

House of Representatives
Supplementary Order Paper

Tuesday, 1 July 2003

Health Practitioners Competence Assurance Bill

Proposed amendments

Dr Lynda Scott, in Committee, to move the following amendments:

Clause 52

To add the following subclauses (after line 7 on page 56):

- (3) Application for protection of a quality assurance activity must be made to the Director-General of Health.
- (4) The Director-General of Health may from time to time, by notice in the *Gazette*, specify the requirements for applications under **subsection (3)**.

Clauses 52A, 53, 54, and 54A

To omit these clauses (line 8 on page 56 to line 11 on page 59).

Clause 114

To omit paragraph (i) (lines 12 to 14 on page 98), and substitute the following paragraph:

- (i) to set standards of clinical competence to be observed by health practitioners of the profession:

Clause 116

To omit subclause (1) (lines 12 to 16 on page 99), and substitute the following subclause:

- (1) Each authority must have a minimum of 5 members and a maximum of 14 members, the number to be determined by the Minister.

To omit subclauses (2A) and (3) (line 27 on page 99 to line 13 on page 100), and substitute the following subclauses:

- (2A) The Minister must, by notice in the *Gazette*, appoint members who are laypersons and, subject to **subsection (3)**, members who are health practitioners.
- (3) Where, under any enactment in force prior to the commencement of this Act, a health profession has elected members of its governing body, that profession may elect 50 percent of the members of the authority or such lesser proportion as the governing body or the authority may decide.

Clauses 123, 124, and 125

To omit these clauses (line 28 on page 104 to line 6 on page 106).

Clause 134

To insert in subclause (1), after paragraph (a) (after line 21 on page 109), the following paragraph:

- (aa) the health practitioner's work address or an alternative contact address given by the health practitioner:

To omit from subclause (1)(f) the words "for example, any address of the health practitioner" (lines 30 to 31 on page 109).

Clause 136

To omit from subclause (2) the words "postal address, current residential address, and (if applicable) work address" (lines 8 to 9 on page 111), and substitute the words "work address or any alternative contact address given by the health practitioner".

Clause 231

To omit this clause (lines 6 to 16 on page 168).

Explanatory note

This Supplementary Order Paper makes amendments to the Health Practitioners Competence Assurance Bill at several points, particularly where the proposed regulation is excessive or unnecessary.

Clause 52 is amended to make it clear that the protection of quality assurance activities is not solely a matter for the department and the Minister. Provision is made for applications to be made to the Director-General of Health, and for the Director-General to specify the requirements for such applications in the *Gazette*.

Clauses 52A, 53, 54 and 54A are deleted. Disallowance of protection of a quality assurance activity where a major inquiry is underway is unnecessary and may reduce safety where the quality assurance activity is essential to prevent a recurrence of the acts or omissions that led to the inquiry. The requirement for the Minister to appoint a person to be responsible for the activity and for that person to be independent is also an unnecessary addition to present quality assurance law.

Clause 114 is amended to omit reference to ethical conduct and cultural competence, which are not matters for government appointed regulatory bodies but should be left to the professions.

Clause 116 is amended to provide, in the interests of “ownership” of their professions, that professions that choose to do so may continue to elect members of their authorities rather than all being government appointees.

Clauses 123, 124 and 125 are deleted. Significant concerns and uncertainty continue to surround the concept of codifying scopes of practice in the bill. These provisions concerning the resolution of disputes over overlapping codes of practice, which have always been left to be worked out by the professions in the past and do not require the government’s involvement, are a particularly unnecessary feature.

Clauses 134 and 136 are amended to ensure that the security and privacy of practitioners who do not wish to divulge their home addresses in public registers are protected.

Clause 231 is deleted. This provision would unnecessarily permit claimants to take proceedings to the Human Rights Review Tribunal under the Health and Disability Commissioner Act 1994 notwithstanding that the Commissioner or the Director of Proceedings has determined that the claim is without merit.
