

Health Registration Acts (Amendment) Bill

EXPLANATORY MEMORANDUM

OUTLINE

The objective of this Bill is to introduce a number of standard provisions into health registration Acts.

These relate to—

- (a) members' fees;
- (b) fees for registration;
- (c) publication of registers; and
- (d) audit of board accounts.

The opportunity is also being taken to make some statute law type amendments to several Acts.

CLAUSE NOTES

PART 1—PRELIMINARY

Clause 1 states the purposes of the Act.

Clause 2 provides for commencement of the Act on a day or days to be proclaimed.

PART 2—AMENDMENT OF CHIROPODISTS ACT 1965

Clause 3 inserts two new sub-sections in section 8 of the Chiropractors Act. Section 8 currently requires the Chiropractors Registration Board of Victoria to keep a register of chiropractors. The new sub-sections specify that the register can be inspected at the office of the Board during office hours without charge, and that a person can obtain a copy of, or extract from, the register on payment of the prescribed fee.

Clause 4 omits the ceilings on the fees which can be prescribed for registration, renewal of registration and so on, fixed by section 11 of the Act.

Clause 5 substitutes modern accounting and reporting provisions for that expressed in section 13 of the Act, and provides for the audit of the Board's financial statements by the Auditor-General.

PART 3—CHIROPRACTORS AND OSTEOPATHS ACT 1978

Clause 6 amends section 3 of the **Chiropractors and Osteopaths Act 1978** to enable the fees and allowances payable to the chairman and members of the Chiropractors and Osteopaths Registration Board of Victoria to be fixed by the Governor in Council rather than prescribed by regulation.

Clause 7 deletes the requirement for the annual publication in the Government Gazette of either the Register of Chiropractors and Osteopaths, or a supplementary list showing alterations, revisions and removals made in the register. In lieu, the register will have to be

available for inspection at the office of the Board during office hours without charge. Copies or extracts can also be purchased from the Board on payment of the prescribed fee.

Clause 8 substitutes modern accounting and reporting provisions for that contained in sections 18 (3) and 19 of the Act, and provides for the audit of the Board's financial statements by the Auditor-General.

Clause 9 deletes the ceilings on the various fees which may be prescribed under section 25 (1) of the Act.

Clause 10 makes a statute law revision amendment to section 11 (3) of the Act. It omits the word "be" which is duplicated in the sub-section.

PART 4—AMENDMENT OF DENTAL TECHNICIANS ACT 1972

Clause 11 amends or repeals a number of provisions in the **Dental Technicians Act 1972**. The overall effect is to enable fees and allowances for members of the Dental Technicians Licensing Committee and the Advanced Dental Technicians Qualifications Board to be fixed by Order in Council instead of being prescribed by regulation.

Clause 12 deletes from section 6 the requirement to publish in the Government Gazette each year a copy of the Dental Technicians Roll, or a supplementary list. Under the substituted provisions, the roll can be inspected without charge during office hours at the office of the Committee and copies or extracts can be obtained on payment of the prescribed fee.

The clause goes on to make similar amendments to section 19 of the Act which relates to the publication of the Advanced Dental Technicians Register.

Clause 13 substitutes modern accounting and reporting provisions for those currently contained in section 34A of the Act, and provides for the audit of the financial statements of the Committee and the Board by the Auditor-General.

Clause 14 updates references to the **Inebriates Act 1958** in section 25 of the Act.

PART 5—AMENDMENT OF DENTISTS ACT 1972

Clause 15 amends various sections of the **Dentists Act 1972** to enable fees and allowances payable to members of the Dental Board of Victoria, and committees established under the Act, to be fixed by the Governor in Council rather than prescribed by regulation.

Clause 16 repeals the current reporting requirements in section 4 of the Act. It substitutes modern accounting and reporting provisions under which the financial statements of the Board will be audited by the Auditor-General.

Clause 17 repeals section 7 (2) of the Act. Section 7 (2) is the table of maximum fees which may be prescribed under the Act.

Clause 18 repeals the onus imposed on the Minister by section 15 (1) of the Act to publish a copy of the Dentists' Register each year in the Government Gazette. The effect of the repeal, coupled with the amendments proposed to section 10, is to require that a copy of the register be kept for public inspection, without charge, at the office of the Board. In addition, copies or extracts can be purchased at the prescribed fee.

PART 6—AMENDMENT OF DIETITITANS ACT 1981

Clause 19 omits the requirement in section 10 of the **Dietitians Act 1981** that, each year, either a copy of the Register of Dietitians, or a supplementary list, must be published in the Government Gazette. In lieu, a copy of the register may be inspected without charge at the office of the Dietitians Board of Victoria, and copies or extracts purchased on payment of the prescribed fee.

The clause also makes consequential amendments to section 11 of the Act.

Clause 20 substitutes modern accounting and reporting provisions for that currently contained in sections 24 and 25 of the Act.

Clause 21 repeals the ceilings on the various fees which may be prescribed under the Act specified in section 28.

Clause 22 omits the table of Parts in section 1 of the Act in accordance with modern drafting practices.

PART 7—AMENDMENT OF MEDICAL PRACTITIONERS ACT 1970

Clause 23 amends sections 4, 7A and 37 of the **Medical Practitioners Act 1970**. The effect of the amendments is to enable fees and allowances payable to members of the Medical Board of Victoria and the Hospitals Accreditation Committee to be fixed by the Governor in Council. At the present time, such fees and allowances are prescribed by regulation.

Clause 24 deletes from section 5 the table of maximum fees which may be prescribed under the Act. An associated amendment to section 10 fixes the penalty for the late renewal of registration at 25% of the renewal fee, rather than \$25, if the application is lodged by 30 September, and 50%, rather than \$50, if the application is lodged between 1 October and 31 December.

Clause 25 omits from the Act the obligation imposed on the Board by section 15 to publish a copy of the Medical Register of Victoria each year in the Government Gazette. Under the substituted provisions, the register can be inspected at the office of the Board without charge, and copies, or extracts, purchased at the prescribed fee.

PART 8—AMENDMENT OF NURSES ACT 1958

Clause 26 amends sections 38, 38A and 45 of the **Nurses Act 1958**. The substantive effect is to delete the ceilings on the various fees which can be prescribed under the Act.

Clause 27 revises the provisions in section 40 of the Act relating to the financial affairs of the Victorian Nursing Council to adopt modern accounting and reporting requirements.

Clause 28 makes several statute law revision amendments to the Act. In particular, it repeals the table of Parts in section 1, and corrects some technical errors in section 9 (3) which occurred when that section was amended by the **Health (Amendment) Act 1985**.

PART 9—AMENDMENT OF OPTOMETRISTS REGISTRATION ACT 1958

Clause 29 substitutes a new sub-section (12A) in section 5 of the **Optometrists Registration Act 1958**. Its effect, coupled with the repeal of section 26 (1) (ba) of the Act, is to enable fees and allowances for members of the Optometrists Registration Board to be fixed by the Governor in Council, instead of having to be prescribed in regulations.

Clause 30 repeals the obligation of the Board under section 8 of the Act to either publish a copy of the Certified Optometrists Register each year in the Government Gazette, or a supplementary list. The alternative provisions substituted by the clause entitle any person to inspect the register without charge at the office of the Board, and to buy copies, or extracts, on payment of the prescribed fee.

Clause 31 deletes the ceilings on fees specified in section 14 which may be prescribed under the Act, and makes a consequential amendment to section 26.

Clause 32 substitutes modern accounting and reporting provisions for those currently contained in section 22 of the Act.

PART 10—AMENDMENT OF PHARMACISTS ACT 1974

Clause 33 is designed to enable fees and allowances for members of the Pharmacy Board of Victoria and advisory committees established by the Board to be fixed by the Governor in Council. It makes appropriate amendments to sections 4, 5 and 37 of the **Pharmacists Act 1974** to achieve this objective.

Clause 34 replaces section 5A, which is the current accounting and reporting provision in the Act, with more modern equivalents.

Clause 35 removes the obligation imposed on the Minister by section 11 of the Act to publish a copy of the Pharmacists' Register of Victoria in the Government Gazette each year. The effect of the substituted provisions is to authorise the inspection of the register by any person without charge at the office of the Board. Likewise, copies, or extracts, can be purchased on the payment of the prescribed fee.

Clause 36 repeals the scale of maximum fees set out in section 15 which may be prescribed under the Act.

Clause 37 makes several statute law revision amendments to the Act. These—

- (a) repeal the table of Parts in section 1 (2);
- (b) update references to the Victorian College of Pharmacy in sections 12 (1) (a) and 13 (1); and
- (c) substitute “**Drugs, Poisons and Controlled Substances Act 1981**” for “**Poisons Act 1962**” in sections 18 (3) (d) and 37 (w) of the Act.

PART 11—AMENDMENT OF PHYSIOTHERAPISTS ACT 1978

Clause 38 amends section 5 (5) of the **Physiotherapists Act 1978** so that fees and allowances for members of the Physiotherapists Registration Board of Victoria can be fixed by order in council instead of by regulation.

Clause 39 deletes from section 16 of the Act the requirement that either a copy of the Register of Physiotherapists or a supplementary list must be published by the Board in the Government Gazette each year. The substituted provisions provide that the register can be

inspected at the office of the Board by any person without charge and that copies, or extracts, can be obtained on payment of the prescribed fee.

Clause 40 substitutes modern accounting and reporting provisions for those currently expressed in sections 21(3) and 22 of the Act, and will require the financial statements of the Board to be audited by the Auditor-General.

Clause 41 deletes the ceilings fixed in section 28 of the Act on the fees which can be prescribed by regulation.

Clause 42 makes two statute law revision amendments to the Act. Paragraph (a) repeals the table of Parts in section 1, while paragraph (b) updates the reference to the Mental Health Act in section 7 (1).

PART 12—AMENDMENT OF PSYCHOLOGICAL PRACTICES ACT 1965

Clause 43 substitutes modern accounting and reporting provisions for that in section 14 of the **Psychological Practices Act 1965**.

Clause 44 inserts a new sub-section (3A) in section 15 of the Act. Sub-section (3) currently requires that the register of psychologists be open to the inspection of any person without charge at all times the office of the Victorian Psychological Council is opened for business. The new sub-section provides for the sale of copies of, and extracts from, the register.

Clause 45 deletes the ceiling on fees which may be prescribed under section 46 (1) of the Act.

