DELEGATIONS MANUAL

PUBLIC HEALTH

MINISTRY OF HEALTH NSW

Published by:
Ministry of Health, NSW
1 Reserve Road
St Leonards NSW 2065

©Copyright Department of Health, NSW 1997

National Library of Australia
ISBN 0 7313 06643
State Health Publication No: (AB) 97 0101

No part of this book may be reproduced or
transmitted in any form by any means
without the written permission of the
Department of Health, NSW

THE NEW SOUTH WALES GOVERNMENT
Managing better by putting people first

INTRODUCTION

The delegations in this manual come from the requirements of some 20 Acts that are public health related and are administered by the Ministry through such areas as:

- Public Health Units
- Local Health Districts and Public Hospitals
- Pharmaceutical Services
- Private Health Care Monitoring
- The NSW Blood Transfusion Services
- The Institute of Forensic Medicine

Powers are also delegated to bodies outside of the NSW Health System such as Councils under the Local Government Act.

Delegations in the main are made by the Secretary.

If a senior officer does not consider it appropriate that a subordinate officer has a delegation that is listed, then the senior officer should by local administrative direction indicate that the officer is not to exercise the delegation.

As a general rule an officer who exercises a delegation of authority should not approve matters that are:

i) self related, eg own overtime; and

ii) for an officer for whom the delegated officer has no responsibility.

1. Delegation Format

Each delegation is identified by its own distinct number with the alpha prefix denoting the type of delegation, viz.:

A5 Administrative
S10 Staff
F25 Financial
PH2 Public Health

Delegation format is as listed hereunder.

Text: The delegation text is a synopsis of what the delegation is empowering. Wherever possible text includes conditions and limitations that the delegate is required to comply with.

Procedures: This section incorporates, under "Refer", details of the legal origin of the delegation and references to policy and procedures that specifically apply. This section can also include specific conditions and/or limitations that apply in exercise of the delegation.

Delegates: Delegates, in the main, are listed according to divisions in hierarchical order.

New or amended delegations will show the amendment number and month of year at the bottom of the page, e.g. 6(2/09).

Delegations where the number of the delegation is highlighted with asterisks (e.g. *('31)*) may **not** be exercised by officers other than the delegates listed.

2. General Conditions and Responsibilities

Delegates are expected to exercise the powers, authorities, duties or functions delegated to them in a responsible, efficient and consistent manner. Whether a delegation should be exercised, or the matter referred to a higher authority, requires the exercise of discretion by the delegate in each case. The direction of the Ministry should be sought in matters which, in the opinion of the delegate, are outside the policy adopted by the Ministry or are of special importance or have special features.

Where practicable, delegates, when signing, should indicate under which delegation number the authority is being exercised.

When exercising a delegation of authority relating specifically to a Statute or delegated legislation (Regulation, Ordinance, Determination, etc.) a delegate must ensure that he/she is fully aware of the relevant provisions of the Statute or delegated legislation before exercising the delegation.

Contractors/consultants cannot exercise financial or staff delegations of a position against which they are held. Financial and staff delegations can only be exercised by **officers** of the organisations who are appropriately delegated. Separate provisions allow delegation of financial matters to employees of the NSW Health Service.

3. Delegation Powers

In the main, power to delegate originates from Section 21 of the Health Administration Act 1982, viz.

21(1) The Minister, Health Secretary or Corporation may, by instrument in writing, under seal (in the case of the Corporation), delegate such of their functions (other than this power of delegation) conferred or imposed by or under this or any other Act as are specified in the instrument to any person, and may, by such an instrument, revoke wholly or in part any such delegation.

(2) A delegation under subsection (1) may be made to:

(a) a specified person (whether a natural person or a corporation); or

(b) a person for the time being holding a specified office.

4. Officers Acting or Relieving in Other Positions

A person acting or relieving in another position is entitled to exercise the delegations of the other position no matter the duration of the period of acting or relieving. The officer so acting or relieving does not have to be entitled to the payment of a higher duties allowance. However the officer does have to be vested with the authority, by the person so being relieved, to exercise the delegations of that person, e.g. if an officer in a more senior position is not going to be contactable for several days and indicates to a subordinate officer that they are to undertake that officer's duties.

Officers when exercising another officers delegation are to sign and indicate that they are acting in the higher position.

5. New Delegations

Sections of the Ministry which require new delegations are to follow the undermentioned steps:

1. Prepare a submission outlining background, reason for delegation, proposed text and recommended delegates and obtain the approval of the relevant Division/Branch Head, etc.

2. Submit the proposal to Corporate Governance and Risk Management Unit.

3. The Corporate Governance and Risk Management Unit will prepare an Instrument of Delegation, obtain formal approval and promulgate the new delegation through the Ministry via the Delegations Manual.

Under no circumstances are delegations to be processed without the involvement of the Legal Branch.

6. Amendments to Delegations

Sections which require alteration to delegates, viz. deletion, addition or amendment to title, are to submit proposals to the Corporate Governance & Risk Management Unit after obtaining the approval of the relevant Division/Branch Head, etc. The Corporate Governance and Risk Management Unit will then prepare Instruments of Delegation and promulgate the amendment.

If amendment is required to delegation text the procedure as outlined for new delegations is to be followed.

CHAPTER 1 - DRUG MISUSE AND TRAFFICKING ACT

DRUG MISUSE AND TRAFFICKING ACT 1.2

Grant of an authority to be in possession of a prohibited drug for scientific research, instruction, analysis or study.

Provided that in the case of the Director, Forensic & Analytical Science Service this delegation may be exercised **only** in respect of staff of the NSW Health Pathology Forensic & Analytical Science Service.

Refer section 10(2)(b) Drug Misuse and Trafficking Act 1985.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR FORENSIC & ANALYTICAL SCIENCE SERVICE

DRUG MISUSE AND TRAFFICKING ACT 1.3

Authorisation of a person to be in possession of any item of equipment for use in the administration of a prohibited drug.

Refer section 11(2)(d) Drug Misuse and Trafficking Act 1985.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR CENTRE FOR POPULATION HEALTH
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

DRUG MISUSE AND TRAFFICKING ACT 1.4

Authorisation of a person to administer a prohibited drug to another person.

Refer section 13(2)(b) Drug Misuse and Trafficking Act 1985.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR ALCOHOL AND OTHER DRUGS
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR ALCOHOL AND OTHER DRUGS CLINICAL SERVICES AND PROGRAMS
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

DRUG MISUSE AND TRAFFICKING ACT 1.5

Authorisation of a person to possess, supply or cultivate a prohibited plant, where the delegate is satisfied that such an activity is for the purpose of scientific research, instruction, analysis or study.

Provided that in the case of the Director, Forensic & Analytical Science Service this delegation may be exercised **only** in respect of staff of the NSW Health Pathology Forensic & Analytical Science Service.

Refer section 23(4)(b) Drug Misuse and Trafficking Act 1985.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR FORENSIC & ANALYTICAL SCIENCE SERVICE

DRUG MISUSE AND TRAFFICKING ACT 1.6

Grant of an authority to a person to manufacture or produce a prohibited drug, where the delegate is satisfied that such an activity is for the purpose of scientific research, instruction, analysis or study.

Provided that in the case of the Director, Forensic & Analytical Science Service this delegation may be exercised **only** in respect of staff of the NSW Health Pathology Forensic & Analytical Science Service.

Refer section 24(4)(b) Drug Misuse and Trafficking Act 1985.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR FORENSIC & ANALYTICAL SCIENCE SERVICE

DRUG MISUSE AND TRAFFICKING ACT 1.7

Grant of an authority to a person to supply a prohibited drug, where the delegate is satisfied that such supply is for the purpose of scientific research, instruction, analysis or study.

Refer section 25(4)(b) Drug Misuse and Trafficking Act 1985.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

DRUG MISUSE AND TRAFFICKING ACT 1.8

Power to make a written request to the Commissioner of Police to release a court exhibit of a prohibited drug to a person or body specified in the request for the purpose of scientific research, instruction, analysis or study.

Refer section 39J Drug Misuse and Trafficking Act 1985.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

DRUG MISUSE AND TRAFFICKING ACT 1.9

Power to sign certificates for the purposes of legal proceedings that any person is or is not a person holding a licence, permit or authority under the Poisons & Therapeutic Goods Act 1966.

Refer section 42 Drug Misuse and Trafficking Act 1985.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

CHAPTER 2 - FLUORIDATION OF PUBLIC WATER SUPPLIES

ALTERATIONS REQUIRING APPROVAL

Approve, in writing, a water supply authority altering a fluoridation plant:

a) in a way that would contravene a condition of the approval for the authority to fluoridate the water supply, or

b) in accordance with the Fluoridation Code.

Refer section 7 Fluoridation of Public Water Supplies Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

FLUORIDATION OF PUBLIC WATER SUPPLIES 2.3

ADDITIONAL WATER SAMPLES

Power to request a water supply authority to provide additional water samples from that authority's reticulation system.

Refer section 8(4) Fluoridation of Public Water Supplies Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH
MANAGER WATER UNIT
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE PUBLIC HEALTH ACT)
DIRECTOR PUBLIC HEALTH UNIT

FLUORIDATION OF PUBLIC WATER SUPPLIES 2.4

RECORDS

Power to request a water supply authority to provide a copy of any record the authority is required to keep in accordance with the Code of Practice for Fluoridation of Public Water Supplies.

Refer section 10(2) Fluoridation of Public Water Supplies Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH
MANAGER WATER UNIT
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE PUBLIC HEALTH ACT)
DIRECTOR PUBLIC HEALTH UNIT

FLUORIDATION OF PUBLIC WATER SUPPLIES 2.5

PUBLISH THE CODE OF PRACTICE

Power to publish in the Gazette, from time to time, the Code of Practice for Fluoridation of Public Water Supplies.

Refer section 3 Fluoridation of Public Water Supplies Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

ADDITION OF FLUORINE TO PUBLIC WATER SUPPLIES

Power to:

- Approve of or direct a water supply authority to add fluorine to a public water supply under its control;
- Require a water supply authority to furnish information in relation to an application to fluoridate;
- Approve or refuse an application to add fluorine to a public water supply;
- Specify conditions in the instrument of approval for a water supply authority to add fluorine to a public water supply;
- Revoke the approval, revoke any condition attached to the approval other than a condition specified in sub-section 6(5)(c)(i) and (ii), vary any condition attached to the approval and attach new conditions to the approval.

Refer section 6 Fluoridation of Public Water Supplies Act 1957.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

DIRECTIONS AS TO ADDITION OF FLUORINE TO PUBLIC WATER SUPPLY

Power to:

- Direct a water supply authority by notification in the Gazette to add fluorine to a public water supply;
- Specify terms in such a direction;
- Revoke the direction, revoke any term attached to the direction other than a term referred to in subsection 6A(3)(a) and (b), vary any term attached to the direction or attach new terms to the direction.

Refer section 6A Fluoridation of Public Water Supplies Act 1957.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

Procedures:

The delegate must first have received the advice of the Fluoridation of Public Water Supplies Advisory Committee on the question.

DELEGATES:

CHIEF HEALTH OFFICER

CHAPTER 3 – MANDATORY DISEASE TESTING ACT

MANDATORY TESTING ORDER – under part 3 ..... 3.1
CONTENT OF APPLICATION FOR MANDATORY TESTING ORDER 3.2
DETERMINATION OF APPLICATION FOR MANDATORY TESTING ORDER 3.3
REFUSAL OF APPLICATION FOR MANDATORY TESTING ORDER 3.4
NOTICE OF DETERMINATION OF APPLICATION FOR MANDATORY TESTING ORDER 3.5
APPLICATION TO COURT FOR MANDATORY TESTING ORDER FOR VULNERABLE THIRD PARTY 3.6
SERVICE OF A MANDATORY TESTING ORDER 3.7
DETERMINATION OF APPLICATION FOR REVIEW BY CHIEF HEALTH OFFICER 3.8
OVERSIGHT OF ACT BY OMBUDSMAN 3.9
MANDATORY TESTING ORDER – under part 7 ..... 3.10
SUBMISSIONS TO COURT 3.11
DETERMINATION OF APPLICATION FOR REVIEW 3.12
NOTICE OF DETERMINATION OF REVIEW 3.13
ISSUE GUIDELINES 3.14

MANDATORY TESTING ORDER – under part 3

Power to make a mandatory testing order for a worker under part 3 of the Mandatory Disease Testing Act

Refer section 5(2)(a) Mandatory Disease Testing Act 2021

Authority for this delegation comes from the Health Secretary under section 35(1) of the Mandatory Disease Testing Act 2021

DELEGATES:

CHIEF EXECUTIVE LOCAL HEALTH DISTRICT
CHIEF EXECUTIVE STATUTORY HEALTH CORPORATION specified in Schedule 2 Health Services Act 1997
CHIEF EXECUTIVE NSW AMBULANCE
CHIEF EXECUTIVE HEALTHSHARE NSW

CONTENT OF APPLICATION FOR MANDATORY TESTING ORDER

Power to:

1. discuss the consultation under section 9 of the Act, with the relevant medical practitioner concerned, and

2. obtain the worker's medical records that relate to the contact, if the application does not include a copy of written advice received from the relevant medical practitioner as referred to in subsection 10(1)(h).

Condition:
This delegation must only be exercised to the extent necessary for determining an application for a mandatory testing order and with the consent of the worker being included in the application for a mandatory testing order.

Note:
An application for a mandatory testing order must contain a statement that the worker consents to the senior officer or delegate, discussing the consultation with the medical practitioner and obtaining the worker's medical records in relation to the contact.

Refer section 10(2) Mandatory Disease Testing Act 2021

Authority for this delegation comes from the Health Secretary under section 35(1) of the Mandatory Disease Testing Act 2021

DELEGATES:

CHIEF EXECUTIVE LOCAL HEALTH DISTRICT
CHIEF EXECUTIVE STATUTORY HEALTH CORPORATION specified in Schedule 2 Health Services Act 1997
CHIEF EXECUTIVE NSW AMBULANCE
CHIEF EXECUTIVE HEALTHSHARE NSW

DETERMINATION OF APPLICATION FOR MANDATORY TESTING ORDER

1. Determine an application for a mandatory testing order by:
   a) if it appears, on the information available, that the third party is a vulnerable third party
      i. deciding to apply to the Court for a mandatory testing order, or
      ii. refusing the application, or

   b) if it does not appear, on the information available, that the third party is a vulnerable third party
      i. making a mandatory testing order, or
      ii. refusing the application.

2. Before determining an application under subsection 11(1)(a),
   i. provide the third party and the third party's parent or guardian, if any, with an opportunity to make submissions, and
   ii. consider the submissions received.

3. Before determining an application under subsection 11(1)(b),
   i. seek the third party's consent to voluntarily provide blood to be tested for blood-borne diseases, and
   ii. provide the third party with an opportunity to make submissions and consider the submissions received.

4. Decide to apply to the Court for a mandatory testing order for a vulnerable third party only if satisfied that testing the third party's blood for blood-borne diseases is justified in all the circumstances.

Conditions:

1. An application must be determined within 3 business days after receiving the application unless a longer period is necessary in the circumstances.
2. In determining an application, consider:
   a) the guidelines issued by the Chief Health Officer under section 33, and
   b) other matters considered relevant, including a report made in relation to the incident during which the contact occurred.
3. Make a mandatory testing order for a third party only if satisfied that:
   a) the third party will not voluntarily provide blood to be tested for blood-borne diseases, and
   b) testing the third party's blood for blood-borne diseases is justified in all the circumstances.

Refer section 11 Mandatory Disease Testing Act 2021

Authority for this delegation comes from the Health Secretary under section 35(1) of the Mandatory Disease Testing Act 2021

DELEGATES:

CHIEF EXECUTIVE LOCAL HEALTH DISTRICT
CHIEF EXECUTIVE STATUTORY HEALTH CORPORATION specified in Schedule 2 Health Services Act 1997
CHIEF EXECUTIVE NSW AMBULANCE
CHIEF EXECUTIVE HEALTHSHARE NSW

REFUSAL OF APPLICATION FOR MANDATORY TESTING ORDER

Refuse an application for a mandatory testing order:

1. if, after making reasonable inquiries, the third party in relation to whom the application relates, cannot be located.
2. on other grounds considered appropriate in the circumstances.

Refer section 12 Mandatory Disease Testing Act 2021

Authority for this delegation comes from the Health Secretary under section 35(1) of the Mandatory Disease Testing Act 2021

DELEGATES:

CHIEF EXECUTIVE LOCAL HEALTH DISTRICT
CHIEF EXECUTIVE STATUTORY HEALTH CORPORATION specified in Schedule 2 Health Services Act 1997
CHIEF EXECUTIVE NSW AMBULANCE
CHIEF EXECUTIVE HEALTHSHARE NSW

NOTICE OF DETERMINATION OF APPLICATION FOR MANDATORY TESTING ORDER

Give written notice of the determination and the reasons for the determination to the following:

a) the worker,
b) the third party,
c) if the application relates to a third party who appears to the delegate to be a vulnerable third party, the third party's parent or guardian, if any,
d) the Ombudsman.

Condition:
Notice must be given as soon as practicable after determining an application for a mandatory testing order.

Note:
Written notice is not required under subsection 13(1)(b) or (c) if the person cannot be located.

Refer section 13 Mandatory Disease Testing Act 2021

Authority for this delegation comes from the Health Secretary under section 35(1) of the Mandatory Disease Testing Act 2021

DELEGATES:

CHIEF EXECUTIVE LOCAL HEALTH DISTRICT
CHIEF EXECUTIVE STATUTORY HEALTH CORPORATION specified in Schedule 2 Health Services Act 1997
CHIEF EXECUTIVE NSW AMBULANCE
CHIEF EXECUTIVE HEALTHSHARE NSW

APPLICATION TO COURT FOR MANDATORY TESTING ORDER FOR VULNERABLE THIRD PARTY

Notify the following, as soon as practicable after making an application to court for a mandatory testing order for a third party who appears to be a vulnerable third party:

a) the worker,
b) the third party and the third party's parent or guardian, if any,
c) the Chief Health Officer.

Conditions:

1. An application to the Court must be made in writing.
2. The application must include the following —
   a) a copy of the application for a mandatory testing order made by the worker,
   b) the blood-borne diseases for which the vulnerable third party's blood is to be tested,
   c) other information considered relevant.

Refer section 14(3) Mandatory Disease Testing Act 2021

Authority for this delegation comes from the Health Secretary under section 35(1) of the Mandatory Disease Testing Act 2021

DELEGATES:

CHIEF EXECUTIVE LOCAL HEALTH DISTRICT
CHIEF EXECUTIVE STATUTORY HEALTH CORPORATION specified in Schedule 2 Health Services Act 1997
CHIEF EXECUTIVE NSW AMBULANCE
CHIEF EXECUTIVE HEALTHSHARE NSW

SERVICE OF A MANDATORY TESTING ORDER

Power to cause a copy of the mandatory testing order to be personally served on the third party in relation to whom it is made where the order is made by the delegate or given to the delegate by a registrar of the Court.

Condition:
A mandatory testing order must be personally served as soon as reasonably practicable but no later than 5 business days after a mandatory testing order is made.

Refer section 19(1) and (3) Mandatory Disease Testing Act 2021

Authority for this delegation comes from the Health Secretary under section 35(1) of the Mandatory Disease Testing Act 2021

DELEGATES:

CHIEF EXECUTIVE LOCAL HEALTH DISTRICT
CHIEF EXECUTIVE STATUTORY HEALTH CORPORATION specified in Schedule 2 Health Services Act 1997
CHIEF EXECUTIVE NSW AMBULANCE
CHIEF EXECUTIVE HEALTHSHARE NSW

DETERMINATION OF APPLICATION FOR REVIEW BY CHIEF HEALTH OFFICER

Provide to the Chief Health Officer relevant material, including the material relied on to make the decision, for the Chief Health Officer to determine an application for review

Refer section 25(3) Mandatory Disease Testing Act 2021

Authority for this delegation comes from the Health Secretary under section 35(1) of the Mandatory Disease Testing Act 2021

DELEGATES:

CHIEF EXECUTIVE LOCAL HEALTH DISTRICT
CHIEF EXECUTIVE STATUTORY HEALTH CORPORATION specified in Schedule 2 Health Services Act 1997
CHIEF EXECUTIVE NSW AMBULANCE
CHIEF EXECUTIVE HEALTHSHARE NSW

OVERSIGHT OF ACT BY OMBUDSMAN

Provide to the Ombudsman for the purpose of preparing the report under section 36 of the Act:

1. information relating to an application for a mandatory testing order made by any other worker.
2. demographic information about third parties subject to orders and applications for orders.

Refer section 36(3)(b) and (4) Mandatory Disease Testing Act 2021

Authority for this delegation comes from the Health Secretary under section 35(1) of the Mandatory Disease Testing Act 2021

DELEGATES:

CHIEF EXECUTIVE LOCAL HEALTH DISTRICT
CHIEF EXECUTIVE STATUTORY HEALTH CORPORATION specified in Schedule 2 Health Services Act 1997
CHIEF EXECUTIVE NSW AMBULANCE
CHIEF EXECUTIVE HEALTHSHARE NSW

MANDATORY TESTING ORDER – under part 7

Power to make a mandatory testing order under part 7 of the Mandatory Disease Testing Act

Refer section 5(2)(c) Mandatory Disease Testing Act 2021

Authority for this delegation comes from the Chief Health Officer under section 35(2) of the Mandatory Disease Testing Act 2021

DELEGATES:

EXECUTIVE DIRECTOR HEALTH PROTECTION

MANDATORY DISEASE TESTING ACT 3.11

SUBMISSIONS TO COURT

Power to make submissions to the Court in relation to an application for a mandatory testing order made by a senior officer for a vulnerable third party.

Refer section 14(4) Mandatory Disease Testing Act 2021

Authority for this delegation comes from the Chief Health Officer under section 35(2) of the Mandatory Disease Testing Act 2021

DELEGATES:

EXECUTIVE DIRECTOR HEALTH PROTECTION

DETERMINATION OF APPLICATION FOR REVIEW

Power to,

1. determine an application for review of a senior officer's decision by:
   a) affirming the decision, or
   b) setting aside the decision.

2. if the determination sets aside a decision to refuse mandatory testing order
   a) for a third party who appears to be a vulnerable third party, decide to apply to the Court for a mandatory testing order for the vulnerable third party, or
   b) for a third party who does not appear to be a vulnerable third party, make a mandatory testing order.

3. require the senior officer to provide relevant material, including the material the senior officer relied on to make the decision.

4. determine other information considered relevant to include in an application to the Court.

Condition:

1. Determination of an application must be made within 3 business days after receiving the application.
2. Before taking action under subsection 25(2)(a) or (b):
   a) provide the third party, and, in the case of a third party who appears to be a vulnerable third party, the third party's parent or guardian, if any, an opportunity to make submissions, and
   b) consider the submissions received.
3. An application to the Court for a mandatory testing order must be made in writing.

Refer section 25 Mandatory Disease Testing Act 2021

Authority for this delegation comes from the Chief Health Officer under section 35(2) of the Mandatory Disease Testing Act 2021

DELEGATES:
EXECUTIVE DIRECTOR HEALTH PROTECTION

NOTICE OF DETERMINATION OF REVIEW

Power to give notice of the determination and the reasons for the determination to the following:

a) the worker,
b) the third party,
c) if the third party is a vulnerable third party, the vulnerable third party's parent or guardian, if any,
d) the senior officer,
e) the Ombudsman.

Condition: The notice must be in writing and given as soon as practicable after determining a review.

Refer section 26 Mandatory Disease Testing Act 2021

Authority for this delegation comes from the Chief Health Officer under section 35(2) of the Mandatory Disease Testing Act 2021

DELEGATES:

EXECUTIVE DIRECTOR HEALTH PROTECTION

ISSUE GUIDELINES

Power to issue guidelines to assist the following:

a) Senior officers exercising functions under this Act,
b) relevant medical practitioners who may consult with workers for the purposes of section 9,
c) persons taking blood from third parties under a mandatory testing order.

Condition:

1. Before issuing guidelines, consult with:
   a) the Secretary,
   b) the Commissioner of Police,
   c) the Commissioner of Corrective Services,
   d) the Commissioner of Fire and Rescue NSW,
   e) the Commissioner of the State Emergency Service,
   f) the Commissioner of the NSW Rural Fire Service.

2. The guidelines are to be made publicly available.

Refer section 33 Mandatory Disease Testing Act 2021

Authority for this delegation comes from the Chief Health Officer under section 35(2) of the Mandatory Disease Testing Act 2021

DELEGATES:

EXECUTIVE DIRECTOR HEALTH PROTECTION

CHAPTER 4 - HUMAN TISSUE ACT

Approval of the appointment of a medical practitioner (other than those with the specialist qualifications prescribed by the regulations) as a designated specialist for a hospital. (Designation as a specialist for this purpose does not of itself entitle the medical practitioner to remuneration as a specialist.)

Refer section 5(2)(a) Human Tissue Act 1983.

Authority for this delegation comes from the Director-General under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
CHIEF EXECUTIVE LOCAL HEALTH DISTRICTS

TISSUE RETRIEVAL

Appoint in writing, a person, other than a medical practitioner, as being authorised to remove tissue from the body of a deceased person for one or more of the following purposes:

a) corneal transplantation,
b) skin transplantation,
c) the transplantation of cardiovascular tissue,
d) the transplantation of musculoskeletal tissue

Subject to, in respect to removal of tissue for **corneal** transplantation, the appointed persons having:

1. Undertaken the course on corneal tissue removal through the eye bank at Sydney Eye Hospital.
2. Performed five (5) supervised corneal enucleations before undertaking such procedures unsupervised.
3. Obtained a declaration from the supervisor as to the person's ability to perform such procedures adequately.

Note: an authority which authorises the removal of tissue for the purpose of the transplantation of **cardiovascular** tissue is not sufficient authority for a person other than a medical practitioner to remove the whole of a heart for the purpose of a heart transplant.

Refer section 27(1A) and 27(1B) Human Tissue Act 1983. (Sec)

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:
CHIEF HEALTH OFFICER
CHIEF EXECUTIVE SOUTH EASTERN SYDNEY LOCAL HEALTH DISTRICT

Approval in writing of a person (other than a medical practitioner or nurse) who is employed at the facility and who is nominated by the person's employer as an appropriate person to be a prescribed witness in relation to certificates by blood donors under section 20D of the Human Tissue Act.

Refer clause 6(2)(c) Human Tissue Regulation 2010.

Authority for this delegation comes from the Director-General under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
PUBLIC HEALTH OFFICER (as appointed under section 121 of the Public Health Act 2010)
PUBLIC HEALTH UNIT DIRECTOR
CHIEF EXECUTIVE LOCAL HEALTH DISTRICTS

REVOKED.

Appointment of an officer of the Ministry of Health or other person the delegate considers suitably qualified, to be an inspector for the purposes of Part 7A of the Act, and issue of a certificate of authority to such an inspector.

Refer section 33A Human Tissue Act 1983

Authority for this delegation comes from the Director-General under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
PUBLIC HEALTH OFFICER (as appointed under section 121 of the Public Health Act 2010)
PUBLIC HEALTH UNIT DIRECTOR

Approval of manner of disposal or destruction of seized items.

Approval of return of seized items to entitled persons.

Refer section 33J (1),(3) & (5) Human Tissue Act 1983.

Authority for this delegation comes from the Director-General under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

Approval of a contract or arrangement for the supply of tissue from one person to another under the national Paired Kidney Exchange Program.

Such an arrangement would otherwise breach the terms of section 32(1) or (5) of the Human Tissue Act 1983.

PROCEDURES

Delegates should exercise the consideration that it is desirable by reason of special circumstances to approve the particular arrangement.

Approvals must be given by way of a written instrument.

Refer section 32(4) Human Tissue Act 1983

Authority for this delegation comes from the Minister for Health under section 21 of the Health Administration Act 1982.

DELEGATES:

SECRETARY
CHIEF HEALTH OFFICER

Authority to appoint by instrument in writing, a person to be a designated officer of a forensic institution that is under the control of the Health Administration Corporation.

Refer section 5(3) Human Tissue Act 1983.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF EXECUTIVE NSW HEALTH PATHOLOGY
DIRECTOR FORENSIC & ANALYTICAL SCIENCE SERVICE

Approve, either generally or in a particular case or class of cases, the use of tissue lawfully removed for the purpose of carrying out any testing, analysis, investigation or research that is required in connection with managing or monitoring the risk to public health arising from COVID-19.

Refer section 34(1)(b5)(ii) Human Tissue Act 1983

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
CHIEF EXECUTIVE NSW HEALTH PATHOLOGY

CHAPTER 5 - LOCAL GOVERNMENT ACT

Approve the appointment of officers of the Department of Health to lay informations.

Refer section 684(d) Local Government Act 1993.

Authority for this delegation comes from the Director-General under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE PUBLIC HEALTH ACT 2010)
DIRECTOR PUBLIC HEALTH UNIT

Issue of a certificate of accreditation and specification of conditions (if any) to a design or plan for a sewage management facility.

Specification, by notice in the Gazette, of those components of a sewage management facility to which Part 2, Division 4, Subdivision 5 of the Local Government (General) Regulation 2005 does not apply.

Refer clauses 40(2)(c), 41(1) and 45(4) Local Government (General) Regulation 2005.

Authority for this delegation comes from the Director-General under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH

Written approval of a different method of disposal of human waste, and approval of the depth of a trench for such disposal.

Refer Schedule 2 – Part 6, clauses 22(3)(c) and 22(4), Local Government (General) Regulation 2005.

Authority for this delegation comes from the Director-General under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE PUBLIC HEALTH ACT 2010)
DIRECTOR PUBLIC HEALTH UNIT

Approval of vehicle other than a closed vehicle to remove pans.

Approval of apparatus for the washing, cleaning and steaming of pans.

Approval of the pattern or description of airtight pans.

Sanction the removal of human waste by the occupier of premises, subject to the consent of council.

Refer Schedule 2 – Part 6, clause 25, Local Government (General) Regulation 2005.

Authority for this delegation comes from the Director-General under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE PUBLIC HEALTH ACT 2010)
DIRECTOR PUBLIC HEALTH UNIT

CHAPTER 6 - POISONS AND THERAPEUTIC GOODS ACT

Power to revoke, at any time, an authorisation or designation given for the purposes of section 10(4)(c) for any reason that is considered appropriate; **and**

Notification of the **revocation**, in writing with specified reasons, to the person, hospital or institution concerned.

Refer section 10(5) and 10(6) Poisons and Therapeutic Goods Act 1966.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

1. **Power** to authorise a person, whether specifically or as a member of a class, to supply otherwise than by wholesale, any substance specified in Schedule 1, 2 or 3 of the Poisons List, for the purpose of section 10(2)(b).

2. **Power** to authorise a person, whether specifically or as a member of a class, to supply a restricted substance, otherwise than by wholesale, for the purposes of section 10(4)(d).

3. **Power** to designate, in writing, a hospital or institution, including a class of hospital or institution, for the purposes of section 10(4)(c).

Refer section 10(7) Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Authorisation of persons to obtain possession of a prescribed restricted substance for the purposes of their profession or employment and determination of conditions.

Refer section 16(l)(d) Poisons and Therapeutic Goods Act 1966.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Authorisation in writing of nurse practitioners and midwife practitioners, or a class of those practitioners, to possess, use, supply or prescribe any poison or restricted substance or drug of addiction for the purposes of the practice of a nurse practitioner's or midwife practitioner's profession.

Refer section 17A Poisons and Therapeutic Goods Act 1966.
clause 5 Poisons and Therapeutic Goods Regulation 2008

Procedures:

- Authorities can be granted to a practitioner or class of practitioners.
- The delegate may also amend or revoke any authorisation given under this delegation.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
CHIEF EXECUTIVE LOCAL HEALTH DISTRICTS
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
CHIEF NURSING & MIDWIFERY OFFICER

Power to prohibit or restrict a "relevant person" (as defined in section 18AA), by order in writing served on that person, from possessing, supplying or prescribing a substance specified in Schedule 2, 3 or 4 of the Poisons List that the person is licensed or authorised by or under the Act to possess, supply or prescribe. Such an order may be made on any one or more of the grounds listed in section 18AA(3). This delegation also empowers the delegate to exercise the Secretary's power under subsections 18AA (3)(c) and (3)(d).

Such an order may, under subsection 18AA (4), be made unconditionally or subject to conditions and subject to any specified exceptions or factors of application. Orders should generally comply with the provisions of section 18AA, such as specifying the grounds and date of effect.

Refer section 18AA Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of a medical practitioner as a prescriber of drugs of addiction, on the recommendation of the Medical Committee and taking into consideration any report from that Committee.

Refer section 28A(l) Poisons and Therapeutic Goods Act 1966 and section 29(4) Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
EXECUTIVE DIRECTOR ALCOHOL AND OTHER DRUGS
DIRECTOR ALCOHOL AND OTHER DRUGS CLINICAL SERVICES AND PROGRAMS

Receipt of applications to become a medical practitioner approved as a prescriber of drugs of addiction, and referral of those applications to the Medical Committee constituted under section 30 of the Act.

Refer section 28A(2) Poisons and Therapeutic Goods Act 1966 and section 29(2) Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
PRINCIPAL PHARMACEUTICAL OFFICER
SENIOR PHARMACEUTICAL OFFICER
PHARMACEUTICAL OFFICER
EXECUTIVE DIRECTOR ALCOHOL AND OTHER DRUGS
DIRECTOR ALCOHOL AND OTHER DRUGS CLINICAL SERVICES AND PROGRAMS

Authority to require the provision of information relevant to an application to become a medical practitioner approved as a prescriber of drugs of addiction, both in the application, and before approval of the application.

Refer section 28A(3) Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
EXECUTIVE DIRECTOR ALCOHOL AND OTHER DRUGS
DIRECTOR ALCOHOL AND OTHER DRUGS CLINICAL SERVICES AND PROGRAMS

Approval, with or without specified conditions, of a medical practitioner as a prescriber of drugs of addiction.

Refer section 28A(4) Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
EXECUTIVE DIRECTOR ALCOHOL AND OTHER DRUGS
DIRECTOR ALCOHOL AND OTHER DRUGS CLINICAL SERVICES AND PROGRAMS

Power to, on the recommendation of the Medical Committee:

- revoke an approval or a condition of an approval;
- amend a condition of an approval;
- impose a condition of an approval that was an unconditional approval; or
- impose an additional condition of an approval

in relation to an approval issued to a medical practitioner to prescribe drugs of addiction.

Refer section 28A(6) Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

POISONS AND THERAPEUTIC GOODS ACT 6.12

Suspend an approval or impose or amend a condition of an approval issued to a medical practitioner to prescribe drugs of addiction pending receipt of a recommendation from the Medical Committee for the purposes of section 28A(6).

Refer section 28A(7) Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

POISONS AND THERAPEUTIC GOODS ACT 6.13

Arrange the referral of an approval under Section 28A to the Medical Committee for review and a report and recommendation.

Refer section 28A(8) Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
PRINCIPAL PHARMACEUTICAL OFFICER
EXECUTIVE DIRECTOR ALCOHOL AND OTHER DRUGS
DIRECTOR ALCOHOL AND OTHER DRUGS CLINICAL SERVICES AND PROGRAMS

Refusal of an application or referral for report and recommendation by the Medical Committee any question arising under section 28A of the Act.

Refer section 28A(9) Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
PRINCIPAL PHARMACEUTICAL OFFICER

POISONS AND THERAPEUTIC GOODS ACT 6.15

Approval of a form for:

(i) an application for an authority to prescribe or supply a drug of addiction; and

(ii) the issue of an authority to prescribe or supply a drug of addiction.

Refer section 29(1) and 29(5)(d) Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Giving of an authority for a medical practitioner or nurse practitioner to prescribe or supply drugs of addiction specified in the authority for the treatment of a specified person.

The authority may:

- specify the maximum quantity of the drug of addiction;
- specify the period for which the drug may be prescribed or supplied;
- be given subject to such conditions as the delegate thinks fit and specifies in the authority.

Refer section 29(3) and (5) Poisons and Therapeutic Goods Act 1966.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
PRINCIPAL PHARMACEUTICAL OFFICER
SENIOR PHARMACEUTICAL OFFICER
PHARMACEUTICAL OFFICER

Issue of a temporary authority to prescribe drugs of addiction, lasting no more than 4 months, where an application has been referred to the Medical Committee under s.29(2).

Refer section 29(4A) Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
PRINCIPAL PHARMACEUTICAL OFFICER
SENIOR PHARMACEUTICAL OFFICER
PHARMACEUTICAL OFFICER

Revoked – 19/12/18

POISONS AND THERAPEUTIC GOODS ACT 6.19

Revoke an authority (including a temporary authority) given under section 29 of the Act.

Refer section 29(7) Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
PRINCIPAL PHARMACEUTICAL OFFICER
SENIOR PHARMACEUTICAL OFFICER
PHARMACEUTICAL OFFICER

POISONS AND THERAPEUTIC GOODS ACT 6.20

Authority to exempt by order published in the Gazette, with or without conditions, any person or class of persons, or any regulated goods or class of regulated goods, from the operation of section 34(1). (Hawking of poisons and therapeutic goods.)

Refer section 34(3) Poisons and Therapeutic Goods Act 1966.

Authority for this delegation comes from the Minister for Health under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & LEGISLATIVE SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power to require a person, by notice in writing served on that person, to furnish information specified in the notice in relation to any substance or goods. Delegates may specify a period (not less than 14 days) for compliance with the notice.

Refer section 35(l) Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

POISONS AND THERAPEUTIC GOODS ACT 6.22

Authority to exempt by order published in the Gazette, with or without conditions, any person or class of persons or any regulated goods or class of regulated goods, from the operation of section 36(l) or section 36(2). (Supply by automatic machine.)

Refer section 36(4) Poisons and Therapeutic Goods Act 1966.

Authority for this delegation comes from the Minister for Health under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & LEGISLATIVE SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Making of an order prohibiting the supply of any substance specified in the order pending the evaluation of its toxic or deleterious properties.

Refer section 37 Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATION:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE

Authority to appoint particular persons or a class of persons to be an analyst for the purposes of this Act.

Refer section 37A Poisons and Therapeutic Goods Act 1966.

Authority for this delegation comes from the Minister for Health under section 21 of the Health Administration Act 1982.

Procedures:

Appointment of individuals is to be by a document given to the person. Appointment of a class of persons as analysts must be by notice published in the Gazette.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & LEGISLATIVE SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR FORENSIC & ANALYTICAL SCIENCE SERVICE

Authority to sign a certificate stating that a person does or does not hold a licence, permit or authority under the Act, for use in legal proceedings.

Refer section 39 Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Authority to appoint a person to be an inspector for the purposes of this Act and issue a certificate of identity.

Delegates may also exercise the powers under section 43 as to specification of functions or the exercise of functions.

Refer section 42 Poisons and Therapeutic Goods Act 1966.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Authorisation of a person to apply to an authorised justice for a search warrant for premises.

Refer section 43A(2) Poisons and Therapeutic Goods Act 1966.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of a “scientifically qualified person” for the purposes of the Regulation.

Approval of the degrees or diplomas for the purposes of paragraph (b) of the definition of “scientifically qualified person”.

Refer clause 3 Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Authorisation in writing of nurse practitioners and midwife practitioners, or a class of those practitioners, to possess, use, supply or prescribe any poison or restricted substance or drug of addiction for the purposes of the practice of a nurse practitioner's or midwife practitioner's profession.

Refer section 17A Poisons and Therapeutic Goods Act 1966.
clause 5 Poisons and Therapeutic Goods Regulation 2008

Procedures:

- Authorities can be granted to a practitioner or class of practitioners.
- The delegate may also amend or revoke any authorisation given under this delegation.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
CHIEF EXECUTIVE LOCAL HEALTH DISTRICTS
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
CHIEF NURSING & MIDWIFERY OFFICER

Power to give an order in writing to exempt, with or without conditions, any person or substance or class of persons or substances from the requirements of Part 2 Division I (packaging and labelling of poisons).

Power, by order published in the Gazette, to declare that subclause 10(3) does not have effect with respect to an exemption specified in the order.

Refer clause 10 Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approve the design of “child-resistant closure”.

Refer clause 13(3)(b) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of an organisation to issue an emergency asthma management certificate.

Approval of an organisation to provide training on the symptoms and first aid management of anaphylaxis.

Refer clause 18(3) and 18(5)(b)(ii) Poisons and Therapeutic Goods Regulation 2008.

Note: Clause 18(5) provides that a person, holding a current first aid certificate who has completed an appropriate training course approved by the WorkCover Authority under the Occupational Health and Safety Act 2000, may obtain and hold an adrenaline-based product for use in an anaphylaxis emergency. Clause 18(5) allows the Secretary to approve an organisation which provides training on the symptoms and management of anaphylaxis.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

POISONS AND THERAPEUTIC GOODS ACT 6.33

Approve Schedule 3 substances that may be supplied by a pharmacist to the responsible person for a residential Care facility for urgent use in a residential care facility.

Conditions:
Supply to be in accordance with any conditions for the approval.

Refer clause 18(4) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULUTRE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power to give an order in writing to exempt, with or without conditions, any person or substance, or any class of persons or substances, from any or all of the requirements of clause 19 as to endorsing Schedule 2 and 3 prescriptions.

Refer clause 19(2) and 19(3) Poisons and Therapeutic Goods Regulation 2008

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

POISONS AND THERAPEUTIC GOODS ACT 6.35

Power to give an order in writing to exempt, with or without conditions, any person or substance, or any class of persons or substances, from any or all of the requirements of clause 20.

Refer clause 20(6) and 20(7) Poisons and Therapeutic Goods Regulation 2008.

Note: This clause relates to the use and supply of Schedule 7 substances.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power to give an order in writing to exempt, with or without conditions, any person or any class of persons from the requirements of clause 24 as to recording of supply of pseudoephedrine as a Schedule 3 substance.

Refer clause 24(3) and 24(4) Poisons and Therapeutic Goods Regulation 2008

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power to give an order in writing to exempt, with or without conditions, any person or substance or class of persons or substances from the requirements of Part 3 Division 1 (packaging and labelling of restricted substances).

Power, by order published in the Gazette, to declare that subclause 28(3) does not have effect with respect to an exemption specified in the order.

Refer clause 28 Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

POISONS AND THERAPEUTIC GOODS ACT 6.38

Approval of the manner for making out of a prescription for restricted substances, other than in handwriting, as to the details required under subclauses 35(1)(a)-(f).

Power to make an order in writing to exempt, with or without conditions, any person or restricted substance, or any class of persons or restricted substances, from any or all of the requirements of clause 35.

Refer clause 35(2A)(b), 35(5) and 35(6) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

POISONS AND THERAPEUTIC GOODS ACT 6.39

Power to give an order in writing to exempt, with or without conditions, any person or restricted substance, or any class of persons or restricted substances, from any or all of the requirements of clause 39 as to supply on prescription.

Refer clause 39(4) and 39(5) Poisons and Therapeutic Goods Regulation 2008

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

POISONS AND THERAPEUTIC GOODS ACT 6.40

Power to give an order in writing to exempt, with or without conditions, any person or substance, or any class of persons or substances, from any or all of the requirements of clause 41 as to endorsement of prescriptions

Refer clause 41(3) and 41(4) Poisons and Therapeutic Goods Regulation 2008

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

POISONS AND THERAPEUTIC GOODS ACT 6.41

Power to give an order in writing to exempt, with or without conditions, any person or substance, or any class of persons or substances, from any or all of the requirements of clause 42 as to keeping of prescriptions

Refer clause 42(3) and 42(4) Poisons and Therapeutic Goods Regulation 2008

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of a restricted substance that the responsible person of a residential care facility is authorised to have possession of for urgent use in that residential care facility.

Conditions:
An approval may be given unconditionally or subject to conditions.

Refer clause 47 Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of the form of electronic communication of an authorisation of an authorised practitioner (other than a veterinary practitioner) of the supply of a restricted substance, where that authorisation is entered on a patient's medication chart.

Approval of the form of electronic communication that may be used for the requisition of a restricted substance by an authorised practitioner (other than a veterinary practitioner), or by the nurse or midwife in charge of the ward in which the substance is to be used or stored.

Refer clauses 49(b) and 49(c) Poisons and Therapeutic Goods Regulation 2008.

Note: This delegation relates to the authorisation or requisition for the supply of a restricted substance from the pharmacy department of the hospital by a pharmacist employed at a hospital.

Authority for this delegation comes from the Secretary under Section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approve the manner of keeping records of supply of restricted substances.

Refer clause 55(l) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power to give an order in writing to exempt, with or without conditions, any person or restricted substance, or any class of persons or restricted substances, from any or all of the requirements of clause 55 as to recording of prescriptions.

Refer clause 55(3) and 55(4) Poisons and Therapeutic Goods Regulation 2008

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approve the manner of recording details of supply by pharmacists of restricted substances under clauses 45, 46, 47 or 48, or as otherwise required by clause 57.

Refer clause 57 Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of the manner (other than in writing or in person) that a direction by an authorised practitioner can be given to a person, employed at a hospital or managed correction centre, to administer a restricted substance.

Approval of the manner (other than by email, facsimile, or orally by telephone) that a direction by an authorised practitioner can be given to a person, employed at a hospital or managed correctional centre, to administer a restricted substance in an emergency.

Refer clauses 58(2)(b) and 58(3)(b) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of a protocol for confirming a direction for the administration of a restricted substance to a patient who is an inmate in a correctional centre. (In this situation, sub-clauses 58(4), 58(5) and 58(6) do not apply.)

Refer clause 58(7) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
CHIEF EXECUTIVE JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK

Approval of a nurse or midwife, or a class of nurses or midwives, for the purpose of section 16(1)(e) of the Act.

Refer clause 62(c) Poisons and Therapeutic Goods Regulation 2008

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power to give an order in writing to exempt, with or without conditions, any person or substance or class of persons or substances from the requirements of Part 4 Division I (packaging and labelling of drugs of addiction).

Power, by order published in the Gazette, to declare that subclause 72(3) does not have effect with respect to an exemption specified in the order.

Refer clause 72 Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of an alternate manner for the storage of drugs of addiction by a particular person or class of persons to which the person belongs.

Refer clause 73(1)(b) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of the structural requirements, or manner of mounting, of safes for use by pharmacists in storing drugs of addiction.

Refer clause 76(2) Poisons and Therapeutic Goods Regulation 2008.

Procedures: * Principal Pharmaceutical Officer and Senior Pharmaceutical Officer may only approve under this delegation matters under subclause 76(2)(g) (manner of attachment of safes to types of walls or floors other than brick, concrete or timber).

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
*PRINCIPAL PHARMACEUTICAL OFFICER**
*SENIOR PHARMACEUTICAL OFFICER**

Approval of the manner for making out a prescription for a drug of addiction (other than in handwriting), as to the details required under subclauses 80(1)(a)-(f).

Power to make an order in writing to exempt, with or without conditions, any person or drug of addiction, or any class of persons or drugs of addiction, from any or all of the requirements of clause 80.

Refer clause 80(2)(b), 80(5) and 80(6) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Authorisation of a nurse practitioner for the purposes of clause 83 and/or clause 94 of the Poisons and Therapeutic Goods Regulation 2008, to issue a prescription and/or supply methadone or buprenorphine to a person, without an authority under section 29 of the Act.

Refer clause 83(2)(a) and 94(2)(a) Poisons and Therapeutic Goods Regulation 2008 for the authorisation power, balance of the clauses for the conditions.

Procedure: Any such prescription or supply must comply with the relevant conditions specified under clause 83 and 94 of the Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power to give an order in writing to exempt, with or without conditions, any person or drug, or any class of persons or drugs, from any or all of the requirements of clause 85 as to supply of drugs of addiction on prescription.

Refer clause 85(4) and 85(5) Poisons and Therapeutic Goods Regulation 2008

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power to give an order in writing to exempt, with or without conditions, any person or drug of addiction, or any class of persons or drugs of addiction, from any or all of the requirements of clause 88 as to endorsement of prescriptions for drugs of addiction.

Refer clause 88(3) and 88(4) Poisons and Therapeutic Goods Regulation 2008

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power to give an order in writing to exempt, with or without conditions, any person or drug of addiction, or any class of persons or drugs of addiction, from any or all of the requirements of clause 89 as to keeping of prescriptions or orders.

Refer clause 89(3) and 89(4) Poisons and Therapeutic Goods Regulation 2008

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of an alternative form for the keeping in a retail pharmacy of records of supply of methadone in oral liquid form or buprenorphine tablets, on a prescription for treatment of drug dependence.

Refer clause 91(4) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power to require the owner of a retail pharmacy to furnish such information as is necessary to enable determination of an application for exemption from the provisions of clause 92(1) and 92(1A) relating to methadone or buprenorphine supply.

Power by notice in writing to grant, with or without conditions, or refuse to grant, to a retail pharmacy owner an exemption from the provisions of clause 92(1) and 92(1A) relating to the supply of methadone or buprenorphine.

Power to determine further conditions and notify those conditions in writing to the holder of an exemption relating to the supply of methadone or buprenorphine.

Power to vary or revoke any condition of an exemption relating to the supply of methadone or buprenorphine, by notice in writing served on the holder of the exemption.

Power to suspend or cancel an exemption relating to the supply of methadone or buprenorphine by notice in writing served on the holder of an exemption.

Note:

1. This delegation relates to the granting of exemptions to supply methadone or buprenorphine:
   a) from a retail pharmacy located on premises approved to supply pharmaceutical benefits under section 90 of the *National Health Act 1953* of the Commonwealth
   b) to more than 50 persons on any particular day

2. The clause relates only to the supply on prescription for the treatment of drug dependence.

Refer clause 93(2), 93(3), 93(4), 93(5) and 93(7) Poisons and Therapeutic Goods Regulation 2008

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of the form of electronic communication of an authorisation by an authorised practitioner (other than a veterinary practitioner) of the supply of a drug of addiction, where that authorisation is entered on a patient's medication chart.

Approval of the form of electronic communication that may by used for the requisition of a drug of addiction by an authorised practitioner (other than a veterinary practitioner), or by the nurse or midwife in charge of the ward in which the drug is to be used or stored.

Refer clause 99(1)(b) and 99(1)(c) Poisons and Therapeutic Goods Regulation 2008.

Note: This delegation relates to the authorisation or requisition for the supply of a drug of addiction from the pharmacy department of the hospital by a pharmacist employed at a hospital.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of a nurse or a midwife or a class of nurses or midwives to have possession of and supply drugs of addiction.

Authorisation of a person, or class of persons, in charge of a laboratory used for the purpose of analysis, research or instruction to have possession of (but not to supply) drugs of addiction.

Refer clause 101(l)(e) and 101(2)(a) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

APPROVAL FOR POSSESSION AND SUPPLY OF DRUGS OF ADDICTION

Approval of persons, employed in the Ambulance Service of NSW as an ambulance officer or as an air ambulance flight nurse, to have possession of and to supply drugs of addiction.

Refer clause 101(1)(g)(ii) Poisons and Therapeutic Goods Regulation 2008

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF EXECUTIVE NSW AMBULANCE
DEPUTY CHIEF EXECUTIVE NSW AMBULANCE
EXECUTIVE DIRECTOR CLINICAL SERVICES NSW AMBULANCE
EXECUTIVE DIRECTOR SERVICE DELIVERY NSW AMBULANCE
EXECUTIVE DIRCTOR HEALTH EMERGENCY & AEROMEDICAL SERVICES NSW AMBULANCE
DIRECTOR EDUCATION NSW AMBULANCE

Approval of persons to possess drugs of addiction, provided they hold an authority under Part 8 of the Poisons and Therapeutic Goods Regulation 2008.

Refer clause 106(1)(d) Poisons and Therapeutic Goods Regulation 2008.

Note: This delegation applies to persons other than those specified under clause 106(1)(a), (b) and (c).

Authority for this delegation comes from the Minister for Health under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & LEGISLATIVE SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of the keeping of a register for drugs of addiction (other than in a hospital ward) in a form other than in accordance with sub clauses 111 (2) and 111 (3).

Refer clause 111(4) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of the inclusion of any other details in the drug register for drugs of addiction.

Power by order in writing to exempt, with or without conditions, any person or drug of addiction, or any class of persons or drugs of addiction, from any or all of the requirements of clause 112, as to drug registers.

Refer clause 112(1)(j), 112(3) and 112(4) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of the manner in which a pharmacist is to record the details (required by clause 113(1)) of the supply of drugs of addiction on a prescription.

Power to make an order in writing to exempt, with or without conditions, any person or drug of addiction, or any class of persons, or drugs of addiction from the requirements of clause 113 as to recording of supply on prescription.

Refer clause 113 Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of the manner of recording the details of supply of drugs of addiction in accordance with clause 97 or 103.

Refer clause 114 Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approve the keeping of a register in a form other than in accordance with subclauses 116(4) and 116(5).

Refer clause 116(6) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND LEGAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of the inclusion of any other details in the ward register for drugs of addiction.

Power by order in writing to exempt, with or without conditions, any person or drug of addiction, or any class of persons or drugs of addiction, from any or all of the requirements of clause 117 as to ward drug registers.

Refer clause 117(1)(e), clause 117(3) and clause 117(4) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power to determine the periods, other than in accordance with clause 118(2)(a), either generally or in specified circumstances, that an accurate inventory of drugs of addiction stock has to be made.

Refer clause 118(2)(b) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of the manner (other than in writing or in person) that a direction by an authorised practitioner can be given to a person, employed at a hospital or managed correction centre, to administer a drug of addiction.

Approval of the manner (other than by email, facsimile, orally by telephone) that a direction by an authorised practitioner can be given to a person, employed at a hospital or managed correctional centre, to administer a drug of addiction in an emergency.

Refer clauses 120(2)(b) and 120(3)(b) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of a protocol for confirming a direction to administer a drug of addiction to a patient who is an inmate in a correctional centre (in this situation subclauses 120 (4), (5) and (6) do not apply.)

Refer clause 120(7) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
CHIEF EXECUTIVE JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK

Approval of

i) persons, employed in the Ambulance Service of NSW as an ambulance officer or as an air ambulance flight nurse, who may possess or use Schedule 2, 3 or 4 substances, and
ii) the type of Schedule 2, 3 or 4 substances such persons can possess or use,

in the carrying out of emergency medical treatment.

Refer clause 129 and Appendix C, clause 7 Poisons and Therapeutic Goods Regulation 2008

Procedures:

Only the Chief Executive, Deputy Chief Executive, Executive Director Clinical Governance, Executive Director Service Delivery, Executive Director Health Emergency & Aeromedical Services, Director Education and Director Health Emergency Management Unit can approve the types of Schedule 2, 3 and 4 substances under point ii) and these would be included in an Ambulance Services of NSW Protocol.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF EXECUTIVE NSW AMBULANCE
DEPUTY CHIEF EXECUTIVE NSW AMBULANCE
EXECUTIVE DIRECTOR CLINICAL SERVICES NSW AMBULANCE
EXECUTIVE DIRECTOR SERVICE DELIVERY NSW AMBULANCE
EXECUTIVE DIRECTOR HEALTH EMERGENCY & AEROMEDICAL SERVICES NSW AMBULANCE
DIRECTOR HEALTH EMERGENCY MANAGEMENT UNIT NSW AMBULANCE
DIRECTOR EDUCATION NSW AMBULANCE

Approval of the manner for the supply of any poison or restricted substance by way of distribution of free samples.

Refer clause 132 Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power to give an order in writing to exempt, with or without conditions, any person or substance or any class of persons or substances from any or all of the requirements of clause 133.

Refer clause 133(2) and 133(3) Poisons and Therapeutic Goods Regulation 2008

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power to certify in writing, with or without conditions, that a person who is suffering from an infectious disease, or other condition listed in clause 142, may engage in the preparation or handling of exposed substances.

Refer clause 142 Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
MEDICAL OFFICER OF HEALTH
DIRECTOR PUBLIC HEALTH UNIT

Power to direct that seized goods may be released to the owner or person controlling them at the time of seizure.

Refer clause 149(3) Poisons and Therapeutic Goods Regulation 2008.

Note: The inspector who seized the goods can also give the direction to release the goods.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power to direct the manner in which seized goods may be kept or stored, other than in accordance with clause 152(l)(a) and (b).

Power to authorise a person to remove, alter or interfere in any way with seized goods.

Refer clause 152(l) and 152(2) Poisons and Therapeutic Goods Regulation 2008.

Note: An inspector can also approve such matters.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power to direct the manner in which forfeited goods may be disposed of, either generally or in any particular case or class of cases.

Refer clause 154 Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Approval of the form of application for a licence to supply Schedule 2 substances from a retail shop.

Power to require the person submitting an application for a licence to supply Schedule 2 substances from a retail shop to furnish such further information as is necessary to determine the application.

Refer clause 155(2)(a) and 155(3) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR REGULATION AND COMPLIANCE

Power to issue the licence for which the application is made, or refuse an application, for a licence to supply Schedule 2 substances.

Power to refuse an application if of the opinion that the applicant is not a fit and proper person to hold the licence for which the application is made.

Determination whether the premises of an applicant renewing an existing licence (issued before 7 April 1989 and still in force), are at least 6.5 kilometres (measured along the shortest practicable route) from the premises of the nearest retail pharmacist.

Determination in any other case whether the applicant's premises are at least 20 kilometres (measured along the shortest practicable route) from the premises of the nearest retail pharmacist.

Refer clause 156(l), 156(2) and 156(3) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR REGULATION AND COMPLIANCE

Approval of the form of a licence to supply Schedule 2 substances.

Refer clause 157 Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR REGULATION AND COMPLIANCE

Power to endorse conditions on licences to supply Schedule 2 substances.

Power to impose, by written order served on the licence holder, further conditions on such licences.

Power to vary or revoke, by written order served on a licence holder, licence conditions.

Refer clause 158(1) and 158(2) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR REGULATION AND COMPLIANCE

Power to approve the form of application for a licence to supply by wholesale any poisons or restricted substances.

Power to require an applicant for a licence to supply by wholesale any poison or restricted substance to furnish such further information as is necessary to determine the application.

Refer clause 160(2)(a) and 160(4) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR REGULATION AND COMPLIANCE

Power to issue the licence, or refuse an application for a licence, to supply by wholesale poisons or restricted substances.

Delegates may exercise the Secretary's decision making powers that an applicant is not a fit and proper person to hold the licence, or that the premises to which the application relates are not appropriate for the supply of the poisons or restricted substances concerned.

Refer clause 161(l), 161(2) and 161(3) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR REGULATION AND COMPLIANCE

Approval of the form of a licence to supply by wholesale poisons and restricted substances.

Refer clause 162 Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR REGULATION AND COMPLIANCE

Power to impose, vary or revoke, by orders in writing, conditions on licences to supply by wholesale poisons or restricted substances.

Refer clause 163(l) and 163(2) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR REGULATION AND COMPLIANCE

Approval of the form of application for a licence to manufacture drugs of addiction at, or to supply drugs of addiction, from any premises.

Power to require the person submitting an application for a licence to manufacture or supply drugs of addiction from any premises to furnish such further information as is necessary to determine the application.

Refer clause 165(2)(a) and 165(5) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR REGULATION AND COMPLIANCE

Power to issue a licence, or refuse an application for a licence, to manufacture at or supply drugs of addiction from any premises.

Authority to refuse an application if of the opinion that the applicant is not a fit and proper person to hold the licence for which the application is made.

Power to determine whether the premises to which the application relates are appropriate for the manufacture or supply of drugs of addiction.

Power to add conditions to, or vary or revoke the conditions of a licence that was in force immediately before 30 June 2006, to supply methadone or buprenorphine under the NSW Opioid Treatment Program, or on application of the licensee, to vary the premises to which such a licence relates, or to issue a replacement licence.

Refer clause 166 Poisons and Therapeutic Goods Regulation 2008.

Note: The Secretary or delegate is not empowered to issue any new licence under this Division for the supply, under the program known as the New South Wales Opioid Treatment Program, of methadone or buprenorphine to drug dependent persons (as defined in section 27 of the Act), unless it is a replacement licence. [See clause 166(4), 166(5) and 166(6)]

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR REGULATION AND COMPLIANCE

Approval of the form of a licence to manufacture or supply drugs of addiction at or from any premises.

Refer clause 167(l) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR REGULATION AND COMPLIANCE

Power to endorse conditions on licences to manufacture or supply drugs of addiction.

Power to impose, by written order served on the licence holder, further conditions on such licences.

Power to vary or revoke licence conditions by written order served on the licence holder.

Refer clause 168(l) and 168(2) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR REGULATION AND COMPLIANCE

POISONS AND THERAPEUTIC GOODS ACT 6.92

Power to issue or refuse authorities for the purposes of the Poisons and Therapeutic Goods Act 1966 and this Regulation.

Authority to require a person seeking an authority to furnish such information as is necessary to enable the determination of the issuing of the authority.

Approval of the manner of publication of an instrument issuing an authority to a specified class of persons.

Authority to refuse the issue of an authority to a person if of the opinion that the person is not a fit and proper person to hold the authority.

Condition

A **Principal Pharmaceutical Officer** or **Senior Pharmaceutical Officer** may only exercise this delegation to issue an authority under clause 170 for the purpose of clause 84(2) of the Regulation.

Refer clause 170(l), 170(2), 170(3) and 170(4) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
PRINCIPAL PHARMACEUTICAL OFFICER
SENIOR PHARMACEUTICAL OFFICER

Power to specify conditions in the instrument by which an authority under clause 170 is issued.

Power to impose, by written order served on the authority holder, further conditions on such authorities.

Power to vary or revoke conditions on authorities, by written order served on the authority holder.

Condition

A **Principal Pharmaceutical Officer** or **Senior Pharmaceutical Officer** may only exercise this delegation to issue an authority under clause 170 for the purpose of clause 84(2) of the Regulation.

Refer clause 171(l) and 171(2) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
PRINCIPAL PHARMACEUTICAL OFFICER
SENIOR PHARMACEUTICAL OFFICER

POISONS AND THERAPEUTIC GOODS ACT 6.94

Power to suspend or cancel a licence or authority on any one or more of the grounds listed in subclauses 172(1) and 172(2). Delegates are specifically empowered to exercise the Secretary's decision making powers under subclauses 172(1)(c), 172(1)(d) and 172(2).

Refer clause 172 Poisons and Therapeutic Goods Regulation 2008.

Note 1: In the case of subclause 172(1)(a) and 172(1)(b) events, licences or authorities must be suspended or cancelled.

Note 2: In the case of subclause 172(2)(e) event, licences or authorities may be suspended or cancelled if the annual fee for the licence is not duly paid.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR REGULATION AND COMPLIANCE
(only in relation to 172(2)(e) Poisons and Therapeutic Goods Regulation 2008)

Power, in relation to suspension or cancellation of a licence or authority (otherwise than at the request of its holder), to

give written notice to a licence/authority holder of the proposed suspension or cancellation and the grounds for such action; and

give licence/authority holder reasonable opportunity to make representations on the proposed action; and

consider any representations by a licence/authority holder.

Power to revoke the suspension or vary the period of the suspension of a licence or authority, by written notice served on the holder of a licence or authority.

Refer clause 173(1) and 173(3) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power, by order in writing, with or without conditions, to exempt any person or substance, or any class of persons or substances, from the requirements of Part 2 of the Therapeutic Goods Regulations of the Commonwealth (advertisement of therapeutic goods).

Refer clause 174(1) and 174(2) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power to prohibit or restrict any person, by order in writing served on that person, from doing anything authorised by this Regulation.

Delegates are specifically empowered to exercise the Secretary's decision making powers under subclauses 175(2)(c) and (d).

Power, under subclause 175(3), to make such orders unconditionally, or subject to conditions, and subject to any specified exceptions or factors of application.

Power to publish in the Gazette details of a person's prohibition from doing any or all of the things authorised by Parts 2, 3, 4 or 5 of the Regulation.

Refer clause 175 Poisons and Therapeutic Goods Regulation 2008.

Procedure: Under subclause 175(4), an order under this clause must specify the grounds on which it is made including, if made on the grounds referred to in subclause 175(2)(d), the reasons for its withdrawal on those grounds.

Delegates should also be aware of the date provisions contained in subclause 175(6).

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

Power to require the applicant submitting an application for authority under section 29(1) of the Act to prescribe drugs of addiction to furnish such further information as the delegate may require in relation to the application.

Refer clause 179 Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
PRINCIPAL PHARMACEUTICAL OFFICER
SENIOR PHARMACEUTICAL OFFICER
PHARMACEUTICAL OFFICER

Approve practice standards developed in accordance with clause 48A(l)(b) of the Poisons and Therapeutic Goods Regulation 2008.

Refer Clause 48A(l)(b) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

AUTHORISATION OF USE ETC OF SCHEDULE 9 SUBSTANCES FOR RESEARCH AND SIMILAR PURPOSES

Authorise, by order in writing, with or without conditions, a specified person or class of persons to manufacture, possess, use or supply a specified Schedule 9 substance (not being a prohibited drug within the meaning of the Drug Misuse and Trafficking Act 1985) for medical or scientific research, analytical, teaching or training purposes or for industrial or commercial purposes.

Refer section 17D Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Health Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

APPROVAL OF AN ELECTRONIC FORM OF RECORDING SUPPLY OF PSEUDOEPHEDRINE TO A PERSON WITHOUT A PRESCRIPTION

Authorise, by order in writing, a specified electronic form of recording supply of pseudoephedrine to a person without a prescription.

Refer clause 24(1A) Poisons and Therapeutic Goods Regulation 2008

Authority for this delegation comes from the Health Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

EXCLUDE THERAPEUTIC GOODS FROM THE DEFINITION OF AN UNREGISTERED DRUG OF ADDICTION

Power to, by order published in the Gazette, exclude specified therapeutic goods from the definition of an unregistered drug of addiction under clause 3(1) of the Poisons and Therapeutic Goods Regulation 2008.

Refer clause 3(1) Poisons and Therapeutic Goods Regulation 2008

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

DELEGATION PH609 – REVOKED 23/11/18

EXEMPTION FROM STORAGE REQUIREMENTS FOR GOODS REQUIRING REFRIGERATION

Power to grant an exemption, with or without conditions, from a requirement of the Poisons and Therapeutic Goods Regulation 2008 relating to the storage of goods on the grounds that compliance with the requirement is not reasonably practicable because the goods require refrigeration.

Procedures:

The exemption may be granted:

(a) to a person by written instrument on the application of the person, or
(b) for a class of goods or class of persons, by order published in the Gazette.

Refer clause 175A Poisons and Therapeutic Goods Regulation 2008

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

AUTHORISATION OF POSSESSION OF INCREASED QUANTITIES OF DRUGS OF ADDICTION FOR URGENT USE IN RESIDENTIAL CARE FACILITIES

Power to authorise the possession, with or without conditions, of a larger quantity of a drug of addiction than that permitted generally under clause 103 of the Poisons and Therapeutic Goods Regulation 2008.

Procedures:
An exemption may be granted to:

(a) the responsible person for a specified residential care facility, by written instrument on the application of that person, or

(b) the responsible person for a specified class of residential care facility, by order published in the Gazette.

Refer clause 103 Poisons and Therapeutic Goods Regulation 2008

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

DELEGATION REVOKED UNDER AMENDMENT 151(08/08/22)

MONITORED MEDICINES DATABASE

Power to enter into an agreement with a person (the database operator) to operate and maintain the monitored medicines database.

Refer clause 174C Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CORPORATE AND GOVERNANCE

RECORDING INFORMATION BY PRESCRIBERS

Power to approve relevant information to be recorded by a prescriber about a person for whom they prescribe a monitored medicine.

Power to approve relevant information to be recorded by a prescriber who prescribes a monitored medicine about the prescriber's practice.

Refer clause 174D(2) and (3) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CORPORATE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

RECORDING INFORMATION BY PHARMACISTS

Power to approve relevant information to be recorded by a pharmacist about a person for whom they supply a monitored medicine.

Power to approve relevant information to be recorded by a pharmacist about the business from which a monitored medicine is supplied.

Refer clause 174E(2) Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CORPORATE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

EXEMPTION - PART 8A REAL TIME PRESCRIPTION MONITORING

Power to exempt any person, or any class of persons, from the requirements of Part 8A of the *Poisons and Therapeutic Goods Regulation 2008*.

Conditions
An exemption must be by written order and may be given with or without conditions.

Refer clause 174J Poisons and Therapeutic Goods Regulation 2008.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CORPORATE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION

DELEGATION REVOKED UNDER AMENDMENT 151(08/08/22)

FORFEITURE OF REGULATED GOODS

Power to make, in writing, a ***forfeiture order*** under section 45A declaring goods to be forfeited to the State.

Note:

1. A forfeiture order may only be made:
   a) if the delegate is satisfied:
      i. a person has been convicted of an offence in connection with the seized goods, or
      ii. the owner of the seized goods cannot be found despite inquiries being made that are reasonable in the circumstances, or
      iii. the seized goods cannot be returned to the owner for other reasons despite efforts being made that are reasonable in the circumstances, or
      iv. the return of the seized goods would pose an unacceptable risk to the health or safety of a human or animal, whether or not the human or animal is identifiable, or
      v. the seized goods cannot be lawfully used or supplied by the owner of the goods, or
   b) in circumstances prescribed by the regulations under Act.
2. Before making a forfeiture order, the delegate must make reasonable efforts to give the apparent owner of seized goods written notice of the following —
   a) the intention to make a forfeiture order,
   b) the period, not less than 21 days, during which the apparent owner may make a submission about why the proposed forfeiture order should not be made,
   c) the way in which a submission may be made.
3. The delegate must consider a submission made in accordance with subsection 45A(3)(b) and decide to make, or not make, the forfeiture order.

Refer section 45A Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR PUBLIC HEALTH UNIT

DISPOSE REGULATED GOODS FORTEITED

Power to direct the way regulated goods forfeited under section 45A of the Act are disposed.

Refer section 45B Poisons and Therapeutic Goods Act 1966

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
DIRECTOR PUBLIC HEALTH UNIT

CHAPTER 7 - PRIVATE HEALTH FACILITIES

FORM OF APPLICATION FOR LICENCE....2
APPROVAL IN PRINCIPLE OF APPLICATION FOR LICENCE....3
REFUSAL OF APPLICATION FOR LICENCE....4
APPROVAL OF DEVELOPMENT GUIDELINES AND PUBLICATION....5
PERIOD FOR WHICH APPROVAL IN PRINCIPLE REMAINS EFFECTIVE....6
ISSUE OF LICENCE APPROVED IN PRINCIPLE....7
CONDITIONS OF LICENCE....8
ANNUAL LICENCE FEE....9
TRANSFER OF LICENCE....10
ALTERATIONS OR EXTENSIONS TO LICENSED FACILITIES....11
AMENDMENT OF LICENCES....12
APPLICATIONS....13
SUSPENSION OF LICENCE....14
CANCELLATION OF LICENCE WITHOUT NOTICE....15
CANCELLATION OF LICENCE WITH NOTICE....16
EXECUTOR OR ADMINISTRATOR REGARDED AS LICENSEE....17
REGISTER OF PATIENTS....18
AUTHORISED OFFICERS – ENFORCEMENT....19
PRIVATE HEALTH FACILITIES ADVISORY COMMITTEE....20
DIRECT LICENSEE TO ENGAGE EXTERNAL EXPERT....21
EVIDENTIARY CERTIFICATES....22
STATISTICAL STATEMENT MATERNITY CLASS FACILITY....23
MATERNITY CLASS – TERM OF PREGNANCY....24

FORM OF APPLICATION FOR LICENCE

Approval of form of an application for licence for a private health facility.

Refer Section 6(2)(a) Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

APPROVAL IN PRINCIPLE OF APPLICATION FOR LICENCE

Approve an application for a licence in principle unconditionally or subject to conditions and the notification, in writing, of that approval and any conditions to which the approval is subject.

Refer Sections 7(1)(a), 7(2), 7(3), 7(5) Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

REFUSAL OF APPLICATION FOR LICENCE

Power to refuse an application for licence.

Refer Section 7(1)(b) and (4) Private Health Facilities Act 2007.

Delegates are also authorised to exercise the related decision-making functions set out in section 7(4). Note that approval of guidelines under section 7(4)(c) is the subject of delegation PH546.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

APPROVAL OF DEVELOPMENT GUIDELINES AND PUBLICATION

Power to approve development guidelines and publish them in the Gazette.

Refer Section 7(4)(c) Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

PERIOD FOR WHICH APPROVAL IN PRINCIPLE REMAINS EFFECTIVE

Power to approve the extension of an approval in principle and the form in which such a request is made, subject to the general provisions of section 8 of the Act.

Refer Sections 8(2) and 8(4) Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

ISSUE OF LICENCE APPROVED IN PRINCIPLE

Power to:

1. grant an application and issue a licence to an applicant where an approval in principle has been given and all conditions to which the approval in principle was subject have been complied with; and
2. notify the applicant in writing that an application has been granted and licence issued.

Delegates are authorised to exercise the decision-making powers under section 9(1)(b) and (c) in making that decision.

Refer Sections 9(1) and 9(2) Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

CONDITIONS OF LICENCE

Power to:

1. issue a licence and determine such conditions as may be specified in the licence; and
2. determine the time and manner in which a licensee is required to provide such information as may be prescribed.

Refer Sections 12(1) and 12(2)(f) Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL

ANNUAL LICENCE FEE

Power to notify licensee to pay annual licence fee and accept late payment of licence fee.

Refer Sections 14(1) and 14(2) Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

TRANSFER OF LICENCE

Power to:

1. Transfer a licence;
2. Approve the form of an application to transfer a licence;
3. Refuse an application to transfer a licence after consideration of the factors set out in section 7(4);
4. Notify an applicant in writing if application to transfer a licence has been approved.

Refer Sections 15(2), 15(3), 15(4), 15(5) Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

ALTERATIONS OR EXTENSIONS TO LICENSED FACILITIES

Power to:

1. Approve alteration or extension of any clinical areas of a facility;
2. Approve of plans and specifications for such alteration or extension;
3. Approve the form in which the application for alteration of extension is made;
4. Refuse an application for an extension or alteration.

Refer Sections 16(1) to 16(4) Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE
PRINCIPAL ANALYST PRIVATE HEALTH CARE

AMENDMENT OF LICENCES

Power to:

1. Approve the form in which an application to amend a licence for a private health facility is to be made;
2. Amend a licence;
3. Require a licensee, by notice in writing, to forward his or her licence;
4. Refuse an application to amend a licence, including the considerations set out in section 7(3).

Refer Sections 17(2), 17(3), 17(6), 17(8) Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

APPLICATIONS

Power to:

1. Direct an applicant, by notice in writing, served on the applicant, to provide any information required for the purposes of determining the application;
2. Refuse an application on the ground that the applicant has failed to comply with a direction under section 18 of the Act;
3. Notify the applicant in writing of the refusal of an application in accordance with the terms of section 19(1);
4. Publicly advertise an application and determine the manner in which it is to be advertised;
5. Take into consideration any representations made in relation to an application;
6. Approve an applicant amending his or her application.

Refer Sections 18, 19, 20 and 21 Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE
PRINCIPAL ANALYST PRIVATE HEALTH CARE

SUSPENSION OF LICENCE

Power to:

1. Suspend a licence by notice in writing;
2. Give a further written notice to the licensee ending the period of suspension where no suspension end date was specified;
3. Notify any person of a decision to suspend a licence under section 29 of the Act.

Refer Section 29 Private Health Facilities Act 2007.
Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

CANCELLATION OF LICENCE WITHOUT NOTICE

Power to;

1. Cancel the licence for a private health facility (including a licence that is suspended) without holding an inquiry or giving any notice to the licensee;
2. Notify any person of a decision to cancel a licence under section 30 of the Act.

Refer Section 30 Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH

CANCELLATION OF LICENCE WITH NOTICE

Power to exercise all the powers of the Secretary under section 31, including to:

1. Cancel the licence for a private health facility (including a licence that is suspended) subject to giving the licensee notice of the intention to cancel the licence and the reasons for doing so;
2. Cause an inquiry to be made and appoint a person for that purpose;
3. Notify any person of a decision to cancel a licence under section 31 of the Act.

Refer Section 31 Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

EXECUTOR OR ADMINISTRATOR REGARDED AS LICENSEE

Power to determine a period exceeding 2 months that the executor of the will or administrator of the estate of the licensee is taken to be the licensee.

Refer Section 34 Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE
PRINCIPAL ANALYST PRIVATE HEALTH CARE

REGISTER OF PATIENTS

Approval of the form in which a Register of Patients is to be kept.

Refer Section 38 Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

AUTHORISED OFFICERS - ENFORCEMENT

Power to:

1. Appoint a member of staff of the Department, or a person of a class prescribed by the regulations, to be an authorised officer for the purposes of the Act; and
2. Provide each authorised officer with an identification card and sign that identification card.

Refer Section 50(1) and 50(3) Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

PRIVATE HEALTH FACILITIES ADVISORY COMMITTEE (ADVISORY COMMITTEE)

Power to:

1. Appoint members to the Private Health Facilities Advisory Committee, including seeking the views of relevant industry and professional organisations on the composition of the Advisory Committee;
2. Refer matters to the Advisory Committee;
3. Determine remuneration (including travelling and subsistence allowances) to be paid to members of the Advisory Committee;
4. Appoint a person to be the deputy of a member, and revoke any such appointment;
5. Remove a member from office;
6. Approve leave of a member or excuse a member for having been absent from meetings;
7. Remove the Chairperson or Deputy Chairperson from office as Chairperson or Deputy Chairperson;
8. Determine actions to be taken by a member, who has disclosed the nature of a pecuniary interest in any matter, otherwise than in accordance with the provisions of clause 9(4) of Schedule 3 of the Act;
9. Call and determine the manner in which the first meeting of the Advisory Committee is to be called.

Refer Sections 54(2), 54(4) and 55(c) Private Health Facilities Act 2007; and Schedule 3 clauses 4, 5, 6, 8, 9 and 17 Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL

DIRECT LICENSEE TO ENGAGE EXTERNAL EXPERT

Power to exercise all the powers of the Secretary under section 57, including to:

1. Give a direction in writing to the licensee of a private health facility requiring the licensee to engage an external person or body to provide expert advice to the licensee on specified matters that relate to the conduct of the facility; and
2. In any such direction, specify that the licensee must engage a person or body having specified expertise or knowledge.

Refer Sections 57(1) and 57(2) Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

EVIDENTIARY CERTIFICATES

Power to sign evidentiary certificates.

Refer Section 60 Private Health Facilities Act 2007.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

STATISTICAL STATEMENT MATERNITY CLASS FACILITY

Approve the form of the statistical statement required to be completed by the licensee of a maternity (level 1 or level 2) class private health facility.

Refer Clause 23(1) Private Health Facilities Regulation 2017.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

MATERNITY CLASS – TERM OF PREGNANCY

Power to determine the "relevant condition" that a private health facility must have for the provision of maternity class procedures to patients that have completed between 32 and 34 weeks gestation.

Refer Schedule 2, Clause 37(3) Private Health Facilities Regulation 2017.

Authority for this delegation comes from the Secretary under section 64 of the Private Health Facilities Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

DELEGATION REVOKED UNDER AMENDMENT 151(08/08/22)

DELEGATION REVOKED UNDER AMENDMENT 151(08/08/22)

Table of Contents

APPROVE FORMS 2
POWER TO DEAL WITH PUBLIC HEALTH RISKS GENERALLY 3
POWER TO DEAL WITH PUBLIC HEALTH RISKS DURING STATE OF EMERGENCY 4
POWER TO DEAL WITH PUBLIC HEALTH RISKS ARISING FROM CONDUCT OF PUBLIC AUTHORITIES 5
POWER TO CLOSE PUBLIC PREMISES ON PUBLIC HEALTH GROUNDS 6
POWER TO DIRECT DISINFECTION OR DESTRUCTION OF NOXIOUS ARTICLES 7
TAKE ACTON WITH RESPECT TO UNSAFE WATER 8
POWER TO DIRECT TESTING OF DRINKING WATER 9
DETERMINING NECESSITY FOR BOIL WATER ADVICES 10
ADVICE TO PUBLIC - SAFETY OF DRINKING WATER 11
CORRECTION OF MISLEADING INFORMATION - DRINKING WATER 12
QUALITY ASSURANCE PROGRAMS 13
TRAINING DIRECTIONS 14
INVESTIGATION OF OUTBREAKS OF LEGIONNAIRES' DISEASE 15
TRAINING IN RELATION TO SKIN PENETRATION PROCEDURES 16
FAILURE TO COMPLY WITH NOTICE RELATING TO REGULATED SYSTEM 17
PROHIBITION ORDERS 18
ROLE OF MEDICAL PRACTITIONER FOR CATEGORY 1 & 2 CONDITIONS 19
PATHOLOGY LABORATORIES NOTIFYING OF CATEGORY 3 CONDITIONS 20
NOTIFICATION OF OTHER CONDITIONS 21
AUTHORISE DISCLOSURE OF NAME AND ADDRESS – DISTRICT COURT 22
PUBLIC HEALTH ORDERS FOR CATEGORY 4 & 5 CONDITIONS 23
DIRECT PERSONS TO UNDERGO MEDICAL EXAMINATION 24
PUBLIC HEALTH ORDER - FAILURE TO COMPLY WITH 25
NOTIFIABLE DISEASES - HOSPITAL CEO NOTIFICATION 26
NOTIFICATION OF DEATHS ARISING AFTER ANAESTHESIA OR SEDATION FOR OPERATIONS OR PROCEDURES 27
IMMUNISATION STATUS 28
PAP TEST REGISTER 29
PAP TEST REGISTER – ELECTION NOT TO BE IDENTIFIED 30
REGISTERS – PUBLIC HEALTH DISEASE – ESTABLISHMENT 31
REGISTERS - PUBLIC HEALTH AND DISEASE 32
INSPECTION OF DOCUMENTS 33
INQUIRIES BY SECRETARY 34
BIRTHS, DEATHS AND MARRIAGES REGISTERS – REQUEST ACCESS 35
POWER OF AUTHORISED OFFICERS TO REQUIRE ANSWERS 36
PUBLIC HEALTH OFFICERS - APPOINTMENT OF 37
PUBLIC HEALTH OFFICERS - FUNCTIONS OF 38
AUTHORISED OFFICERS - APPOINTMENT AND CERTIFICATE OF AUTHORITY 39
DISCLOSURE OF INFORMATION 40
LEGIONELLA CONTROL – WARM WATER SYSTEM REQUIREMENTS 41
INSPECTION OF REGISTERS 42
TEMPORARY CLOSURE OF PUBLIC SWIMMING POOLS & SPA POOLS 43
POOL DISINFECTION OR OTHER ACTION 44
QUALITY ASSURANCE PROGRAMS – DRINKING WATER 45
ADVICE TO CATEGORY 2 OR 3 PATIENTS 46
ADVICE TO CATEGORY 2, 3 OR 4 CONTACTS 47
CERTIFICATES AND EVIDENCE OF IMMUNISATION STATUS 48

SLEEPING ACCOMMODATION....49
EMBALMING....50
PREMISES FOR HANDLING OF BODIES [s 76(1)]....51
PREMISES FOR HANDLING OF BODIES [s 76(2)]....52
PREMISES FOR HANDLING OF BODIES [s 76(3)]....53
PREMISES FOR HANDLING OF BODIES [s 76(5)]....54
FACILITIES OF BODY PREPARATION ROOMS....55
KEEPING OF BODIES BY A PERSON WHO IS NOT A FUNERAL DIRECTOR....56
COURSE IN EMBALMING....57
BODIES IN HOLDING ROOMS....58
BODIES TO BE PLACED IN COFFINS....59
BURIAL OF BODIES....60
BURIALS IN VAULTS....61
EXHUME REMAINS....63
MEDICAL REFEREE....64
BODIES TO BE CREMATED SEPARATELY....65
DOCUMENTATION REQUIRED FOR CREMATION....66
CLOSING OF CREMATORIES....68
REGISTER OF MORTUARIES....69
CODE OF CONDUCT – CERTAIN HEALTH PRACTITIONERS TO DISPLAY CODE AND OTHER INFORMATION....70
PUBLIC HEALTH (TOBACCO) ACT - TOBACCO PRODUCTS SEIZED UNDER S 7A....72
DISCLOSE INFORMATION FOR LEGAL PROCEEDINGS....73
AUDITOR OF RISK ASSESSMENTS....74
OTHER RISK ASSESSMENTS....75
NOTIFICATION OF DEATHS....76
PUBLIC HEALTH (TOBACCO) ACT – SMOKELESS TOBACCO PRODUCTS SEIZED UNDER SECTION 21A....77
DEATH CERTIFICATES FOR DEATH OUTSDIE NSW....78
FEE FOR IMPROVEMENT NOTICES AND PROHIBITION ORDERS....79
PUBLIC HEALTH (TOBACCO) ACT – APPOINT INSPECTORS....80

APPROVE FORMS

Power to approve forms for the purposes of the Public Health Act 2010 and any Regulations made under that Act.

Refer section 5(1) Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

POWER TO DEAL WITH PUBLIC HEALTH RISKS GENERALLY

Power to make decisions, take action and give directions by order in respect of public health risks generally, subject to the conditions contained in section 7(3).

Refer section 7 Public Health Act 2010.

Authority for this delegation comes from the Minister for Health under section 21 of the Health Administration Act 1982.

DELEGATES:

SECRETARY
CHIEF HEALTH OFFICER

POWER TO DEAL WITH PUBLIC HEALTH RISKS DURING STATE OF EMERGENCY

Power to make decisions, take action and to give directions by order in respect to public health risks during a state of emergency, subject to the conditions contained in section 8.

Refer section 8 Public Health Act 2010.

Authority for this delegation comes from the Minister for Health under section 21 of the Health Administration Act 1982.

DELEGATES:

SECRETARY
CHIEF HEALTH OFFICER

POWER TO DEAL WITH PUBLIC HEALTH RISKS ARISING FROM CONDUCT OF PUBLIC AUTHORITIES

Power to make decisions and direct, by order in writing, a public authority or chief executive officer (however described) of the authority, to take specified action to minimise or rectify any adverse consequences of an act or omission by the authority or of any person acting on behalf of a public authority.

Refer section 9 Public Health Act 2010.

Authority for this delegation comes from the Minister of Health under section 21 of the Health Administration Act 1982.

DELEGATES:

SECRETARY
CHIEF HEALTH OFFICER

POWER TO CLOSE PUBLIC PREMISES ON PUBLIC HEALTH GROUNDS

Power to make decisions and direct by order, that access to premises be restricted or prohibited, as specified in the order, to protect public health.

Refer section 11(1) Public Health Act 2010

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

POWER TO DIRECT DISINFECTION OR DESTRUCTION OF NOXIOUS ARTICLES

Power to make decisions and authorise, by order in writing, any person to enter premises where a noxious article is suspected, seize anything that appears to be a noxious article and, there or elsewhere, disinfect or destroy it.

Refer section 12 Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

TAKE ACTON WITH RESPECT TO UNSAFE WATER

Power to take action and by order give directions considered necessary:

i) to restrict or prevent the use of unsafe water; and

ii) to bring unsafe water to such a condition that it is no longer unsafe water;

having determined that water is unfit for human consumption or, is or is likely to constitute a risk to public health.

Provided that consultation is undertaken with the Minister responsible for the Act under which the supplier of drinking water is constituted before any direction to the supplier is given.

Power to take the action referred to in a direction under section 16, if the direction is not complied with, and recover any debt associated with such action.

Refer sections 16 & 17(2) Public Health Act 2010.

Authority for this delegation comes from the Minister for Health under section 21 of the Health Administration Act 1982.

DELEGATES:

SECRETARY
CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

POWER TO DIRECT TESTING OF DRINKING WATER

Power to:

i) by notice in writing, direct a supplier of drinking water to carry out such tests on the drinking water that it has available for supply, or any substance used in or produced by the treatment of any such water, in a manner specified in the direction;

ii) by notice in writing, direct a supplier of drinking water to produce such information (including the form and manner such information is to be provided) as may be specified concerning the quality of the drinking water that the supplier has available for supply and the methods by which the water has been treated.

Power to take the action referred to in a direction under sections 18 and 19, if the direction is not complied with, and recover any debt associated with such action.

Refer sections 18, 19 and 20(2) Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR
AUTHORISED OFFICER (AS APPOINTED UNDER SECTION 126 OF THE ACT)

DETERMINING NECESSITY FOR BOIL WATER ADVICES

Authority to make decisions in relation to any supplier of drinking water whether or not:

(i) the suppler should issue a boil water advice for the drinking water it supplies or has available for supply; and

(ii) the supplier should provide additional information to the public in connection with any boil water advice it issues; and

(iii) a boil water advice is retracted or corrected.

Refer section 21 Public Health Act 2010.

Authority for this delegation comes from the Chief Health Officer under section 128 of the Public Health Act 2010.

DELEGATES:

EXECUTIVE DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

ADVICE TO PUBLIC - SAFETY OF DRINKING WATER

Authority to prepare advice, for the benefit of the public, concerning the safety of available drinking water (or drinking water available from a particular supplier of drinking water) and any possible risks to health involved in the consumption of that water.

Authority to provide the advice in writing to the relevant supplier of drinking water; and direct by notice in writing, the form and manner of the advice to be issued to the public.

Authority to issue the advice to the public.

Refer section 22 Public Health Act 2010

Authority for this delegation comes from the Chief Health Officer under section 128 of the Public Health Act 2010.

DELEGATES:

EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

CORRECTION OF MISLEADING INFORMATION - DRINKING WATER

Authority to, by notice in writing, direct a supplier of drinking water to retract or correct any information or advice issued, by or on behalf of the supplier, to the public in relation to the safety of the supplier's drinking water.

Authority to specify any one or more of the form, content and manner of the retraction or correction and of its publication.

Authority to, on failure by the supplier to comply with the direction, take the action referred to in the direction and recover any debt associated with such action.

Refer section 23 Public Health Act 2010

Authority for this delegation comes from the Chief Health Officer under section 128 of the Public Health Act 2010.

DELEGATES:

EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

QUALITY ASSURANCE PROGRAMS

Authority to, by notice in writing, exempt a supplier of drinking water or class of suppliers from the requirements under section 25(1) to establish and adhere to a quality assurance program, if satisfied that the supplier, or class of supplier, is subject to other appropriate licensing or other regulatory requirements.

Refer section 25 Public Health Act 2010.

Authority for this delegation comes from the Chief Health Officer under section 128 of the Public Health Act 2010.

DELEGATES:

EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

TRAINING DIRECTIONS

Power to serve on a person found guilty of an offence under sections 28(3), 29(3) or 30(3) a notice in writing:

(i) directing that the person undertake specified training; and

(ii) prohibiting the person from carrying out specified functions relating to a regulated system until the training is completed.

Refer section 32 Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

INVESTIGATION OF OUTBREAKS OF LEGIONNAIRES' DISEASE

Power to approve procedures for the investigation of an outbreak of Legionnaires' disease, for the purpose of Section 33 of the Act.

Refer section 33 Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION

TRAINING IN RELATION TO SKIN PENETRATION PROCEDURES

Power to serve a notice on a person found guilty of an offence under this Act or the regulations in relation to the conduct of a skin penetration procedure at premises:

(i) directing that the person undertake specified training; and
(ii) prohibiting the carrying out of specified skin penetration procedures at the premises until the training is completed.

Refer section 39 Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

FAILURE TO COMPLY WITH NOTICE RELATING TO REGULATED SYSTEM

Power to, on failure to comply with an improvement notice or section 45, take the action referred to in the notice and recover any debt associated with such action.

Power to arrange and authorise an employee or contactor to enter regulated premises to do any work.

Refer section 44 Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

PROHIBITION ORDERS

Power to serve a prohibition order on the occupier of a premises.

Power to give a certificate of clearance for a premises that is the subject of a prohibition order.

Refer section 45(1) & (6) Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

ROLE OF MEDICAL PRACTITIONER FOR CATEGORY 1 & 2 CONDITIONS

1. **Power** to request medical practitioners to provide further information concerning a person's medical condition and transmission and risk factors, as is available.

2. **Power** to request any medical practitioner involved in the treatment of a person concerned, to provide:

   a) Information necessary to complete or correct a certificate, and
   b) Other information concerning the person's medical condition and transmission and risk factors, as is available.

Refer sections 54(3)(b) and 54(3A) Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

PATHOLOGY LABORATORIES NOTIFYING OF CATEGORY 3 CONDITIONS

Power to request any medical practitioner involved in the treatment of the person concerned to provide:

(i) such information as is necessary to complete or correct a report that appears to be incomplete or incorrect; and

(ii) such other information concerning the person's medical condition and transmission and risk factors as is available to the medical practitioner.

Condition: delegation to the Chief Cancer Officer NSW is limited to notifications relating to cancer.

Refer section 55(4) Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR
CHIEF CANCER OFFICER NSW

NOTIFICATION OF OTHER CONDITIONS

Power to, on receiving a notification under section 57, request further information as to the person's medical condition and risk factors.

Refer section 57(2) Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

AUTHORISE DISCLOSURE OF NAME AND ADDRESS – DISTRICT COURT

Power to apply to the District Court for an order to be served on a medical practitioner requiring disclosure of the name and address of a person suffering from a Category 5 medical condition if considered necessary to safeguard the health of the public.

Refer section 58 Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

PUBLIC HEALTH ORDERS FOR CATEGORY 4 & 5 CONDITIONS

Power to authorise a registered medical practitioner to exercise the functions of an authorised medical practitioner under Division 4 of the Act.

Refer section 60(b) Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

DIRECT PERSONS TO UNDERGO MEDICAL EXAMINATION

Power to make decision and direct, by notice in writing, a person believed to be suffering from a Category 4 or 5 medical condition, to undergo a medical examination of a kind described in the notice within a specified period.

Power to, if the person fails to comply with such direction, direct by further notice in writing the person to undergo the specified kind of medical examination and associated tests, at a specified time and place, by a specified registered medical practitioner.

Refer section 61 Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

PUBLIC HEALTH ORDER - FAILURE TO COMPLY WITH

Power to commence proceedings against a person who fails to comply with a requirement of a public health order.

Refer section 70(2) Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

NOTIFIABLE DISEASES - HOSPITAL CEO NOTIFICATION

1. **Power** to request additional information from a hospital chief executive officer in regards to a particular case of a notifiable disease.

2. **Power** to request any medical practitioner involved in the treatment of the patient or former patient concerned to provide:
   a) such information as is necessary to complete or correct information that appears to be incomplete or incorrect, and
   b) such other information concerning the patient's medical condition and transmission and risk factors, as is available to the medical practitioner.

Condition: delegation to the Chief Cancer Officer NSW is limited to notifications relating to cancer.

Refer sections 83(2) and (4) Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR
CHIEF CANCER OFFICER NSW

NOTIFICATION OF DEATHS ARISING AFTER ANAESTHESIA OR SEDATION FOR OPERATIONS OR PROCEDURES

Receipt of notifications of deaths arising after anaesthesia or sedation for operations or procedures.

Authority to request additional information in a particular case from the hospital chief executive officer, and any health practitioner who was responsible for the administration of the anaesthetic or sedative drug concerned.

Refer section 84 Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
CHIEF EXECUTIVE CLINICAL EXCELLENCE COMMISSION

IMMUNISATION STATUS

Power to approve a person of a class who can report, in the approved form, the immunisation status of a child.

Refer section 85 Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

PAP TEST REGISTER

Power to:

(i) maintain, or arrange for the maintenance of, the Pap Test Register, in accordance with Section 90(4) of the Act; and

(ii) enter into an agreement or arrangement with any other person for the maintenance of the Pap Test Register.

Refer section 90(1) & (2) Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

PAP TEST REGISTER – ELECTION NOT TO BE IDENTIFIED

Power to comply with, or to cause compliance with, any request in writing from a woman to remove her identifying particulars from the Pap Test Register.

Refer section 94 Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

REGISTERS – PUBLIC HEALTH DISEASE – ESTABLISHMENT

Power to, by order published in the Gazette, specify public health or disease registers, or classes of public health or disease registers, that may be established and maintained under Division 4 of the Act.

Refer section 97 Public Health Act 2010.

Authority for this delegation comes from the Minister for Health under section 21 of the Health Administration Act 1982.

DELEGATES:

SECRETARY
CHIEF HEALTH OFFICER

REGISTERS - PUBLIC HEALTH AND DISEASE

Power to:

(i) establish and maintain, or arrange for the establishment and maintenance of, a register of a kind specified by an order under Division 4 of the Act;

(ii) enter into an agreement or arrangement with a local government authority or government or non-government agency, or any other person, for the provision and use of information for the purposes of any such register;

(iii) direct a public health organisation in writing to provide information for the purposes of any such register;

(iv) provide, or authorise in writing, a person or class of persons to provide personal information about a person to a health records linkage organisation for the purpose of establishing and providing a unique identifier number to be used for the purposes of a register;

(v) approve a body as a health records linkage organisation for the purposes of section 98 of the Act.

Refer section 98 Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PATIENT EXPERIENCE AND SYSTEM PERFORMANCE

INSPECTION OF DOCUMENTS

Power to inspect, make copies of, or take extracts from, documents of a public authority that relate to public health and, for that purpose, direct the public authority:

(i) to make any such document available for inspection; or

(ii) to produce and make available for inspection, a written copy of a document that is not in writing but is capable of being reduced to writing.

Refer section 105 Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

INQUIRIES BY SECRETARY

Power to make inquiry into any matter relating to public health, or any matter that under the Act authorises an order or direction by, or requires the approval or consent of, the Secretary, or any alleged offence under the Act or the Regulations.

Power to authorise a person, in writing, to exercise the functions specified by the authority for the purposes of assisting the inquiry.

Power to obtain, use and disclose any information obtained under the Act, if considered necessary for the purposes of the inquiry or for the purposes of protecting the health of the public.

Power to direct a person, in writing, who is reasonably believed to be responsible for a public health risk to notify specified persons of the nature of the risk and of measures to be taken to mitigate the risk, if it is considered there is or is likely to be, a risk to public health,

---

Refer section 106(1), (2), (4) and (4A) Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

BIRTHS, DEATHS AND MARRIAGES REGISTERS – REQUEST ACCESS

Authorisation of an officer of the Ministry of Health to request access to Registers kept under the Registration of Births, Deaths and Marriages Act 1995.

Refer section 107(1) Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

POWER OF AUTHORISED OFFICERS TO REQUIRE ANSWERS

Power to, by notice in writing, direct a corporation to nominate, in writing and within a specified time, a director or officer of a corporation to represent the corporation for the purpose of answering any questions posed by an authorised officer under Section 110(1)(a) of the Act.

Refer section 110(2) Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

PUBLIC HEALTH OFFICERS - APPOINTMENT OF

Power to appoint an individual to be the public health officer for a part of the State or for the purpose of exercising particular public health functions.

Refer section 121 Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION

PUBLIC HEALTH OFFICERS - FUNCTIONS OF

Power to direct a public health officer (appointed under Section 121 of the Act for a part of the State) to investigate and furnish reports on matter**s** affecting public health in that part of the State.

Power to control and direct a public health officer (appointed under Section 121 of the Act for a part of the State) in the exercise of any such function of the public health officer.

Refer section 122(1)(a) & (2) Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION

AUTHORISED OFFICERS - APPOINTMENT AND CERTIFICATE OF AUTHORITY

Power to appoint an authorised officer, either generally or in relation to any particular function exercisable by authorised officers under this or any other Act relating to public health.

Subject to the delegate being of the opinion that the person being appointed as an Authorised Officer has appropriate qualifications or experience for such an appointment.

Procedures: In accordance with section 108(3) a certificate of authority is to be issued by the delegate who appoints an authorised officer.

Refer section 126(1) & (3) and 108(3) Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

DISCLOSURE OF INFORMATION

Power to approve the disclosure of epidemiological data, or to authorise a person to give such approval.

Refer section 130(d) Public Health Act 2010.

Authority for this delegation comes from the Chief Health Officer under section 128 of the Public Health Act 2010.

DELEGATES:

DIRECTOR CENTRE FOR EPIDEMIOLOGY AND EVIDENCE
EXECUTIVE DIRECTOR HEALTH PROTECTION

LEGIONELLA CONTROL – WARM WATER SYSTEM REQUIREMENTS

Power to approve, in writing, the kind of warm-water system that can be installed in a hospital.

Refer section 7(2)(b) Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

INSPECTION OF REGISTERS

Power to authorise an officer of the Ministry of Health to make a request and conduct an inspection of the registers maintained by each local government authority of premises where:

(i) warmwater systems and cooling water systems are installed;

(ii) public swimming pools and spa pools are installed; and

(iii) skin penetration procedures are carried out.

Refer sections 25(3)(c),31(3)(c) & 43(3)(c) Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH

TEMPORARY CLOSURE OF PUBLIC SWIMMING POOLS & SPA POOLS

Power to direct by order in writing, the occupier of premises at which a public swimming pool or spa pool is situated, to close the pool or spa for use by the public until such an order is revoked.

Power to revoke such an order by notice in writing on the occupier of premises concerned, it satisfied on reasonable grounds that the public swimming pool or spa pool is no longer a risk to public health**.**

Refer section 28(1) & (5) Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

POOL DISINFECTION OR OTHER ACTION

Power to direct, by notice in writing, the occupier of premises at which a public swimming pool or spa pool is situated to disinfect the pool, or to take any other action, in accordance with the direction if satisfied that the pool is a risk to public health.

Refer section 29(1) Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

QUALITY ASSURANCE PROGRAMS – DRINKING WATER

Power to arrange for the review of a quality assurance program of a supplier of drinking water at any time.

Refer section 56 Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENT HEALTH
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR
MANAGER WATER UNIT

ADVICE TO CATEGORY 2 OR 3 PATIENTS

Power to

a) notify patients suffering from a Category 2 or 3 medical condition of measures to be taken and activities to be avoided to minimise the danger of passing the medical condition to another person.

b) Authorise a relevant health practitioner to notify the person

Refer section 60 Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

ADVICE TO CATEGORY 2, 3 OR 4 CONTACTS

Power to

a) make decision and notify contacts of a person suffering from a Category 2, 3 or 4 medical condition as to measures to be taken and activities to be avoided to minimise the danger of the first person contracting the condition or passing it to a third person.

b) Authorise a relevant health practitioner to notify the person.

Refer section 61 Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR
REGISTERED MEDICAL PRACTITIONER

CERTIFICATES AND EVIDENCE OF IMMUNISATION STATUS

Power to designate the age at which it is appropriate for a child to be immunised or further immunised against a specified vaccine preventable disease.

Refer section 67(3) Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

SLEEPING ACCOMMODATION

Power to exempt an occupier, by order in writing, from the floor area requirement**s** for sleeping accommodation of section 73 of the Regulation.

Conditions:

1. The delegate must be satisfied the exemption will not have an adverse effect on the health of persons sleeping in the room or cubicle.
2. An exemption may be given unconditionally or subject to conditions.

Refer section 73(2) and (3) Public Health Regulation 2022.

Authority for this delegation comes from the Minister for Health under section 21 of the Health Administration Act 1982.

DELEGATES:

SECRETARY
CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

EMBALMING

Power to approve alternate means for embalming a body.

Refer to the Dictionary of the Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION

PREMISES FOR HANDLING OF BODIES [s 76(1)]

Power to approve, either generally or in a particular case, the use of any premises other than a mortuary that complies with the relevant standards for mortuaries under the Local Government Act 1993 for the embalming, or other preparation of bodies for burial or cremation or for the placing of bodies in coffins for burial or cremation.

Refer section 76(1) & (6)(a) Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

PREMISES FOR HANDLING OF BODIES [s 76(2)]

Power to approve, either generally or in a particular case, the use of any premises other than a holding room or a mortuary for the storage of bodies for burial or cremation.

Refer section 76(2) & (6)(a) Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

PREMISES FOR HANDLING OF BODIES [s 76(3)]

Power to approve, either generally or in a particular case, the storage of a body in a vehicle other than during the transport of the body.

Refer section 76(3)(b) & (6)(a) Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

PREMISES FOR HANDLING OF BODIES [s 76(5)]

Power to approve, in a particular case, use of the facilities of a hospital for the purpose of the business of a funeral director or of the operator of a mortuary transport service other than for the removal of bodies of persons who died in the hospital.

Refer section 76(5) & (6)(b) Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

FACILITIES OF BODY PREPARATION ROOMS

Power to approve, generally or in a particular case, use of a body preparation room that does not have the equipment listed in section 77(1)(a) to (e) of the Regulation.

Refer section 77 Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

KEEPING OF BODIES BY A PERSON WHO IS NOT A FUNERAL DIRECTOR

Power to approve**,** generally or in a particular case, a person who is not a funeral director keeping a body for longer than permitted under subsection 80(2), subject to any conditions considered appropriate.

Note: This section does not apply to a body that is stored at premises licensed under the *Anatomy Act 1977* or the subject of an inquest under the *Coroners Act 2009*.

Refer section 80(2) Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

COURSE IN EMBALMING

Power to approve a course in embalming that is provided by someone other than a training provider accredited by the Australian Skills Quality Authority.

Refer section 82(1) Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH

BODIES IN HOLDING ROOMS

Power to approve, generally or in a particular case, the keeping of a body in a holding room by a person (other than a funeral director) for more than 48 hours, subject to any conditions considered appropriate.

Refer section 87(2) Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

BODIES TO BE PLACED IN COFFINS

Power to approve generally or in a particular case:

a) the burial of a body unless the body has been placed in a coffin with a securely sealed lid, or
b) the cremation of a body, other than by alkaline hydrolysis, unless the body has been placed in a coffin with a securely sealed lid.

Refer section 89 Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

BURIAL OF BODIES

Power to approve**,** generally or in a particular case, the burial of a body contained in a coffin less than 900 millimetres below the natural surface level of the soil where it is buried.

Refer section 90 Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

BURIALS IN VAULTS

Power to approve, generally or in a particular case, other conditions under which a body may be placed in a vault.

Refer section 93(2) Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

Delegation PH464 was revoked under amendment 106(23/09/19)

EXHUME REMAINS

Power to approve or refuse an application to exhume the remains of the body of a dead person, subject to any conditions specified; and specify a period other than 3 months from the date of the approval for which the approval remains valid.

Power to decide whether a person is a "proper person" to make an application to exhume the remains of the body of a dead person.

Power to dispense with the requirement for an application to be accompanied by a certified copy of the death certificate issued under the Births, Deaths and Marriages Registration Act 1995 if:

(a) Satisfied that it is not reasonably practicable to obtain the death certificate in the circumstances, and
(b) After consulting with the State Coroner about the application.

Refer section**s** 94(1), 95, 96 Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

MEDICAL REFEREE

Power to appoint a registered medical practitioner as a medical referee for the purposes of
the Public Health Regulation.

Refer to the Dictionary of the Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
DIRECTOR SOUTH EASTERN SYDNEY PUBLIC HEALTH UNIT

BODIES TO BE CREMATED SEPARATELY

Power to approve, generally or in a particular case, cremation of more than one body in the same *crematory retort* (receptacle into which a body is placed for cremation) at any one time.

Refer section 99(1) Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

DOCUMENTATION REQUIRED FOR CREMATION

Power to grant an exemption to the application of Section 103(1) of the Regulation:

(i) Generally or in a particular case, for the cremation of an organ or part of a body that has been subject to an anatomical examination under the *Anatomy Act 1977* or a post-mortem examination under the *Human Tissue Act 1983*.

(ii) For the cremation of the body of a dead person that has been buried for at least 10 years, in response to an application.

Power to decide whether a person is a "proper person" to make an application under Section 103(4) in the absence of an executor or surviving relative.

Refer sections 103(3), (4) Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

Delegation PH311 was revoked under amendment 106(23/09/19)

CLOSING OF CREMATORIES

Power to:

(i) order the closure of a crematory after giving 28 days' notice in writing to the cremation authority who directs the operation of the crematory;

(ii) revoke such an order and approve the re-opening of a crematory closed by a cremation authority served with an order of closure.

Refer section 110 Public Health Regulation 2022.

Authority for this delegation comes from the Minister for Health under section 21 of the Health Administration Act 1982.

DELEGATES:

SECRETARY
CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

REGISTER OF MORTUARIES

Power to:

(i) maintain a register of mortuaries in accordance with Section 111(2) of the Regulation; and

(ii) determine the fee (not exceeding the fee specified in Schedule 5 of the Regulation) for notifications to be included on the register of mortuaries.

Refer section 111 Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION

Delegation PH593 is revoked under amendment 152(28/09/2022)

Delegation PH542 was revoked under amendment-106(23/09/19)

PUBLIC HEALTH (TOBACCO) ACT - TOBACCO PRODUCTS SEIZED UNDER SECTION 7A

Power to determine that tobacco products seized under section 7A of the *Public Health (Tobacco) Act 2008* were, at the time they were seized:

(i) for personal use and not in the person's possession, custody or control for the purposes of sale; or

(ii) not for personal use, but in the person's possession, custody or control for the purposes of sale.

Refer section 7A Public Health (Tobacco) Act 2008

Authority for this delegation comes from the Health Secretary under section 21 of the Health
Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
PRINCIPAL LEGAL OFFICER

DISCLOSE INFORMATION FOR LEGAL PROCEEDINGS

Consent to the disclosure of information that has been provided to the Secretary under Part 4 or Part 5 of the Public Health Act, for the purpose of any legal proceedings.

Refer section 130A Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

AUDITOR OF RISK ASSESSMENTS

Power to:

i) approve a person as an auditor of a risk assessment for cooling water systems for the purposes of section 14 of the Regulation,
ii) determine the specific period of the approval and
iii) revoke, in writing, an approval to audit a risk assessment.

Refer section 15 Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH

OTHER RISK ASSESSMENTS

Power to notify an occupier to undertake a new risk assessment of a cooling water system if:

i) reportable test results have been notified for the cooling water system under section 18, or

ii) it is considered the existing risk assessment is not sufficient to protect public health.

Refer section 16(1) Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

NOTIFICATION OF DEATHS

Power to, determine the form and manner, and particulars to be contained in the notice of a death provided by the Registrar of Births, Deaths and Marriages after registering the death of a person.

Refer section 129A Public Health Act 2010.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

PUBLIC HEALTH (TOBACCO) ACT – SMOKELESS TOBACCO PRODUCTS SEIZED UNDER SECTION 21A

Power to determine that tobacco products seized under section 21A of the *Public Health (Tobacco) Act 2008* were, at the time they were seized:

(i) for personal use and not in the person's possession, custody or control for the purposes of sale; or

(ii) not for personal use, but in the person's possession, custody or control for the purposes of sale.

Refer section 21A Public Health (Tobacco) Act 2008

Authority for this delegation comes from the Health Secretary under section 21 of the Health
Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
PRINCIPAL LEGAL OFFICER

DEATH CERTIFICATES FOR DEATHS OUTSIDE NSW

Determine that a document issued in relation to the death of a person under the law of another State, a Territory or the Commonwealth or any other place is taken to be a death certificate for the purposes of the Public Health Regulation.

Refer section 115 Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

FEE FOR IMPROVEMENT NOTICES AND PROHIBITION ORDERS

1. **Power** to, on the application of the person to whom an improvement notice or prohibition order was given,

   i) extend the time for payment of the fee, or
   ii) waive payment of the whole or part of the fee.

2. **Power** to, on own initiative, waive payment of the whole or part of the fee.

Refer section 124(2) and (4)(a) Public Health Regulation 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR HEALTH PROTECTION
DIRECTOR ENVIRONMENTAL HEALTH
PUBLIC HEALTH OFFICER (AS APPOINTED UNDER SECTION 121 OF THE ACT)
PUBLIC HEALTH UNIT DIRECTOR

Power to appoint persons as inspectors for the purposes of the Public Health (Tobacco) Act 2008.

Conditions

1. An inspector who is not a police officer must be issued with a certificate of authority.
2. The certificate of authority must –
   (a) be in the form approved by the delegate; and
   (b) contain a recent photograph of the inspector.

Refer section 43A of the Public Health (Tobacco) Act 2008

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR CENTRE FOR POPULATION HEALTH
MEDICAL OFFICER OF HEALTH
CHIEF EXECUTIVE LOCAL HEALTH DISTRICT
DIRECTOR PUBLIC HEALTH UNIT

CHAPTER 9 - MISCELLANEOUS ACTS

APPROVAL OF STUDY AND PRACTICE OF ANATOMY....2
INSPECTORS SMOKE-FREE ENVIRONMENT ACT 2000....3
SPECIAL MEDICAL TREATMENT – REQUEST EXEMPTION....4
S11a ANATOMY ACT 1977....5
DRUG AND ALCOHOL TREATMENT ACT 2007
APPOINTMENT OF DIRECTOR....6
APPOINTMENT OF ACCREDITED MEDICAL PRACTITIONER....7
APPROVAL OF FORM OF INFORMATION....8
APPROVAL OF FORMS....9
CHILD PROTECTION (OFFENDERS REGISTRATION) ACT 2000....10
PROCEEDINGS FOR AN OFFENCE - SMOKE-FREE ENVIRONMENT ACT....11
HEALTH PROFESSIONALS (SPECIAL EVENTS EXEMPTION) ACT 1997....12
RESPONSIBLE PERSON – DNA DATABASE SYSTEM....13
EXEMPT E-CIGARETTE ONLY RETAILERS FROM SMOKE-FREE LAWS....14
HEALTH FACILITIES FOR TERMINATIONS AFTER 22 WEEKS....15
ADVICE TO THE INDEPENDENT LIQUOR AND GAMING AUTHORITY....16

APPROVAL OF STUDY AND PRACTICE OF ANATOMY

Power to license a person to conduct anatomical examinations, including power to determine conditions on the licence, power to revoke the licence.

Procedures

Refer section 6 Anatomy Act 1977 (Secretary

DELEGATES:

CHIEF HEALTH OFFICER
DIRECTOR HEALTH PROTECTION NSW

Power to appoint persons as inspectors for the purposes of the Smoke-Free Environment Act 2000.

Refer section 14 Smoke-Free Environment Act 2000.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR CENTRE FOR POPULATION HEALTH
MEDICAL OFFICER OF HEALTH
CHIEF EXECUTIVE LOCAL HEALTH DISTRICT
DIRECTOR PUBLIC HEALTH UNIT

SPECIAL MEDICAL TREATMENT – REQUEST EXEMPTION

Power to make written request to the Secretary of the Department of Family and Community Services for a general or particular exemption of the administration of a drug of addiction to a child.

Refer section 175(4A) Children and Young Persons (Care and Protection) Act 1998.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
CHIEF PHARMACIST
DIRECTOR PHARMACEUTICAL OPERATIONS
DIRECTOR PHARMACEUTICAL SERVICES TRANSFORMATION
PRINCIPAL PHARMACEUTICAL OFFICER
SENIOR PHARMACEUTICAL OFFICER
PHARMACEUTICAL OFFICER

Approval of a person to whom the holder of a licence may transfer human tissue from a body that is in the licence holder's possession and imposition of conditions for such transfer.

Procedures:

Refer section 11A Anatomy Act 1977.

Authority for this delegation comes from the Director-General under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

DRUG AND ALCOHOL TREATMENT ACT 2007 – APPOINTMENT OF DIRECTOR

Power to appoint a person as the director of a treatment centre for the purposes of the Drug and Alcohol Treatment Act 2007.

Refer section 5(1) Drug and Alcohol Treatment Act 2007, definition of "director".

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR ALCOHOL AND OTHER DRUGS
DIRECTOR ALCOHOL AND OTHER DRUGS CLINICAL SERVICES AND PROGRAMS

DRUG AND ALCOHOL TREATMENT ACT 2007 – APPOINTMENT OF ACCREDITED MEDICAL PRACTITIONER

1. **Power** to appoint a medical practitioner as an accredited medical practitioner.

2. **Power** to appoint the holder of an office (who is a medical practitioner) as an accredited medical practitioner.

3. **Power** to impose conditions for exercising the functions of an accredited medical practitioner.

Procedures: *Delegate may only appoint an accredited medical practitioner under points 1 and 2 above.

Refer section 7 Drug and Alcohol Treatment Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR ALCOHOL AND OTHER DRUGS
DIRECTOR ALCOHOL AND OTHER DRUGS CLINICAL SERVICES AND PROGRAMS
**DIRECTOR OF TREATMENT CENTRE (as appointed under section 5(1) of the Drug and Alcohol Treatment Act 2007)*

DRUG AND ALCOHOL TREATMENT ACT 2007 – APPROVAL OF FORM OF INFORMATION

Approve the form of written statements to be given to a dependent person under the Drug and Alcohol Treatment Act 2007 to explain:

- the legal rights and other entitlements of a dependent person under this Act (section 16); and
- the rights of appeal of a dependent person under this Act (section 18).

Refer sections 16(3) and 18(3) Drug and Alcohol Treatment Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR ALCOHOL AND OTHER DRUGS
DIRECTOR ALCOHOL AND OTHER DRUGS CLINICAL SERVICES AND PROGRAMS

DRUG AND ALCOHOL TREATMENT ACT 2007 – APPROVAL OF FORMS

Approval of forms for the purposes of the Drug and Alcohol Act 2007, (other than prescribed forms under the Act) as may be necessary or convenient for the administration of the Act.

Refer section 51 Drug and Alcohol Treatment Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR ALCOHOL AND OTHER DRUGS
DIRECTOR ALCOHOL AND OTHER DRUGS CLINICAL SERVICES AND PROGRAMS

CHILD PROTECTION (OFFENDERS REGISTRATION) ACT 2000

1. Power to give written notice to a registrable person of the person's reporting obligations and consequences that may arise if the person fails to comply with those obligations:

   (a) after a registrable person is sentenced for a registrable offence;
   (b) at the commencement of a supervised sentence for a registrable offence;
   (c) when a registrable person ceases to be in government custody.

2. When required to give a statutory notice to a forensic patient who is a registrable person, form an opinion,:
   (a) that the forensic patient is incapable of understanding a statutory notice.
   (b) that the forensic patient referred to in 2(a) is now capable of understanding a statutory notice.

3. When required to give a statutory notice to a registrable person, form an opinion that the person is a child, or has a special need and is incapable of understanding a statutory notice.

Conditions:
A delegate must, in respect to:

Point 1(c) give written notice to the Commissioner of Police when a registrable person ceases to be in government custody, under supervision or subject to a supervised sentence
Point 2(a) keep a record of the formed opinion.
Point 2(b) ensure a copy of the statutory notice is again given to the forensic patient.
Point 3 take reasonably practicable measures to assist a registrable person to understand their reporting obligations and consequences of failure to comply with these obligations. Keep a record of any measures taken. Inform the Commissioner of Police of the opinion formed, reasons for the opinion and measures taken.

Refer Sections 4, 5 and 6 Child Protection (Offenders Registration) Act 2000.
Clauses 13 and 15 Child Protection (Offenders Registration) Regulation 2015

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:
DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
CHIEF EXECUTIVE JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK
EXECUTIVE DIRECTOR CLINICAL OPERATIONS (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)

DIRECTOR MENTAL HEALTH SERVICE LOCAL HEALTH DISTRICT
CO-DIRECTOR FORENSIC MENTAL HEALTH (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR FORENSIC MENTAL HEALTH (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES AND PROGRAMS (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES AND PROGRAMS (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
SERVICE DIRECTOR CUSTODIAL MENTAL HEALTH (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
OPERATIONS MANAGER COMMUNITY FORENSIC MENTAL HEALTH (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
DIRECTOR OF NURSING AND SERVICES FORENSIC HOSPITAL
MANAGER ADOLESCENT MENTAL HEALTH AND DRUG AND ALCOHOL PROGRAMS
MEDICAL SUPERINTENDENT DECLARED MENTAL HEALTH FACILITY

Power to bring proceedings for an offence against the Smoke-Free Environment Act or the regulations before the Local Court.

Refer section 20(2) Smoke-free Environment Act 2000.

Authority for this delegation comes from the Director-General under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY DIRECTOR-GENERAL GOVERNANCE, WORKFORCE AND CORPORATE
DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL

HEALTH PROFESSIONALS (SPECIAL EVENTS EXEMPTION) ACT 1997

1. **Power** to, by order published in the Gazette, declare an event or class of events specified in the order to be a special event for the purposes of the Health Professionals (Special Events Exemption) Act 1997. *(section 5)*

   Subject to the delegate being of the opinion that the event will attract a significant number of participants from other countries and the event taking place in NSW.

2. **Power** to, by order issued under section 5 of the Health Professionals (Special Events Exemption) Act 1997: *(section 10)*
   (a) authorise a visiting health professional, all visiting health professionals or a class of visiting health professionals to issue written prescriptions for a restricted substance or drug of addiction in the course of providing health care services in accordance with this Act, and
   (b) authorise any person or class of persons to supply a restricted substance or drug of addiction on such a prescription, and
   (c) authorise a visiting health professional, all visiting health professionals or a class of visiting health professionals to be supplied with any substance by wholesale, and
   (d) authorise any person or class of persons to supply any substance by wholesale to any visiting health professional, authorised as referred to in paragraph (c), but only if the person or class of persons is licensed or otherwise authorised under the *Poisons and Therapeutic Goods Act 1966* to supply the substance by wholesale to a medical practitioner.

   Subject to the delegate being satisfied that adequate arrangements are in place to ensure that the substances concerned will only be prescribed for a supplied to persons to whom visiting health professionals are authorised to provide health care services under this Act.

3. **Power** to, by order published in the Gazette, declare that the Health Professionals (Special Events Exemption) Act, or a specified provision of this Act, does not apply to or in respect of a specified person or class of persons. *(section 13)*

Refer Sections 5, 10 and 13 Health Professionals (Special Events Exemption) Act 1997 (M)

Authority for this delegation comes from the Minister for Health under section 21 of the Health Administration Act 1982.

DELEGATES:

SECRETARY
CHIEF HEALTH OFFICER

RESPONSIBLE PERSON – DNA DATABASE SYSTEM

Power to exercise the functions of the Secretary under the provisions of section 92(2) of the Crimes (Forensic Procedures) Act 2000, being the 'responsible person' in relation to the DNA database system as defined in section 3(1) of the Act.

Refer sections 92(2) and 3(1) Crimes (Forensic Procedures) Act 2000.
clause 6 Crimes (Forensic Procedures) Regulation 2014

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF EXECUTIVE NSW HEALTH PATHOLOGY
DIRECTOR FORENSIC & ANALYTICAL SCIENCE SERVICE

EXEMPT E-CIGARETTE ONLY RETAILERS FROM SMOKE-FREE LAWS

Power to exempt persons from sections 7 and 8 of the *Smoke-free Environment Act 2000* in relation to the smoking of e-cigarettes on the premises of an e-cigarette retailer.

Conditions: An exemption must be in writing and include any specified conditions.

Refer section 19A Smoke-free Environment Act 2000.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR CENTRE FOR POPULATION HEALTH

HEALTH FACILITIES FOR TERMINATIONS AFTER 22 WEEKS

Approve a hospital, or other facility, the delegate considers appropriate, as a facility at which terminations may be performed on persons who are more than 22 weeks pregnant.

Refer section 13 Abortion Law Reform Act 2019

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPTUY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

ADVICE TO THE INDEPENDENT LIQUOR AND GAMING AUTHORITY

Authority to provide advice to the Independent Liquor and Gaming Authority for the purpose of section 5 of the Music Festivals Act 2019.

Refer Section 5(2)(a) Music Festivals Act 2019

Authority for this delegation comes from the Secretary as Health Administration Corporation under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
EXECUTIVE DIRECTOR ALCOHOL AND OTHER DRUGS
DIRECTOR ALCOHOL AND OTHER DRUGS CLINICAL SERVICES AND PROGRAMS

CHAPTER 10 - MENTAL HEALTH ACT

AMBULANCE OFFICERS 2
PATIENT TRANSFER 3
ELECTRO CONVULSIVE THERAPY 4
ECT REGISTER 5
CONSENT TO EMERGENCY SURGERY 6
CONSENT TO SURGERY 7
APPOINT MEDICAL SUPERINTENDENTS 8
APPOINT DEPUTY MEDICAL SUPERINTENDENT 9
APPOINT DIRECTOR OR DEPUTY DIRECTOR 10
FORM – APPLICATION FOR LICENCE 11
ISSUE OR REFUSE LICENCE – PRIVATE MENTAL HEALTH FACILITY 12
ANNUAL STATEMENT – PRIVATE MENTAL HEALTH FACILITY 13
DUPLICATE LICENCE – PRIVATE MENTAL HEALTH FACILITY 14
CANCEL LICENCE – PRIVATE MENTAL HEALTH FACILITY 15
NOTICE TO CANCEL LICENCE – PRIVATE MENTAL HEALTH FACILITY 16
VARY LICENCE – PRIVATE MENTAL HEALTH FACILITY 17
PROVIDE MEDICAL SERVICES – PRIVATE MENTAL HEALTH FACILITY 18
APPOINT MEDICAL SUPERINTENDENT – PRIVATE MENTAL HEALTH FACILITY 19
RECORDS – PRIVATE MENTAL HEALTH FACILITY 20
APPOINT DEPUTY MEDICAL SUPERINTENDENT – PRIVATE MENTAL HEALTH FACILITY 21
ACCREDITED PERSON 22
INSPECTION – MENTAL HEALTH FACILITY 23
FUNCTIONS UNDER CORRESPONDING LAWS 24
FORMS 25
PATIENTS FUNDS AND ACCOUNTS 26
MINISTER'S FUNCTIONS RELATING TO FORENSIC PATIENTS AND CORRECTIONAL PATIENTS 27
TRANSFER FROM CORRECTIONAL CENTRE OR DETENTION CENTRE TO MENTAL HEALTH FACILITY 28
RETURN OR REMAIN IN MENTAL HEALTH FACILITY 29
LEAVE OF ABSENCE IN AN EMERGENCY OR OTHER SPECIAL CIRCUMSTANCES 30
FORENSIC PATIENT – SECURITY CONDITIONS 31
FORENSIC PATIENT – TRANSFER OR TRANSPORT 32
MENTAL HEALTH REVIEW TRIBUNAL REVIEW 33
RETAKING OF ESCAPEES 34
REPORT TO THE TRIBUNAL ABOUT PATIENT LEAVE OF ABSENCE DECISIONS 35
REPORT TO THE TRIBUNAL ABOUT DELAY IN TRANSFER 36
LIMITING TERM PATIENT 37
ESTABLISHMENT OF DECLARED MENTAL HEALTH FACILITIES 38

AMBULANCE OFFICERS

Power to authorise a member of the NSW Health Service to exercise the functions of an ambulance officer under the Mental Health Act 2007.

Refer Section 4(1) Mental Health Act 2007. (DG)

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF EXECUTIVE NSW AMBULANCE
DEPUTY CHIEF EXECUTIVE NSW AMBULANCE
EXECUTIVE DIRECTOR CLINICAL SERVICES NSW AMBULANCE
DIRECTOR EDUCATION NSW AMBULANCE

PATIENT TRANSFER

Power to give an order in writing to transfer a patient or person to or from a mental health facility or another health facility.

Conditions:

1. Delegates from Local Health Districts or Specialty Networks may only utilise this delegation for transfers between hospitals in their own Local Health District, or Specialty Network

2. For transfer to a hospital in another Local Health District or Specialty Network, the delegate from the receiving Local Health District or Specialty Network must have agreed in writing

Refer section 80(4) Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
DIRECTOR CLINICAL SERVICES AND PROGRAMS
CHIEF PSYCHIATRIST
DIRECTORS OF MENTAL HEALTH LOCAL HEALTH DISTRICTS
EXECUTIVE DIRECTOR CLINICAL OPERATIONS (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR FORENSIC MENTAL HEALTH (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR FORENSIC MENTAL HEALTH (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES AND PROGRAMS (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES AND PROGRAM (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
DIRECTOR MENTAL HEALTH SYDNEY CHILDREN'S HOSPITALS NETWORK

ELECTRO CONVULSIVE THERAPY

Power to approve a place for the purpose of administering electro convulsive therapy.

Power to approve a person to be responsible for a register of electro convulsive therapy treatments to be kept or caused to be kept at such an approved place.

Subject to:

- In respect to the Chief Health Officer and Deputy Secretary, Population and Public Health and the Director Regulation and Compliance, the delegation is only to be exercised in concert with action under the Private Health Facilities Act 2007 in relation to the mental health class licence held under that Act in respect of the same premises, and with no objection to the approval having been raised by the Executive Director, Mental Health.

- In respect to the Deputy Secretary, Health System Strategy and Planning, Executive Director, Mental Health and the Chief Psychiatrist, the delegation is only to be exercised in respect of locations in "public hospitals" as defined in the Health Services Act 1997.

Refer sections 88(2) and 97(2) Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER AND DEPUTY SECRETARY POPULATION AND PUBLIC HEALTH
DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
DIRECTOR REGULATION AND COMPLIANCE
EXECUTIVE DIRECTOR MENTAL HEALTH
CHIEF PSYCHIATRIST

ECT REGISTER

Power to inspect electro convulsive therapy register.

Refer section 97(5) Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
DIRECTOR CLINICAL SERVICES AND PROGRAMS
CHIEF PSYCHIATRIST

CONSENT TO EMERGENCY SURGERY

Authority to consent, in writing, to an emergency surgical operation on an involuntary patient or a forensic patient or a correctional patient.

Refer sections 99(1) and (2) Mental Health Act 2007.

Procedures
Delegates should refer to the terms of section 99, which in summary require that:

- for an involuntary patient (other than a forensic patient or correctional patient not suffering from a mental illness)
  - the patient is incapable of giving consent, or is capable but refuses, or neither gives nor refuses that consent; and
  - the surgical operation is necessary to save the patient's life, prevent serious damage to their health, or prevent significant pain or distress to the patient;

- for a forensic patient or correctional patient not suffering from a mental illness
  - the patient is incapable of giving consent; and
  - the surgical operation is necessary to save the patient's life, prevent serious damage to their health, or prevent significant pain or distress to the patient.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
DIRECTOR PLANNING PERFORMANCE AND REGULATION
CHIEF PSYCHIATRIST

CONSENT TO SURGERY

Authority on application to consent, in writing, to a surgical operation on an involuntary patient.

Refer section 100(3) Mental Health Act 2007.

Procedures
Subject to the terms of section 100(3), a delegate should be of the opinion that:

- the patient is incapable of giving consent; and
- the surgical operation is desirable, having regard to the interests of the patient;

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
DIRECTOR PLANNING PERFORMANCE AND REGULATION
CHIEF PSYCHIATRIST

APPOINT MEDICAL SUPERINTENDENTS

Power to appoint Medical Superintendents of declared mental health facilities (other than private mental health facilities)

Refer section 111 Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
CHIEF EXECUTIVE LOCAL HEALTH DISTRICTS
DIRECTORS OF MENTAL HEALTH LOCAL HEALTH DISTRICTS
CHIEF EXECUTIVE JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK
EXECUTIVE DIRECTOR CLINICAL OPERATIONS (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR FORENSIC MENTAL HEALTH (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES AND PROGRAMS (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CHIEF EXEUCTIVE SYDNEY CHILDREN'S HOSPITALS NETWORK
DIRECTOR MENTAL HEALTH SYDNEY CHILDREN'S HOSPITALS NETWORK

APPOINT DEPUTY MEDICAL SUPERINTENDENT

Power to appoint Deputy Medical Superintendents of declared mental health facilities.

Refer section 112 Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
CHIEF EXECUTIVE LOCAL HEALTH DISTRICTS
DIRECTORS OF MENTAL HEALTH LOCAL HEALTH DISTRICTS
CHIEF EXECUTIVE JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK
EXECUTIVE DIRECTOR CLINICAL OPERATIONS (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR FORENSIC MENTAL HEALTH (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES AND PROGRAMS (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CHIEF EXECTUIVE SYDNEY CHILDREN'S HOSPITALS NETWORK
DIRECTOR MENTAL HEALTH SYDNEY CHILDREN'S HOSPITALS NETWORK

APPOINT DIRECTOR OR DEPUTY DIRECTOR

Power to appoint the holder of a specified office as the Director or Deputy Director of community treatment of a mental health facility.

Refer section 113 Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
CHIEF EXECUTIVE LOCAL HEALTH DISTRICTS
DIRECTORS OF MENTAL HEALTH LOCAL HEALTH DISTRICTS
CHIEF EXECUTIVE JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK
CHIEF EXECUTIVE SYDNEY CHILDREN'S HOSPITALS NETWORK
DIRECTOR MENTAL HEALTH SYDNEY CHILDREN'S HOSPITALS NETWORK

FORM – APPLICATION FOR LICENCE

Approval of the form of application for a licence to keep premises as a private mental health facility.

Refer sections 115(2)(a) Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY GOVERNANCE, WORKFORCE & CORPORATE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

ISSUE OR REFUSE LICENCE – PRIVATE MENTAL HEALTH FACILITY

Power to**:**

- Issue or refuse an application for a licence for a private mental health facility.
- On issuing a licence, specify the maximum number of patients to be kept or treated and any other terms and conditions on the licence.
- Approve the form of a licence to be issued.

Subject to:

- the delegation only being exercised where any new facility, change in bed numbers, change in location or change in class(es) has been approved in principle by the Secretary or delegate acting under the Private Health Facilities Act 2007; and

- no objection to the grant of the licence has been raised by the Deputy Secretary, Health System Strategy and Planning or Executive Director, Mental Health.

Refer section 116 Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY GOVERNANCE, WORKFORCE & CORPORATE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

ANNUAL STATEMENT – PRIVATE MENTAL HEALTH FACILITY

Approval of the form of the annual statement a licensee is to provide.

Refer section 118(a) Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY GOVERNANCE, WORKFORCE & CORPORATE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

DUPLICATE LICENCE – PRIVATE MENTAL HEALTH FACILITY

Issue of a duplicate licence to the licensee of a private mental health facility.

Refer section 119 Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY GOVERNANCE, WORKFORCE & CORPORATE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

CANCEL LICENCE – PRIVATE MENTAL HEALTH FACILITY

Cancellation of a licence for a private mental health facility where:

- the licence fee has not been paid by the due date, or
- the licensee requests the Secretary, in writing, to cancel the licence, or
- if the premises have ceased to be kept as a hospital for the admission, care and treatment of patients.

Subject to:

- the delegation only being exercised in concert with action under the Private Health Facilities Act 2007 in relation to the mental health class licence held under that Act in respect of the same premises.

Refer section 120 Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY GOVERNANCE, WORKFORCE & CORPORATE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

NOTICE TO CANCEL LICENCE – PRIVATE MENTAL HEALTH FACILITY

Issue of a notice in writing requiring the licensee of a private mental health facility to show cause why the licence should not be cancelled, and specification of the time for compliance with the notice; and

Power to cancel such a licence if sufficient cause is not shown by the licensee within the specified time.

Subject to:

- the delegation only being exercised in concert with action under the Private Health Facilities Act 2007 in relation to the mental health class licence held under that Act in respect of the same premises.

Refer section 121 Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY GOVERNANCE, WORKFORCE & CORPORATE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

VARY LICENCE – PRIVATE MENTAL HEALTH FACILITY

Power upon application to vary any term or condition on a private mental health facility licence, or to refuse the application.

Subject to:

- the delegation only being exercised in concert with action under the Private Health Facilities Act 2007 in relation to the mental health class licence held under that Act in respect of the same premises.

Refer section 122(2) Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY GOVERNANCE, WORKFORCE & CORPORATE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

PROVIDE MEDICAL SERVICES – PRIVATE MENTAL HEALTH FACILITY

Approval of arrangements for provision of medical services to patients in a private mental health facility.

Refer section 123 Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH

APPOINT MEDICAL SUPERINTENDENT – PRIVATE MENTAL HEALTH FACILITY

Approval of appointment of a medical practitioner as the medical superintendent of a private mental health facility.

Refer section 124(1) Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH

RECORDS – PRIVATE MENTAL HEALTH FACILITY

Approval of the particulars of records of admitted patients to be kept and provided to the Secretary.

Refer section 124(2) Mental Health Act 2007.

Authority for this delegation comes from the Minister under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DIRECTOR REGULATION AND COMPLIANCE

APPOINT DEPUTY MEDICAL SUPERINTENDENT – PRIVATE MENTAL HEALTH FACILITY

Approval of appointment of a medical practitioner as the deputy medical superintendent of a private mental health facility.

Refer section 125(2) Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH

ACCREDITED PERSON

Power to appoint a person, or the holder of an office, as an accredited person for the purposes of the Mental Health Act 2007, including the imposition of conditions on the exercise of the functions.

Refer section 136 Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
DIRECTOR PLANNING PERFORMANCE AND REGULATION

INSPECTION – MENTAL HEALTH FACILITY

Approve the inspection of a mental health facility.

Approve an 'authorised officer' under s124 of the Health Services Act 1997 to visit and inspect a mental health facility.

Refer sections 137(1) and (2) Mental Health Act 2007.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

LEVEL 2
LEVEL 3
DIRECTOR REGULATION AND COMPLIANCE
DIRECTOR CLINICAL SERVICES AND PROGRAMS
DIRECTOR INDUSTRIAL RELATIONS AND WORKFORCE MANAGEMENT
DIRECTOR INDUSTRIAL RELATIONS AND WORKPLACE CHANGE
DIRECTOR INDUSTRIAL RELATIONS AND HUMAN RESOURCES POLICY

FUNCTIONS UNDER CORRESPONDING LAWS

Authorise a person to exercise the functions conferred on the Minister under corresponding law or agreement under Chapter 8 Part 1 of the Mental Health Act 2007.

Refer section 173 Mental Health Act 2007.

Authority for this delegation comes from the Minister under section 21 of the Health Administration Act 1982.

DELEGATES:

SECRETARY
DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH

FORMS

Approval of forms for the purposes of the Mental Health Act 2007 (other than prescribed forms under the Act) as considered necessary or convenient for the administration of the Act.

Refer section 194 Mental Health Act 2007. (M)

Authority for this delegation comes from the Minister under section 21 of the Health Administration Act 1982.

DELEGATES:

SECRETARY

PATIENTS FUNDS AND ACCOUNTS

Power to exercise the functions of the Secretary under the provisions of Part 8 of the Mental Health Regulation 2019, being:

i) the 'responsible person' in relation to a declared mental health facility as defined in clause 31(3) for the purpose of Part 8 under clauses 31(1), 31(1), 32(2), 32(3), 33(1), 33(2), 34, 38(1), 38(2); and
ii) the Secretary for the purpose of Part 8 under clauses 31(2), 35(2), 36(2)(b), 37.

Subject to compliance at all times with trust fund procedures as issued from time to time and requirements stipulated under the Mental Health Act 2007 and Mental Health Regulation 2019.

Refer Part 8 Mental Health Regulation 2019

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF EXECUTIVE LOCAL HEALTH DISTRICT, SPECIALTY HEALTH NETWORK

MINISTER'S FUNCTIONS RELATING TO FORENSIC PATIENTS AND CORRECTIONAL PATIENTS

Authority to exercise or perform each of the powers, authorities, duties and functions conferred or imposed on the Minister for Health in relation to sections 78(f), 91(c), 147(2), 150(2) and 151(2) of the Mental Health and Cognitive Impairment Forensic Provisions Act 2020.

Refer Mental Health and Cognitive Impairment Forensic Provisions Act 2020.

Authority for this delegation comes from the Minister for Health under section 21 of the Health Administration Act 1982.

DELEGATE:

MINISTER FOR MENTAL HEALTH
SECRETARY
DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH

TRANSFER FROM CORRECTIONAL CENTRE OR DETENTION CENTRE TO MENTAL HEALTH FACILITY

Power to, by order in writing, direct that a person imprisoned in, or a forensic patient detained in, a correctional centre or detention centre:

- who isa mentally ill person, or
- who has a mental health impairment, or
- who has another condition for which treatment is available in a mental health facility

be transferred to a mental health facility.

Power to revoke a transfer order.

Conditions:

1. A transfer order may be made without the person's consent if it appears to the delegate, on the basis of the certificates, that the person is a mentally ill person.
2. A transfer order may be made with the person's consent if it appears to the delegate on the basis of the certificates, that the person has a mental health impairment or other condition for which treatment is available in a mental health facility.
3. A delegate **must not** exercise this delegation if the delegate is one of the medical practitioners who completes the medical certificate in Schedule 1of the Act.

Note:

Delegates are required to notify the Tribunal in writing of any order or revocation of an order made under section 86. This delegation is subject to the delegates **not being** one of the medical practitioners who complete the certificates in the form set out in Schedule 1 to the Act.

A delegate may not sub-delegate this function.

Refer section 86 Mental Health and Cognitive Impairment Forensic Provisions Act 2020.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
DIRECTOR PLANNING PERFORMANCE AND REGULATION
CHIEF PSYCHIATRIST
CHIEF EXECUTIVE JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK
CO-DIRECTOR FORENSIC MENTAL HEALTH (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR FORENSIC MENTAL HEALTH (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
EXECUTIVE DIRECTOR CLINICAL OPERATIONS (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)

RETURN OR REMAIN IN MENTAL HEALTH FACILITY

Power to:

1. transfer a person (previously transferred from a correctional centre or detention centre to a mental health facility) back to the correctional centre or detention centre at any time; or
2. determine that such a person may remain in a mental health facility for treatment for more than 7 days.

Conditions*:*

1. Decisions to transfer persons back to the correctional centre or detention centre may be made if the delegate is of the opinion that the patient has ceased to be mentally ill or to suffer from a mental condition for which treatment is available in a mental health facility, or that other appropriate care is reasonably available to the patient in the correctional centre or detention centre.
2. A person must be transferred back to the correctional centre or detention centre no later than 7 days after transfer, unless the delegate is of the opinion that they are mentally ill or suffer from a mental condition for which treatment is available in a mental health facility and that other appropriate care is not available in the correctional centre or detention centre.

Refer section 87 Mental Health and Cognitive Impairment Forensic Provisions Act 2020.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
DIRECTOR PLANNING PERFORMANCE AND REGULATION
CHIEF PSYCHIATRIST
CHIEF EXECUTIVE JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK
CO-DIRECTOR FORENSIC MENTAL HEALTH (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR FORENSIC MENTAL HEALTH (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
EXECUTIVE DIRECTOR CLINICAL OPERATIONS (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)

LEAVE OF ABSENCE IN AN EMERGENCY OR OTHER SPECIAL CIRCUMSTANCES

Power to approve leave of absence from a mental health facility, with or without conditions of a forensic patient or a correctional patient in an emergency, or in other special circumstances as the delegate thinks fit.

Conditions

1. Medical Superintendents of Declared Mental Health Facilities may only exercise this delegation in cases of **medical** emergency.
2. Other than in a medical emergency, delegates must be satisfied, on the evidence available to them, that the safety of the forensic or correctional patient or any member of the public will not be seriously endangered if the leave of absence is granted.
3. For **forensic patients** delegates must not approve leave of absence if the Mental Health Review Tribunal has previously refused such leave in the same or similar circumstances.
4. For **correctional patients** delegates must not approve leave of absence if the Commissioner of Corrective Services has previously refused such leave in the same or similar circumstances.

Refer section 96 Mental Health and Cognitive Impairment Forensic Provisions Act 2020.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:
DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
DIRECTOR PLANNING PERFORMANCE AND REGULATION
CHIEF PSYCHIATRIST
CHIEF EXECUTIVE JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK
CO-DIRECTOR FORENSIC MENTAL HEALTH (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR FORENSIC MENTAL HEALTH (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
EXECUTIVE DIRECTOR CLINICAL OPERATIONS (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
SERVICE DIRECTOR CUSTODIAL MENTAL HEALTH (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CLINICAL DIRECTOR CUSTODIAL MENTAL HEALTH (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
SERVICE DIRECTOR CUSTODIAL MENTAL HEALTH (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
** MEDICAL SUPERINTENDENTS OF DECLARED MENTAL HEALTH FACILITIES*

FORENSIC PATIENT – SECURITY CONDITIONS

Power to determine the security conditions necessary for a detained forensic patient detained in a mental health facility or other place (other than a correctional centre), or a forensic patient absent in accordance with Part 5 of the Act.

Refer section 117 Mental Health and Cognitive Impairment Forensic Provisions Act 2020.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
DIRECTOR PLANNING PERFORMANCE AND REGULATION
CHIEF PSYCHIATRIST
CHIEF EXECUTIVE JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK
CO-DIRECTOR FORENSIC MENTAL HEALTH (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR FORENSIC MENTAL HEALTH (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
EXECUTIVE DIRECTOR CLINICAL OPERATIONS (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)

FORENSIC PATIENT – TRANSFER or TRANSPORT

Power to, by order in writing, order the transfer or transport of a forensic patient or correctional patient detained in a mental health facility to another mental health facility, a correctional centre or other place in accordance with an order under Part 5 of the Act.

Power to determine the security conditions for such a transfer of a forensic patient or correctional patient.

Refer sections 115 Mental Health and Cognitive Impairment Forensic Provisions Act 2020.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
DIRECTOR PLANNING PERFORMANCE AND REGULATION
CHIEF PSYCHIATRIST
CHIEF EXECUTIVE JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK
CO-DIRECTOR FORENSIC MENTAL HEALTH (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR FORENSIC MENTAL HEALTH (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
EXECUTIVE DIRECTOR CLINICAL OPERATIONS (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)

MENTAL HEALTH REVIEW TRIBUNAL REVIEW

Authority to request the Mental Health Review Tribunal to review the case of a forensic patient (section 78) or a correctional patient (section 91).

Refer section 78(f) and 91(c) Mental Health and Cognitive Impairment Forensic Provisions Act 2020.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
DIRECTOR PLANNING PERFORMANCE AND REGULATION
CHIEF PSYCHIATRIST
CHIEF EXECUTIVE JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK
CO-DIRECTOR FORENSIC MENTAL HEALTH (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR FORENSIC MENTAL HEALTH (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
EXECUTIVE DIRECTOR CLINICAL OPERATIONS (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)

RETAKING OF ESCAPEES

Authority to authorise a person to apprehend a forensic patient or correctional patient who escapes from a mental health facility or other place.

Refer section 119 Mental Health and Cognitive Impairment Forensic Provisions Act 2020.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
DIRECTOR PLANNING PERFORMANCE AND REGULATION
CHIEF PSYCHIATRIST
CHIEF EXECUTIVE JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK
CO-DIRECTOR FORENSIC MENTAL HEALTH (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR FORENSIC MENTAL HEALTH (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
EXECUTIVE DIRECTOR CLINICAL OPERATIONS (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)

REPORT TO THE TRIBUNAL ABOUT PATIENT LEAVE OF ABSENCE DECISIONS

Power to provide a report to the Mental Health Review Tribunal about a patient, including the reasons of the Secretary or delegate to refuse or fail to grant leave of absence to a forensic patient or a correctional patient.

Refer section 97(4) Mental Health and Cognitive Impairment Forensic Provisions Act 2020.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
DIRECTOR PLANNING PERFORMANCE AND REGULATION
CHIEF PSYCHIATRIST
CHIEF EXECUTIVE JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK
CO-DIRECTOR FORENSIC MENTAL HEALTH (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR FORENSIC MENTAL HEALTH (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
EXECUTIVE DIRECTOR CLINICAL OPERATIONS (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)

REPORT TO THE TRIBUNAL ABOUT DELAY IN TRANSFER

Power to provide a report as to the person's condition and the reason for the delay in transfer to a mental health facility, to the Mental Health Review Tribunal for the purposes of a limited review under section 89.

Refer section 89(4) Mental Health and Cognitive Impairment Forensic Provisions Act 2020.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH
DIRECTOR PLANNING PERFORMANCE AND REGULATION
CHIEF PSYCHIATRIST
CHIEF EXECUTIVE JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK
CO-DIRECTOR FORENSIC MENTAL HEALTH (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR FORENSIC MENTAL HEALTH (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (CLINICAL) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
CO-DIRECTOR SERVICES & PROGRAMS (OPERATIONS) (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)
EXECUTIVE DIRECTOR CLINICAL OPERATIONS (JUSTICE HEALTH AND FORENSIC MENTAL HEALTH NETWORK)

PROVIDE INFORMATION ABOUT A FORENSIC PATIENT

Power to, by order in writing served on any person, require that person to provide any document, report or other information in that person's possession, or under that person's control, that relates to the behaviour, or physical or mental condition, of any forensic patient who is subject to a limiting term, extension order or interim extension order.

Power to request a court or the Tribunal to provide any document, report or other information held by the court or Tribunal that relates to the behaviour, or physical or mental condition, of any forensic patient who is subject to a limiting term, extension order or interim extension order.

Refer section 138 Mental Health and Cognitive Impairment Forensic Provisions Act 2020

Authority for this delegation comes from the Minister for Mental Health under section 164 of the Mental Health and Cognitive Impairment Forensic Provisions Act 2020.

DELEGATES:

SECRETARY
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES AND GENERAL COUNSEL
DEPUTY GENERAL COUNSEL, DIRECTOR LEGAL

ESTABLISHMENT OF DECLARED MENTAL HEALTH FACILITIES

Power to, by order published in the Gazette, declare any premises to be a declared mental health facility.

Refer section 109 Mental Health Act 2007

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPTUY SECRETARY HEALTH SYSTEM STRATEGY AND PLANNING
EXECUTIVE DIRECTOR MENTAL HEALTH

CHAPTER 11 – ASSISTED REPRODUCTIVE TECHNOLOGY

REGISTRATION OF ART PROVIDERS 2
APPROVE FORMS 3
REGISTER OF ART PROVIDERS 4
DONATED GAMETES OR EMBRYOS – TIME LIMIT ON USE 5
DONATED GAMETES OR EMBRYOS – MAXIMUM NUMER OF FAMILIES 6
CENTRAL REGISTER 7
DISCLOSURE OF INFORMATION WITHOUT CONSENT 8
DESTRUCTION OF RECORDS 9
ACCESSIBLE INFORMATION 10
DIRECTION TO PROVIDE INFORMATION 11
APPOINTMENT OF INSPECTORS 12
ENFORCEMENT AND SEIZURE 13
REQUIREMENT TO PROVIDE INFORMATION 14
STORAGE OF GAMETES OBTAINED OR EMBRYOS CREATED BEFORE 1 JANUARY 2010 15
INFORMATION ABOUT DONOR-CONCEIVED BIRTHS 16

ASSISTED REPRODUCTIVE TECHNOLOGY 11.2

REGISTRATION OF ART PROVIDERS

Power to:

1. Grant the applicant's registration as an ART provider in accordance with section 7(4);
2. Refuse to grant a person registration as an ART provider if the person is prohibited under Part 6 of the Act from carrying on a business that provides ART services;
3. Give the applicant notice of decision to grant registration (which is the date registration takes effect);
4. Cancel a person's registration as an ART provider in accordance with section 7(6), 7(7) and 7(10) of the Act.

Refer section 7 Assisted Reproductive Technology Act 2007.

Authority for this delegation comes from the Secretary under section 70 of the Assisted Reproductive Technology Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
DIRECTOR REGULATION AND COMPLIANCE (POINTS 1 and 3 ONLY)

APPROVE FORMS

Approve forms for the purpose of the Assisted Reproductive Technology Act 2007 and any Regulation made under the Act.

Refer section 4(1) Assisted Reproductive Technology Act 2007.

Authority for this delegation comes from the Secretary under section 70 of the Assisted Reproductive Technology Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
DIRECTOR REGULATION AND COMPLIANCE

ASSISTED REPRODUCTIVE TECHNOLOGY 11.4

REGISTER OF ART PROVIDERS

Power to:

1. subject to the regulations, determine other matters to be contained in the register of ART providers and the manner and form in which the register of ART providers is to be kept;
2. cause the contents of the register of ART providers to be made available for inspection free of charge by the public

Refer sections 9(3) and 9(4) Assisted Reproductive Technology Act 2007.

Authority for this delegation comes from the Secretary under section 70 of the Assisted Reproductive Technology Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
DIRECTOR REGULATION AND COMPLIANCE

DONATED GAMETES OR EMBRYOS – TIME LIMIT ON USE

Power to:

1. give written authorisation for an ART provider to provide ART treatment using:
   a. a donated gamete (but not ART treatment referred to in s26(1)(b)) obtained from the donor more than 15 years before the provision of the ART treatment if satisfied there are reasonable grounds for doing so having regard to any relevant guidelines;

   b. an embryo created from a donated gamete, or using a donated embryo, if created more than 15 years before the provision of the ART treatment if satisfied there are reasonable grounds for doing so having regard to any relevant guidelines;

2. issue guidelines relevant to giving such an authorisation.

Refer section 26(1) and 26(2) Assisted Reproductive Technology Act 2007.

Authority for this delegation comes from the Secretary under section 70 of the Assisted Reproductive Technology Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE

DONATED GAMETES OR EMBRYOS – MAXIMUM NUMBER OF FAMILIES

Power to:

1. upon application on the approved form, provide to an ART provider the information referred to in section 27(4) that is on the central register;

2. provide the information referred to in section 27(4) that is on the central register to an ART provider if of the opinion that the provision of information to the ART provider is necessary to prevent offspring of a donor being born to more than 5 women.

Refer section 27(5) Assisted Reproductive Technology Act 2007.

Authority for this delegation comes from the Secretary under section 70 of the Assisted Reproductive Technology Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
DIRECTOR REGULATION AND COMPLIANCE

CENTRAL REGISTER

Power to:

1. maintain a register called the central register;
2. enter into the register such information as required by Part 3 (sections 32A, 33, 33A, 33B, 33C, 41B) and Schedule 1 Clause 4 of the Assisted Reproductive Technology Act, and/or as may be prescribed by the regulations;
3. on receipt of an application under Schedule 1 clause 4, direct an ART provider in writing to provide such information as is required to enable the identification of any offspring of a donor born as a result of ART treatment using a donated gamete and the donor of the gamete.
4. for the purpose of ensuring accuracy of the central register; refuse to enter information, review or omit information, retain superseded information, add any notes or annotations as considered appropriate in accordance with section 33D(1) of the Act;
5. remove information from the central register that has been provided voluntarily, upon application by the person if satisfied the information is not information that is otherwise required to be on the register in accordance with section 33D(2) of the Act;
6. enter into the Register information in accordance with section 33D of the Act and note in the register the source of any information entered.
7. approve arrangements to facilitate the joint collection and disclosure of information about a person that relates both to ART treatment and surrogacy arrangements in accordance with section 41L of the Act;
8. remove information about a surrogacy arrangement from the central register in accordance with section 41M of the Act.
9. disclose information held on the Central Register in accordance with Part 3 (sections 32B, 33E, 36, 37, 38, 39, 41E, 41F, 41G, and 41L) and clause 4 of Schedule 1 of the Act and or as otherwise prescribed by the regulations;
10. contact a person to seek consent to the disclosure of information pursuant to Part 3 Division 2 (sec 40);
11. contact a person to seek consent to the disclosure of information pursuant to Part 3 Division 3 (sec 41H);
12. determine the documents or other evidence required to demonstrate the accuracy of the information contained in a notice of information about private ART arrangements in accordance with section 33A of the Act;
13. determine who is an appropriate person for the purposes of section 38 of the Act;
14. determine the required proof of person's identity to be provided to accompany any written notice in accordance with sections 40B(4) and 41J(2) of the Act.

Refer Part 3 and Schedule 1 Assisted Reproductive Technology Act 2007.
Authority for this delegation comes from the Secretary under section 70 of the Assisted Reproductive Technology Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE (POINTS 1-14)
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES (POINTS 1-14)
DIRECTOR REGULATION AND COMPLIANCE (POINTS 1-9 ONLY)

DISCLOSURE OF INFORMATION WITHOUT CONSENT

Power to upon application on the approved form, disclose information, including identifying information, held on the central register about a person who was born as a result of ART treatment using a donated gamete.

Information may be disclosed only if the delegate is of the opinion that contact is justified to protect the welfare and the best interests of the applicant and the person whose information is proposed to be disclosed.

In forming an opinion the delegate must take into account any matters that may be prescribed by the regulations.

Refer section 40A Assisted Reproductive Technology Act 2007.

Authority for this delegation comes from the Secretary under section 70 of the Assisted Reproductive Technology Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
CHIEF HEALTH OFFICER

DESTRUCTION OF RECORDS

1. **Power** to authorise, in writing, for a person to destroy a pre-2010 record during the retention period if satisfied that no person would be adversely affected by the destruction of the record.

2. **Power** to authorise the destruction of an ART record.

Refer sections 41Q and 61A, Assisted Reproductive Technology Act 2007.

Authority for this delegation comes from the Secretary under section 70 of the Assisted Reproductive Technology Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
DIRECTOR REGULATION AND COMPLIANCE

ACCESSIBLE INFORMATION

Power to:

1. enter any information about a donor that is given to the Secretary under Part 3A Division 3 in the central register (sec 41W);
2. in a particular case, waive the fee to accompany an application for accessible information under section 41T;
3. disclose to an applicant any relevant accessible information about a donor that is held on the central register (sec 41X);
4. require the information given under section 41U to be provided in the approved form..

Refer section 41T, 41U, 41W and 41X of the Assisted Reproductive Technology Act 2007.

Authority for this delegation comes from the Secretary under section 70 of the Assisted Reproductive Technology Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
DIRECTOR REGULATION AND COMPLIANCE

DIRECTION TO PROVIDE INFORMATION

Power to direct a person (including an ART provider) in writing and taking into account any information prescribed by the regulations, to provide specified information for the purpose of enabling the information to be provided to an applicant under Division 3 of Part 3A of the Assisted Reproductive Technology Act 2007.

Note the direction may require the information to be given by a particular time and in a particular form.

Refer section 41V Assisted Reproductive Technology Act 2007.

Authority for this delegation comes from the Secretary under section 70 of the Assisted Reproductive Technology Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
DIRECTOR REGULATION AND COMPLIANCE

APPOINTMENT OF INSPECTORS

Power to:

1. appoint inspectors for the purposes of the Act;

2. determine persons as suitably qualified for purposes of section 46(1);

3. issue to an inspector a certificate of authority that authorises the inspector to exercise the functions under the Act.

Refer section 46 Assisted Reproductive Technology Act 2007.

Authority for this delegation comes from the Secretary under section 70 of the Assisted Reproductive Technology Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
DIRECTOR REGULATION AND COMPLIANCE

ENFORCEMENT AND SEIZURE

Authority to appear, as respondent, at the hearing of an application under section 54 of the Act.

Power under section 55 to:

1. cause a seized item to be delivered to such person as appears to be entitled to it;

2. destroy or dispose of a seized item and determine the manner in which such destruction or disposal is carried out.

Refer section 54 and section 55 Assisted Reproductive Technology Act 2007.

Authority for this delegation comes from the Secretary under section 70 of the Assisted Reproductive Technology Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
DIRECTOR REGULATION AND COMPLIANCE

REQUIREMENT TO PROVIDE INFORMATION

Power to:

1. require a corporation or trustee to provide information to ascertain the identity of each person who has a management role or substantial interest in the corporation or a substantial interest in the trust;

2. require any person who it is believed has a management role or substantial interest in the corporation or a substantial interest in the trust to provide information to ascertain the identity of each corporation in which that person has a management role or substantial interest, or the identity of the trustee and any manager of a trust in which that person has a substantial interest.

Refer section 59 Assisted Reproductive Technology Act 2007.

Authority for this delegation comes from the Secretary under section 70 of the Assisted Reproductive Technology Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
DIRECTOR REGULATION AND COMPLIANCE

STORAGE OF GAMETES OBTAINED OR EMBRYOS CREATED BEFORE 1 JANUARY 2010

Power to:

1. give written authorisation for a gamete obtained before 1 January 2010 to be stored for a period longer than 15 years after the date the gamete was obtained from the donor, if satisfied that there are reasonable grounds for doing so having regard to any relevant guidelines;
2. give written authorisation for an embryo created using a donated gamete before 1 January 2010 to be stored for a period longer than 15 years, if satisfied that there are reasonable grounds for doing so having regard to any relevant guidelines;
3. issue of relevant guidelines as to the storage of such gametes.

Refer clause 3 and 3A Schedule 1 Assisted Reproductive Technology Act 2007.

Authority for this delegation comes from the Secretary under section 70 of the Assisted Reproductive Technology Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE

INFORMATION ABOUT DONOR-CONCEIVED BIRTHS

1. **Power** to direct a health services provider in writing to answer specified questions, or to provide specified information in respect of donor-conceived births.

   Note the direction may require the questions to be answered, or the other information to be furnished in a specified manner, by a specified time and in a specified form.

2. **Authority** to share information with the Registrar of Births, Deaths and Marriages to ensure the completeness and accuracy of the Central Register in respect to section 35(1)(a-d) of the Act.

Refer sections 34 and 35 Assisted Reproductive Technology Act 2007.

Authority for this delegation comes from the Secretary under section 70 of the Assisted Reproductive Technology Act 2007.

DELEGATES:

DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL AND REGULATORY SERVICES
DIRECTOR REGULATION AND COMPLIANCE

CHAPTER 12 – VOLUNTARY ASSISTED DYING ACT

VOLUNTARY ASSISTED DYING SUBSTANCE 1
INFORMATION TO BE GIVEN TO A PATIENT 2
INFORMATION IN A VOLUNTARY ASSISTED DYING SUBSTANCE AUTHORITY 3
AUTHORISED SUPPLIERS AND AUTHORISED DISPOSERS 4
DIRECTIONS TO THE BOARD – PERFORMANCE OF FUNCTIONS 5
REMUNERATION OF COMMITTEE MEMBERS 6
DIRECTIONS TO THE BOARD - RECORD AND KEEP STATISTICAL INFORMATION . 7
STANDARD ABOUT ACCESS TO VOLUNTARY ASSISTED DYING 8
TRAINING, INFORMATION AND OTHER RESOURCES 9
GUIDELINES 10
APPROVE FORMS 11
INTERPRETERS 12

VOLUNTARY ASSISTED DYING SUBSTANCE

1. **Approve**, in writing, a Schedule 4 poison or Schedule 8 poison for use under the Voluntary Assisted Dying Act for the purpose of causing a patient's death, and

2. Keep a list of voluntary assisted dying substances.

Refer section 7 Voluntary Assisted Dying Act 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST

INFORMATION TO BE GIVEN TO A PATIENT

Approve the information to be given to a patient for the purpose of section 21 of the Voluntary Assisted Dying Act 2022 and publish the information in the Gazette.

Refer section 21 Voluntary Assisted Dying Act 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

INFORMATION IN A VOLUNTARY ASSISTED DYING SUBSTANCE AUTHORITY

Power to require further information be included in a voluntary assisted dying substance authority.

Refer section 71(3) Voluntary Assisted Dying Act 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST

AUTHORISED SUPPLIERS AND AUTHORISED DISPOSERS

1. **Power** to, by notice published in the Gazette, authorise or revoke an authorisation for:
   a. a registered health practitioner, or persons in a class of registered health practitioners, to supply prescribed substances for the purposes of Part 4 of the Act.

   b. a registered health practitioner, or persons in a class of registered health practitioners, to dispose of prescribed substances for the purposes of Part 4 of the Act.

2. **Authority** to keep a register that includes details of:
   a. authorised suppliers, and
   b. authorised disposers.

Refer section 84 Voluntary Assisted Dying Act 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER
DEPUTY SECRETARY PEOPLE, CULTURE AND GOVERNANCE
EXECUTIVE DIRECTOR LEGAL & REGULATORY SERVICES AND GENERAL COUNSEL
CHIEF PHARMACIST

DIRECTIONS TO THE BOARD – PERFORMANCE OF FUNCTIONS

Power to give written directions to the Board about the performance of its functions.

Condition:
A direction must not be about the performance of a function in relation to a particular person or matter.

Refer section 141 Voluntary Assisted Dying Act 2022.

Authority for this delegation comes from the Minister under section 21 of the Health Administration Act 1982.

DELEGATES:

SECRETARY
CHIEF HEALTH OFFICER

REMUNERATION OF COMMITTEE MEMBERS

Power to determine the remuneration and allowances to be paid to members of a committee established by the Voluntary Assisted Dying Board under section 163 of the Act.

Note:
Remuneration should be consistent with the Public Service Commission Classification and Remuneration Framework.

Refer section 166 Voluntary Assisted Dying Act 2022.

Authority for this delegation comes from the Minister under section 21 of the Health Administration Act 1982.

DELEGATES:

SECRETARY
CHIEF HEALTH OFFICER

DIRECTIONS TO THE BOARD - RECORD AND KEEP STATISTICAL INFORMATION

Power to give written direction to the Board:

a. to record and keep statistical information about a matter relating to voluntary assisted dying specified in the direction, and
b. to include the statistical information in its annual report.

Refer section 170(2) Voluntary Assisted Dying Act 2022.

Authority for this delegation comes from the Minister under section 21 of the Health Administration Act 1982.

DELEGATES:

SECRETARY
CHIEF HEALTH OFFICER

STANDARD ABOUT ACCESS TO VOLUNTARY ASSISTED DYING

Power to issue, modify or replace the access standard described in section 174 of the Act.

Refer section 174 Voluntary Assisted Dying Act 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

TRAINING, INFORMATION AND OTHER RESOURCES

Power to approve training, information and other resources about:

a. the operation of the Act in relation to medical practitioners and other health practitioners, including the functions of coordinating practitioners, consulting practitioners and administering practitioners,
b. assessing whether or not a patient meets the eligibility criteria,
c. identifying and assessing risk factors for pressure or duress, including elder abuse and abuse of other vulnerable persons,
d. matters that will help coordinating practitioners and consulting practitioners comply with the practitioners' obligations under this Act to provide information to patients about palliative care options,
e. other matters relating to the operation of this Act.

Note:
With respect to point c. refer to the definition of ***pressure or duress*** in the Dictionary in Schedule 1 of the Act.

Refer section 180 Voluntary Assisted Dying Act 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

GUIDELINES

Power to issue guidelines about:

a. the request and assessment process, and
b. the referral by coordinating practitioners and consulting practitioners of patients to medical practitioners under sections 26 and 37, and
c. the referral by coordinating practitioners and consulting practitioners of patients to psychiatrists, other registered health practitioners and other persons under sections 27 and 38, and
d. how coordinating practitioners and consulting practitioners may determine whether patients have experienced pressure or duress to request access to voluntary assisted dying, and
e. the functions and conduct of contact persons.

Refer section 181 Voluntary Assisted Dying Act 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

APPROVE FORMS

Power to approve forms for the purposes of the Voluntary Assisted Dying Act 2022 and any Regulations made under that Act.

Refer section 182 Voluntary Assisted Dying Act 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

CHIEF HEALTH OFFICER

INTERPRETERS

Power to approve a body that accredits interpreters.

Refer section 183 Voluntary Assisted Dying Act 2022.

Authority for this delegation comes from the Secretary under section 21 of the Health Administration Act 1982.

DELEGATES:

DEPUTY SECRETARY HEALTH SYSTEM STRATEGY AND PATIENT EXPERIENCE