

MEDICAL SERVICES AMENDMENT BILL 2016

SERIAL NO 14

LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY
MINISTER FOR HEALTH

EXPLANATORY STATEMENT

GENERAL OUTLINE

This Bill amends the *Medical Services Act*.

The purpose of this Bill is to amend the existing legislation to:

- provide the Chief Executive Officer of the Department of Health with the power to:
 - make by-laws for the regulation of parking, traffic and certain other personal conduct on public hospital premises within the Northern Territory of Australia;
 - appoint authorised officers to perform certain functions in relation to the good order and management of hospital premises in accordance with the by-laws.
- repeal the *Medical Services (Royal Darwin Hospital Parking) Regulations*.

NOTES ON CLAUSES

Clause 1 Short Title

This is a formal clause which provides for the citation of the Bill. The Bill when passed may be cited as the *Medical Services Amendment Act 2016*.

Clause 2 Commencement

This clause sets out how the Amendment Act will be commenced. In this case, this will be done by notice given by and on a day fixed by the Administrator in the Northern Territory Government Gazette.

Clause 3 Act amended

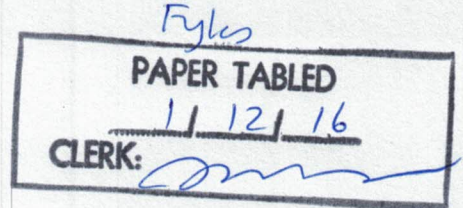
This clause identifies that Part 2 of the Bill and all provision contained therein, amends the *Medical Services Act*.

Clause 4 Section 5 amended

This clause inserts into section 5 (Definitions) of the *Medical Services Act* the additional definitions of '**acting in an official capacity**' and '**authorised officer**' which are terms utilised in the provisions being inserted in the Act. This clause also inserts a note at the end of section 5 of the Act regarding definitions and other conditions contained in the *Interpretation Act* that may be relevant to the *Medical Services Act*.

Clause 5 Section 5A inserted

This clause inserts a new section 5A into the *Medical Services Act* which provides for the application of Part IIAA of the *Criminal Code Act* to an offence against the *Medical Services Act*. Insertion of this new section ensures the amended legislation will be compliant with the Commonwealth Model Criminal Code.



Clause 6 Section 8 amended

This clause amends section 8 of the *Medical Services Act* by inserting a limitation on the power of delegation of the Chief Executive Officer's powers and functions. The Chief Executive Officer will be permitted to delegate any of the powers and functions of the Chief Executive Officer other than the power of delegation and the power to make by-laws.

Clause 7 Part IIIA inserted

This clause inserts a new Part IIIA into the *Medical Services Act* after Section 15 to:

- make provisions for the appointment of authorised officers under the Act, Regulations and by-laws (inserting a new section 15A(1));
- give authorised officers certain powers to perform their functions under the Act, Regulations and by-laws (inserting a new section 15A(2)); and
- providing the administrative framework for authorised officers:
 - to receive and carry an identity card containing specific information (inserting a new section 15B);
 - requiring the authorised officer to return the identity card on cessation of engagement of the authorised officer, making it an offence of strict liability to fail to return the identity card with a penalty, and a defence of reasonable excuse (inserting a new section 15C);
- providing for offences of strict liability with penalties for:
 - obstruction of an authorised officer acting in an official capacity (inserting a new section 15D); and
 - provision of misleading information to an authorised officer (inserting a new section 15E).

Clause 8 Section 19 inserted

This clause inserts into the *Medical Services Act* a new section 19 which gives the Chief Executive Officer the power to make by-laws:

- for the regulation of traffic, parking and personal conduct of persons;
- providing for offences and prescription of penalties;
- providing for the ability to issue and infringement notice to the owner of a motor vehicle if the offender is not ascertained at the time of offending; and
- the application of by-laws to declared premises on and from the date of a declaration published in the *Gazette*.

Clause 9 Repeal

This clause repeals the *Medical Services (Royal Darwin Hospital Parking) Regulations 2016*.

Clause 10 Expiry of Act

This clause provides for expiry of the Act on the day after it commences.

INDEX TO ATTACHMENTS

	TITLE
A	National Disability Insurance Scheme Quality and Safeguarding Framework – Executive Summary
B	National Disability Insurance Scheme Quality and Safeguarding Framework
C	National Disability Insurance Scheme Quality and Safeguarding Regulation Impact Statement

Minister's signature:

Date:

Hon Natasha Fyles MLA
MINISTER FOR HEALTH