

1994

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

**HEALTH LEGISLATION
(CONSEQUENTIAL AMENDMENTS) BILL 1994**

EXPLANATORY MEMORANDUM

Circulated by Authority of the Minister for Health

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HEALTH LEGISLATION (CONSEQUENTIAL AMENDMENTS) BILL 1994

The Health Legislation (Consequential Amendments) Bill 1994 amends the *Health Professions Boards (Procedures) Act 1981*, the *Health Professions Boards (Elections) Act 1980* and the *Health Complaints Act 1993* consequentially upon the *Psychologists Act 1994*, the *Podiatrists Act 1994* and various amendments to other Territory legislation regulating medical practitioners, veterinary surgeons, physiotherapists, dentists, nurses, optometrists, pharmacists, chiropractors and osteopaths arising out of an agreement of Australian health ministers to introduce uniform regulatory arrangements for health occupations in all jurisdictions.

The amendments to the *Health Professions Boards (Procedures) Act 1981* and the *Health Professions Boards (Elections) Act 1980* are as follows:

- amendments to include the Psychologists Board and the Podiatrists Board as Boards to which the *Health Professions Boards (Procedures) Act 1981* applies;
- amendments to reflect the changes in citation for the *Chiropractors and Osteopaths Act 1983*, the *Medical Practitioners Act 1930*, the *Dentists Act 1931*, the *Veterinary Surgeons Act 1965* and the *Physiotherapists Act 1977*;
- amendments as a consequence of the renumbering of various Acts; and
- amendments to render the language of the Acts gender neutral.

The inclusion of the Psychologists Board and the Podiatrists Board as Boards for the purposes of the *Health Professions Boards (Procedures) Act 1981* means that those Boards will be covered by the requirements relating to the status and membership of Boards, meetings of Boards, and proceedings before Boards in that Act. This will mean, for example, that any inquiries into the conduct of a registered podiatrist or psychologist conducted by the Podiatrists Board or the Psychologists Board respectively, will be required to

be carried out in accordance with Part IV of the *Health Professions Boards (Procedures) Act 1981*.

The Bill also amends the *Health Complaints Act 1993* so that the Podiatrists Board and the Psychologists Board are Boards for the purposes of that Act.

Details of the Bill are as follows.

Clauses 1 and 2 are formal clauses providing for the citation and commencement of the Bill once enacted.

Clause 3 provides that the amendments made by Part II of the Bill to "the Principal Act" are amendments to the *Health Professions Boards (Procedures) Act 1981*.

Clause 4 amends the interpretation section of the Principal Act to include the Podiatrists Board and the Psychologists Board as a "Board" for the purposes of the Principal Act. The definition of "proceeding" is also amended so that an inquiry by either of those Boards will need to be in accordance with the Principal Act.

Clause 5 amends section 11 of the Principal Act to include to references to persons registered as a podiatrist and persons registered as a psychologist in the definition of "registered practitioner". Section 11 of the Principal Act provides for the removal from office of members of a Board. One of the grounds for removal is, in relation to a member where registration in the relevant health profession is a precondition to appointment to the Board, that the member ceases to be a registered practitioner. The effect of this amendment is that where, for example, a member referred to in paragraph 7(1)(a) of the *Podiatrists Act 1994* ceases to be a registered podiatrist then the member also ceases to be a member of the Podiatrists Board.

Clause 6 provides that the Principal Act is further amended as set out in Schedule 1 of the Bill. These amendments are formal amendments to the Act to update the cross referencing to several Acts and to update the language of the Act so that it is expressed in a non gender specific manner.

Clause 7 provides that the amendments made by Part II of the Bill to "the Principal Act" are amendments to the *Health Professions Boards (Elections) Act 1980*.

Clause 8 amends the *Health Professions Boards (Elections) Act 1981* as set out in Schedule 2 of the Bill. These amendments are formal amendments to the Act to update the cross referencing to several Acts and to update the language of the Act so that it is expressed in a non gender specific manner.

Clause 9 amends section 4 of the *Health Complaints Act 1993* to include the Podiatrists Board and the Psychologists Board. A Board may refer complaints to the Health Complaints Commissioner for investigation.