

Medical Practice and Nurses Acts (Amendment) Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1° 27 April 1995

(Brought in by Mrs Tehan and Mr McGrath (Wimmera))

A BILL

to amend the **Medical Practice Act 1994** and the **Nurses Act 1993**
and for other purposes.

Medical Practice and Nurses Acts (Amendment) Act 1995

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purposes

The purposes of this Act are to—

- 5 (a) amend the **Medical Practice Act 1994** and the
 Nurses Act 1993 to make further provision for
 the transitional arrangements under those Acts;
 and
- 10 (b) to make other minor amendments to the
 Medical Practice Act 1994; and

Section headings appear in bold italics and are not part of the Act.
(See **Interpretation of Legislation Act 1984**.)

Medical Practice and Nurses Acts (Amendment)

(c) to amend the registration provisions of the **Nurses Act 1993** to make other minor amendments to that Act.

2. Commencement

- (1) Sections 6, 7, 9 and 12 of this Act are deemed to have come into operation on 1 July 1994. 5
- (2) The remaining provisions of this Act come into operation on the day on which this Act receives the Royal Assent.

PART 2—MEDICAL PRACTICE ACT 1994 10

Act N . 23 f
1994.

3. Principal Act

In this Part the **Medical Practice Act 1994** is called the Principal Act.

4. Powers of entry

In section 93 (2) of the Principal Act, for “**Magistrates’ Courts Act**” substitute “**Magistrates’ Court Act**”. 15

5. Transitional provision—amendment

In section 102 (1) (b) of the Principal Act, after “in relation” insert “to”. 20

6. Insertion of new section 102A

After section 102 of the Principal Act insert—

“102A. Application of this Act to conduct occurring before the commencement of this Act

- (1) In the case of the activities of any medical practitioner which occurred before the commencement of Part 3, this Act applies insofar as there was power to 25

conduct an inquiry under section 16 or 17 of the old Act into those activities.

5 (2) Any determination or outcome of a hearing into those activities must be one which would have been available as a finding or decision in an inquiry by the old Board under the old Act.

10 (3) Sub-section (1) does not apply to activities which are the subject of proceedings to which section 102 applies.”.

7. Amendment of references

In Schedule 1 to the Principal Act, for items 28.4 to 28.8 **substitute**—

15 “28.4 In section 10 (3)—

(a) in paragraphs (c) and (d), before “medical practitioner” (where second occurring) **insert** “registered”; and

20 (b) in paragraph (e), before “medical practitioner” **insert** “registered”.

28.5 In section 11 (3)—

(a) in paragraphs (c) and (d), before “medical practitioner” (where second occurring) **insert** “registered”; and

25 (b) in paragraph (e), before “medical practitioner” **insert** “registered”.

28.6 In section 12 (3)—

(a) in paragraphs (c) and (d), before “medical practitioner” (where second occurring) **insert** “registered”; and

(b) in paragraph (e), before “medical practitioner” **insert** “registered”.

28.7 In section 13 (3)—

35 (a) in paragraphs (c) and (d), before “medical practitioner” (where second occurring) **insert** “registered”; and

(b) in paragraph (f), before “medical practitioner” **insert** “registered”.

28.8 In section 13A (3)—

(a) in paragraphs (c) and (d), before “medical practitioner” (where second occurring) **insert** “registered”; and

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(b) in paragraph (e), before “medical practitioner” **insert** “registered.”.

PART 3—NURSES ACT 1993

Act No. 11 of 1993.

8. Principal Act

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In this Part the **Nurses Act 1993** is called the Principal Act.

9. Qualifications for registration

In section 7 (3) (a) of the Principal Act, after “enrolled in” **insert** “and had commenced”.

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10. Restricted registration

In section 8 (1) of the Principal Act, after paragraph (b) **insert**—

“; or

(c) where the applicant’s qualifications are not recognised in Victoria but the Board is of the opinion that the applicant should be registered to enable her or him to carry out further study or training in Victoria.”.

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11. Terms of office of Board members

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In section 68 of the Principal Act, for sub-section (1) **substitute**—

“(1) A member of the Board holds office for the period specified in his or her instrument of appointment, which must not be more than 3 years.”.

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12. Insertion of new section 98A

After section 98 of the Principal Act insert—

“98A. *Application of this Act to conduct occurring before the commencement of this Act*

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- (1) This Act applies to the activities of a nurse which occurred before the commencement of Part 3 of this Act in so far as there was power to cancel registration under section 23c (1) of the old Act with respect to those activities.
 - (2) Sub-section (1) does not apply to activities which are the subject of proceedings or procedures to which section 98 applies.”.

