

Explanatory Statement

Health Professionals (Medical Board) Appointment 2006 (No 1)

Disallowable instrument DI2006 - 12

made under the

Health Professionals Regulation 2004, Schedule 2 clause 2.6

The *Health Professionals Act 2004* (HP Act) aims to protect the public from risk of harm by ensuring that all health professionals are competent to provide health services.

The ACT Medical Board is constituted under Section 2.6 of Schedule 2 to the *Health Professionals Regulation 2004*. Section 2.6 requires that there be two community representatives, of whom one is to be a lawyer for a continuous period of at least five years before the day of appointment.

Regulation 10 (1) provides that the Minister appoints Board members in accordance with the *Legislation Act 2001 div 19.3.3*. Accordingly, the instrument is a disallowable instrument. Regulation 11(5) provides that the Minister must appoint the two positions from the community representative list maintained by the Board. The ACT Medical Board Community Representative List was notified on 31 August 2005.

The position of Community Representative legal became vacant on 18 September 2005 and the non legal community representative position became vacant on 28 October 2005.

In accordance with the *Legislation Act 2001* the nominations were considered by the Standing Committee on Health and made no comment. Ms Pam Brown is to be appointed the Community Representative and Ms Faye Higgins is to be appointed Community Representative (legal) until 20 January 2010.

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