

SUMMARY OF CONCLUSIONS

SECTION A: Comment on Bills

1. Anzac Memorial (Building) Amendment Bill 2010

Issue: Commencement by Proclamation

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| <p>12. The Committee recognises that administrative arrangements may need to take place before this Bill can commence operation and notes its intended commencement on 1 July 2010. Therefore, the Committee has not identified any issues under s 8A(1)(b)(iv) of the <i>Legislation Review Act 1987</i>.</p> |
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2. Health Practitioner Regulation Amendment Bill 2010

Issue: Procedural Fairness - Proposed section 150 of Subdivision 7 of Part 8, Division 3, Schedule 1 [15] – Suspension or conditions of registration to protect public [NSW]:

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| <p>30. Despite the provisions on rights of review and appeal, the Committee notes that the affected health practitioner or student will not have legal representation at the Council proceedings as the Bill does not allow legal representation at such Council proceedings or inquiry, nor is the process open to external scrutiny. Therefore, in cases where the Health Care Complaints Commission investigation is lengthy, the onus is placed upon the practitioner to gather evidence on his/her own behalf and the review allowed under section 150A is only being conducted by the body undertaking the suspension.</p> |
| <p>31. While an appeal to the Medical Tribunal is also possible, it is also a reasonably lengthy and arduous process before the matter can be heard and adjudicated. The practitioner or student may therefore remain suspended under the proposed emergency powers for a longer duration than intended or necessary, having an adverse consequence upon a practitioner's earning capacity and ability to re-enter the workforce.</p> |
| <p>32. The Committee therefore has concerns that the current situation of allowing for emergency suspensions of not more than eight weeks in duration will now be extended to an indefinite period of time. Accordingly, the Committee refers this to Parliament for consideration as to whether the proposed section 150 of Subdivision 7 of Part 8, Division 3, Schedule 1 [15] of the Bill may trespass unduly on personal rights and liberties.</p> |

3. Industrial Relations Amendment (Consequential Provisions) Bill 2010

10. The Committee has not identified any issues under s 8A(1)(b) of the <i>Legislation Review Act 1987</i>.
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4. National Park Estate (Riverina Red Gum Reservations) Bill 2010 (No 2)

14. The Committee has not identified any issues under s8A(1)(b) of the <i>Legislation Review Act 1987</i>.

5. Threatened Species Conservation Amendment (Biodiversity Certification) Bill 2010

Issue: Commencement by Proclamation

14. The Committee recognises that administrative arrangements need to take place, including the finalisation of assessment methodology, before this Bill can commence operation and therefore has not identified any issues under s 8A(1)(b)(iv) of the <i>Legislation Review Act 1987</i>.
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