



New South Wales

Health Practitioner Regulation (New South Wales) Amendment Regulation 2012

under the

Health Practitioner Regulation National Law (NSW)

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Health Practitioner Regulation National Law (NSW)*.

JILLIAN SKINNER, MP
Minister for Health

Explanatory note

The object of this Regulation is to amend the *Health Practitioner Regulation (New South Wales) Regulation 2010*:

- (a) to provide for the inaugural membership of several new councils established for certain health professions, and
- (b) to allow the Director-General of the Ministry of Health to set an inaugural fee comprising of the amount of the complaints element for registration fees payable by health practitioners for such health professions.

This Regulation is made under the *Health Practitioner Regulation National Law (NSW)*, including sections 41E and 305.

2012 No 33

Clause 1

Health Practitioner Regulation (New South Wales) Amendment Regulation
2012

**Health Practitioner Regulation (New South Wales)
Amendment Regulation 2012**

under the

Health Practitioner Regulation National Law (NSW)

1 Name of Regulation

This Regulation is the *Health Practitioner Regulation (New South Wales) Amendment Regulation 2012*.

2 Commencement

- (1) This Regulation commences on the day on which it is published on the NSW legislation website, except as provided in subclause (2).
- (2) Schedule 1 [1] and [2] commence on 1 July 2012.

Schedule 1 **Amendment of Health Practitioner Regulation (New South Wales) Regulation 2010**

[1] **Clause 3A**

Insert before clause 4:

3A Inaugural membership of certain Councils

- (1) This clause applies in relation to each of the following Councils (a *new health profession Council*):
 - (a) the Aboriginal and Torres Strait Islander Health Practice Council of New South Wales,
 - (b) the Chinese Medicine Council of New South Wales,
 - (c) the Medical Radiation Practice Council of New South Wales,
 - (d) the Occupational Therapy Council of New South Wales.
- (2) For the purposes of section 41E (1) (b) of the Law:
 - (a) each new health profession Council (other than the Aboriginal and Torres Strait Islander Health Practice Council of New South Wales) consists of 6 members appointed by the Governor, and
 - (b) the Aboriginal and Torres Strait Islander Health Practice Council of New South Wales consists of 4 members appointed by the Governor.
- (3) The members of a new health profession Council (other than the Aboriginal and Torres Strait Islander Health Practice Council of New South Wales) are to consist of:
 - (a) 4 health practitioners who:
 - (i) each have the qualification necessary for appointment, and
 - (ii) are nominated by the Minister, and
 - (b) one Australian lawyer nominated by the Minister, and
 - (c) one person nominated by the Minister who:
 - (i) in the Minister's opinion, is conversant with the interests of patients as consumers of health services provided by the health profession for which the Council is established, and
 - (ii) is not, and has never been, a health practitioner in the health profession.

2012 No 33

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Schedule 1 Amendment of Health Practitioner Regulation (New South Wales) Regulation 2010

- (4) The members of the Aboriginal and Torres Strait Islander Health Practice Council of New South Wales are to consist of:
 - (a) 3 health practitioners who:
 - (i) each have the qualification necessary for appointment, and
 - (ii) are nominated by the Minister, and
 - (b) one Australian lawyer nominated by the Minister.
- (5) At least one of the health practitioners nominated by the Minister under subclause (3) (a) or (4) (a) must have a principal place of practice in this State.
- (6) A person has the qualification necessary for appointment as a member of a new health profession Council under subclause (3) (a) (i) or (4) (a) (i) if:
 - (a) before 1 January 2013—the person is a health practitioner in the health profession for which the new health profession Council is established, or
 - (b) on or after 1 January 2013—the person is a registered health practitioner in the health profession for which the new health profession Council is established.

Note. Clause 15 (1) (f) of Schedule 5C to the Law provides that a member of a Council vacates office if the member ceases to have any qualification necessary for his or her appointment as a member.

[2] **Clause 4 Membership of other Councils that are not relevant Councils**

Insert after clause 4 (3):

- (4) This clause does not apply to a new health profession Council referred to in clause 3A.

[3] **Clause 26**

Insert after clause 25:

26 Setting of inaugural fee by Director-General for certain health professions

- (1) The Director-General may, before 1 July 2012, decide the amount of the complaints element (within the meaning of section 26A of the Law) for registration fees payable by NSW health practitioners (the *complaints element amount*) for the health profession for which any new health profession Council is to be established by the *Health Practitioner Regulation National Law (NSW) Amendment (Health Professions) Order 2012*.

- (2) Any amount decided by the Director-General under subclause (1) is taken to be the complaints element amount for the health profession concerned until the day on which the new health profession Council determines a complaints element amount, with the approval of the Minister, for that health profession under section 26A of the Law.