

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

HEALTH LEGISLATION AMENDMENT BILL 2000

EXPLANATORY MEMORANDUM

Circulated by authority of
Michael Moore MLA
Minister for Health and Community Care

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OUTLINE

This Bill amends the *Dentists Act 1931*, with consequential changes to the *Health Professions Boards (Procedures) Act 1981*, to allow, at the discretion of the Dental Board of the ACT, the appointment of a legal practitioner of at least five years standing to be appointed as a member in the event of an Inquiry being conducted by the Board.

FINANCIAL CONSIDERATIONS

This Bill has no revenue or cost implications.

CLAUSE NOTES

Formal Clauses

Clauses 1 and 2 are formal requirements. They refer to the title and commencement of the *Health Legislation Amendment Act 2000*. The amending Act commences on the day it is notified in the Gazette.

Clause 3

This clause provides for the *Dentists Act 1931* and the *Health Professions Boards (Procedures) Act 1981* to be amended by the amending Act, as outlined in Schedule 1.

SCHEDULE 1

Part 1 – *Dentists Act 1931*

Paragraph 7 (1) (b)

Inserts "; and" at the end to allow 7 (1) (c) to be inserted.

Subsection 7 (1) (c)

7 (1) (c) is inserted to allow the Minister to appoint a member to the Dental Board of the ACT in the event of the Board conducting an Inquiry.

Subsection 7 (2)

Inserts "under paragraph (1) (c)" to clarify that the appointment is made under subsection 7 (1) (c).

Section 7

- **(4) (a)** - subsection 7 (4) (a) is inserted to specify that the member appointed under 7 (1) (c) must be a legal practitioner of at least five years standing.
- **(4) (b)** - subsection 7 (4) (b) is inserted to specify that if the substantive appointee is, for any reason, unavailable to sit on the Board for the holding of an Inquiry, the Minister may appoint a temporary member.
- **(4) (c)** - subsection 7 (4) (c) is inserted to allow two or more persons to be appointed concurrently as temporary appointees. Where a substantive appointee is assisting in two Inquiries concurrently, and is unavailable to sit on the Board for the holding of these Inquiries, this will allow a separate temporary member to be appointed for each of the Inquiries.
- **(4) (d) (i)** - subsection 7 (4) (d) (i) is inserted to specify that the period of appointment for the substantive appointee can be no longer than three years.
- **(4) (d) (ii)** - subsection 7 (4) (d) (ii) is inserted to specify that the substantive appointee will have the same functions as that of a member of the Dental Board, but only for the holding of an Inquiry.
- **(4) (e) (i)** - subsection 7 (4) (e) (i) is inserted to specify that a temporary appointee will have the same functions as that of a member of the Dental Board, but only for the holding of an Inquiry.
- **(4) (e) (ii)** - subsection 7 (4) (e) (ii) is inserted to specify that a temporary appointee may exercise those functions even if the substantive appointee, or another temporary appointee, is exercising functions as a member.

Section 67

- **3** – subsection 67 (3) is inserted to specify that the member appointed under paragraph 7 (1) (c) is a legal practitioner of five years standing and can only preside in an Inquiry conducted by the Dental Board of the ACT.

SCHEDULE 1

Part 2 – Health Professions Boards (Procedures) Act 1981

Section 7

This section is omitted. It is not required as its provisions are covered under the *Interpretation Act 1967*.

Subsection 8 (1)

Omits "shall hold" and substitutes it with "under this Act holds". This is a minor modification to make it clear that it is under the *Health Professions Boards (Procedures) Act 1981*.

Subsection 11 (4) (fb)

Omits "podiatrist" and substitutes it with "psychologist". This is just to correct a typographical error and is a clerical amendment.

Subsection 18 (2) (definition of majority)

This specifies that the legal practitioner, or temporary appointee, is not counted as a member for the purposes of the Dental Board of the ACT establishing a quorum.

Subsection 23 (2)

Minor modification to delete superfluous provisions as it is covered by subsection 23 (1).

Section 23

- 3 – subsection 23 (3) is inserted to specify that the member appointed under paragraph 7 (1) (c) is a legal practitioner.