Health" and substituting "Chief Medical Officer".

### Reports

35. Section 14(b) of the Principal Act is amended by omitting "furnish to the Director of Health and to the Administrator" and substituting "furnish to the Chief Medical Officer".

### Minister may call special meeting of a board

36. Section 16 of the Principal Act is amended by omitting "The Minister or Administrator, or any person authorized by either of them in writing to do so," and substituting "The Minister or a person authorized in writing by the Minister".

### Minister may attend any meeting of a board

37. Section 17 of the Principal Act is amended -

(a) by omitting from sub-section (1) "The Minister or Administrator, or a person authorized by either of them in writing to do so," and substituting "The Minister or a person authorized in writing by the Minister"; and

(b) by omitting from sub-section (2) "Director of Health" and substituting "Chief Medical Officer".

### Regulations

38. Section 18 of the Principal Act is amended by omitting "Administrator in Council" and substituting "Administrator".



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PART VIII - AMENDMENTS OF HOSPITALS AND  
MEDICAL SERVICES ACT

39. The Hospitals and Medical Services Act is in this Part referred to as the Principal Act. Principal Act
40. Section 4 of the Principal Act is amended - Definitions
- (a) by inserting after the definition of "charge" the following definition:
- "'Chief Medical Officer' means the Chief Medical Officer appointed under the Public Health Act";
- (b) by omitting from the definition of "salaried medical practitioner" the word "Commonwealth" (twice occurring) and substituting "Territory"; and
- (c) by omitting the definitions of "the Chief Medical Officer", "the Director-General" and "the Minister".
41. Sections 5A(1), (3), (4), 7(2), (3), 10(1), 11(1) and (2)(b) of the Principal Act are amended by omitting "Director-General" (wherever occurring) and substituting "Chief Medical Officer". References to Director-General
42. Section 5A of the Principal Act is amended - Transport for persons requiring medical services
- (a) by omitting from sub-section (3) "after report by the Chief Medical Officer or another medical practitioner employed by the Commonwealth" and substituting "after report by a salaried medical practitioner"; and
- (b) by omitting sub-section (6).
43. Sections 5A(3), (4), (5), (7), 6A(4), 7(1), 9(1), (2), (3), 10(2), 11(3), 17, 18 and 19(e) of the Principal Act are amended by omitting "Commonwealth" (wherever occurring) and substituting "Territory". Reference to Commonwealth
44. Sections 10(2) and 11(3) of the Principal Act are amended by omitting "Administrator" and substituting "Minister". Reference to Administrator
45. Sections 13 and 15 of the Principal Act are amended by omitting "Director-General" and substituting "Minister". Further references to Director-General

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- Delegation by Chief Medical Officer      46. Section 14 of the Principal Act is amended -
- (a) by omitting from sub-section (1) "The Director-General and the Chief Medical Officer" and substituting "The Chief Medical Officer";
  - (b) by omitting from sub-section (1) "all or any of his respective powers" and substituting "all or any of his powers"; and
  - (c) by omitting from sub-section (2) "the Director-General or the Chief Medical Officer, as the case may be" and substituting "the Chief Medical Officer".
- Regulations      47. Section 19 of the Principal Act is amended by omitting "Administrator in Council" and substituting "Administrator".

### PART IX - AMENDMENTS OF LEPROSY ACT

- Principal Act      48. The Leprosy Act is in this Part referred to as the Principal Act.
- Definitions      49. Section 4 of the Principal Act is amended -
- (a) by inserting before the definition of "examine" the following definition:  
" 'Chief Medical Officer' means the Chief Medical Officer appointed under the Public Health Act;"; and
  - (b) by omitting the definitions of "Minister" and "the Chief Medical Officer".
- Regulations      50. Section 38 of the Principal Act is amended by omitting "Administrator in Council" and substituting "Administrator".

### PART X - AMENDMENTS OF LITTER ACT

- Principal Act      51. The Litter Act is in this Part referred to as the Principal Act.
- Definitions      52. Section 3 of the Principal Act is amended -
- (a) by inserting after the definition of "boat" the following definition:  
" 'Chief Medical Officer' means the Chief Medical Officer appointed under the Public Health Act;"; and

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- (b) by omitting the definition of "the Chief Medical Officer".

PART XI - AMENDMENT OF LOCAL  
GOVERNMENT ACT

53. The Local Government Act is in this Part referred to as the Principal Act. Principal Act

54. Section 5 of the Principal Act is amended by omitting the definition of "Chief Medical Officer" and substituting the following definition: Definitions

"Chief Medical Officer" means the Chief Medical Officer appointed under the Public Health Act;"

PART XII - AMENDMENTS OF MEDICAL  
PRACTITIONERS REGISTRATION ACT

55. The Medical Practitioners Registration Act is in this Part referred to as the Principal Act. Principal Act

56. Section 5 of the Principal Act is amended - Definitions

- (a) by inserting after the definition of "Board" the following definition:

"Chief Medical Officer" means the Chief Medical Officer appointed under the Public Health Act"; and

- (b) by omitting the definition of "The Director of Health".

57. Section 7(1) and (3) of the Principal Act is amended by omitting "Director of Health" and substituting "Chief Medical Officer". Members of Medical Board

58. Section 43 of the Principal Act is amended by omitting "Administrator in Council" and substituting "Administrator". Regulations

PART XIII - AMENDMENTS OF NURSING ACT

59. The Nursing Act is in this Part referred to as the Principal Act. Principal Act

60. Section 4(1) of the Principal Act is amended - Definitions

- (a) by inserting after the definition of "Chairman" the following definition:

## Transfer of Powers (Health)

"'Chief Medical Officer' means the Chief Medical Officer appointed under the Public Health Act";;

(b) by omitting the definition of "Director of Health"; and

(c) by omitting the definition of "Medical Superintendent" and substituting the following definition:

"'Medical Superintendent' means the Medical Superintendent of the Darwin Hospital appointed under the Public Service Act";.

References to  
Director of  
Health

61. Sections 5(a), 6(1) and 21(3) of the Principal Act are amended by omitting "Director of Health" (wherever occurring) and substituting "Chief Medical Officer".

Regulations

62. Section 35 of the Principal Act is amended by omitting "Minister of State for Health" and substituting "Administrator".

## PART XIV - AMENDMENTS OF OPTOMETRISTS ACT

Principal Act

63. The Optometrists Act is in this Part referred to as the Principal Act.

Interpretation

64. Section 4(1) of the Principal Act is amended -

(a) by inserting before the definition of "medical practitioner" the following definition:

"'Chief Medical Officer' means the Chief Medical Officer appointed under the Public Health Act";;

(b) by omitting from the definition of "medical practitioner" the word "Territory" and substituting "Territory that forms part of the Commonwealth"; and

(c) by omitting the definitions of "Territory" and "the Chief Medical Officer".

Allowance to  
witnesses

65. Section 43(2) of the Principal Act is amended by omitting "Commonwealth" and substituting "Territory".

Regulations

66. Section 49 of the Principal Act is amended by omitting "Administrator in Council" and substituting "Administrator".

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PART XV - AMENDMENTS OF PHARMACY ACT

67. The Pharmacy Act is in this Act referred to as the Principal Act. Principal Act

68. Section 5 of the Principal Act is amended - Definitions

- (a) by inserting before the definition of "Member" the following definition:

"Chief Medical Officer' means the Chief Medical Officer appointed under the Public Health Act"; and

- (b) by omitting the definition of "the Director of Health".

69. Sections 7(1), (3) and 43(5) of the Principal Act are amended by omitting "Director of Health" (wherever occurring) and substituting "Chief Medical Officer". References to Director of Health

70. Section 8(2) of the Principal Act is amended by omitting "not being an officer or employee of the Public Service of the Commonwealth" and substituting "not being an employee within the meaning of the Public Service Act". Meeting of the Board and expenses of members

71. Section 48 of the Principal Act is amended by omitting "Administrator in Council" and substituting "Administrator". Regulations

PART XVI - AMENDMENTS OF PUBLIC HEALTH ACT

72. The Public Health Act is in this Part referred to as the Principal Act. Principal Act

73. Section 4 of the Principal Act is amended - Definitions

- (a) by omitting from the definition of "authorized" the words "the Minister, the Director-General or the Chief Medical Officer" and substituting "the Minister or the Chief Medical Officer";

- (b) by inserting after the definition of "authorized" the following definition:

"Chief Medical Officer' means the person appointed under section 5 to be the Chief Medical Officer"; and

- (c) by omitting the definitions of "Director-General", "Minister" and "the Chief Medical Officer".

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74. Section 5 of the Principal Act is repealed and the following section substituted:

Chief Medical  
Officer

"5.(1) The Minister shall appoint a person -

- (a) who is an employee within the meaning of the Public Service Act; and
- (b) who is registered, or entitled to be registered, as a medical practitioner under the provisions of the Medical Practitioners Registration Act,

to be the Chief Medical Officer.

"(2) The Chief Medical Officer shall, subject to any directions of the Minister, be responsible for the administration of this Act."

Appointments

75. Section 6 of the Principal Act is amended by omitting sub-sections (3) and (4).

### PART XVII - AMENDMENTS OF RADIATION (SAFETY CONTROL) ACT

Principal Act

76. The Radiation (Safety Control) Act is in this Part referred to as the Principal Act.

Definitions

77. Section 3(1) of the Principal Act is amended -

- (a) by inserting after the definition of "beta principle" the following definition:

"'Chief Medical Officer' means the Chief Medical Officer appointed under the Public Health Act"; and

- (b) by omitting the definitions of "Director" and "Minister".

References to  
Director

78. Sections 5(3), 6, 7(1), (2), 8(1), (4), 11(2), 12(1), (2), (3), 15(1), 16(1), 17(g), 19, 20, 22, 24(1), 25(1), 26, 27, 30(1), (2), 31(1), 32, 33(1), (2), (3), 34(1), 35(1), 37(3), 40, 45(d), 47(2), 48(2), (3), 50, 51, 52(1), 53(1), (2), (3) and 55 of the Principal Act are amended by omitting "Director" (wherever occurring) and substituting "Chief Medical Officer".

Warning to  
be given

79. Section 49 of the Principal Act is amended by omitting "Director of Health" and substituting "Chief Medical Officer".

Isolation of  
site of  
accident

80. Section 51 of the Principal Act is amended by omitting "unless with the Director's authority" and

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substituting "unless with the Chief Medical Officer's authority".

81. Section 56 of the Principal Act is amended by omitting "Administrator in Council" and substituting "Administrator". Regulations

PART XVIII - AMENDMENTS OF SILICOSIS AND  
TUBERCULOSIS (MINE-WORKERS AND  
PROSPECTORS) ACT

82. The Silicosis and Tuberculosis (Mine-workers and Prospectors) Act is in this Part referred to as the Principal Act. Principal Act

83. Section 3 of the Principal Act is amended - Definitions

(a) by inserting after the definition of "area of silicosis risk" the following definition:

"'Chief Medical Officer' means the Chief Medical Officer appointed under the Public Health Act";

(b) by omitting the definition of "medical officer" and substituting the following definition:

"'medical officer' means a person who -

(a) is registered as a medical practitioner under the provisions of the Medical Practitioners Registration Act;

(b) is an employee within the meaning of the Public Service Act; and

(c) is engaged in medical duties as such an employee;"; and

(c) by omitting the definition of "the Director of Health".

84. Sections 4(1), 6(1), (2), 10(1), (2), (3), 11(1), (2) and (3) of the Principal Act are amended by omitting "Director of Health" (wherever occurring) and substituting "Chief Medical Officer". References to Director of Health

85. Section 10 of the Principal Act is amended -

(a) by omitting from sub-section (5) "Administrator" and substituting "Minister"; and

(b) by omitting from sub-sections (6) and (7) "Administrator in Council" and substituting "Minister".

Permits for prospecting by persons suffering from tuberculosis

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PART XIX - AMENDMENTS OF TRADING IN  
BLOOD (PROHIBITION) ACT

- Principal Act      86. The Trading in Blood (Prohibition) Act is in this Part referred to as the Principal Act.
- References to Minister of State for Health      87. Sections 3(2) and 4 of the Principal Act are amended by omitting "Minister of State for Health" and substituting "Minister".

PART XX - AMENDMENTS OF TUBERCULOSIS ACT

- Principal Act      88. The Tuberculosis Act is in this Part referred to as the Principal Act.

- Repeal of section 3      89. Section 3 of the Principal Act is repealed.

- Definitions      90. Section 4 of the Principal Act is amended -
- (a) by inserting before the definition of "Local Court" the following definitions:

"'Chief Medical Officer' means the Chief Medical Officer appointed under the Public Health Act;

'medical officer' means a person who -

(a) is a medical practitioner;

(b) is an employee within the meaning of the Public Service Act; and

(c) is engaged in medical duties as such an employee;"; and

(b) by omitting the definitions of "the Director-General" and "the Minister".

- References to Director-General      91. Sections 5(1), 6(1), (2), 7(1), 8(1), (3), 9, 10(1), (2), (3), (5), (8), (10), (12), 11(1), 13(1) and (2) of the Principal Act are amended by omitting "Director-General" (wherever occurring) and substituting "Chief Medical Officer".

- Notices by medical practitioner in respect of sufferers from tuberculosis      92. Section 5(3) of the Principal Act is amended by omitting "of the Department of Health in the Territory".

- Magistrate may order persons suffering from tuberculosis to be removed to institution, &c.      93. Section 10 of the Principal Act is amended -

(a) by omitting from sub-section (1) "of the Department of Health or of the institution"; and



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- (b) by omitting from sub-sections (9) and (10) "medical officer" and substituting "medical practitioner".

94. Section 13(1) of the Principal Act is amended by omitting "an officer of the Department of Health (being a medical practitioner)" and substituting "a medical officer".

Delegation

95. Section 14 of the Principal Act is amended by omitting "Administrator in Council" and substituting "Administrator".

Regulations

### PART XXI - AMENDMENTS OF VENEREAL DISEASES ACT

96. The Venereal Diseases Act is in this Part referred to as the Principal Act.

Principal Act

97. Section 2 of the Principal Act is amended -

Definitions

- (a) by inserting before the definition of "Child" the following definition:

"'Chief Medical Officer' means the Chief Medical Officer appointed under the Public Health Act"; and

- (b) by omitting the definition of "The Chief Health Officer".

98. Sections 3(1), (2), (3), 3A(1), 4(1), (2), 5, 6A(2), 7(1), (2), 8(1), (2), 10, 13(1), 13B, 15(2), (3) and 23(1) of the Principal Act and Forms A, B and D of the Schedule to that Act are amended by omitting "Chief Health Officer" (wherever occurring) and substituting "Chief Medical Officer".

References to Chief Health Officer

99. Section 23(1) of the Principal Act is amended by omitting "and such officers, witnesses, or persons" and substituting "and such witnesses or persons".

Privacy of proceedings

100. Section 25 of the Principal Act is amended by omitting "Administrator" and substituting "Chief Medical Officer".

Powers of Chief Medical Officer

101. Section 26 of the Principal Act is amended by omitting "Administrator in Council" and substituting "Administrator".

Regulations

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Schedule

102. The Schedule to the Principal Act is amended by omitting from Form D "CERTIFICATE OF CHIEF HEALTH OFFICER" and substituting "CERTIFICATE OF CHIEF MEDICAL OFFICER".

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1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very important document, as it contains the President's annual message to Congress. The letter is written in a formal, dignified style, and it is one of the most important documents in the history of the United States. It is a document that has been read and studied by many generations of Americans, and it is a document that has shaped the course of our nation's history.

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
RESEARCH REPORT

RESEARCH REPORT NO. 1000

THE UNIVERSITY OF CHICAGO  
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