

Explanatory Statement

Health Professionals Physiotherapists Board Appointment 2010 (No 2)

Disallowable instrument DI2010—71

made under the

Health Professionals Regulation 2004 Section 10 (Board members – election or appointment) and section 35 (Elections: If no candidates) and Legislation Act 2001 section 229

The Board is established under Section 4 of the *Health Professionals Regulation 2004* and comprises the President appointed by the Minister in accordance with the *Health Professionals Regulation 2004*, Section 5 and five other members (one of whom is a community representative) appointed by the Minister in accordance with the *Health Professionals Regulation 2004*, Section 10 and three elected members. Section 10.5 of Schedule 10 to the *Health Professionals Regulation 2004* specifies the Board membership.

The Act protects 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 a physiotherapist member unless the person is a registered physiotherapist 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. Mr Purdam satisfies these requirements.

These appointments are made to fill a vacancy created by the failure of an election to attract candidates being appointed. Section 35 of the *Health Professionals Regulation 2004* provides that the Minister must, under section 10, appoint as members of the board the number of people who would otherwise be required to be elected. The Minister has appointed two people by notifiable instrument NI2010-182 and a third is appointed by this disallowable instrument.

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 Craig Robert Purdam (physiotherapist) who is not an ACT public servant.

Other members of the Board currently serving are Karen Murphy, Annette Cursley, Elizabeth Trickett, Kerry Boyd and Alex Fahey (all appointed), Lisa Gilmore and Annegret Ludwig (both appointed to elected positions after a failed election) and Louise Bannister (community representative).

Consultation with the Standing Committee on Health, Community and Social Services has taken place in accordance with the *Legislation Act 2001*.