

Australian Capital Territory

HEALTH LEGISLATION AMENDMENT BILL 2006 (No 2) – GOVERNMENT AMENDMENT

Explanatory Statement

Circulated with the authority of
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Minister for Health

EXPLANATORY STATEMENT

Outline

The purpose of the Assembly amendments is to change the commencement provision to allow Schedule 2 to commence on the day after notification rather than 28 days after notification, to remove the provision allowing the presidential member of the Health Professions Tribunal to issue a warrant for the detention of witnesses and to remove an offence provision in respect of the treatment of menstrual problems. The first amendment is necessary to ensure that the amendments in Schedule 2 of the Health Legislation Amendment Bill 2006 (No 2) are made before Schedule 17 of the Health Professions Regulation 2004, which expire on the 18 November 2006. Schedule 17 includes a number of consequential amendments that provide that a reference to a nurse in the Acts and regulation mentioned include a reference to a midwife. The second amendment has been made as a result of adverse comment made by the Scrutiny of Bills Committee. The third amendment is to remove an offence in respect of the treatment of menstrual problems, which is no longer considered appropriate.

Revenue/Cost Implications

There is no additional cost involved in this amendment.

Government Amendment

Amendment 1 – Clause 2(1) and (2) Page 2, line 4 – substitutes a new commencement date for Schedule 2 which will now commence on the day after notification.

Amendment 2 – Schedule 1 Amendment 1.9 Page 9, line 1 – removes section 59A as it is not considered appropriate to proceed with these powers in the light of adverse comments made by the Scrutiny of Bills Committee in report No 34 dated 13 November 2006.

Amendment 3 – Schedule 1 Amendment 1.19 Proposed new section 130C(1) (b) (ii) Page 15, line 17 – removes subparagraph (ii) as it is no longer considered appropriate to make it a criminal offence to prevent any person from treating menstrual problems.