

2000

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Health, Housing and Community Care)

## Health Legislation Amendment Bill 2000

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**A BILL**

**FOR**

**An Act to amend the *Dentists Act 1931* and the *Health Professions Boards (Procedures) Act 1981***

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *Health Legislation Amendment Act 2000*.

5 **2 Commencement**

This Act commences on the day it is notified in the Gazette.

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36394 (2000/181) (T72/2000)

**3 Amendments**

The Acts mentioned in Schedule 1 are amended in accordance with that Schedule.

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**SCHEDULE 1**

(See s 3)

**AMENDMENTS**

**PART 1—DENTISTS ACT 1931**

**[1.1] Paragraph 7 (1) (b)—**

5 Insert at the end “; and”.

**[1.2] Subsection 7 (1)—**

After paragraph (1) (b) insert the following paragraph:

“(c) for the holding of inquiries under section 67—a member appointed by the Minister.”.

10 **[1.3] Subsection 7 (2)—**

After “appointment” insert “under paragraph (1) (a)”.

**[1.4] Section 7—**

Insert at the end the following subsection:

“(4) For paragraph (1) (c), the following provisions apply:

- 15 (a) a person may only be appointed if the person is eligible under the *Supreme Court Act 1933*, section 4, to be appointed as a resident judge;
- 20 (b) if the Minister is satisfied that the person (the *substantive appointee*) appointed under that paragraph (otherwise than in accordance with this paragraph) is, for any reason, unavailable to sit on the board for the holding of an inquiry under section 67, the Minister may, under that paragraph, appoint another eligible person (a *temporary appointee*) for the holding of the inquiry stated in the instrument of appointment;
- 25 (c) 2 or more persons may hold appointments concurrently as temporary appointees;
- (d) the substantive appointee—
- (i) is appointed for the period (not longer than 3 years) stated in the instrument of appointment; and

**SCHEDULE 1—continued**

(ii) has the functions of a member, but only for the holding of inquiries;

(e) a temporary appointee—

(i) has the functions of a member, but only for the holding of the inquiry stated in the person's instrument of appointment; and

(ii) may exercise those functions even if the substantive appointee, or another temporary appointee, is exercising functions as a member.”.

10 **[1.5] Section 67—**

Insert at the end the following subsection:

“(3) For the hearing of an inquiry under subsection (1), the board must include a member appointed under paragraph 7 (1) (c).”.

**SCHEDULE 1—continued**

**PART 2—HEALTH PROFESSIONS BOARDS  
(PROCEDURES) ACT 1981**

**[1.6] Section 7—**

Omit the section.

5 **[1.7] Subsection 8 (1)—**

Omit “shall hold”, substitute “under this Act holds”.

**[1.8] Subsection 11 (4) (definition of *registered practitioner*, paragraph (fb))—**

Omit “podiatrist”, substitute “psychologist”.

10 **[1.9] Subsection 18 (2) (definition of *majority*)—**

Insert at the end “, but, for the dental board, not including a member (or a vacancy in the position of a member) appointed under paragraph 7 (1) (c) of the *Dentists Act 1931*”.

**[1.10] Subsection 23 (2)—**

15 Omit “hearing, together with the Chairperson or the Deputy Chairperson presiding at the hearing,”, substitute “hearing”.

**[1.11] Section 23—**

Insert at the end the following subsection:

20 “(3) For subsection (1), a member of the dental board appointed under paragraph 7 (1) (c) of the *Dentists Act 1931* is taken to be a legal practitioner.”.

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**Endnote**

**Acts amended**

1 **For pt 1, sch 1—**Republished as in force on 31 December 1996. See also Act 1998 No 54.

2 **For pt 2, sch 1—**Republished as in force on 1 June 1998. See also Act 1998 No 54.

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