



New South Wales

Health Practitioner Regulation National Law (NSW) Amendment (Review) Bill 2016

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to make miscellaneous amendments to the *Health Practitioner Regulation National Law (NSW)* in respect of the following:

- (a) the functions, membership and procedure of health professional Councils,
- (b) matters relating to the conduct and physical and mental capacity of health practitioners,
- (c) the proceedings and jurisdiction of NCAT in matters relating to health practitioners,
- (d) the membership and procedure of Assessment Committees, Impaired Registrants Panels and Professional Standards Committees,
- (e) matters relating to statute law revision.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86

Functions, membership and procedure of health professional Councils

Schedule 1 [2] authorises the Minister, in the case of a Council for a health profession that the Minister is satisfied is not financially viable, to direct the Council to delegate its functions to another Council or person. **Schedule 1 [13], [31] and [35]** make provision in respect of the power of a Council to impose conditions on a health practitioner's registration, the quorum for a meeting of a Council with more than 4 members and the licence and registration fees for a pharmacy business.

Conduct and physical and mental capacity of health practitioners

Schedule 1 [4], [6] and [11] make provision in respect of notices of certain events, such as charges or convictions in relation to a registered health practitioner, that the practitioner is required to provide to the National Board and the physical and mental capacity of health practitioners.

Membership and procedure of Assessment Committees, Impaired Registrants Panels and Professional Standards Committees

Schedule 1 [8], [12], [23]–[27] and [29] make provision in respect of the membership and procedure of an Assessment Committee, an Impaired Registrants Panel and a Professional Standards Committee.

Proceedings and jurisdiction of NCAT

Schedule 1 [19]–[21] make provision in respect of the power of NCAT to make interlocutory and ancillary decisions and to make interim suspension orders in respect of a health practitioner's registration. **Schedule 1 [5] and [16]** clarify the jurisdiction of NCAT under Part 8 of the Health Practitioner Regulation National Law. **Schedule 1 [18], [22] and [32]** make provision in respect of parties who have a right to appear in applications for the review of certain orders, proceedings where a complaint has been admitted and costs orders.

Statute law revision amendments

Schedule 1 [1] and [30] remove redundant provisions. **Schedule 1 [3], [33], [34], [36] and [37]** update terminology. **Schedule 1 [7], [9], [10], [14], [15], [17] and [28]** make amendments to ensure consistency of language in respect of similar provisions.