

Australian Capital Territory

Explanatory Statement

Health Professionals (Pharmacy Board) Appointment 2008 (No 2)

Disallowable instrument DI2008— 48

made under the

Health Professionals Regulation 2004 section 5 (Board president) and section 10 (Board members – election or appointment)

The Board is established under Section 4 of the *Health Professionals Regulation 2004*. Section 5.8 of Schedule 5 to the *Health Professionals Regulation 2004* provides that the membership of the ACT Pharmacy Board comprises the President, three registered pharmacists and two community representative members, all appointed by the Minister, and three elected members.

The *Health Professionals Act 2004* is an Act to protect the public from risk of harm by ensuring that the people who provide health services regulated by the Act are competent to provide health services, and for other purposes.

A person is not eligible for appointment as President or as a pharmacist member unless the person is a registered pharmacist in the ACT. The person also needs to have been registered for a continuous period of at least three years immediately before the day of the appointment. A community representative member must be on the community representative list for the Board, in accordance with section 11 (4) of the *Health Professionals Regulation 2004*.

This instrument makes appointments to which the *Legislation Act 2001*, division 19.3.3 applies. Accordingly, the instrument is a disallowable instrument (see *Legislation Act 2001*, s 229) and applies to the President, William James Kelly, a pharmacist, and to members Gabrielle Mary Cooper, a pharmacist and Kerry Elizabeth Deans, a pharmacist. None of these appointees is a public servant. Mr Neil Keen, who is a public servant, will be appointed by a Notifiable Instrument.

Mr Ken Cox, Mr John Gregan and Mr Patrick Reid are the elected members of the ACT Pharmacy Board.

Ms Maria Mitchell and Ms Anne Maree Vogt, are the community representative members of the ACT Pharmacy Board.

Consultation with the Standing Committee for Health and Disability has taken place in accordance with the *Legislation Act 2001*.