

# Medical Practice and Nurses Acts (Amendment) Bill

## EXPLANATORY MEMORANDUM

### Outline

The Bill makes various minor amendments to the **Medical Practice Act 1994** and to the **Nurses Act 1993**.

### Clause Notes

#### PART 1—PRELIMINARY

*Clause 1* sets out the purposes of the Bill.

*Clause 2* is the commencement provision.

#### PART 2—MEDICAL PRACTICE ACT 1994

*Clause 3* states that the **Medical Practice Act 1994** is the Principal Act referred to in this Part.

*Clause 4* corrects an incorrect reference to the **Magistrates' Court Act 1989** in section 93 (3) of the Principal Act.

*Clause 5* inserts a missing word into section 102 (1) (b) of the Principal Act.

*Clause 6* inserts a new section, section 102A, in the Principal Act.

Sub-section (1) applies the Principal Act to activities of any medical practitioner which occurred before the commencement of Part 3 of that Act insofar as there was power to conduct an inquiry under section 16 or 17 of the **Medical Practitioners Act 1970** into those activities.

Sub-section (2) stipulates that any determination or outcome of a hearing into such activities must be one which would have been available as a finding or decision in an inquiry by the Medical Board of Victoria under the Medical Practitioners Act prior to its repeal.

Sub-section (3) states that sub-section (1) does not apply to activities which are the subject of proceedings to which section 102 of the Principal Act applies.

*Clause 7* substitutes items 28.4 to 28.8 inclusive of Schedule 1 to the Principal Act. This removes certain prefacing of references to “medical practitioner” with the word “registered” in the **Infertility (Medical Procedures) Act 1984**.

#### PART 3—NURSES ACT 1993

*Clause 8* states that the **Nurses Act 1993** is the Principal Act referred to in this Part.

*Clause 9* inserts words into section 7 (3) (a) of the Principal Act to clarify that the Nurses Board has closed the register to any new applicant under division 3, 4 or 5 of the

Principal Act who commenced the course upon which the applicant is relying as the qualification for registration in 1994 or later.

*Clause 10* adds a further type of restricted registration under section 8 of the Principal Act where the applicant's qualifications are not recognised in Victoria but the Nurses Board is of the opinion that the applicant should be registered to enable the applicant to study or train further in Victoria.

*Clause 11* amends section 68 of the Principal Act to permit a member of the Nurses Board to be appointed for a period of not more than three years.

*Clause 12* inserts a new section, section 98A, in the Principal Act.

Sub-section (1) permits the Nurses Board of Victoria to conduct an investigation or inquiry into the activities of a nurse which occurred before Part 3 of the Principal Act commenced in so far as there was power to cancel registration by the Victorian Nursing Council under section 23c (1) of the **Nurses Act 1958** prior to its repeal.

Sub-section (2) states that sub-section (1) does not apply to activities which are the subject of proceedings or procedures to which section 98 of the Principal Act applies.