



Australian Capital Territory

Health Practitioner Regulation National Law (ACT) Act 2010

A2010-10

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Australian Capital Territory

Health Practitioner Regulation National Law (ACT) Act 2010

A2010-10

An Act about health practitioner regulation, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Health Practitioner Regulation National Law (ACT) Act 2010*.

2 Commencement

- (1) This Act commences on—
- (a) 1 July 2010; or
 - (b) if, before 1 July 2010, the Minister fixes another day (not later than 1 July 2011) by written notice—the day fixed.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

- (2) However, a date or time provided by a special commencement provision for an amendment made by this Act has effect as the commencement date or time of the amendment.
- (3) In this section:

special commencement provision, for an amendment made by this Act, is a provision, in brackets beginning with the text ‘commencement:’, at the end of the amendment.

Example

An amendment followed by ‘(commencement: 1 July 2012)’ means that the amendment commences on 1 July 2012.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (4) The Legislation Act, section 79 (Automatic commencement of postponed law) does not apply to this Act.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act.

Note 2 A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Terms used in Health Practitioner Regulation National Law (ACT)

Terms used in this Act and also in the *Health Practitioner Regulation National Law (ACT)* have the same meanings in this Act as they have in that Law.

5 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Adoption of Health Practitioner Regulation National Law

6 Application of Health Practitioner Regulation National Law

The Health Practitioner Regulation National Law, as in force from time to time, set out in the schedule to the Qld Act—

- (a) applies as a territory law, as modified by schedule 1; and
- (b) as so applying may be referred to as the *Health Practitioner Regulation National Law (ACT)*; and
- (c) so applies as if it were a part of this Act.

Note The Qld Act is accessible at www.legislation.qld.gov.au

7 Meaning of generic terms in Health Practitioner Regulation National Law for purposes of this jurisdiction

In the *Health Practitioner Regulation National Law (ACT)*:

magistrates court means the Magistrates Court.

the State means the Territory.

this jurisdiction means the ACT.

8 Responsible tribunal for Health Practitioner Regulation National Law (ACT)

The ACAT is declared to be the responsible tribunal for this jurisdiction for the *Health Practitioner Regulation National Law (ACT)*.

Note **Responsible tribunal**—see the *Health Practitioner Regulation National Law (ACT)*, s 5.

9 Exclusion of territory laws

The following territory laws do not apply to the *Health Practitioner Regulation National Law (ACT)* or to instruments made under that Law:

- (a) the *Annual Reports (Government Agencies) Act 2004*;
- (b) the *Auditor-General Act 1996*;
- (c) the *Criminal Code 2002*;
- (d) the *Financial Management Act 1996*;
- (e) the *Freedom of Information Act 1989*;
- (f) the *Legislation Act 2001*;
- (g) the *Ombudsman Act 1989*;
- (h) the *Public Sector Management Act 1994*.

Note The *Health Practitioner Regulation National Law (ACT)*, s 198 provides that the provisions about appeals in the Law apply despite the *ACT Civil and Administrative Tribunal Act 2008*, but does not otherwise limit that Act.

10 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the Legislation Act.

11 Review of Act

- (1) The Minister must as soon as practicable after 1 July 2011—
 - (a) review the operation of this Act in relation to the relationship of the National Boards and the health complaints entity; and
 - (b) present a report of the review to the Legislative Assembly.
- (2) This section expires on 1 July 2012.

Part 3 Local provisions

Division 3.1 Amendment of legislation

12 Legislation amended—sch 2

This Act amends the legislation mentioned in schedule 2.

Division 3.2 Transitional provisions

13 Transitional regulations

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of this Act.
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.
- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act or another territory law.

14 Annual reports for old boards

- (1) This section applies if—
 - (a) a health profession board (the *old board*) under the *Health Professionals Act 2004* as in force immediately before the commencement of this Act ceases, or has ceased, to exist on or immediately before the commencement of this Act; and
 - (b) some or all of the functions of the board become, or have become, functions of a national board under the *Health Practitioner Regulation National Law (ACT)*.

- (2) The old board is taken to continue to exist under the *Health Professionals Act 2004*, as in force immediately before the commencement of this Act—
- (a) for the purpose of preparing the old board’s annual report for the financial year ending before the commencement of this Act; and
 - (b) for the time it takes to prepare the annual report.
- (3) This section expires 6 months after the day this Act commences.

15 Expiry—pt 3

This part expires 2 years after the day it commences.

Schedule 1 Modifications—Health Practitioner Regulation National Law

(see s 6)

[1.1] New section 35A

insert

35A National Board consideration of criminal history

- (1) In making a decision under this Act that relates to an individual's criminal history, a National Board must consider—
 - (a) the individual's criminal record; and
 - (b) the inherent requirements of the profession, division or recognised specialty, for which the individual is seeking registration; and
 - (c) whether or not there is a high degree of direct connection between the individual's criminal record and the inherent requirements of the profession, division or recognised specialty.
- (2) If guidelines have been made by the National Board for this section, the board must also consider the guidelines when making the decision.

[1.2] Section 150 (1)

omit everything before paragraph (a), substitute

- (1) If a National Board receives a complaint, the board must, as soon as practicable after its receipt—

[1.3] New section 150 (4A)

insert

- (4A) The action that may be taken in relation to a notification or complaint, or part of a notification or complaint, from most serious to least serious, is as follows:
- (a) deal with the notification or complaint, or part, under part 8, division 7 (Immediate action);
 - (b) refer the notification or complaint, or part, to the responsible tribunal under part 8, division 12 (Referring matter to responsible tribunals);
 - (c) refer the notification or complaint, or part, to the health complaints entity to be considered under the *Human Rights Commission Act 2005*;
 - (d) investigate the notification or complaint, or part, under part 8, division 8 (Investigations);
 - (e) deal with the notification or complaint, or part, as a professional standards matter under part 8, division 11 (Panels);
 - (f) deal with the notification or complaint, or part, as a health matter under part 8, division 11 (Panels);
 - (g) take action under part 8, division 10 (Action by National Board);
 - (h) decide to take no further action in relation to the notification, complaint, or part, in accordance with section 151 (When National Board may decide to take no further action).

[1.4] Section 150 (5)

omit

If an investigation, conciliation or other action taken by a health complaints entity

substitute

If an investigation or other action taken by a health complaints entity, other than a conciliation,

[1.5] New section 150 (5A)

insert

- (5A) If a notification or complaint is referred to the health complaints entity for consideration under subsection (4A) (c), the health complaints entity must report the results of the consideration to the National Board as soon as practicable.

[1.6] Section 151 (1)

omit

A National Board

substitute

Subject to section 150, a National Board

[1.7] Section 152 (2)

substitute

- (2) The notice must advise the registered health practitioner or student of—
- (a) the nature of the notification; and
 - (b) the powers that the board might exercise in relation to the notification; and

- (c) the procedural rights that the health practitioner or student has under this Act.
- (2A) If a National Board approves a form for the notice, the notice must be in the approved form.

[1.8] Section 160 (1)

omit

A National Board

substitute

Subject to section 150, a National Board

[1.9] New section 166 (3)

insert

- (3) The National Board to which the report is given must give a copy of the report to the health complaints entity as soon as practicable.

[1.10] Section 167

omit everything before paragraph (a), substitute

167 Joint decision by National Board and health complaints entity

- (1) The National Board must consider the investigator's report jointly with the health complaints entity and attempt to reach agreement on how the matter that is the subject of the report is to be dealt with.
- (2) After consideration under subsection (1), the National Board must decide—

[1.11] New section 167 (3) and (4)

insert

- (3) However, if the National Board and the health complaints entity are not able to reach agreement on how the matter is to be dealt with, the decision of the board under subsection (2) must be to take the most serious action proposed by either the board or the health complaints entity.
- (4) The actions that may be taken in relation to the matter, from most serious to least serious, are the actions set out in section 150 (4A).

[1.12] New section 172 (2) (ca) and (cb)

insert

- (ca) the powers that the board might exercise in relation to the assessment; and
- (cb) the procedural rights that the health practitioner or student has under this Act.

[1.13] New section 172 (3)

insert

- (3) If a National Board approves a form for the notice, the notice must be in the approved form.

[1.14] Section 175

omit

The assessor must

substitute

- (1) The assessor must

[1.15] New section 175 (2)

insert

- (2) If the report relates to a performance assessment, the National Board to which the report is given must give a copy of the report to the health complaints entity as soon as practicable.

[1.16] Section 177

omit everything before paragraph (a), substitute

177 Joint decision by National Board and health complaints entity

- (1) The National Board must consider the report and discussions held with the registered health practitioner or student under section 176 (3).
- (2) If the assessor's report relates to a performance assessment, the consideration must be joint consideration with the health complaints entity, and the National Board and health complaints entity must attempt to reach agreement on how the registered health practitioner or student is to be dealt with.
- (3) After consideration, the National Board may decide to—

[1.17] New section 177 (4) and (5)

insert

- (4) If the report relates to a performance assessment and the National Board and the health complaints entity are not able to reach agreement on what to do in relation to the registered health practitioner or student, the decision of the board under subsection (3) must be to take the most serious action proposed by either the board or the health complaints entity.
- (5) The actions that may be taken under subsection (4), from most serious to least serious, are the actions set out in section 150 (4A).

[1.18] New section 178 (1A)*insert*

- (1A) This section also applies if—
- (a) on jointly considering a notification, complaint or other matter, the health complaints entity is satisfied on reasonable grounds that the National Board should take action under subsection (2) (a), (b) or (c) in relation to a registered health practitioner or student registered by the board; and
 - (b) the action proposed by the health complaints entity to be taken by the board is more serious than any other action proposed by the board to be taken.

[1.19] New section 178 (4)*insert*

- (4) If this section applies in relation to a registered health practitioner or student registered by the board because of subsection (1A), the National Board must—
- (a) jointly consider with the health complaints entity the action to be taken under subsection (2) (a), (b) or (c); and
 - (b) take the action agreed after joint consideration.

[1.20] New section 184 (3)*insert*

- (3) The panel must also give a copy of the notice to the health complaints entity as soon as practicable.

[1.21] New section 185 (4)*insert*

- (4) A panel must have regard to evidence given by the health complaints entity under section 186A.

[1.22] New section 186A

insert

186A Role of health complaints entity

At a hearing of a panel, the health complaints entity may—

- (a) be represented; and
- (b) give evidence about the consideration of a complaint or other matter by the health complaints entity; and
- (c) be present at the hearing even if not giving evidence.

[1.23] New section 192 (3A)

insert

- (3A) The National Board must also, within 30 days after the panel makes its decision, give the health complaints entity a copy of the notice given to the registered health practitioner or student.

[1.24] Schedule 5, part 1, clause 2 (3)

substitute

- (3) For subclauses (1) and (2), it is not a reasonable excuse for an individual to fail to give stated information, answer a question or produce a document only because giving the information, answering the question or producing the document might tend to incriminate the individual.
- (4) However—
 - (a) the information, answer or document required to be given, answered or provided by the individual is not admissible in evidence against the individual in a criminal proceeding, other than a proceeding for—
 - (i) an offence against this schedule; or

- (ii) an offence in relation to the falsity of the information, answer or document; and
- (b) evidence that was discovered as a result of the information or answer, and that could not have been discovered but for the giving of the information or answering of the question, is not admissible against the individual in a criminal proceeding.

[1.25] Schedule 6, part 1, clause 2 (3)

substitute

- (3) For subclauses (1) and (2), it is not a reasonable excuse for an individual to fail to give stated information, answer a question or produce a document only because giving the information, answering the question or producing the document might tend to incriminate the individual.
- (4) However—
 - (a) the information, answer or document required to be given, answered or provided by the individual is not admissible in evidence against the individual in a criminal proceeding, other than a proceeding for—
 - (i) an offence against this schedule; or
 - (ii) an offence in relation to the falsity of the information, answer or document; and
 - (b) evidence that was discovered as a result of the information or answer, and that could not have been discovered but for the giving of the information or answering of the question, is not admissible against the individual in a criminal proceeding.

Schedule 2 Consequential amendments

(see s 12)

Part 2.1 Administrative Decisions (Judicial Review) Act 1989

[2.1] Schedule 1, new item 9A

insert

9A	<i>Health Practitioner Regulation National Law (ACT)</i>	<ul style="list-style-type: none">any decision
----	--	--

Part 2.2 Children and Young People Act 2008

[2.2] Section 98

omit everything before subsection (2), substitute

98 Health practitioners and health professionals— non-treating functions

- (1) The chief executive may, orally or in writing, authorise a health practitioner (a *non-treating health practitioner*) or a health professional (a *non-treating health professional*) to exercise non-treating functions under the criminal matters chapters.

[2.3] Section 208 (2) (b)

substitute

- (b) it allows monitoring of, and communication with, the young detainee by the chief executive, health practitioners and health professionals (other than non-treating health practitioners and non-treating health professionals).

[2.4] Section 211 (2) (a)

substitute

- (a) seek the advice of a health practitioner (other than a non-treating health practitioner) about the action the chief executive should take under subsection (4); and

[2.5] Section 530 (2), definitions of *non-treating doctor*, *non-treating health professional* and *non-treating nurse*

substitute

non-treating doctor means a doctor authorised under section 632 (Health practitioners and health professionals—non-treating functions).

non-treating health practitioner means a health practitioner authorised under section 632 (Health practitioners and health professionals—non-treating functions).

non-treating health professional means a health professional authorised under section 632 (Health practitioners and health professionals—non-treating functions).

non-treating nurse means a nurse authorised under section 632 (Health practitioners and health professionals—non-treating functions).

[2.6] Division 16.4.3

substitute

Division 16.4.3 Non-treating health practitioners and health professionals

**632 Health practitioners and health professionals—
non-treating functions**

- (1) An operating entity for a therapeutic protection place may, orally or in writing, authorise a health practitioner (a ***non-treating health practitioner***) or a health professional (a ***non-treating health professional***) to exercise non-treating functions under this chapter for children and young people at the therapeutic protection place.

Note ***Health practitioner*** includes a doctor and nurse registered under the *Health Practitioner Regulation National Law (ACT)*.

- (2) An operating entity must ensure, as far as practicable, that a child's or young person's treating health practitioner or health professional is not asked to exercise a function as a non-treating health practitioner or non-treating health professional under this chapter in relation to the child or young person.
- (3) Subsection (2) does not apply if the operating entity believes on reasonable grounds that—
- (a) there is an imminent and serious threat to the personal safety of the child or young person or someone else; and
- (b) compliance with subsection (2) would exacerbate the threat.
- (4) In this section:

treating health practitioner or health professional, in relation to a child or young person, means a health practitioner or health professional who has a professional relationship with the child or young person for the provision of health services.

[2.7] Dictionary, note 2

insert

- health practitioner

[2.8] Dictionary, definition of *health professional*

substitute

health professional means a health professional registered under the *Health Professionals Act 2004*.

[2.9] Dictionary, definition of *health service*

substitute

health service—

- (a) means a service provided to someone (the ***service user***) for any of the following purposes:
- assessing, recording, maintaining or improving the physical, mental or emotional health, comfort or wellbeing of the service user;
 - diagnosing or treating an illness, disability, disorder or condition of the service user; and
- (b) includes a service provided by—
- a health practitioner in the practitioner's capacity as a health practitioner; and
 - a health professional in the professional's capacity as a health professional.

[2.10] Dictionary, new definition of *non-treating health practitioner*

insert

non-treating health practitioner—

- (a) for the criminal matters chapters—see section 98; and
- (b) for chapter 16 (Care and protection—therapeutic protection of children and young people)—see section 530.

[2.11] Dictionary, definition of *paediatrician*

substitute

paediatrician means a doctor who is registered under the *Health Practitioner Regulation National Law (ACT)* in the specialist area of paediatric medicine.

[2.12] Dictionary, definition of *psychiatrist*

omit

[2.13] Further amendments, mentions of *health professional etc*

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
1	section 19 (2) (b)	health professional	health practitioner or health professional
2	section 20 (2)	health professional	health practitioner or health professional
3	section 109 (4) (a)	health professional	health practitioner or health professional
4	section 137, definition of <i>non-treating doctor</i>	Health professionals	Health practitioners and health professionals
5	section 161	health professional	health practitioner

Schedule 2 Consequential amendments
Part 2.2 Children and Young People Act 2008

Amendment [2.13]

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
6	section 180 (2)	health professionals	health practitioners and health professionals
7	section 180 (4) (b)	health professionals	health practitioners and health professionals
8	section 180 (4) (d)	health professionals	health practitioners, health professionals
9	Section 189	health professional	health practitioner
10	section 193 (1), example 2	health professional	health practitioner or health professional
11	section 235, definition of <i>drug</i> , paragraph (b) (i)	health professional	health practitioner
12	section 246, definition of <i>non-treating doctor</i>	Health professionals	Health practitioners and health professionals
13	section 344, example 1	health professionals	health practitioners
14	section 438 (2), example 3	health professional	health practitioner or health professional
15	section 573	health professional	health practitioner
16	section 842 (2), example 1	health professional	health practitioner
17	section 863 (1), example 4	health professional	health practitioner
18	section 874 (2) (d)	health professional	health practitioner
19	dictionary, definition of <i>health care treatment</i>	health professional	health practitioner or health professional

Part 2.3 Civil Law (Wrongs) Act 2002

[2.14] Section 84 (3)

substitute

(3) In this section:

health service—

- (a) means a service provided to someone (the ***service user***) for any of the following purposes:
 - (i) assessing, recording, maintaining or improving the physical, mental or emotional health, comfort or wellbeing of the service user;
 - (ii) diagnosing or treating an illness, disability, disorder or condition of the service user; and
- (b) includes a service provided by a health practitioner in the practitioner's capacity as a health practitioner.

Part 2.4 Corrections Management Act 2007

[2.15] Section 22

omit everything before subsection (2), substitute

22 Health practitioners—non-therapeutic functions

- (1) The chief executive must appoint a health practitioner to exercise non-therapeutic functions at each correctional centre.

Note ***Health practitioner*** includes a doctor and nurse registered under the *Health Practitioner Regulation National Law (ACT)*.

[2.16] Section 65 (4), except note

substitute

- (4) A blood sample under this section may only be taken by a health practitioner appointed under section 22 (Health practitioners—non-therapeutic functions).

[2.17] Section 140 (4)

omit everything before paragraph (a), substitute

- (4) A health practitioner appointed under section 22 (Health practitioners—non-therapeutic functions) may administer a drug as a restraint, or direct the use of another form of restraint, if the health practitioner believes, on reasonable grounds, that is necessary and reasonable—

[2.18] Dictionary, note 2

insert

- health practitioner

[2.19] Dictionary, definitions of *health professional* and *health service*

substitute

health service—

- (a) means a service provided to someone (the ***service user***) for any of the following purposes:
- (i) assessing, recording, maintaining or improving the physical, mental or emotional health, comfort or wellbeing of the service user;
 - (ii) diagnosing or treating an illness, disability, disorder or condition of the service user; and

(b) includes a service provided by a health practitioner in the practitioner's capacity as a health practitioner.

[2.20] Further amendments, mentions of *health professional* etc

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
1	section 23 (1) (c)	Health professionals	Health practitioners
2	section 40 (3)	Health professionals	Health practitioners
3	section 53	health professionals	health practitioners
4	section 54 (4) (a)	health professional	health practitioner
5	section 79 (5)	Health professionals	Health practitioners
6	section 116	Health professionals	Health practitioners
7	section 117 (1)	Health professionals	Health practitioners
8	section 132, definition of <i>drug</i> , paragraph (b) (i)	health professional	health practitioner
9	section 134	Health professionals	Health practitioners

Part 2.5 Crimes Act 1900

[2.21] Sections 315, 315A and 315D

omit

professional

substitute

practitioner

[2.22] Dictionary, note 2

insert

- health practitioner

Part 2.6 Crimes (Forensic Procedures) Act 2000

[2.23] Sections 56 and 72

omit

health professional

substitute

health practitioner

[2.24] Dictionary, note 2

insert

- health practitioner

[2.25] Dictionary, definition of *corrections health professional*

substitute

corrections health practitioner, for a correctional centre, means a health practitioner appointed under the *Corrections Management Act 2007*, section 22 (Health practitioners—non-therapeutic functions) for the centre.

[2.26] Dictionary, definition of *health professional*

omit

Part 2.7 Health Act 1993

[2.27] Section 2, note 1

substitute

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition '*health facility*—see section 6.' means that the term 'health facility' is defined in that section.

[2.28] Section 6 (1), definition of *health facility*, paragraph (d)

omit

health professional's

substitute

health practitioner's

[2.29] Section 7, definition of *health service provider*, paragraph (a)

omit

health professional

substitute

health practitioner

[2.30] Sections 45 and 72

omit

health profession board

substitute

health board

[2.31] Section 122, note

omit

health profession board

substitute

health board

[2.32] New part 8A

insert

Part 8A Offence—provision of health services by non-health practitioners

127 Provision of regulated health service by person not health practitioner

- (1) A person commits an offence if—
- (a) the person intentionally provides a regulated health service; and
 - (b) the person is not a health practitioner.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

Example—someone providing a regulated health service to someone in the ACT when not a health practitioner

A person (*Dr W*) provides a medical service by a video link from an island in the south Pacific to Mary Smith in the ACT. Dr W advises Mary that she needs to have her tonsils removed. Dr W is not a health practitioner. Dr W contravenes this subsection.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) This section does not apply to—
- (a) a health service provided in an emergency; or
 - (b) the provision, by mail order, or over the internet or by other electronic means, of manufactured aids to rehabilitation or surgical prosthetics and orthotics; or
 - (c) a health service ordinarily provided in the ordinary course of business by people other than health practitioners.

Example—par (b)

dental restorative or corrective devices

- (3) In this section:

regulated health service means a health service ordinarily provided by a health practitioner.

[2.33] Part 9 heading

substitute

Part 9 Pharmacists and pharmacy premises

128 Meaning of *community pharmacy*—pt 9

In this part:

community pharmacy—see the *Medicines, Poisons and Therapeutic Goods Act 2008*, dictionary.

128A Complying pharmacy corporation

A corporation is a *complying pharmacy corporation* if the corporation—

- (a) has a constitution that provides that—
 - (i) the object of the corporation is to practise as a pharmacist; and
 - (ii) only an individual who is a pharmacist may be a director; and
 - (iii) a director cannot be a director of another incorporated pharmacist without the written consent of the board; and
 - (iv) all voting rights exercisable at a general meeting of the corporation are exercisable only by or on behalf of pharmacists who are directors or employees of the corporation; and
 - (v) a shareholder in the corporation must be either a pharmacist or a close relative of a shareholder; and
- (b) has a constitution that ensures that each share in the corporation is beneficially owned by—
 - (i) a pharmacist who is a director or employee of the corporation; or
 - (ii) a close relative of a person mentioned in subparagraph (i); and
- (c) for a corporation that is to practise pharmacy as a trustee—is only a party to a trust deed that relates to the corporation's practice as a pharmacist if—
 - (i) the deed provides that all beneficiaries are to be pharmacists who are directors or employees of the corporation or close relatives of the pharmacists; and

- (ii) the proposed trust deed has been approved in writing by the national board; and
- (d) has a constitution that is appropriate to a corporation formed to practise as a pharmacist.

128B Standard of premises

- (1) To protect the public, premises where a pharmacist operates a community pharmacy must—
 - (a) be under the direct, personal control of a pharmacist; and
 - (b) have direct access, or through access, to the premises; and
 - (c) comply with standards approved under subsection (2).
- (2) The Minister may approve standards about premises for community pharmacies for subsection (1) (c).
- (3) An approved standard is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

- (4) A pharmacist must comply with any standard approved under this section.
- (5) In this section:

through access, to premises, means access to the premises through the public area of a shopping centre, mall, plaza or health centre.

[2.34] Section 129 (3), definition of *community pharmacy*

omit

[2.35] Dictionary, note 2

insert

- health practitioner
- pharmacist

[2.36] Dictionary, new definitions of *community pharmacy* and *health board*

insert

community pharmacy, for part 9 (Pharmacists and pharmacy premises)—see section 128.

health board means—

- (a) a national board under the *Health Practitioner Regulation National Law (ACT)*; or
- (b) a health profession board under the *Health Professionals Act 2004*.

[2.37] Dictionary, definitions of *health profession board* and *health professional*

omit

Part 2.8 Health Professionals Act 2004

[2.38] Section 14 (1)

before

health profession

insert

regulated

[2.39] Section 14 (2)

omit

[2.40] Section 17 (2), example and note

omit

[2.41] Section 18 (1), example

omit

doctor

substitute

health professional

[2.42] Section 38 (2), examples and note

omit

[2.43] Section 72 and example

omit

[2.44] Section 81, new note 2

insert

Note 2 If a complaint is referred to a health profession board by the Human Rights Commission, the board is not required to send out a notice under this section because report does not include complaint in this division (see dict, def *report*).

[2.45] Dictionary, definition of *report*

substitute

report means—

- (a) a report under division 9.2; and
- (b) except in division 9.2—includes a complaint made under the *Human Rights Commission Act 2005* that is referred to a health profession board by the commission.

Part 2.9 Health Professionals Regulation 2004

[2.46] Schedule 1

substitute

Schedule 1 Regulated professions

(see s 4)

column 1 item	column 2 health profession board	column 3 health profession	column 4 relevant schedule
1	ACT Dental Technicians Board	dental technicians	8
2	ACT Veterinary Surgeons Board	veterinary surgeons	12
3	ACT Medical Radiation Scientists Board	medical radiation scientists	15

[2.47] Schedules 2 to 7

omit

[2.48] Schedule 8

substitute

Schedule 8 Dental technicians

(see s 4 and sch 1)

Note The Act and regulation contain other provisions that apply to applications and the regulation of the profession under this schedule, for example:

- under the Act, s 37 (1) (b), an applicant who is an individual must have a knowledge of written and spoken English that is adequate to allow the person to practise;

- under the Act, s 37 (1) (c), if an applicant is a corporation, each individual who will be providing health services on behalf of the corporation must have knowledge of written and spoken English that is adequate to allow the individual to practise in the profession on behalf of the corporation;
- under s 4 (3), if a schedule requires or allows something to be approved by a health profession board, the approval must be in writing and is a notifiable instrument, which must be notified under the Legislation Act;
- under s 112, certain matters must be included in an application for registration;
- under s 115, a health profession board, in deciding whether a person is generally competent in relation to a health profession, must consider:
 - (a) whether the person is mentally and physically well enough to practise;
 - (b) whether the person has communication skills that allow the person to practise effectively without endangering patients;
 - (c) whether the person has an addiction to a substance (whether alcohol, a medicine, a prohibited substance or another substance) that may affect the person's ability to practise;
 - (d) whether the person has been convicted or found guilty of an offence that indicates that the person may not be competent to practise;
 - (e) whether the person's experience is recent and sufficient to allow the person to practise.

8.1 Definitions—sch 8

In this schedule:

board means the ACT Dental Technicians Board.

dental prosthetic appliance includes the following:

- (a) flexible, removable mouthguards for use by people engaged in sporting activities;
- (b) removable full and partial dentures;
- (c) immediate dentures;

- (d) removable implant-retained overdentures;
- (e) removable treatment dentures over healing caps;
- (f) restorative or corrective dental appliances.

dental technical work involves making, altering, repairing or maintaining dental prosthetic appliances under a prescription from a dentist or dental prosthetist.

Example—dental technical work

shade-taking for dental prosthetic appliances

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

dental technician means a person who is registered as a dental technician under this schedule.

dentist means an individual registered under the *Health Practitioner Regulation National Law (ACT)* to practise the health profession of dentist (other than as a student).

regulatory authority means an authority established under a corresponding law of a local jurisdiction or a place outside Australia to regulate the dental technician professions in the jurisdiction or place.

Note A *local jurisdiction* is a State or New Zealand (see Act, dict).

8.2 General area of operation of dental technician profession—Act, s 22 (1) (a)

- (1) The practice of a dental technician involves the performance of dental technical work.
- (2) The practice of a dental technician also includes the following:
 - (a) giving advice about dental technical issues to other dental professionals;

- (b) conducting dental technical research;
 - (c) educating and training people in the dental technical profession.
- (3) To remove any doubt, a person also practises as a dental technician if the person does dental technical work as part of a business.

8.3 Qualifications as suitability to practise as individual dental technician—Act, s 23 (a)

- (1) To practise as a dental technician, an individual—
- (a) must be a graduate of a course of education in dental technical work offered in the ACT or a local jurisdiction that is accredited by CORA or approved by the board or the regulatory authority of a local jurisdiction; or

Note Under s 4 (3), if a schedule requires or allows something to be approved by a health profession board, the approval must be in writing and is a notifiable instrument, which must be notified under the Legislation Act.

- (b) must have—
 - (i) completed a course of education or training in dental technical work outside Australia that is accredited by CORA or approved by the board or the regulatory authority of a local jurisdiction; and
 - (ii) passed an examination in dental technical work that is accredited by CORA or approved by the board or the regulatory authority of a local jurisdiction.

- (2) In this section:

CORA means the Council of Regulating Authorities for Dental Technicians and Dental Prosthetists.

8.4 Qualifications as suitability to practise as corporate dental technician—Act, s 23 (a)

To practise as a dental technician, a corporation must—

- (a) have the board's written approval to carry on business as a dental technician; and
- (b) have a constitution that provides that—
 - (i) the corporation may carry on business as a dental technician; and
 - (ii) the chair of the corporation must be a dental technician; and
 - (iii) if there are more than 2 directors—a majority of the directors must be dental technicians; and
 - (iv) at least 50% of shares in the corporation must be held by 1 or more dental technicians; and
 - (v) the chair of the corporation has the casting vote in relation to resolutions to be voted on at a general meeting of the corporation.

8.5 Maintenance and demonstration of professional development, continued competence and recency of practice for dental technicians—Act, s 23 (d)

- (1) To demonstrate adequate professional development at the time of application for registration as an individual dental technician, the applicant must, if required by the board, give the board written evidence that—
 - (a) the applicant attended and satisfactorily completed a training program approved by the board; or
 - (b) the applicant has undertaken professional development activities; or

- (c) otherwise demonstrates professional development the board considers adequate.
- (2) To demonstrate continuing competence at the time of application for registration as a dental technician, the applicant must, if required by the board, give the board written evidence of the applicant's competence assessed against the board's standards statement.
- (3) To demonstrate recency of practice at the time of application for registration as a dental technician, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant has practised as a dental technician within the 5 years before the day the application is made; or
 - (b) that the applicant attended and satisfactorily completed a training course approved by the board; or
 - (c) that otherwise demonstrates recency of practice the board considers adequate.
- (4) In this section:
professional development activity—an activity is a *professional development activity* if it complies with a standard about professional development for dental technicians developed or endorsed under section 131.

Note 1 **Register**, a person, includes renew the person's registration (see Act, dict).

Note 2 For application requirements, see s 112.

8.6 Board membership—Act, s 24

The board is made up of—

- (a) the president; and
- (b) 6 appointed members, 1 of whom is a community representative.

8.7 Dental technicians—required insurance policy—Act, s 37 (1) (d)

- (1) A dental technician must maintain a policy of product liability insurance at a level approved by the board.
- (2) However, subsection (1) does not apply to a dental technician if the dental technician—
 - (a) is covered by product liability insurance (the *other insurance*) other than insurance maintained by the dental technician; and
 - (b) only practises as a dental technician while covered by the other insurance.

8.8 Conditional registration of dental technicians with unapproved qualifications—Act, s 37 (5) (b)

- (1) The board may register an individual as a dental technician if satisfied that the individual—
 - (a) is a graduate of a course of education or training in dental technical work that is not approved under section 8.3 (1) (Qualifications as suitability to practise as individual dental technician—Act, s 23 (a)); and
 - (b) needs to be registered to do 1 or both of the following:
 - (i) undertake further education or training approved by the board to achieve the standard required of dental technicians in the ACT;
 - (ii) undergo a period of practice as a dental technician under the supervision of a dental technician to allow the individual to become registered in the ACT.
- (2) Registration in accordance with this section is subject to the condition that the individual only practises dental technical work—

- (a) under the supervision of a dental technician whose registration entitles the dental technician to practise dental technical work without supervision; and
 - (b) if the individual needs to undertake further education—as part of the education.
- (3) The board may impose any other condition on the registration of the individual that it considers appropriate.

8.9 Conditional registration for dental technicians who want to teach etc—Act, s 37 (5) (b)

- (1) This section applies if—
- (a) an individual has applied for registration as a dental technician; and
 - (b) the individual needs to be registered to take up a teaching or research position.
- (2) The board may register the individual if—
- (a) the board is satisfied that the individual has qualifications the board considers appropriate for the position the individual intends to take up; and
 - (b) the individual provides a letter of offer from the individual's prospective employer stating the conditions of employment and giving the name of the individual's proposed supervisor.
- (3) The board may impose any condition on the registration of the individual that it considers appropriate.

8.10 Conditional registration for non-practising dental technicians—Act, s 37 (5) (b)

- (1) This section applies if—
- (a) a person has applied for registration as a dental technician; and

(b) the board is satisfied that the person does not intend to practise as a dental technician, whether or not because the person is retired.

(2) The board may register the person on condition that the person must not practise as a dental technician.

8.11 Conditional registration not limited

This schedule does not limit when a dental technician may be conditionally registered or the conditions that may be imposed on registration.

8.12 Registration end date—s 120 (b) (i) and s 121 (c)

The registration end date for a certificate of registration is 1 September following registration.

[2.49] Schedules 9 to 11

omit

[2.50] Schedules 13 and 14

omit

[2.51] Dictionary

omit the definitions of

Australian Medical Council

chiropractor

close relative

community pharmacy

competency standards

dental care provider

dental hygienist

dental procedure
dental therapist
dentist
dentist procedure
enrolled nurse
general dental procedure
medical board
medical practitioner
midwife
nurse
nurse practitioner
nursing and midwifery regulatory authority
optometrist
optometrist restricted medicines authority
osteopath
pharmacist
pharmacy
physiotherapist
podiatric surgeon
podiatrist
psychologist
re-entry course
refresher course

register

registered nurse

under the supervision of a dentist

Part 2.10 Health Professionals (Special Events Exemptions) Act 2000

[2.52] Section 11 (1)

after

Health Professionals Act 2004,

insert

the Health Practitioner Regulation National Law (ACT),

[2.53] Section 12 (1) and (2)

after

Health Professionals Act 2004

insert

, the Health Practitioner Regulation National Law (ACT)

Part 2.11 Health Records (Privacy and Access) Act 1997

[2.54] Section 16D (4) (b)

substitute

- (b) if the nominated health service provider is registered with the registration board established for the medical profession (other than as a student) and has the ability to understand and interpret the health record; or

[2.55] Schedule 1, principle 4.1, example and note

omit

[2.56] Dictionary, definition of *registration board*

substitute

registration board means—

- (a) a national board under the *Health Practitioner Regulation National Law (ACT)*; or
- (b) a health profession board under the *Health Professionals Act 2004*.

Part 2.12 Human Rights Commission Act 2005

[2.57] Section 7 (3)

after

health professional

insert

or health practitioner

[2.58] Section 14 (1), note

insert

- *Health Practitioner Regulation National Law (ACT)*

[2.59] Section 25 (1) (b), new note

insert

Note See, for example, the *Health Practitioner Regulation National Law (ACT)*, s 150 (Relationship with health complaints entity).

[2.60] Section 39 (1) (b) (iv)

before

Health Professionals Act 2004

insert

Health Practitioner Regulation National Law (ACT) or

[2.61] Section 39, new note

substitute

Note If the health services commissioner receives a complaint about a health practitioner, the commissioner must tell the national board for the practitioner's health profession about the complaint. The national board and commissioner must try to reach agreement about how the complaint is to be dealt with (see *Health Practitioner Regulation National Law (ACT)*, s 150).

[2.62] Section 45 (3) (a) (iii)

substitute

(iii) is to be referred to another statutory officer-holder or dealt with by a national board under the *Health Practitioner Regulation National Law (ACT)*; or

[2.63] Section 47, new note

insert

Note If the health services commissioner receives a complaint about a health practitioner, the commissioner must tell the national board for the practitioner's health profession about the complaint. The national board and commissioner must try to reach agreement about how the complaint is to be dealt with (see *Health Practitioner Regulation National Law (ACT)*, s 150).

[2.64] Section 78 (1) (e)

substitute

- (e) the complaint has been referred to a national board under the *Health Practitioner Regulation National Law (ACT)* or to a health profession board; or

[2.65] New section 80 (1) (c)

before the notes, insert

- (c) if the complaint was referred to the commission by a national board under the *Health Practitioner Regulation National Law (ACT)*—to the national board.

[2.66] Section 92 (1)

substitute

- (1) This section applies if—
- (a) the commission receives a complaint about a registered health professional; or
- (b) as part of a complaint about a health service, the commission considers a registered health professional's behaviour.

[2.67] Section 95 (2)

after

this Act

insert

and the *Health Practitioner Regulation National Law (ACT)*

[2.68] Dictionary, note 2

insert

- health practitioner

Part 2.13 Legislation Act 2001

[2.69] Dictionary, part 1, definition of *dental prosthetist*

substitute

dental prosthetist—

- (a) means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise the health profession of dental prosthetist (other than as a student); and
- (b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

[2.70] Dictionary, part 1, definition of *dentist*

substitute

dentist—

- (a) means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise the health profession of dentist (other than as a student); and
- (b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

[2.71] Dictionary, part 1, definition of *doctor*

substitute

doctor—

- (a) means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the medical profession (other than as a student); and

- (b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

[2.72] Dictionary, definition of *enrolled nurse*

substitute

enrolled nurse—

- (a) means a person registered under the *Health Practitioner Regulation National Law (ACT)*—
- (i) to practise in the nursing and midwifery profession (other than as a student); and
 - (ii) in the enrolled nurses (division 2) division; and
- (b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

[2.73] Dictionary, part 1, new definitions

insert

health practitioner means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise a health profession (other than as a student).

Health Practitioner Regulation National Law (ACT) means the provisions applying because of the *Health Practitioner Regulation National Law (ACT) Act 2010*, section 6 (Application of Health Practitioner Regulation National Law).

[2.74] Dictionary, part 1, definition of *midwife*

substitute

midwife—

- (a) means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the nursing and midwifery profession as a midwife (other than as a student); and
- (b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

[2.75] Dictionary, part 1, definition of *nurse* and note

substitute

nurse—

- (a) means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the nursing and midwifery profession as a nurse (other than as a student); and
- (b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration; and
- (c) does not include an enrolled nurse.

[2.76] Dictionary, part 1, definition of *nurse practitioner* and note

substitute

nurse practitioner—

- (a) means a person whose registration as a registered health practitioner under the *Health Practitioner Regulation National Law (ACT)* is endorsed as being qualified to practise as a nurse practitioner; and
- (b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

[2.77] Dictionary, part 1, definition of *optometrist*

substitute

optometrist—

- (a) means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the optometry profession (other than as a student); and
- (b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

[2.78] Dictionary, part 1, definition of *pharmacist*

substitute

pharmacist—

- (a) means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the pharmacy profession (other than as a student); and

- (b) for an activity, includes a person mentioned in paragraph (a) holding limited or provisional registration, to the extent that the person is allowed to do the activity under the person's registration.

Part 2.14 Medicines, Poisons and Therapeutic Goods Act 2008

[2.79] Section 6 (3)

after

health professionals

insert

or health practitioners

[2.80] Section 7 (1)

after

health professional

insert

or a health practitioner

[2.81] Section 138 (2), except note

substitute

- (2) To remove any doubt, this part does not limit the power of anyone exercising a function under this Act to—
- (a) make a notification under the *Health Practitioner Regulation National Law (ACT)* about a health practitioner; or
 - (b) make a report under the *Health Professionals Act 2004*, part 9.2 about a health professional.

[2.82] New sections 149 (2) (c) and 152 (3) (c)

insert

- (c) if the relevant person is a health practitioner—the relevant national board for the person under the *Health Practitioner Regulation National Law (ACT)*.

[2.83] Section 195 (4) (f)

substitute

- (f) to a national board under the *Health Practitioner Regulation National Law (ACT)* or a health profession board under the *Health Professionals Act 2004*; or

[2.84] Dictionary, note 2

insert

- health practitioner

**Part 2.15 Medicines, Poisons and
Therapeutic Goods Regulation
2008**

[2.85] Section 10 (4), example 1

substitute

- 1 a health practitioner's authorisation is subject to any condition or restriction to which the health practitioner is subject to under the *Health Practitioner Regulation National Law (ACT)* (see s 20)

[2.86] Part 2.2

substitute

Part 2.2 Relationship with registration laws

20 Medicines authorisations subject to Health Practitioner Regulation National Law (ACT) restrictions

- (1) A health practitioner's authorisation under the Act to deal with a medicine is subject to any condition or other restriction to which the health practitioner is subject under the *Health Practitioner Regulation National Law (ACT)*.

Example

Section 31 places conditions on the prescribing of medicines by a health practitioner authorised to prescribe the medicines. If a particular health practitioner's registration under the *Health Practitioner Regulation National Law (ACT)* is subject to the condition or restriction that the person may not prescribe certain medicines, the health practitioner's authorisation under the *Medicines, Poisons and Therapeutic Goods Act 2008* to prescribe medicines is also subject to that condition or restriction.

Note 1 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

Note 2 An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) A health professional's authorisation under the Act to deal with a medicine is subject to any condition or other restriction to which the health professional is subject under the *Health Professionals Act 2004*.

21 Medicines authorisations subject to Health Professionals Act restrictions

A health professional's authorisation under the Act to deal with a medicine is subject to any condition or other restriction to which the health professional is subject under the *Health Professionals Act 2004*.

[2.87] New section 110 (2)

before the note, insert

- (2) However, a pharmacist is not authorised under schedule 1 to supply a medicine if—
- (a) the pharmacist is working for, or providing services to, a corporation when supplying the medicine; and
 - (b) the corporation is not—
 - (i) a pharmacist; or
 - (ii) a complying pharmacy corporation under the *Health Act 1993*, part 9 (Pharmacists and pharmacy premises).

[2.88] Section 121 (3), definition of *authorised prescriber*

substitute

authorised prescriber, in relation to a prescription, means—

- (a) for a medicine other than a controlled medicine—a person who is authorised to issue the prescription under the Act or another territory law; and
- (b) for a controlled medicine—a person who is authorised to issue the prescription under part 13.1 (Controlled medicines approvals).

[2.89] Section 121, note 1

omit

[2.90] Section 400 (1)

omit everything before paragraph (a), substitute

- (1) This section applies to an adult (the ***delivery person***), other than a health practitioner, or health professional, at an institution, who is—

[2.91] Section 400 (1), note

substitute

Note For health practitioners and health professionals at institutions, see sch 1, pt 1.4.

[2.92] Section 400, example 1

substitute

1 a hospital employee who is not a health practitioner or health professional

[2.93] Section 500 (1) and (2)

substitute

- (1) In this section:

health practitioner does not include—

- (a) a pharmacist, or intern pharmacist, at a hospital; or
- (b) a prescriber who supplies a medicine during a consultation.

health professional does not include a prescriber who supplies a medicine during a consultation.

supply does not include dispense.

- (2) A health practitioner, health professional or employee acting under the direction of a health practitioner or professional, must supply a pharmacy medicine or pharmacist only medicine in a whole manufacturer's pack of the medicine.

[2.94] Schedule 1, part 1.4

substitute

Part 1.4 Health practitioners and health professionals at institutions

column 1 item	column 2 person authorised	column 3 authorisation
1	health practitioner or health professional employed at institution	within the scope of employment, do any of the following for the delivery of medicines within the institution to a health practitioner or health professional authorised to obtain the medicines: (a) obtain the medicines; (b) possess the medicines; (c) supply the medicines.

[2.95] Schedule 1, part 1.8, item 1, column 3, paragraph (b)

omit

under *Health Professionals Regulation 2004*, sch 11

substitute

issued by Optometry Board of Australia

[2.96] Schedule 2, part 2.2, item 5, column 3

omit everything after

shared care model

substitute

endorsed by the Optometry Board of Australia

[2.97] Dictionary, note 2

insert

- enrolled nurse

[2.98] Dictionary, note 3

insert

- health practitioner

[2.99] Dictionary, definition of *enrolled nurse (medications)*

substitute

enrolled nurse (medications) means an enrolled nurse whose registration is endorsed under the *Health Practitioner Regulation National Law (ACT)*, section 94 (Endorsement for scheduled medicines).

[2.100] Dictionary, definition of *health profession*

substitute

health profession means—

- (a) a health profession under the *Health Practitioner Regulation National Law (ACT)*, section 5 (Definitions); and
- (b) includes a health profession under the *Health Professionals Act 2004*, dictionary.

[2.101] Dictionary, definition of *intern*

substitute

intern, in relation to a doctor or pharmacist, means—

- (a) for a doctor—a person holding limited or provisional registration to practise in the medical profession under the *Health Practitioner Regulation National Law (ACT)*, for the purpose of undertaking a period of supervised practice that the person has started; and

- (b) for a pharmacist—a person holding limited or provisional registration to practise in the pharmacy profession under the *Health Practitioner Regulation National Law (ACT)*, for the purpose of undertaking a period of supervised practice or course of training, or both, to allow the person to be registered to practice without supervision.

[2.102] Dictionary, definitions of *specialist* and *specialist area*

substitute

specialist means—

- (a) a person holding specialist registration to practise in the medical profession under the *Health Practitioner Regulation National Law (ACT)*; or
- (b) a person holding limited or provisional registration to practise in the medical profession under the *Health Practitioner Regulation National Law (ACT)*, for the purpose of undertaking a period of supervised practice under the supervision of a person mentioned in paragraph (a), the successful completion of which means that the person is eligible for specialist registration under that Law.

specialist area, for a health profession, means—

- (a) a recognised speciality under the *Health Practitioner Regulation National Law (ACT)*; or
- (b) a specialist area under the *Health Professionals Regulation 2004*.

[2.103] Dictionary, definition of *trainee*, except examples and notes

substitute

trainee, in relation to a health practitioner (other than a doctor or pharmacist) means a person holding limited or provisional registration to practise in a health profession under the *Health Practitioner Regulation National Law (ACT)*, for the purpose of undertaking a period of supervised practice or course of training, or both, to allow the person to be registered to practice without supervision.

[2.104] Further amendments, mentions of *health professional* etc

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
1	part 14.3, note	health professional	health practitioner or health professional
2	schedule 1, parts 1.2 and 1.3	health professional	health practitioner
3	schedule 1, part 1.5 and 1.6	health professional	health practitioner
4	schedule 1, part 1.7, item 1, column 3	health professionals	health practitioners
5	schedule 1, part 1.7, item 2, column 3	health professional	health practitioner
6	schedule 1, part 1.11	health professional	health practitioner

Part 2.16 Mental Health (Treatment and Care) Act 1994

[2.105] Section 119 (2)

omit

mental health nurse

substitute

nurse

[2.106] Section 119 (3), new definition of *occupational therapist*

insert

occupational therapist means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the occupational therapy profession (other than as a student).

(commencement: 1 July 2012)

[2.107] Dictionary, note 2

insert

- nurse

[2.108] Dictionary, definition of *mental health nurse* and note

omit

[2.109] Dictionary, definition of *psychiatrist*

substitute

psychiatrist means a doctor who is registered under the *Health Practitioner Regulation National Law (ACT)* in the specialist area of psychiatry.

Part 2.17 Public Health Act 1997

[2.110] Section 102 (4) and (5)

substitute

- (4) If a doctor or authorised nurse practitioner fails to comply with subsection (1) in relation to a patient—
- (a) the failure is taken to be unprofessional conduct for the *Health Practitioner Regulation National Law (ACT)*; and
 - (b) the patient may make a voluntary notification about the failure to the national agency under the *Health Practitioner Regulation National Law (ACT)*.

[2.111] Dictionary, definition of *counsellor*, paragraph (a)

substitute

- (a) a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the psychology profession (other than as a student); or

Part 2.18 Radiation Protection Act 2006

[2.112] Section 68 (2) (b)

substitute

- (b) 1 member who is a doctor registered under the *Health Practitioner Regulation National Law (ACT)* in the specialist area of radiology; and

[2.113] Section 115 (4) (c)

substitute

(c) to—

- (i) a national board under the *Health Practitioner Regulation National Law (ACT)*; or
- (ii) a health profession board under the *Health Professionals Act 2004*; or

Part 2.19 Transplantation and Anatomy Act 1978

[2.114] Section 24 (2) (a) (iii)

substitute

- (iii) to a nurse or enrolled nurse employed at that hospital; and

[2.115] Section 25 (1) (a) (iii)

substitute

- (iii) a nurse or enrolled nurse employed at that hospital; and

[2.116] Dictionary, note 2

insert

- doctor
- enrolled nurse

[2.117] Dictionary, definitions of *enrolled nurse*, *medical practitioner* and *registered nurse*

omit

[2.118] Further amendments, mentions of *medical practitioner* etc

column 1 item	column 2 provision	column 3 <i>omit</i>	column 4 <i>substitute</i>
1	section 5 (1)	medical practitioner	doctor
2	section 5 (2)	medical practitioners	doctors
3	section 10	medical practitioner	doctor
4	section 13 (2)	medical practitioner	doctor
5	sections 14 to 19	medical practitioner	doctor
6	section 21	medical practitioner	doctor
7	sections 23 to 25	medical practitioner	doctor
8	section 29 (1) (b)	medical practitioner	doctor
9	section 30 (1)	medical practitioners	doctors
10	sections 30 and 31	medical practitioner	doctor
11	sections 34 and 35	medical practitioner	doctor
12	section 40 (1) (b)	medical practitioner	doctor
13	section 44 (2)	medical practitioner	doctor
14	section 46	medical practitioner	doctor
15	section 49	medical practitioner	doctor

Part 2.20 **Victims of Crime (Financial Assistance) Act 1983**

[2.119] Section 30 (1)

substitute

- (1) If the Territory is a party to an application by a primary victim or a person responsible for the maintenance of a primary victim, it may require the primary victim to undergo examination by a health practitioner chosen by the victim from a list of health practitioners approved by the Minister as having suitable expertise for examining and treating injuries of the type allegedly suffered by the victim.

[2.120] Dictionary, note 2

insert

- health practitioner

[2.121] Dictionary, definition of *health professional*

omit

Part 2.21 **Victims of Crime Regulation 2000**

[2.122] Sections 8 (1) (e) and 11 (2) (b)

omit

health professions member

substitute

health practitioner member

[2.123] Section 41 (b)

substitute

- (b) if the service to be provided is a health practitioners service—the person is an appropriately qualified health practitioner; and

[2.124] Section 43 (d)

substitute

- (d) for an approved service provider who provides a health practitioners service—the provider has ceased to be registered as a health practitioner.

[2.125] Dictionary, note 2

insert

- health practitioner

[2.126] Dictionary, definitions of *health professional*, *health professions member* and *health professions service*

substitute

health practitioner member—see section 8 (1) (e) (Appointed members of board).

health practitioners service—

- (a) means a health service ordinarily provided by a health practitioner; but
- (b) does not include a health service ordinarily provided in the ordinary course of business by people other than health practitioners.

[2.127] Dictionary, definition of *psychologist*

substitute

psychologist means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the psychology profession (other than as a student).

Part 2.22 Workers Compensation Act 1951

[2.128] Dictionary, definition of *chiropractor*

substitute

chiropractor means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the chiropractic profession (other than as a student).

[2.129] Dictionary, definition of *osteopath*

substitute

osteopath means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the osteopathy profession (other than as a student).

[2.130] Dictionary, definition of *physiotherapist*

substitute

physiotherapist means a person registered under the *Health Practitioner Regulation National Law (ACT)* to practise in the physiotherapy profession (other than as a student).

Part 2.23 Workers Compensation Regulation 2002

[2.131] New section 22 (2A) and (2B)

before the table , insert

- (2A) However, before 1 July 2012, a person is qualified to provide occupational therapy only if the person is eligible for membership of the Australian Association of Occupational Therapists.
- (2B) Subsection (2A) and this subsection expire on 1 July 2010.

[2.132] Table 22, item 1, column 3

substitute

registration in the health profession of occupational therapy under the *Health Practitioner Regulation National Law (ACT)*

[2.133] Table 22, item 2, column 3

substitute

registration in the health profession of physiotherapy under the *Health Practitioner Regulation National Law (ACT)*

[2.134] Table 22, item 4, column 3

substitute

registration in the health profession of psychology under the *Health Practitioner Regulation National Law (ACT)*

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACAT
- Magistrates Court
- Minister
- pharmacist
- territory law.

Health Practitioner Regulation National Law (ACT) means the provisions applying in this jurisdiction because of section 6.

Qld Act means the *Health Practitioner Regulation National Law Act 2009* (Qld).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 10 December 2009.

2 Notification

Notified under the Legislation Act on 31 March 2010.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Health Practitioner Regulation National Law (ACT) Bill 2010, which originated in the Legislative Assembly as the Health Practitioner Regulation National Law (ACT) Bill 2009 and was passed by the Assembly on 16 March 2010.

Acting Clerk of the Legislative Assembly

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