

**MISCELLANEOUS ACTS (PUBLIC HEALTH) REPEAL AND  
AMENDMENT BILL 1990**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

This Bill is cognate with the Public Health Bill 1990.

The object of this Bill is to amend certain Acts as a consequence of the enactment of the Act proposed by the Public Health Bill 1990.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be proclaimed.

**Clause 3** repeals the Acts listed in Schedule 1.

**Clause 4** amends various Acts, as set out in Schedule 2, as a consequence of the enactment of the Act proposed by the Public Health Bill 1990.

Schedule 1 is divided into 2 Parts. Part 1 sets out, as Acts to be repealed, the Public Health Act 1902 and its various amending Acts. Part 2 sets out, as other Acts to be repealed, the Noxious Microbes Act 1900, the Sydney Abattoir and Nuisances Prevention Act 1902, the Noxious Trades Act 1902, the Venereal Diseases Act 1918 and the Drug and Alcohol Rehabilitation Establishments Act 1987.

Schedule 2 amends various Acts as follows:

**Business Franchise Licences (Tobacco) Act 1987**

This Act has cross-references to the provisions of the Public Health Act 1902 that relate to the sale of tobacco to juveniles. The proposed amendments would substitute cross-references to the corresponding provisions of the proposed Public Health Act 1990.

**Food Preservation by Sulphur Dioxide Enabling Act 1920**

The proposed amendment would give to the expression "Local authority" the same meaning as it would have in the proposed Public Health Act 1990.

**Local Government Act 1919**

The proposed amendments would transfer to the Local Government Act 1919 certain functions of local councils that are at present conferred or imposed on them by the Public Health Act 1902. A provision relating to temporary hospital accommodation would be repealed. The proposed amendments are an interim measure pending the enactment of new legislation.

**Medical Practitioners Act 1938**

This Act has a reference to the expression "infectious disease" which is used in the Public Health Act 1902. This expression would be replaced in the proposed Public Health Act 1990 by the expression "scheduled medical condition". The proposed amendment would be consequential on the change of expression and would remove a cross-reference that would no longer be applicable.

**National Parks and Wildlife Act 1974**

The proposed amendment would enable regulations to be made in relation to the health of the public in Kosciusko National Park that would confer on the Director of National Parks and Wildlife functions similar to those conferred on a council under the Local Government Act 1919.

**Noise Control Act 1975**

These are amendments consequential on the manner in which the definition of "local authority" is expressed in the proposed Public Health Act 1990.

**Prisons Act 1952**

This amendment is consequential on the use in the proposed Public Health Act 1990 of the expression "medical officer of health" instead of "Government Medical Officer" as used in the Public Health Act 1902.

**Rural Workers Accommodation Act 1969**

This amendment is consequential on the manner in which the definition of "local authority" is expressed in the proposed Public Health Act 1990.

**Search Warrants Act 1985**

Section 10 of this Act refers to a provision of the Public Health Act 1902 that relates to search warrants. The proposed amendment would substitute in that section a reference to the corresponding provision of the Public Health Act 1990.

**Western Lands Act 1901**

The amendment would enable regulations to be made in relation to the health of the public in the Western Division of the State that would confer on the Western Lands Commissioner functions similar to those conferred on a council by the Local Government Act 1919.