

# Health Professionals (Veterinary Surgeons Board) Appointment 2014 (No 3)

Notifiable instrument NI2014—586

made under the

Health Professionals Regulation 2004, section 61 (Temporary vacancies)

## EXPLANATORY STATEMENT

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The ACT Veterinary Surgeons Board (the board) is established by schedule 1 of the *Health Professionals Regulation 2004* (the regulation).

Section 61 (2) of the regulation provides that a health profession board may ask the Minister to appoint a person to fill the position of an elected board member, if because of a temporary vacancy, the board is satisfied that it is not practicable for the board to exercise its functions without filling the position.

Section 61 (3) of the regulation provides that the Minister may appoint a person to be a temporary member of a health profession board while an elected member is unable to exercise the functions of the position, after being asked to by the board. The Minister for Health has delegated the power to appoint members of the board to the Minister for Territory and Municipal Services, pursuant to section 254A of the *Legislation Act 2001*.

This instrument appoints Dr Delwyn Fenby as a temporary member of the board for a period of 6 months, while an elected member of the board is unable to exercise the functions of the position.

Section 10 (2) of the regulation provides that the Minister may only appoint a person as a member of a health profession board if that person—

- (a) is a registered member of a health profession for which the health profession board was established; and
- (b) has been registered for a continuous period of at least 3 years immediately before the day of appointment.

Dr Fenby meets the requirements of section 10 (2).

Section 11 (1) of the regulation provides that before appointing someone other than a community representative to a health profession board the Minister must consult the board. The Minister has consulted the board on the appointment of Dr Fenby.

Section 228 of the *Legislation Act 2001* provides that before making an appointment to a statutory position, a Minister must consult with the relevant standing committee of the Legislative Assembly. Section 227 of the *Legislation Act* provides that the

consultation requirement in section 228 does not apply to the appointment of a person to, or to act in, a statutory position for not longer than 6 months, unless the appointment is of the person to, or to act in, the position for a second or subsequent consecutive period. As this is the first appointment of Dr Fenby to act as a member of the board, the Minister is not required to consult with a standing committee on her appointment.

Dr Fenby is not an ACT public servant.