

2004

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health)

Health Professionals Legislation Amendment Bill 2004

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2002 046B

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

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2004

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Health)

Health Professionals Legislation Amendment Bill 2004

A Bill for

An Act to amend various laws about health professionals, and for other purposes

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

2002 046B

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 **1 Name of Act**

2 This Act is the *Health Professionals Legislation Amendment Bill*
3 *2004*.

4 **2 Commencement**

5 (1) A schedule mentioned in table 2, column 2 commences on the day
6 the provision of the *Health Professionals Act 2004* mentioned in
7 column 3 commences.

8 **Table 2 Commencements**

column 1 item	column 2 schedule	column 3
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1	sch 2 (Chiropractors and osteopaths)	s 136 (a)
---	--------------------------------------	-----------

2	sch 3 (Dental technicians and dental prosthetists)	s 136 (b)
---	--	-----------

3	sch 4 (Dentists)	s 136 (c)
---	------------------	-----------

4	sch 5 (Medical Practitioners)	s 136 (f)
---	-------------------------------	-----------

5	sch 6 (Nurses)	s 136 (g)
---	----------------	-----------

6	sch 7 (Optometrists)	s 136 (h)
---	----------------------	-----------

7	sch 8 (Pharmacists)	s 136 (i)
---	---------------------	-----------

8	sch 9 (Physiotherapists)	s 136 (j)
---	--------------------------	-----------

9	sch 10 (Podiatrists)	s 136 (k)
---	----------------------	-----------

10	sch 11 (Psychologists)	s 136 (l)
----	------------------------	-----------

9 *Note* The *Health Professionals Act 2004*, s 136 is as follows:

10 136 Repeals

11 The following Acts are repealed:

12 (a) *Chiropractors and Osteopaths Act 1983* A1983-28

13 (b) *Dental Technicians and Dental Prosthetists Registration Act 1988*
14 A1988-85

15 (c) *Dentists Act 1931* A1931-8

-
- 1 (d) *Health Professions Boards (Elections) Act 1980* A1980-45
2 (e) *Health Professions Boards (Procedures) Act 1981* A1981-46
3 (f) *Medical Practitioners Act 1930* A1930-13
4 (g) *Nurses Act 1988* A1988-61
5 (h) *Optometrists Act 1956* A1956-4
6 (i) *Pharmacy Act 1931* A1931-10
7 (j) *Physiotherapists Act 1977* A1977-60
8 (k) *Podiatrists Act 1994* A1994-82
9 (l) *Psychologists Act 1994* A1994-87.
- 10 (2) Schedule 12 commences on the day the *Health Professionals Act*
11 *2004*, section 136 expires.
- 12 (3) The remainder of the Act commences on the day the *Health*
13 *Professionals Act 2004*, section 3 commences.
- 14 *Note* The naming and commencement provisions automatically commence on
15 the notification day (see Legislation Act, s 75 (1)).

16 **3 Legislation amended or repealed**

17 This Act amends or repeals the legislation mentioned in the
18 schedules.

1 *relevant board*—see the *Health Professionals Act 2004*,
2 section 19 (1), definition of *relevant health profession board*.

3 **[1.4] Section 4 (1)**

4 *insert*

5 *HPA report* means a report made under the *Health Professionals*
6 *Act 2004*, section 81 (How must report be made?).

7 **[1.5] Section 9**

8 *insert*

9 (ka) to assist health professional boards by investigating matters
10 that need to be investigated, including an HPA report;

11 **[1.6] Section 9**

12 *renumber paragraphs when Act next republished under Legislation*
13 *Act*

14 **[1.7] Section 11 (3) and (5)**

15 *omit*

16 **[1.8] New section 22A**

17 *in division 3.1, insert*

18 **22A HPA reports**

19 For this Act—

20 (a) an HPA report is taken to be a complaint made under this
21 division; and

22 (b) a person who makes an HPA report is taken to be a person
23 mentioned in section 21 (Who may complain).

- 1 **[1.9] New section 31A**
- 2 *in part 3, insert*
- 3 **31A HPA report complaints**
- 4 (1) This section applies to a complaint—
- 5 (a) that is an HPA report in relation to which a health profession
- 6 board is required to consult the commissioner; or
- 7 (b) that suggests to the commissioner that a registered health
- 8 professional may not be satisfying the suitability to practise
- 9 requirements, or meeting the required standard of practice,
- 10 under the *Health Professionals Act 2004*.
- 11 (2) The commissioner must consult the health profession board in
- 12 relation to the complaint and try to make any decision allowed or
- 13 required to be made about the matter jointly with the health
- 14 profession board.
- 15 (3) If the commissioner and the health profession board cannot agree
- 16 about what to do about the complaint, the *Health Professionals Act*
- 17 *2004*, section 86 (2) and (3) applies to the complaint.
- 18 (4) If the commissioner makes an assessment of the complaint, the
- 19 commissioner must tell the health profession board in writing about
- 20 the results of the assessment.
- 21 **[1.10] New section 51 (1A)**
- 22 *insert*
- 23 (1A) However, the commissioner must not prepare a report in relation to
- 24 a complaint that is an HPA report during an investigation unless the
- 25 commissioner has consulted the relevant board.
- 26 *Note* The commissioner cannot complete an investigation into a complaint
- 27 that is an HPA report without consulting the relevant board (see s
- 28 31A (2)).

1 **[1.11] New section 51 (5)**

2 *insert*

- 3 (5) A report prepared under this section in relation to a complaint that is
4 an HPA report must reflect the action required to be taken in
5 relation to the complaint under the *Health Professionals Act 2004*,
6 section 86 (2) and (3).

7 **[1.12] Section 60**

8 *substitute*

9 *Note* See *Health Professionals Act 2004*, s 116 for the role of the
10 commissioner in a standards inquiry under that Act.

11 **[1.13] New part 10**

12 *insert*

13 **Part 10 Modifications of Act**

14 **83 Application of pt 10**

15 This part modifies this Act.

16 **84 Section 4 (1), new definition of *old board***

17 *insert*

18 *old board*—

19 (a) means a board mentioned in the definition of *board* as in force
20 immediately before the commencement of part 10; but

21 (b) does not include a board that has ceased to exist.

22 *Note* ***Board*** was defined to mean each of the following boards:

- 23 • the chiropractic board
24 • the dental board
25 • the dental technicians and dental prosthetists board
26 • the medical board

1 **Part 1.2 Electoral Act 1992**

2 **[1.14] Section 33 (1)**

3 *after*

4 Act

5 *insert*

6 , or any other Act under which the commissioner exercises a
7 function

8 **Part 1.3 Health Act 1993**

9 **[1.15] New part 8**

10 *insert*

11 **Part 8 Transitional**

12 **Division 8.1 Modification of Act**

13 **39 Application of div 8.1**

14 This division modifies this Act.

15 **40 Dictionary, definition of *health service provider***

16 *substitute*

17 *health service provider*—

18 (a) means a person who provides health services at a health facility
19 or uses the equipment or other facilities of a health facility for
20 the purpose of providing health services elsewhere; and

- 1 (c) does not include the definition mentioned in paragraph (b) if
2 the *Physiotherapists Act 1977* has been repealed.

3 **Division 8.3 Expiry**

4 **42 Expiry of pt 8**

5 This part expires on the day the *Health Professionals Act 2004*,
6 section 136 (Repeals) expires.

7 **[1.16] Dictionary, definition of *health service provider***

8 *substitute*

9 *health service provider*—

- 10 (a) means a person who provides health services at a health facility
11 or uses the equipment or other facilities of a health facility for
12 the purpose of providing health services elsewhere; and
13 (b) includes a person registered under the *Health Professionals Act*
14 *2004*.

15 **Part 1.4 Health Professions Boards**
16 **(Elections) Act 1980**

17 **[1.17] Section 3, definition of *board***

18 *substitute*

19 *board* means 1 of the following boards, unless the board has ceased
20 to exist:

- 21 (a) the chiropractors and osteopaths board;
22 (b) the dental board;
23 (c) the nurses board;
24 (d) the optometrists board;

- 1 (e) the pharmacy board;
2 (f) the physiotherapists board;
3 (g) the veterinary surgeons board.

4 **[1.18] Section 3, definition of *election***

5 *substitute*

6 ***election*** means an election held for 1 of the following Acts:

- 7 (a) the Chiropractors and Osteopaths Act;
8 (b) the Dentists Act;
9 (c) the Nurses Act;
10 (d) the Optometrists Act;
11 (e) the Pharmacy Act;
12 (f) the Physiotherapists Act;
13 (g) the Veterinary Surgeons Act.

14 *Note* The *Health Professionals Act 2004*, s 136 repeals the Acts mentioned in
15 pars (a) – (f).

16 **[1.19] Section 3, definition of *prescribed Act***

17 *substitute*

18 ***prescribed Act*** means the Chiropractors and Osteopaths Act, the
19 Dentists Act, the Nurses Act, the Optometrists Act, the Pharmacy
20 Act, the Physiotherapists Act or the Veterinary Surgeons Act.

21 *Note* The *Health Professionals Act 2004*, s 136 repeals the Acts, other than
22 the Veterinary Surgeons Act, mentioned in this definition.

1 **[1.20] Section 3, definition of *register***

2 *substitute*

3 *register* means each of the following registers:

- 4 (a) for an election held for the Chiropractors and Osteopaths
5 Act—the register of chiropractors or the register of osteopaths
6 kept under that Act;
- 7 (b) for an election held for the Dentists Act—the register of
8 dentists kept under that Act;
- 9 (c) for an election held for the Nurses Act—the register of nurses
10 kept under that Act;
- 11 (d) for an election held for the Optometrists Act—the register of
12 optometrists kept under that Act;
- 13 (e) for an election held for the Pharmacy Act—the register of
14 pharmacists kept under that Act;
- 15 (f) for an election held for the Physiotherapists Act—the register
16 of physiotherapists kept under that Act;
- 17 (g) for an election held for the Veterinary Surgeons Act—the
18 register of veterinary surgeons kept under that Act.

19 *Note* The *Health Professionals Act 2004*, s 136 repeals the Acts mentioned in
20 pars (a) – (f).

21 **[1.21] Section 3, definition of *registered practitioner***

22 *substitute*

23 *registered practitioner* means the following:

- 24 (a) for an election held for the Chiropractors and Osteopaths
25 Act—a person registered as a chiropractor or osteopath under
26 that Act;
- 27 (b) for an election held for the Dentists Act—a person registered
28 as a dentist under that Act;

- 1 (c) for an election held for the Nurses Act—a person registered
2 under that Act;
- 3 (d) for an election held for the Optometrists Act—a person
4 registered under that Act;
- 5 (e) for an election held for the Pharmacy Act—a person registered
6 under that Act;
- 7 (f) for an election held for the Physiotherapists Act—a person
8 registered under that Act;
- 9 (g) for an election held for the Veterinary Surgeons Act—a person
10 registered under that Act.
- 11 *Note* The *Health Professionals Act 2004*, s 136 repeals the Acts mentioned in
12 pars (a) – (f).

13 **[1.22] Section 8 (3) (c)**

14 *omit*

15 **[1.23] Section 8 (3), new note**

16 *insert*

17 *Note* The *Health Professionals Act 2004*, s 136 repeals the Acts mentioned in
18 pars (a) – (g).

19 **[1.24] Section 8 (3)**

20 *renumber paragraphs when Act next republished under Legislation*
21 *Act*

1 **Part 1.5** **Health Professions Boards**
2 **(Procedures) Act 1981**

3 **[1.25] Section 3, definition of *board***

4 *substitute*

5 ***board*** means 1 of the following boards, unless the board has ceased
6 to exist:

- 7 (a) the chiropractors and osteopaths board established under the
8 Chiropractors and Osteopaths Act;
- 9 (b) the dental board established under the Dentists Act;
- 10 (c) the nurses board established under the Nurses Act;
- 11 (d) the optometrists board established under the Optometrists Act;
- 12 (e) the pharmacy board established under the Pharmacy Act;
- 13 (f) the physiotherapists board established under the
14 Physiotherapists Act;
- 15 (g) the podiatrists board established under the Podiatrists Act;
- 16 (h) the psychologists board established under the Psychologists
17 Act;
- 18 (i) the veterinary surgeons board established under the Veterinary
19 Surgeons Act.

20 *Note* The *Health Professionals Act 2004*, s 136 repeals the Acts mentioned in
21 pars (a) – (h).

1 **[1.26] Section 3, definition of *proceeding***

2 *substitute*

3 *proceeding* means the following:

- 4 (a) in relation to the chiropractors and osteopaths board—an
5 inquiry by the board under the Chiropractors and Osteopaths
6 Act, section 32;
- 7 (b) in relation to the dental board—an inquiry by the board under
8 the Dentists Act, section 31;
- 9 (c) in relation to the nurses board—an inquiry by the board under
10 the Nurses Act, section 66;
- 11 (d) in relation to the optometrists board—an inquiry by the board
12 under the Optometrists Act, section 40;
- 13 (e) in relation to the pharmacy board—an inquiry by the board
14 under the Pharmacy Act, section 41;
- 15 (f) in relation to the physiotherapists board—an inquiry under the
16 Physiotherapists Act, section 30F;
- 17 (g) in relation to the podiatrists board—an inquiry by the board
18 under the Podiatrists Act, section 38;
- 19 (h) in relation to the psychologists board—an inquiry by the board
20 under the Psychologists Act, section 38;
- 21 (i) in relation to the veterinary surgeons board—an inquiry by the
22 board under the Veterinary Surgeons Act, section 45.

23 *Note* The *Health Professionals Act 2004*, s 136 repeals the Acts mentioned in
24 pars (a) – (h).

1 **[1.27] Section 11 (4)**

2 *substitute*

3 (4) In this section:

4 *registered practitioner* means the following:

- 5 (a) in relation to a member of the chiropractors and osteopaths
6 board—a person registered as a chiropractor or osteopath under
7 the Chiropractors and Osteopaths Act;
- 8 (b) in relation to a member of the dental board—a person
9 registered as a dentist under the Dentists Act;
- 10 (c) in relation to a member of the nurses board—a person
11 registered or enrolled as a nurse under the Nurses Act;
- 12 (d) in relation to a member of the optometrists board—a person
13 registered as an optometrist under the Optometrists Act;
- 14 (e) in relation to a member of the pharmacy board—a person
15 registered as a pharmacist under the Pharmacy Act;
- 16 (f) relation to a member of the physiotherapists board—a person
17 registered as a physiotherapist under the Physiotherapists Act;
- 18 (g) in relation to a member of the podiatrists board—a person
19 registered as a podiatrist under the Podiatrists Act;
- 20 (h) in relation to a member of the psychologists board—a person
21 registered as a psychologist under the Psychologists Act;
- 22 (i) in relation to a member of the veterinary surgeons board—a
23 person registered as a veterinary surgeon under the Veterinary
24 Surgeons Act.

25 *Note* The *Health Professionals Act 2004*, s 136 repeals the Acts mentioned in
26 pars (a) – (h).

1 **[1.33] New part 4**

2 *insert*

3 **Part 4 Modification of Act**

4 **14 Application of pt 4**

5 This part modifies this Act.

6 **15 Dictionary, definition of *Health Professionals Act***

7 *substitute*

8 ***Health Professionals Act***—

9 (a) means the *Health Professionals Act 2004*; and

10 (b) includes the following Acts:

11 (i) *Chiropractors and Osteopaths Act 1983*;

12 (ii) *Dental Technicians and Dental Prosthetists Registration*
13 *Act 1988*;

14 (iii) *Dentists Act 1931*;

15 (iv) *Nurses Act 1988*;

16 (v) *Optometrists Act 1956*;

17 (vi) *Pharmacy Act 1931*;

18 (vii) *Physiotherapists Act 1977*;

19 (viii) *Podiatrists Act 1994*;

20 (ix) *Psychologists Act 1994*.

21 **16 Expiry of pt 4**

22 This part expires on the day the *Health Professionals Act 2004*,
23 section 136 (Repeals) expires.

1 **[1.38] New section 139 and part 11**

2 *insert*

3 **139 References to health care professional in DI2001-187**

- 4 (1) This section applies to the *Public Health Act 1997 Determination of*
5 *a Code of Practice* DI2001-187.
- 6 (2) A reference in the code of practice under the determination to a
7 *health care professional* is taken to be a reference to—
- 8 (a) a person registered under the *Health Professionals Act 2004*; or
9 (b) a person mentioned in the dictionary to the code, definition of
10 *health care professional*; but
11 (c) does not include a person mentioned under paragraph (b) if the
12 board with which the person was registered has ceased to exist.
- 13 (3) This section expires on the day the *Health Professionals Act 2004*,
14 section 136 (Repeals) expires.

15 **Part 11 Modification of Act**

16 **140 Application of pt 11**

17 This part modifies this Act.

18 **141 Section 102 (5) (a)**

19 *substitute*

- 20 (a) is taken to be a failure to exercise adequate care in practising
21 nursing for the *Health Professionals Act 2004* or the *Nurses*
22 *Act 1988*, section 61 (l) (Cancellation or suspension of
23 registration or enrolment) (unless the *Nurses Act 1988* is
24 repealed); and

- 1 **142 Dictionary, definition of *counsellor*, paragraph (a)**
- 2 *substitute*
- 3 (a) a person registered as a psychologist under the *Health*
- 4 *Professionals Act 2004*; or
- 5 (ab) a registered psychologist under the *Psychologists Act 1994*
- 6 (unless repealed); or

- 7 **143 Expiry of pt 11**
- 8 This part expires on the day the *Health Professionals Act 2004*,
- 9 section 136 (Repeals) expires.

- 10 **[1.39] Dictionary, definition of *counsellor*, paragraph (a)**
- 11 *substitute*
- 12 (a) a person registered as a psychologist under the *Health*
- 13 *Professionals Act 2004*; or

14 **Part 1.9 Victims of Crime Regulations**

15 **2000**

- 16 **[1.40] New part 5**
- 17 *insert*

18 **Part 5 Modification of regulations**

- 19 **52 Application of pt 4**
- 20 This part modifies these regulations.

1 **53 Dictionary, definition of *health professional***

2 *substitute*

3 ***health professional***—

4 (a) means a person registered under the *Health Professionals Act*
5 *2004*; and

6 (b) includes a person registered under 1 of the following Acts
7 (unless repealed):

8 (i) *Chiropractors and Osteopaths Act 1983*;

9 (ii) *Dental Technicians and Dental Prosthetists Registration*
10 *Act 1988*;

11 (iii) *Dentists Act 1931*;

12 (iv) *Nurses Act 1988*;

13 (v) *Optometrists Act 1956*;

14 (vi) *Pharmacy Act 1931*;

15 (vii) *Physiotherapists Act 1977*;

16 (viii) *Podiatrists Act 1994*;

17 (ix) *Psychologists Act 1994*.

18 **54 Dictionary, definition of *psychologist***

19 *substitute*

20 ***psychologist*** means—

21 (a) a person registered as a psychologist under the *Health*
22 *Professionals Act 2004*; and

23 (b) a person registered under the *Psychologists Act 1994* (unless
24 repealed).

1 **55 Expiry of pt 5**

2 This part expires on the day the *Health Professionals Act 2004*,

3 section 136 (Repeals) expires.

4 **[1.41] Dictionary, definitions of *health professional* and *health***
5 ***professions Act***

6 *substitute*

7 *health professional* means a person registered under the *Health*

8 *Professionals Act 2004*.

9 **[1.42] Dictionary, definition of *psychologist***

10 *substitute*

11 *psychologist* means a person registered as a psychologist under the

12 *Health Professionals Act 2004*.

13 **Part 1.10 Workers Compensation Act 1951**

14 **[1.43] New chapter 17**

15 *insert*

16 **Chapter 17 Modification of Act**

17 **247 Application of ch 17**

18 This chapter modifies this Act.

19 **248 Dictionary, definition of *chiropractor***

20 *after*

21 *Health Professionals Act 2004*

22 *insert*

23 or the *Chiropractors and Osteopaths Act 1983* (unless repealed)

-
- 1 **249 Dictionary, definition of *osteopath***
- 2 *after*
- 3 *Health Professionals Act 2004*
- 4 *insert*
- 5 or the *Chiropractors and Osteopaths Act 1983* (unless repealed)
- 6 **250 Dictionary, definition of *physiotherapist***
- 7 *after*
- 8 *Health Professionals Act 2004*
- 9 *insert*
- 10 or the *Physiotherapists Act 1977* (unless repealed)
- 11 **251 Expiry of ch 17**
- 12 This chapter expires on the day the *Health Professionals Act 2004*,
- 13 section 136 (Repeals) expires.
- 14 **[1.44] Dictionary, definition of *chiropractor***
- 15 *omit*
- 16 *Chiropractors and Osteopaths Act 1983*
- 17 *substitute*
- 18 *Health Professionals Act 2004*
- 19 **[1.45] Dictionary, definition of *osteopath***
- 20 *omit*
- 21 *Chiropractors and Osteopaths Act 1983*
- 22 *substitute*
- 23 *Health Professionals Act 2004*
-

1 **[1.46] Dictionary, definition of *physiotherapist***

2 *omit*

3 *Physiotherapists Act 1977*

4 *substitute*

5 *Health Professionals Act 2004*

6 **Part 1.11 Workers Compensation**
7 **Regulations 2002**

8 **[1.47] Regulation 22 (2), table**

9 *substitute*

column 1 item	column 2 service	column 3 qualification
1	occupational therapy	eligibility for membership of the Australian Association of Occupational Therapists
2	physiotherapy	registration as a physiotherapist under the <i>Health Professionals Act 2004</i>
3	rehabilitation counselling	eligibility for membership of the Australian Society of Rehabilitation Counsellors
4	psychology services	registration as a psychologist under the <i>Health Professionals Act 2004</i>
5	social work services	eligibility for membership of the Australian Association of Social Workers

10 **[1.48] Regulation 22 (3), note**

11 *substitute*

12 *Note* For the meaning of *nurse*, see the Legislation Act, dict, pt 1.

1 **[1.49] Part 12**

2 *substitute*

3 **Part 12 Modification of regulations**

4 **101 Application of pt 12**

5 This part modifies these regulations.

6 **102 Regulation 22 (2), table**

7 *substitute*

column 1 item	column 2 service	column 3 qualification
1	occupational therapy	eligibility for membership of the Australian Association of Occupational Therapists
2	physiotherapy	registration as a physiotherapist under the <i>Health Professionals Act 2004</i> or the <i>Physiotherapists Act 1977</i> (unless repealed)
3	rehabilitation counselling	eligibility for membership of the Australian Society of Rehabilitation Counsellors
4	psychology services	registration as a psychologist under the <i>Health Professionals Act 2004</i> or the <i>Psychologists Act 1994</i> (unless repealed)
5	social work services	eligibility for membership of the Australian Association of Social Workers

8 **103 Expiry of pt 12**

9 This part expires on the day the *Health Professionals Act 2004*,
10 section 136 (Repeals) expires.

Schedule 1
Part 1.11 Workers Compensation Regulations 2002
Amendment [1.50]

- 1 **[1.50] Schedule 4**
- 2 *omit*

1 **Schedule 2** **Chiropractors and osteopaths**

2 (see s 3)

3 **Part 2.1** **Repeal of legislation**
4 **consequential on repeal of**
5 **Chiropractors and Osteopaths**
6 **Act 1983**

- 7 • *Chiropractors and Osteopaths (Examination) Determination*
8 *2002 (No 1) NI2002-326*
- 9 • *Chiropractors and Osteopaths (Examination) Determination*
10 *2002 (No 2) NI2002-327*
- 11 • *Chiropractors and Osteopaths (Fees) Determination 2003*
12 *(No 1) DI2003-241*
- 13 • *Health Professions Boards (Elections) – Election of One*
14 *Member of the Chiropractors and Osteopaths Board of the*
15 *Australian Capital Territory 2003 Declaration of Nominations*
16 *NI2003-115*
- 17 • *Election of Two Members of the Chiropractors and Osteopaths*
18 *Board of the Australian Capital Territory Declarations of*
19 *Nominations and Successful Candidates NI2002-35*
- 20 • *Health Professions Boards (Elections)—Election of One*
21 *Member of the Chiropractors and Osteopaths Board of the*
22 *Australian Capital Territory 2003 Declaration of Successful*
23 *Candidate 2003 NI2003-171*
- 24 • *Health Professions Boards (Procedures)—Chiropractors and*
25 *Osteopaths Board of the ACT 2003 (No 1) DI2003-166*

1 **Schedule 3 Dental technicians and dental**
2 **prosthetists**

3 (see s 3)

4 **Part 3.1 Legislation Act 2001**

5 **[3.1] Dictionary, part 1, definition of *dental prosthetist***

6 *substitute*

7 *dental prosthetist* means a person registered as a dental prosthetist
8 under the *Health Professionals Act 2004*.

9 **[3.2] Dictionary, part 1, definition of *dental technician***

10 *substitute*

11 *dental technician* means a person registered as a dental technician
12 under the *Health Professionals Act 2004*.

13 **Part 3.2 Podiatrists Act 1994**

14 **[3.3] Section 7 (1) (b)**

15 *omit*

16 *Dental Technicians and Dental Prosthetists Act 1988*

17 *substitute*

18 *Health Professionals Act 2004*

1 **Part 3.3 Psychologists Act 1994**

2 **[3.4] Section 7 (1) (b) (i)**

3 *omit*

4 *Dental Technicians and Dental Prosthetists Act 1988*

5 *substitute*

6 *Health Professionals Act 2004*

7 **Part 3.4 Repeal of legislation**
8 **consequential on repeal of**
9 **Dental Technicians and Dental**
10 **Prosthetists Act 1988**

- 11 • *Dental Technicians and Dental Prosthetists—Determination of*
12 *Fees 2003 (No 1) DI2003-115*
13 • *Health Professions Boards (Procedures)—Dental Technicians*
14 *and Dental Prosthetists Board of the ACT 2003 (No 1)*
15 *DI2003-43*

1 **Schedule 4 Dentists**
2 (see s 3)

3 **Part 4.1 Dental Technicians and Dental**
4 **Prosthetists Registration Act**
5 **1988**

6 **[4.1] Section 40 (a)**

7 *omit*

8 registered under the *Dentists Registration Act 1931*

9 **Part 4.2 Drugs of Dependence Act 1989**

10 **[4.2] Section 3 (1), definition of *dentist***

11 *omit*

12 **Part 4.3 Legislation Act 2001**

13 **[4.3] Dictionary, part 1, definition of *dentist***

14 *substitute*

15 *dentist*—

16 (a) means a person unconditionally registered as a dentist under
17 the *Health Professionals Act 2004*; and

18 (b) for an activity, includes a person conditionally registered as a
19 dentist under the *Health Professionals Act 2004* to the extent
20 that the person is allowed to do the activity under the person's
21 conditional registration.

1 **Part 4.4 Periodic Detention Act 1995**

2 **[4.4] Section 3 (1), definition of *dentist***

3 *omit*

4 **Part 4.5 Pharmacy Act 1931**

5 **[4.5] Section 2 (1), definition of *dentist***

6 *omit*

7 **Part 4.6 Repeal of legislation**
8 **consequential on repeal of**
9 **Dentists Act 1931**

- 10 • *Dentists Act 1931—Determination of Fees 2002* DI2002-100
11 • *Election of Three Members of the Dental Board of the*
12 *Australian Capital Territory 2002 Declaration of Nominations*
13 *NI2002-159*
14 • *Health Professions Boards (Elections) Election of Three*
15 *Members of the Dental Board of the Australian Capital*
16 *Territory 2002 Declaration of Successful Candidates*
17 *NI2002-219*
18 • *Health Professions Boards (Procedures)—Dental Board of the*
19 *ACT 2002 (No 1) DI2002-205*

1 **Schedule 5 Medical practitioners**
2 (see s 2)

3 **Part 5.1 Birth (Equality of Status) Act**
4 **1988**

5 **[5.1] Section 3, definition of *registered medical practitioner***
6 *omit*

7 **[5.2] Section 19 (3)**
8 *omit*
9 registered medical practitioner
10 *substitute*
11 doctor

12 **Part 5.2 Births, Deaths and Marriages**
13 **Registration Act 1997**

14 **[5.3] Section 4 (1), definition of *doctor***
15 *omit*

16 **[5.4] Section 23, definition of *doctor***
17 *omit*

18 **Part 5.3 Boxing Control Act 1993**

19 **[5.5] Section 3, definition of *medical practitioner***
20 *omit*

1 **Part 5.4** **Chiropractors and Osteopaths**
2 **Act 1983**

3 **[5.6]** **Section 3 (1), definition of *medical practitioner***

4 *omit*

5 **Part 5.5** **Coroners Act 1997**

6 **[5.7]** **Section 3 (1), definition of *medical practitioner***

7 *omit*

8 **Part 5.6** **Dentists Act 1931**

9 **[5.8]** **Section 3, definition of *registered medical practitioner***

10 *omit*

11 **[5.9]** **Section 77**

12 *substitute*

13 **77** **Doctor may give dental services**

- 14 (1) A doctor may give a dental service.
15 (2) If a doctor gives a dental service, the service is taken to be a medical
16 service for the purpose of recovering payment for the service.

17 **Part 5.7** **Drugs of Dependence Act 1989**

18 **[5.10]** **Section 3 (1), definition of *intern***

19 *substitute*

20 *intern* means a person who is conditionally registered as a medical
21 practitioner under the *Health Professionals Act 2004* because the
22 person would be entitled to apply for unconditional registration if

1 the person had completed a period of supervised training that the
2 person has started.

3 **[5.11] Section 3 (1), definition of *medical practitioner***

4 *omit*

5 **Part 5.8 Health Records (Privacy and**
6 **Access) Act 1997**

7 **[5.12] Section 4, definition of *medical board***

8 *substitute*

9 *medical board* means the medical board established under the
10 *Health Professionals Act 2004*.

11 **Part 5.9 Legislation Act 2001**

12 **[5.13] Dictionary, part 1, definition of *doctor***

13 *substitute*

14 *doctor*—

- 15 (a) means a person unconditionally registered as a medical
16 practitioner under the *Health Professionals Act 2004*; and
17 (b) for an activity, includes a person conditionally registered as a
18 medical practitioner under the *Health Professionals Act 2004*
19 to the extent that the person is allowed to do the activity under
20 the person's conditional registration.

1 **Part 5.10** **Long Service Leave (Building**
2 **and Construction Industry) Act**
3 **1981**

4 **[5.14]** **Section 3 (1), definition of *registered medical practitioner***
5 *omit*

6 **[5.15]** **Section 56A**
7 *omit*
8 registered medical practitioner's
9 *substitute*
10 doctor's

11 **[5.16]** **Further amendments, mentions of *registered medical***
12 ***practitioner***
13 *omit*
14 registered medical practitioner
15 *substitute*
16 doctor
17 *in*
18 • section 42 (2) (c)
19 • section 56
20 • section 56B (2) (b)

- 1 **[5.17] Further amendments, mentions of *registered medical***
2 ***practitioners***
- 3 *omit*
- 4 registered medical practitioners
- 5 *substitute*
- 6 doctors
- 7 *in*
- 8 • section 56 (3)
- 9 • section 56B (2) (b) (ii)

10 **Part 5.11 Medical Services (Fees) Act 1984**

- 11 **[5.18] Section 2, definition of *medical practitioner***
- 12 *omit*

13 **Part 5.12 Optometrists Act 1956**

- 14 **[5.19] Section 3 (1), definition of *medical practitioner***
- 15 *omit*

16 **Part 5.13 Periodic Detention Act 1995**

- 17 **[5.20] Section 3 (1), definition of *medical practitioner***
- 18 *omit*

19 **Part 5.14 Pharmacy Act 1931**

- 20 **[5.21] Section 2 (1), definition of *medical practitioner***
- 21 *omit*

1 **Part 5.15** **Physiotherapists Act 1931**

2 **[5.22]** **Section 3 (1), definition of *medical practitioner***

3 *omit*

4 **Part 5.16** **Podiatrists Act 1994**

5 **[5.23]** **Section 3 (1), definition of *medical practitioner***

6 *omit*

7 **Part 5.17** **Public Sector Management Act**
8 **1994**

9 **[5.24]** **Section 3, definition of *medical practitioner***

10 *omit*

11 **[5.25]** **Further amendments, mentions of *medical practitioner***

12 *omit*

13 *medical practitioner*

14 *substitute*

15 *doctor*

16 *in*

17 • section 3, definition of *authorised medical practitioner*

18 • section 70 (9) (a)

19 • section 146 (1)

20 • section 173

21 • section 206 (6) (b)

1 **Part 5.18 Radiation Act 1983**

2 **[5.26] section 8 (1) (a)**

3 *substitute*

4 (a) a member who is a doctor registered under the *Health*
5 *Professionals Act 2003* in the specialist area of radiology; and

6 **Part 5.19 Remand Centres Act 1976**

7 **[5.27] Section 3, definition of *registered medical practitioner***

8 *omit*

9 **[5.28] Further amendments, mentions of *registered medical***
10 ***practitioner***

11 *omit*

12 registered medical practitioner

13 *substitute*

14 doctor

15 *in*

- 16 • section 6AA (3) (b)
17 • section 14
18 • section 20 (f)

19 **Part 5.20 Sexually Transmitted Diseases**
20 **Act 1956**

21 **[5.29] Section 4, definition of *medical practitioner***

22 *omit*

1 **Part 5.21** **Trans-Tasman Mutual**
2 **Recognition Act 1997**

3 **[5.30] Schedule 4, clause 2**

4 *omit*

5 *Medical Practitioners Act 1930*

6 *substitute*

7 *Health Professionals Act 2004*

8 **Part 5.22** **Tuberculosis Act 1950**

9 **[5.31] Section 3, definition of *medical practitioner***

10 *omit*

11 **Part 5.23** **Repeal of legislation**
12 **consequential on repeal of**
13 **Medical Practitioners Act 1930**

- 14 • *Health Professions Boards (Elections) Election of Three*
15 *Members of the Medical Board of the Australian Capital*
16 *Territory 2002 Declaration of Nominations* NI2002-192
- 17 • *Health Professions Boards (Elections) Election of Three*
18 *Members of the Medical Board of the Australian Capital*
19 *Territory 2002 Declaration of Successful Candidates*
20 NI2002-270
- 21 • *Health Professions Boards (Procedures)—Appointment of*
22 *Solicitor 2003 (No 2)* NI2003-63
- 23 • *Health Professions Boards (Procedures)—Appointment of*
24 *Solicitor 2003 (No 3)* NI2003-331
- 25 • *Health Professions Boards (Procedures)—Appointment of*
26 *Solicitor 2003 (No 4)* NI2003-343

Schedule 5
Part 5.23

Medical practitioners
Repeal of legislation consequential on repeal of Medical Practitioners Act

Amendment [5.31]

- 1 • *Health Professions Boards (Procedures)—Medical Board*
2 *Appointments 2003 (No 1) DI2003-187*
- 3 • *Health Professions Boards (Procedures)—Medical Board of the*
4 *ACT Appointments 2002 (No 1) DI2002-174*
- 5 • *Health Professions Boards (Procedures)—Medical Board of the*
6 *ACT Appointments 2002 (No 2) DI2002-188*
- 7 • *Health Professions Boards (Procedures) Election of Deputy*
8 *Chairperson of the Medical Board 2003 (No 1) NI2003-310*
- 9 • *Medical Practitioners – Abortion – Approval of a medical*
10 *facility 2002 (No 1) NI2002-294*
- 11 • *Medical Practitioners – Abortion – Approval of a medical*
12 *facility 2002 (No 2) NI2002-295*
- 13 • *Medical Practitioners – Abortion – Approval of a medical*
14 *facility 2002 (No 3) NI2002-296*
- 15 • *Medical Practitioners – Abortion – Approval of a medical*
16 *facility 2002 (No 4) NI2002-297*
- 17 • *Medical Practitioners – Abortion – Approval of a medical*
18 *facility 2002 (No 5) NI2002-298*
- 19 • *Medical Practitioners (Advertising) Regulations 1985*
20 *SL1985-14*
- 21 • *Medical Practitioners Act 1930 Determination of Fees 2001*
22 *DI2001-91*
- 23 • *Medical Practitioners – Publication of registered medical*
24 *practitioners 2003 (No 1) NI2003-117*

1 **Schedule 6** **Nurses**

2 (see s 3)

3 **Part 6.1** **Birth (Equality of Status) Act**
4 **1988**

5 **[6.1] Section 3, definition of *registered nurse***

6 *substitute*

7 *registered nurse*—

8 (a) see the Legislation Act, dictionary, part 1, definition of *nurse*;
9 and

10 (b) includes a person registered under a corresponding law of a
11 State.

12 **Part 6.2** **Children and Young People Act**
13 **1999**

14 **[6.2] Section 159 (1) (c)**

15 *substitute*

16 (c) a person registered under the *Health Professionals Act 2004* as
17 a nurse; or

18 *Note* **Registered** includes enrolled (see *Health Professionals Act 2004*, dict).

1 **Part 6.6** **Legislation Act 2001**

2 **[6.7] Dictionary, part 1, definition of *nurse***

3 *substitute*

4 *nurse*—

5 (a) means a person unconditionally registered as a nurse under the
6 *Health Professionals Act 2004*; and

7 (b) for an activity, includes a person conditionally registered as a
8 nurse under the *Health Professionals Act 2004* to the extent
9 that the person is allowed to do the activity under the person's
10 conditional registration; but

11 (c) does not include an enrolled nurse.

12 *Note* Under the *Mutual Recognition Act 1992* (Cwlth), s 25 people registered
13 as nurses in a State may be deemed to be registered in the ACT.

14 **[6.8] Dictionary, part 1, definition of *nurse practitioner***

15 *substitute*

16 *nurse practitioner* means a person registered as a nurse under the
17 *Health Professionals Act 2004* in the specialist area of nurse
18 practitioner.

19 *Note* Under the *Mutual Recognition Act 1992* (Cwlth), s 25 people registered
20 as nurses in a specialty in a State may be deemed to be registered in the
21 specialty in the ACT.

1 **Part 6.10** **Transplantation and Anatomy**
2 **Act 1978**

3 **[6.12] Section 4 (1), definition of *enrolled nurse***

4 *substitute*

5 *enrolled nurse* means a person enrolled as a nurse under the *Health*
6 *Professionals Act 2004*.

7 **[6.13] Section 4 (1), definition of *registered nurse***

8 *substitute*

9 *registered nurse*—see Legislation Act, dictionary, part 1, definition
10 of *nurse*.

11 **Part 6.11** **Repeal of legislation**
12 **consequential on repeal of**
13 **Nurses Act 1988**

- 14 • *Health Professions Boards (Elections) Election of Two*
15 *Members of the Nurses Board of the Australian Capital*
16 *Territory 2002 Declaration of Nominations* NI2002-372
- 17 • *Health Professions Boards (Elections) Election of Four*
18 *Members of the Nurses Board of the Australian Capital*
19 *Territory 2002 Declarations of Nominations and Successful*
20 *Candidates* NI2002-324
- 21 • *Health Professions Boards (Elections)—Election of Two*
22 *Members of the Nurses Board of the Australian Capital*
23 *Territory 2003 Declaration of successful candidates* NI2003-46
- 24 • *Health Professions Boards (Procedures)—Nurses Board of the*
25 *ACT Appointments 2002 (No 2)* DI2002-219
- 26 • *Health Professions Boards (Procedures)—Appointment of*
27 *Solicitor 2003 (No 1)* NI2003-56

Schedule 6
Part 6.11

Nurses
Repeal of legislation consequential on repeal of Nurses Act 1988

Amendment [6.13]

- 1 • *Health Professions Boards (Procedures) - Nurses Board of the*
- 2 *ACT Appointment 2003 (No 1) NI2003-72*
- 3 • *Nurses Act 1998 Determination of Fees 1996 DI1996-5*
- 4 • *Nurses (Registered or Enrolled) Notice 2003 (No 1)*
- 5 *NI2003-188*

1 **Schedule 7** **Optometrists**
2 (see s 3)

3 **Part 7.1** **Repeal of legislation**
4 **consequential on repeal of**
5 **Optometrists Act 1956**

- 6 • *Health Professions Boards (Elections) Election of One*
7 *Members of the Optometrists Board of the Australian Capital*
8 *Territory 2003 Declarations of Nominations and Successful*
9 *Candidates* NI2003-45
10 • *Health Professions Boards (Procedures) Optometrist Board*
11 *Appointments 2002 (No 1)* DI2002-175
12 • *Optometrists—Determination of Fees 2003 (No 1)* DI2003-117

- 1 • *Health Professions Boards (Elections) Election of Three*
2 *Members of the Pharmacy Board of the Australian Capital*
3 *Territory 2002 Declaration of Successful Candidates*
4 NI2002-191
- 5 • *Health Professions Boards (Procedures) (Pharmacy Board*
6 *Deputy Chairperson Election) Notice 2004 (No 1) NI2004-37*
- 7 • *Health Professions Boards (Procedures)—Pharmacy Board of*
8 *the ACT 2002 (No 1) DI2002-199*
- 9 • *Health Professions Boards (Procedures)—Pharmacy Board of*
10 *the ACT 2003 (No 1) DI2003-188*
- 11 • *Health Professions Boards (Procedures)—Pharmacy Board of*
12 *the ACT 2003 (No 1) NI2003-263*
- 13 • *Pharmacy (Fees) Determination 2003 (No 1) DI2003-114*

1 **Schedule 10 Podiatrists**

2 (see s 3)

3 **Part 10.1 Poisons Act 1933**

4 **[10.1] New section 23**

5 *insert*

6 **23 References to podiatrist in DI2004-8**

- 7 (1) This section applies to the *Poisons (Fees) Determination 2004 (No*
8 *1)* DI2004-8.
- 9 (2) A reference in the determination to a registered podiatrist under the
10 *Podiatrist Act 1994* is taken to be a reference to a person registered
11 as a podiatrist under the *Health Professionals Act 2004*.
- 12 (3) This section expires on the day the *Health Professionals Act 2004*,
13 section 136 (Repeals) expires.

14 **Part 10.2 Repeal of legislation**
15 **consequential on repeal of**
16 **Podiatrists Act 1994**

- 17 • *Podiatrists Act 1994 Appointment* DI2001-194
18 • *Podiatrists Act 1994 Appointment* DI2001-195
19 • *Podiatrists Act 1994 Appointment* DI2001-196
20 • *Podiatrists Act 1994 Appointment* DI2001-197
21 • *Podiatrists Act 1994 Appointment* DI2001-198
22 • *Podiatrists (Fees) Determination 2004 (No 1)* DI2004-6

1 **Schedule 11 Psychologists**

2 (see s 3)

3 **Part 11.1 Victims of Crime (Financial**
4 **Assistance) Act 1983**

5 **[11.1] Section 2, definition of *health professional***

6 *substitute*

7 *health professional*—see the *Health Professions Act 2004*,
8 section 14.

9 **Part 11.2 Repeal of legislation**
10 **consequential on repeal of**
11 **Psychologists Act 1994**

- 12 • *Health Professions Boards (Procedures) (Psychologists Board*
13 *Chairperson Election) Notice 2004 (No 1) NI2004-44*
- 14 • *Health Professions Boards (Procedures)—Psychologists Board*
15 *of the ACT 2003 (No 1) DI2003-42*
- 16 • *Health Professions Boards (Procedures)—Psychologists Board*
17 *of the ACT 2003 (No 2) DI2003-80*
- 18 • *Psychologists Board Appointments 2001 DI2001-318*
- 19 • *Psychologists Act 1994 Determination of Fees 1997*
20 *DI1997-163*
- 21 • *Psychologists—Determination of Fees 2003 (No 1) DI2003-94*

1 **Schedule 12** **Miscellaneous**

2 (see s 3)

3 **Part 12.1** **Veterinary Surgeons Act 1965**

4 **[12.1] Section 7 (1)**

5 *substitute*

6 (1) The board consists of—

7 (a) a chairperson appointed under the *Health Professions Boards*
8 *(Procedures) Act 1981* (repealed); and

9 (b) 2 other members appointed under that Act; and

10 (c) 2 members elected, as occasion requires, under the *Health*
11 *Professions Boards (Elections) Act 1980* (repealed).

12 **[12.2] Section 7**

13 *renumber subsections when Act next republished under Legislation*
14 *Act*

15 **Part 12.2** **Repeal of legislation**
16 **consequential on repeal of**
17 **Health Professions Boards**
18 **(Elections) Act 1980**

- 19 • *Health Professions Boards (Elections) Act 1980—Form 1*
20 *AF2002-98*
- 21 • *Health Professions Boards (Elections) Act 1980—Form 2*
22 *AF2002-99*
- 23 • *Health Professions Boards (Elections) Act 1980—Form 3*
24 *AF2002-100*

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2004.

2 Notification

Notified under the Legislation Act on 2004.

3 Republications of amended laws

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

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