

Serial 76
Health Practitioner Regulation (National Uniform Legislation) Bill 2009
Mr Vatskalis

A Bill for an Act to apply as a law of the Territory a national law relating to
health practitioner regulation, and for related purposes

NORTHERN TERRITORY OF AUSTRALIA

HEALTH PRACTITIONER REGULATION (NATIONAL UNIFORM
LEGISLATION) ACT 2009

Act No. [] of 2009

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2009

An Act to apply as a law of the Territory a national law relating to health practitioner regulation, and for related purposes

[Assented to [] 2009]
[Second reading [] 2009]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Health Practitioner Regulation (National Uniform Legislation) Act 2009*.

2 Commencement

This Act commences on 1 July 2010.

3 Interpretation

(1) In this Act:

Health Practitioner Regulation National Law (NT) means the provisions applying in this jurisdiction because of section 4.

(2) Terms used in this Act and also in the Health Practitioner Regulation National Law set out in the Schedule to *the Health Practitioner Regulation National Law Act 2009* (Qld) have the same meanings in this Act as they have in that Law.

Part 2 Adoption of Health Practitioner Regulation National Law

4 Adoption of Health Practitioner Regulation National Law

The Health Practitioner Regulation National Law, as in force from time to time, set out in the Schedule to the *Health Practitioner Regulation National Law Act 2009* (Qld):

- (a) applies as a law of this jurisdiction; and
- (b) as so applying may be referred to as the *Health Practitioner Regulation National Law (NT)*; and
- (c) so applies as if it were a part of this Act.

5 Meaning of generic terms in Health Practitioner Regulation National Law for purposes of this jurisdiction

- (1) In the *Health Practitioner Regulation National Law (NT)*:

clerk of the court, in relation to the Territory, means a Judicial Registrar, acting Judicial Registrar, Registrar, Deputy Registrar or acting Registrar of the Local Court.

court of summary jurisdiction, in relation to the Territory, means the Court of Summary Jurisdiction established by section 41A of the *Justices Act*.

criminal history law, in relation to the Territory, means:

- (a) the *Criminal Records (Spent Convictions) Act*, or
- (b) the *Anti-Discrimination Act*.

health complaints entity, in relation to the Territory, means the Health and Community Services Complaints Commission established by the *Health and Community Services Complaints Act*.

magistrate, in relation to the Territory, means the Chief Magistrate, a Deputy Magistrate, a Stipendiary Magistrate, a Special Magistrate or a Relieving Magistrate appointed under the *Magistrates Act*.

Parliament of this jurisdiction means the Legislative Assembly of the Territory.

responsible tribunal, in relation to the Territory, means the Health Professional Review Tribunal established by section 63(1) of the *Health Practitioners Act*.

this jurisdiction means the Territory.

- (2) A reference in the *Health Practitioner Regulation National Law (NT)* to the State includes a reference to the Territory.

Example for section 5(2)

See sections 23(3) and 31(3) of the Health Practitioner Regulation National Law (NT).

6 Responsible tribunal for Health Practitioner Regulation National Law (NT)

- (1) The Health Professional Review Tribunal (the **Tribunal**) established by section 63(1) of the *Health Practitioners Act* is declared to be a responsible tribunal for the *Health Practitioner Regulation National Law (NT)*.
- (2) For each matter for which the Tribunal has functions under the *Health Practitioner Regulation National Law (NT)* in relation to a person (including, for example, a matter referred to it about a registered health practitioner, or an appeal of a decision not to register a person), the Tribunal consists of:
- (a) the 2 permanent members of the Tribunal; and
 - (b) 3 persons (the **special members**) who are:
 - (i) registered health practitioners under the *Health Practitioner Regulation National Law (NT)* in the health profession to which the matter relates; and
 - (ii) appointed by the President of the Tribunal.

Example for subsection (2)

For a matter referred to the Tribunal as a responsible tribunal under section 193 of the Health Practitioner Regulation National Law (NT) about a registered health practitioner in a health profession, each special member must be a registered health practitioner in that health profession.

- (3) The President of the Tribunal may appoint a person to be a special member only if the person:
- (a) has skills, knowledge or experience relevant to the matter; and
 - (b) has not been involved in a previous decision relating to the matter.
- (4) In this section:

permanent member, of the Tribunal, see section 63(2) of the *Health Practitioners Act*.

President, of the Tribunal, see section 63(3) of the *Health Practitioners Act*.

7 Exclusion of legislation of this jurisdiction

The following Acts of this jurisdiction do not apply to the *Health Practitioner Regulation National Law (NT)* or to the instruments made under that Law:

- (a) the *Information Act*,
- (b) the *Interpretation Act*,
- (c) the *Ombudsman Act*,
- (d) the *Public Sector Employment and Management Act*.

Part 3 Consequential amendments

8 Act amended

This Part amends the *Health Practitioners Act*.

9 Amendment of section 63 (Establishment and constitution of Tribunal)

(1) Section 63(9)

omit

for the purposes of this Act

substitute

for this Act or another Act

(2) After section 63(12)

insert

- (13) A reference in this Act to a member of the Tribunal includes a person who is appointed to be a special member of the Tribunal for the *Health Practitioner Regulation National Law (NT)*.

Note for subsection (13)

See section 6 of the Health Practitioner Regulation (National Uniform Legislation) Act.

10 Amendment of section 64 (Function of Tribunal)

- (1) Section 64, heading

omit

Function

substitute

Functions and powers

- (2) Section 64

omit

The Tribunal

substitute

- (1) The Tribunal

- (3) After section 64(1)

insert

- (2) The Tribunal may perform functions, and exercise powers, as provided by this Act or another Act.

Example for subsection (2)

See section 6 of the Health Practitioner Regulation (National Uniform Legislation) Act.