

House of Representatives
Supplementary Order Paper

Tuesday, 1 July 2003

Health Practitioners Competence Assurance Bill

Proposed amendments

Hon Annette King, in Committee, to move the following amendments:

Schedule 4: Injury Prevention, Rehabilitation, and Compensation Act 2001

To omit the definition of **health practitioner** (lines 12 to 15 on page 224), and substitute the following definition:

“health practitioner—

- “(a) means a person who is, or is deemed to be, registered with an authority established or continued by **section 110** of the Health Practitioners Competence Assurance Act **2003** as a practitioner of a particular health profession; but**
- “(b) in relation to that health profession and to any purpose stated in a relevant notice under **section 322A**, does not include a person who, for that purpose, is declared not to be a health practitioner.**

To insert, before the amendment to clause 27 of Schedule 1 (line 30 on page 227), the following item:

Insert, after section 322:

“322A Definition of health practitioner may be limited

- “(1) The Minister may, from time to time, by notice in the *Gazette*, declare that a person is not a health practitioner of a particular health profession for any purposes of this Act that are specified in the notice if—**
 - “(a) the person is a member of a class described in the notice; and**
 - “(b) the person’s registration or deemed registration as a practitioner of that health profession under the Health**

Practitioners Competence Assurance Act 2003 is related to the person's membership of that class.

- “(2) For the purposes of **subsection (1)**, a class of persons may be described in any way the Minister thinks fit, including, without limitation, in any 1 or more of the following ways:
- “(a) by reference to the scopes of practice of the persons, including, without limitation, to any limitations, restrictions, or conditions in the scopes of practice:
 - “(b) by reference to the qualifications of the persons:
 - “(c) by reference to the fact that the persons are not permitted to perform services of a stated kind under their scopes of practice:
 - “(d) by reference to the fact that the persons lack qualifications of a stated kind.
- “(3) The Minister may not give a notice in the *Gazette* under this section without first consulting any persons or organisations that the Minister considers appropriate, having regard to the subject matter of the proposed notice.
- “(4) A notice in the *Gazette* under this section is a regulation for the purposes of the Regulations (Disallowance) Act 1989, but is not a regulation for the purposes of the Acts and Regulations Publication Act 1989.”

Schedule 5

To omit the definition of **health practitioner** (lines 32 to 35 on page 242), and substitute the following definition:

“health practitioner—

- “(a) means a person who is, or is deemed to be, registered with an authority established or continued by **section 110** of the Health Practitioners Competence Assurance Act **2003** as a practitioner of a particular health profession; but
 - “(b) in relation to that health profession and to any purpose stated in a relevant notice under **section 322A** of the Injury Prevention, Rehabilitation, and Compensation Act 2001, does not include a person who, for that purpose, is declared not to be a health practitioner.
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Explanatory note

This Supplementary Order Paper includes in the amendments to the Injury Prevention, Rehabilitation, and Compensation Act 2001 set out in the Bill a power on the part of the Minister responsible for the administration of that Act to declare that certain classes of persons are not health practitioners for the purposes of that Act. The need for this power arises because, under the Bill, a wider range of persons may be classified as health practitioners. The *Gazette* notice mechanism is required to maintain the integrity of the definitions of health professional groups in the Injury Prevention, Rehabilitation, and Compensation Act 2001.
