

**2010**

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

**HEALTH PRACTITIONER REGULATION NATIONAL LAW (ACT)  
(TRANSITIONAL PROVISIONS) REGULATION 2010**

**SL2010–25**

**EXPLANATORY STATEMENT**

Circulated by the authority of  
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Minister for Health

## EXPLANATORY STATEMENT

### OVERVIEW

#### Recognition of MPA Registration Bodies

*Health Practitioner National Law (ACT) Act 2010 (Act C)*, which entirely replaces the *Health Professionals Act 2004 (HPA)* in dealing with registration and disciplinary matters of the medical profession, will apply to people who have been registered by the ACT Medical Board under the HPA, allowing existing matters to be dealt with by Act C.

This regulation contains a transitional provision that enables Act C to apply to commenced matters involving people registered by a registration body, including those under the *Medical Practice Act 1930 (MPA)*.

#### Enabling the ACT Civil and Administrative Tribunal (ACAT) to Decide Commenced Matters

Following repeal of the MPA in 2004 and enactment of the HPA and the *ACT Civil and Administrative Tribunal Act 2008*, matters regarding registration under the MPA has been dealt with according to the HPA/ACAT framework, not that of the MPA.

To avoid any confusions as to which framework applies, whether the HPA/ACAT framework for the MPA framework, this regulations contains a transitional provision that enables the HPA/ACAT framework to continue to apply to commenced matters.

### DETAIL

#### **Clause 1 Name of Regulation**

This clause is a technical clause and sets out the name of the regulation as the *Health Practitioner Regulation National Law (ACT) (Transitional Provisions) Regulation 2010* (the Regulation).

#### **Clause 2 Commencement**

This clause is a technical clause setting out when commencement of the Regulation will occur. It is intended that commencement will occur on commencement of Act C.

#### **Clause 3 Legislation amended**

For a period of two years following commencement of Act C, section 289(1) of Act C will be amended to enable commenced matters to be dealt with by the relevant:

- law that existed before Act C; and
- court, tribunal or other deciding body that had been dealing with the matter before Act C.

For a period of two years following commencement of Act C, section 289(2)(b) of Act C will be amended to recognise complaints and notifications commenced but not completed before commencement of Act C about a registered health professional or previously registered health professional under current or former entities responsible for the registration of persons as health practitioners.

**Clause 4**

This clause states that the regulation expires after 2 years when the modification power expires.