

Health Practitioner Regulation Amendment Act 2017 No 50

[2017-50]



New South Wales

Status Information

Currency of version

Historical version for 9 January 2018 to 1 September 2018 (accessed 6 December 2023 at 15:43)

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Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Note**

Amending Acts and amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987 No 15](#) once the amendments have taken effect.

Authorisation

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Health Practitioner Regulation Amendment Act 2017 No 50



New South Wales

An Act to amend the *Health Practitioner Regulation (Adoption of National Law) Act 2009* consequential on changes made to the Health Practitioner Regulation National Law by the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017* of Queensland; and for other purposes.

1 Name of Act

This Act is the *Health Practitioner Regulation Amendment Act 2017*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of *Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86*

[1]-[3] (Repealed)

[4] Schedule 1 [10A]

Insert after Schedule 1 [10]:

[10A] Section 127AA

Insert after section 127A:

127AA Council to be review body for purposes of section 127A [NSW]

- (1) The Council for the health profession in which the relevant practitioner or student is registered is declared to be the review body for the purposes of section 127A.
- (2) A Council, in deciding a matter referred to it under section 127A, must do so in accordance with this section.

- (3) A Council may inquire into and decide the matter on its own motion or on the application of the relevant practitioner or student.
- (4) An application may not be made—
 - (a) while the terms of the condition or undertaking provide that an application for review may not be made; or
 - (b) while an appeal to the Tribunal or the Supreme Court in respect of the same matter is pending.
- (5) A Council, following its inquiry into a matter, may do any of the following—
 - (a) in the case of an inquiry initiated by an application, dismiss the application;
 - (b) in the case of an inquiry initiated by the Council, decide to do nothing;
 - (c) in the case of an inquiry in relation to an undertaking, decide to revoke the undertaking or revoke the undertaking and impose a condition on similar or different terms as the undertaking;
 - (d) in the case of an inquiry in relation to a condition, decide to remove the condition, change the condition or remove the condition and impose a new condition.

Note—

This section is an additional New South Wales provision.

[5] Schedule 1 [15], section 159 (1) (b)

Insert “section 127AA or” after “under”.

[6] Schedule 1 [15], section 163A (4)

Omit “Court.” from paragraph (e) of the definition of ***decision-making entity***.

Insert instead:

Court;

(f) a review body in New South Wales, when deciding a matter under section 127A.

[7] Schedule 1 [15], section 176B

Omit the section. Insert instead:

176B National Board to give notice to registered health practitioner’s

employer and other entities [NSW]

- (1) This section applies if—
- (a) a National Board—
 - (i) decides to take health, conduct or performance action against a registered health practitioner; or
 - (ii) receives notice from an adjudication body that the adjudication body has decided to take health, conduct or performance action against a registered health practitioner; or
 - (iii) receives notice from a co-regulatory authority that an adjudication body in the co-regulatory jurisdiction has decided to take health, conduct or performance action against a registered health practitioner; and
 - (b) the National Board has been given practice information under section 132 or becomes aware of practice information it should have been given under that section.
- (2) The National Board, as soon as practicable after making the decision or receiving the notice—
- (a) if the practice information given to the Board, or of which the Board becomes aware, is information referred to in paragraph (a) of the definition of ***practice information*** in section 132 (4) and includes the names of other registered health practitioners—may give written notice to each of those practitioners of the decision to take health, conduct or performance action against the registered health practitioner; or
 - (b) if the practice information given to the Board, or of which the Board becomes aware, is information referred to in paragraph (c) or (d) of the definition of ***practice information*** in section 132 (4) and includes the name of an entity—must give written notice to the entity of the decision to take health, conduct or performance action against the registered health practitioner.

[8] (Repealed)

Schedule 2 (Repealed)

Schedule 3 Amendment of [Health Services Act 1997 No 154](#)

[1] Chapter 5A Ambulance services

Omit Part 6A.

[2], [3] (Repealed)

Schedule 4 (Repealed)

Schedule 5 Consequential amendment of other Acts and instruments

5.1-5.17

(Repealed)

5.18 Health Services Regulation 2013

Part 4 Ambulance Service

Omit Division 2A.

5.19-5.36

(Repealed)