

**2019**

**LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**HEALTH AMENDMENT BILL 2019**

**EXPLANATORY STATEMENT**

**Presented by  
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## HEALTH AMENDMENT BILL 2019

### Amendment to the *Health Act 1993*

#### **Overview**

The *Health Amendment Bill 2019* amends the *Health Act 1993*, part 5 to include nurse practitioners. The *Health Amendment Bill 2019* also amends the *Sex Work Act 1992* to make an amendment consequential on changes to the *Health Act 1993* relating to nurse practitioners.

#### **Purpose**

The purpose of the amendments of the *Health Act 1993*, part 5 (Reviewing scope of clinical practice) is to include nurse practitioners as a class of health practitioners that may be reviewed and credentialed for clinical privileges by a Scope of Clinical Practice Committee.

#### **Outline of amendments**

##### Clause 1 – Name of regulation

This clause states that the Act is the *Health Amendment Act 2019*.

##### Clause 2 – Commencement

This clause states that the Act commences on the day after its notification, according to the *Legislation Act 2001* (section 75).

##### Clause 3 – Legislation amended

This clause states that the Act amends the *Health Act 1993*.

##### Clause 4 – Definitions – pt 5, Section 50, definitions of dentist, doctor and eligible midwife

This amendment omits the definitions of **dentist**, **doctor** and **eligible midwife** as a consequence of changes to section 52.

##### Clause 5 – Section 50, note

This clause modifies the note to include that ‘Practitioner is defined for the Act in s 52’.

##### Clause 6 – Section 52

This amendment revises section 52 to replace the definitions of **dentist**, **doctor** and **eligible midwife** (which are currently defined for the whole of part 5) with a definition of **practitioner**, for a health facility, to improve the readability of part 5. The term **practitioner**

is defined to mean a dentist, doctor, eligible midwife or nurse practitioner. A new subsection (2) is included in section 52 which defines **dentist, doctor, eligible midwife** and **nurse practitioner** for section 52 only. As a consequence of including nurse practitioners in the definition of **practitioner**, nurse practitioners are included as a class of health practitioners that may be reviewed and credentialed for clinical privileges by a Scope of Clinical Practice Committee, under section 59.

Clause 7 – Scope of clinical practice committees—functions, Section 59 (4), definition of credential

The amendment is consequential on the changes to section 52 made by another amendment.

Clause 8 – Complainants to remain anonymous Section 78 (a)

The amendment is consequential on the changes to section 52 made by another amendment.

Clause 9 - Dictionary, note 2

Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation Act](#), dictionary, part 1. This amendment inserts terms that are mentioned in the *Health Act 1993* and defined in the Legislation Act, dictionary, part 1.

Clause 10 - Dictionary, definitions of dentist, doctor and eligible midwife

This clause omits the definitions of dentist, doctor and eligible midwife as a consequence of the changes made to section 52 by another amendment.

Clause 11 - Dictionary, new definition of practitioner

This amendment inserts a signpost definition for practitioner, as a consequence of the changes made to section 52 by another amendment.

Clause 12 - Further amendments, mentions of doctor, dentist or eligible midwife

This clause substitutes the mentions of doctor, dentist or eligible midwife with the term 'practitioner' as a consequence of the changes made to section 52 by another amendment.

Clause 13 - Further amendments, mentions of doctors, dentists or eligible midwives

This clause substitutes the mentions of doctors, dentists or eligible midwives with the term 'practitioner's' as a consequence of the changes made to section 52 by another amendment.

Clause 14 - Sex Work Act 1992, Section 2, note 1

This is a technical amendment that updates the *Sex Work Act 1992*, section 2, note as a consequence of changes to the *Health Act 1993* relating to nurse practitioners. The note had

previously referred to a definition of ‘authorised nurse practitioners’ in the Health Act 1993, however, that definition was omitted in 2017.

### ***Consideration of human rights***

The amendment will result in a nurse practitioner being treated equally to a doctor, dentist or eligible midwife in terms of being able to be reviewed and credentialed for clinical privileges by a Scope of Clinical Practice Committee. In relation to the regulation of scope of clinical practice in the *Health Act 1993*, nurse practitioners will not be treated differently from a doctor, dentist or eligible midwife. The amendment supports the right to equality.