

FACT SHEET

Health Practitioners Tribunal Amendment Bill 2015

The Health Practitioners Tribunal Amendment Bill 2015 (the Bill) proposes amendments to the *Health Practitioners Tribunal Act 2010* (the Act) in relation to the appointment of the Chairperson and Deputy Chairperson positions on the Health Practitioners Tribunal (HPT).

The Health Practitioners Tribunal Act was introduced as part of the implementation of the National Registration and Accreditation Scheme for health professionals under the Health Practitioner Regulation National Law.

The HPT is established under section 7 of the Act. It determines disciplinary matters and complaints against practitioners from the regulated health professions and reviews decisions made or matters referred by the national boards regulating the professions.

The membership of the HPT consists of:

- a chairperson appointed by the Minister for Justice on the recommendation of the Chief Magistrate;
- a Deputy Chairperson appointed by the Minister for Justice on the recommendation of the Chief Magistrate;
- professional members appointed by the Chairperson from a list of practitioners supplied by the National Health Practitioners Boards; and
- community members appointed by the Chairperson from a list supplied by the Minister for Justice.

Not all members sit on the HPT during a hearing. Depending on the facts of the matter before it, the HPT may be constituted by:

- the Chairperson or Deputy Chairperson sitting alone; or
- the Chairperson or Deputy Chairperson and two professional members; or
- the Chairperson or Deputy Chairperson plus one professional member and one community member.

The Act currently requires a person to be a Magistrate recommended by the Chief Magistrate in order to be appointed to the Chairperson or Deputy Chairperson roles.

The amendments introduce an additional category of people who can be appointed to the Chairperson and Deputy Chairperson roles on the HPT; that is, Australian lawyers of not less than 5 years' standing as an Australian legal practitioner. This amendment provides a more flexible option for appointing appropriately qualified people to these specialist roles, along with using the existing Magistrates where available.

These amendments are consistent with the membership provisions relating to most other Boards and Tribunals in Tasmania.

The Bill also amends Schedule I of the Act. Schedule I sets out the terms of appointment of the Chairperson and Deputy Chairperson, including the circumstances in which the Chairperson or Deputy Chairperson ceases to hold office. The Bill makes amendments to the Schedule to reflect the new appointment requirements. For example, the amendments provide that the Chairperson or Deputy Chairperson ceases to hold office if he or she ceases to be an Australian lawyer.