

2004

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

HEALTH PROFESSIONALS LEGISLATION AMENDMENT BILL 2004

EXPLANATORY STATEMENT

Circulated by authority of

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Minister for Health

EXPLANATORY STATEMENT

Outline

The consequential amendments proposed in this Bill are primarily a result of the changes to the ACT's health professional Acts which primarily consolidates the existing health professional laws into one Act. The Bill includes amendments proposed to the *Community and Health Services Complaints Act 1993*. These reforms, amongst other changes, propose an enhanced process in relation to the assessment and investigation of reports about health professionals. To effect these changes it has been necessary to slightly revise the *Community and Health Service Complaints Act 1993*. The remainder of the consequential amendments relate to removing references in ACT legislation to Acts that are to be repealed under the transitional provisions of the Health Professionals Bill 2004.

Revenue/Cost Implications

There is no additional cost involved in the Bill as all infrastructure is in place under the existing regime.

Formal Clauses

Clause 1 – Name of Act – states the title of the Act, which is the *Health Professionals Legislation Amendment Act 2004*.

Clause 2 – Commencement – states when the Act commences. Most amendments are to commence on the day that the provisions in s.136 of the *Health Professions Act 2004* take effect. This will allow coordination of the commencement of the repeals in s.136 of the *Health Professions Act 2004* with the commencement of the consequential amendments in this Bill. The remainder of the amendments commence on the same day that the *Health Professions Act 2004* commences.

Clause 3 – Legislation amended – provides that this Act amends and repeals the legislation mentioned in the schedules.

Schedule 1 General health profession amendments

Part 1.1 Community and Health Services Complaints Act 1993

Item 1.1 Section 3 – replaces paragraph (d) with a revised wording to include providers as well as users of community and health services and includes a further paragraph (e) to cover the maintenance of minimum standards and the resolution of complaints against registered health professionals and paragraph (f) to ensure that people who provide community and health services are suitable and able to provide them.

Item 1.2 Section 4(1), definition of board – substitutes a new definition for board to make it consistent with the *Health Professionals Act 2004*.

Item 1.3 Section 4(1), definitions of registered provider and relevant board – substitutes a new definition for registered provider and relevant board to make it consistent with the *Health Professionals Act 2004*.

Item 1.4 Section 4(1) – inserts a new definition for HPA report to make it consistent with the *Health Professionals Act 2004*.

Item 1.5 Section 9 – inserts a new paragraph (ka) to expand the functions of the Commissioner to include the function of assisting the health professional boards to investigate matters including an HPA report.

Item 1.6 Section 9 – provides for the renumbering of subsections in Section 9 of the Act when next republished.

Item 1.7 Section 11(3) and (5) – omits these subsections which are no longer necessary given the repeal of *Health Professional Boards (Procedures) Act 1981*.

Item 1.8 New section 22A – inserts section 22A into the *Community and Health Services Complaints Act 1993*. This section allows the Commissioner to act on HPA reports in the same way as complaints made under the *Community and Health Services Complaints Act 1993*.

Item 1.9 New section 31A – inserts a new section into part 3 of the *Community and Health Services Complaints Act 1993* to govern the relationship between health professional boards and the commissioner when dealing with a HPA report and in particular requires the health professional board and the commissioner to consult in respect of any action to be taken in relation to the complaint.

Item 1.10 New section 51(1A) – inserts a new paragraph (1A) which requires the commissioner to consult with the relevant health professional board before completing a report in relation to an investigation involving a HPA report.

Item 1.11 New section 51(5) – inserts a new paragraph (5) which requires the commissioner to take into account the action required to be taken in relation to a complaint involving a HPA report under section 86(2) and (3) of the *Health Professionals Act 2004*.

Item 1.12 Section 60 – substitutes a drafters note referring the reader to s 116 of the *Health Professionals Act 2004* for the role of the commissioner in a standards inquiry under that Act.

Item 1.13 New part 10 – inserts a new part 10 into the Act which provides modifications of the Act that maintains existing definitions and provisions during the transition period until all the new provisions finally take effect. These modifications do not amend the text of the law and expire on the day the *Health Professionals Act 2004* section 136 (Repeals) expire.

Part 1.2 Electoral Act 1992

Item 1.14 Section 33(1) – inserts additional words at the end of subsection (1) to allow the commissioner to appoint adults as officers under other Acts for which the commissioner exercises a function.

Part 1.3 Health Act 1993

Item 1.15 New part 8 – inserts a new part 8 into the Act which provides modifications of the Act to maintain existing definitions and provisions during the transition period until all the new provisions finally take effect. These modifications do not amend the text of the law and expire on the day the *Health Professionals Act 2004* section 136 (Repeals) expire. Medical practitioners have been omitted from the definition of health service provider on the basis that they will be covered under the *Health Professionals Act 2004* as soon as it commences.

Item 1.16 Dictionary, definition of health service provider – substitutes a new definition of health service provider to make it consistent with the *Health Professionals Act 2004*.

Part 1.4 Health Professions Boards (Elections) Act 1980

Item 1.17 Section 3, definition of board – substitutes a new definition of board to accommodate the differing commencement dates of the repeals under the transition provisions of the *Health Professionals Act 2004*. Provision for medical practitioner elections have been omitted on the basis that these will be covered under the *Health Professionals Act 2004* as soon as it commences.

Item 1.18 Section 3, definition of election – substitutes a new definition of election to accommodate the differing commencement dates of the repeals under the transition provisions of the *Health Professionals Act 2004*. Provision for medical practitioner elections have been omitted on the basis that these will be covered under the *Health Professionals Act 2004* as soon as it commences.

Item 1.19 Section 3, definition of prescribed Act – substitutes a new definition of prescribed Act to accommodate the differing commencement dates of the repeals under the transition provisions of the *Health Professionals Act 2004*. The Medical Practitioner Act has purposely been omitted on the basis that it will be covered by the *Health Professionals Act 2004* as soon as it commences.

Item 1.20 Section 3, definition of register – substitutes a new definition of register to accommodate the differing commencement dates of the repeals under the transition provisions of the *Health Professionals Act 2004*. Provision for medical practitioner elections have been omitted on the basis that these will be covered under the *Health Professionals Act 2004* as soon as it commences.

Item 1.21 Section 3, definition of registered practitioner – substitutes a new definition of registered practitioner to accommodate the differing commencement dates of the repeals under the transition provisions of the *Health Professionals Act 2004*. Provision for medical practitioner elections have been omitted on the basis that these will be covered under the *Health Professionals Act 2004* as soon as it commences.

Item 1.22 Section 8 (3) (c) – omits this subsection which is no longer necessary given that medical practitioner elections will be covered under the *Health Professionals Act 2004* as soon as it commences.

Item 1.23 Section 8 (3), new note – inserts a drafter's note at the end of this section to alert the reader that section 136 of the *Health Professionals Act 2004* repeals the Acts mentioned in paragraphs (a) to (g) of this subsection.

Item 1.24 Section 8 (3) – provides for the renumbering of paragraphs in this subsection of the Act when next republished.

Part 1.5 Health Professions Boards (Procedures) Act 1981

Item 1.25 Section 3, definition of board – substitutes a new definition of board to accommodate the differing commencement dates of the repeals under the transition provisions of the *Health Professionals Act 2004*. Provisions for Medical Practitioner Board have been omitted on the basis that these will be covered under the *Health Professionals Act 2004* as soon as it commences.

Item 1.26 Section 3, definition of proceeding – substitutes a new definition of proceeding for each of the health professional boards to accommodate the differing commencement dates of the repeals under the transition provisions of the *Health Professionals Act 2004*. Provision for Medical Practitioner Board proceedings have been omitted on the basis that these will be covered under the *Health Professionals Act 2004* as soon as it commences.

Item 1.27 Section 11 (4) – substitutes a new subsection to define registered practitioner to accommodate the differing commencement dates of the repeals under the transition provisions of the *Health Professionals Act 2004*. Provision for members of the Medical Practitioner Board have been omitted on the basis that these will be covered under the *Health Professionals Act 2004* as soon as it commences.

Part 1.6 Health Professionals (Special Events Exemptions) Act 2000

Item 1.28 New part 1 heading – inserts a new part 1 heading.

Item 1.29 New part 2 heading – inserts a new part 2 heading.

Item 1.30 Section 11 (1) – replaces the reference in the subsection to a *Health Registration Act* with the *Health Professionals Act*.

Item 1.31 New part 3 heading – inserts a new part 3 heading.

Item 1.32 Section 12 – replaces the reference in the section to a *Health Registration Act* with the *Health Professionals Act*.

Item 1.33 New part 4 – inserts a new part 4 into the Act which provides modifications of the Act to maintain existing definitions and provisions during the transition period until all the new provisions finally take effect. These modifications do not amend the text of the law and expire on the day the *Health Professionals Act 2004* section 136 (Repeals) expire. The *Medical Practitioners Act 1930* has been purposely omitted on the basis that that Act will be covered under the *Health Professionals Act 2004* as soon as it commences.

Item 1.34 Dictionary, definition of Health Registration Act – substitutes a new definition of Health Professionals Act.

Part 1.7 Medical Treatment Act 1994

Item 1.35 Section 3, definition of health professional – substitutes a new definition of health professional.

Part 1.8 Public Health Act 1997

Item 1.36 Section 102(4)(a) – replaces the reference to ‘Medical practitioners Act 1930, part 4 (The conduct of medical practice)’ with the *Health Professionals Act 2004*.

Item 1.37 Section 102(5)(a) – replaces the reference to ‘Nurses Act 1988, section 61(1) (Cancellation or suspension of registration or enrolment)’ with the *Health Professionals Act 2004*.

Item 1.38 New section 139 and part 11 – inserts a new provision and a new part 11 into the Act which provides modifications of the Act to maintain existing definitions and provisions during the transition period until all the new provisions finally take effect. These modifications do not amend the text of the law and expire on the day the *Health Professionals Act 2004* section 136 (Repeals) expire.

Item 1.39 Dictionary, definition of counsellor, paragraph (a) – substitutes a new definition of counsellor to make it consistent with the *Health Professionals Act 2004*.

Part 1.9 Victims of Crime Regulations 2000

Item 1.40 New part 5 – inserts a new part 5 into the Regulation which provides modifications of the regulations to maintain existing definitions and provisions during the transition period until all the new provisions finally take effect. These modifications do not amend the text of the regulation and expire on the day the *Health Professionals Act 2004* section 136 (Repeals) expire. The *Medical Practitioners Act 1930* has been purposely omitted on the basis that that Act will be covered under the *Health Professionals Act 2004* as soon as it commences.

Item 1.41 Dictionary, definitions of health professional and health professions Act – substitutes a new definition of health professional, which makes the definition of Health Professions Act unnecessary.

Item 1.42 Dictionary, definition of psychologist – substitutes a new definition of psychologist to make it consistent with the *Health Professionals Act 2004*.

Part 1.10 Workers Compensation Act 1951

Item 1.43 New chapter 17 – inserts a new chapter 17 into the Act which provides modifications of the Act to maintain existing definitions and provisions during the transition period until all the new provisions finally take effect. These modifications do not amend the text of the law and expire on the day the *Health Professionals Act 2004* section 136 (Repeals) expire.

Item 1.44 Dictionary, definition of chiropractor – replaces the reference to *Chiropractors and Osteopaths Act 1983* with the *Health Professionals Act 2004*.

Item 1.45 Dictionary, definition of osteopath – replaces the reference to *Chiropractors and Osteopaths Act 1983* with the *Health Professionals Act 2004*.

Item 1.46 Dictionary, definition of physiotherapist – replaces the reference to *Physiotherapist Act 1977* with the *Health Professionals Act 2004*.

Part 1.11 Workers Compensation Regulations 2002

Item 1.47 Regulation 22(2), table – substitutes a new table to make it consistent with the *Health Professionals Act 2004*.

Item 1.48 Regulation 22(3), note – substitutes a new drafters note to remove the reference to the *Nurses Act 1988* to make it consistent with the *Health Professionals Act 2004*.

Item 1.49 Part 12 – inserts a new part 12 into the Regulations which provides modifications of the Regulations to maintain existing definitions and provisions during the transition period until all the new provisions finally take effect. These modifications do not amend the text of the regulation and expire on the day the *Health Professionals Act 2004* section 136 (Repeals) expire.

Item 1.50 Schedule 4 – omits schedule 4.

Schedule 2 Chiropractors and osteopaths

Part 2.1 Repeal of legislation consequential on the repeal of Chiropractors and Osteopaths Act 1983

This part expressly repeals all notifiable instruments and disallowable instruments that relate to the *Chiropractors and Osteopaths Act 1983*.

Schedule 3 Dental technicians and dental prosthetists

Part 3.1 Legislation Act 2001

Item 3.1 Dictionary, pt 1, definition of dental prosthetist – substitutes a new definition of dental prosthetist to make it consistent with the *Health Professionals Act 2004*.

Item 3.2 Dictionary, pt 1, definition of dental technician – substitutes a new definition of dental technician to make it consistent with the *Health Professionals Act 2004*.

Part 3.2 Podiatrist Act 1994

Item 3.3 Section 7(1) (b) – replaces the reference to *Dental Technicians and Dental Prosthetists Act 1988* with the *Health Professionals Act 2004*.

Part 3.3 Psychologists Act 1994

Item 3.4 Section 7(1) (b) (i) – replaces the reference to *Dental Technicians and Dental Prosthetists Act 1988* with the *Health Professionals Act 2004*.

Part 3.4 Repeal of legislation consequential on the repeal of Dental Technicians and Dental Prosthetists Act 1988

This part expressly repeals all notifiable instruments and disallowable instruments that relate to the *Dental Technicians and Dental Prosthetists Act 1988*.

Schedule 4 Dentists

Part 4.1 Dental Technicians and Dental Prosthetists Registration Act 1988

Item 4.1 Section 40(a) – omits the words ‘registered under the *Dentists Registration Act 1931*’ to make it consistent with the *Health Professionals Act 2004*.

Part 4.2 Drugs of Dependence Act 1989

Item 4.2 Section 3(1), definition of dentist – omits the definition of dentist, which is now defined in the *Legislation Act 2001* to make it consistent with the *Health Professionals Act 2004*.

Part 4.3 Legislation Act 2001

Item 4.3 Dictionary, pt 1, definition of dentist – substitutes a new definition of dentist to make it consistent with the *Health Professionals Act 2004*.

Part 4.4 Periodic Detention Act 1995

Item 4.4 Section 3(1), definition of dentist – omits the definition of dentist, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Part 4.5 Pharmacy Act 1931

Item 4.5 Section 2(1), definition of dentist – omits the definition of dentist, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Part 4.6 Repeal of legislation consequential on the repeal of Dentists Act 1931

This part expressly repeals all notifiable instruments and disallowable instruments that relate to the *Dentists Act 1931*.

Schedule 5 Medical practitioners

Part 5.1 Birth (Equality of Status) Act 1988

Item 5.1 Section 3, definition of registered medical practitioner – omits the definition of registered medical practitioner, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Item 5.2 Section 19(3) – replaces the words medical practitioner with doctor to make it consistent with the *Health Professionals Act 2004*.

Part 5.2 Births Deaths and Marriages Registration Act 1997

Item 5.3 Section 4(1), definition of doctor – omits the definition of doctor, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Item 5.4 Section 23, definition of doctor – omits the definition of doctor, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Part 5.3 Boxing Control Act 1993

Item 5.5 Section 3, definition of medical practitioner – omits the definition of medical practitioner, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Part 5.4 Chiropractors and Osteopaths Act 1983

Item 5.6 Section 3(1), definition of medical practitioner – omits the definition of medical practitioner, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Part 5.5 Coroners Act 1997

Item 5.7 Section 3(1), definition of medical practitioner – omits the definition of medical practitioner, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Part 5.6 Dentists Act 1931

Item 5.8 Section 3, definition of registered medical practitioner – omits the definition of registered medical practitioner, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Item 5.9 Section 77 – substitutes a new section to remove the references to the *Medical Practitioners Act 1930* which have now been replaced by the *Health Professionals Act 2004* as a consequence of this change some redrafting of the section was required.

Part 5.7 Drugs of Dependence Act 1989

Item 5.10 Section 3(1), definition of intern – substitutes a new definition of intern to make it consistent with the *Health Professionals Act 2004*.

Item 5.11 Section 3(1), definition of medical practitioner – omits the definition of medical practitioner, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Part 5.8 Health Records (Privacy and Access) Act 1997

Item 5.12 Section 4, definition of medical board – substitutes a new definition of medical board to make it consistent with the *Health Professionals Act 2004*.

Part 5.9 Legislation Act 2001

Item 5.13 Dictionary, part 1, definition of doctor – substitutes a new definition of doctor to make it consistent with the *Health Professionals Act 2004*.

Part 5.10 Long Service Leave (Building and Construction Industry) Act 1981

Item 5.14 Section 3(1), definition of registered medical practitioner – omits the definition of registered medical practitioner, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Item 5.15 Section 56A – omits the reference to ‘registered medical practitioner’s’ and replaces it with the ‘doctor’s’ to make it consistent with the *Health Professionals Act 2004*

Item 5.16 Further amendments, mentions of registered medical practitioner – omits the words ‘registered medical practitioner’ and replaces it with ‘doctor’ in sections 42(2)(c), 56 and 56B(2)(b) to make these sections consistent with the *Health Professionals Act 2004*

Item 5.17 Further amendments, mentions of registered medical practitioners – omits the words ‘registered medical practitioners’ and replaces it with ‘doctors’ in sections 56(3) and 56B(2)(b)(ii) to make these sections consistent with the *Health Professionals Act 2004*

Part 5.11 Medical Services (Fees) Act 1984

Item 5.18 Section 2, definition of medical practitioner – omits the definition of medical practitioner, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Part 5.12 Optometrists Act 1956

Item 5.19 Section 3(1), definition of medical practitioner – omits the definition of medical practitioner, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Part 5.13 Periodic Detention Act 1995

Item 5.20 Section 3(1), definition of medical practitioner – omits the definition of medical practitioner, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Part 5.14 Pharmacy Act 1931

Item 5.21 Section 2(1), definition of medical practitioner – omits the definition of medical practitioner, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Part 5.15 Physiotherapists Act 1931

Item 5.22 Section 3(1), definition of medical practitioner – omits the definition of medical practitioner, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Part 5.16 Podiatrists Act 1994

Item 5.23 Section 3(1), definition of medical practitioner – omits the definition of medical practitioner, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Part 5.17 Public Sector Management Act 1994

Item 5.24 Section 3, definition of medical practitioner – omits the definition of medical practitioner, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Item 5.25 Further amendments, mentions of medical practitioner – omits the words ‘medical practitioner’ and replaces it with ‘doctor’ in sections 3, definition of authorised medical practitioner, 70(9)(a), 146(1), 173 and 206(6)(b) to make these sections consistent with the *Health Professionals Act 2004*.

Part 5.18 Radiation Act 1983

Item 5.26 Section 8(1)(a) – substitutes a new paragraph (a) to remove references to *Medical Practitioners Registration Act 1930* and the Royal Australasian College of Radiologists to make the paragraph consistent with the *Health Professionals Act 2004*.

Part 5.19 Remand Centres Act 1976

Item 5.27 Section 3(1), definition of registered medical practitioner – omits the definition of registered medical practitioner, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Item 5.28 Further amendments, mentions of registered medical practitioner – omits the words ‘registered medical practitioner’ and replaces it with ‘doctor’ in sections 6AA(3)(b), 14 and 20(f) to make these sections consistent with the *Health Professionals Act 2004*

Part 5.20 Sexually Transmitted Diseases Act 1956

Item 5.29 Section 4, definition of medical practitioner – omits the definition of medical practitioner, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Part 5.21 Trans-Tasman Mutual Recognition Act 1956

Item 5.30 Schedule 4, clause 2 – omits the reference to ‘*Medical Practitioners Act 1930*’, and replaces it with the *Health Professionals Act 2004*.

Part 5.22 Tuberculosis Act 1950

Item 5.31 Section 3, definition of medical practitioner – omits the definition of medical practitioner, which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Part 5.23 Repeal of legislation consequential on the repeal of medical practitioners Act 1930

This part expressly repeals all notifiable instruments and disallowable instruments that relate to the *Medical Practitioners Act 1930*.

Schedule 6 Nurses

Part 6.1 Birth (Equality of Status) Act 1988

Item 6.1 Section 3, definition of registered nurse – substitutes a new definition of registered nurse to make it consistent with the *Health Professionals Act 2004*.

Part 6.2 Children and Young People Act 1999

Item 6.2 Section 159(1) (c) – substitutes a new paragraph (c) to remove references to the *Nurses Act 1988* and to make the paragraph consistent with the *Health Professionals Act 2004*.

Part 6.3 Crimes Act 1900

Item 6.3 Section 76(2) (a) – omits the reference to registered midwife under the *Nurses Act 1988* and inserts a reference that is consistent with the *Health Professionals Act 2004*.

Part 6.4 Drugs of Dependence Act 1989

Item 6.4 Section 3(1), definition of enrolled nurse – substitutes a new definition of enrolled nurse to make it consistent with the *Health Professionals Act 2004*.

Item 6.5 Section 3(1), definition of nurse – substitutes a new definition of nurse as contained in the *Legislation Act 2001* to make it consistent with the *Health Professionals Act 2004*.

Part 6.5 Juries Act 1956

Item 6.6 Schedule 2, pt 2.2, item 5, column 2 – omits the reference to *Nurses Act 1988*, and replaces it with the *Health Professionals Act 2004*.

Part 6.6 Legislation Act 2001

Item 6.7 Dictionary, pt 1, definition of nurse – substitutes a new definition of nurse to make it consistent with the *Health Professionals Act 2004*.

Item 6.8 Dictionary, pt 1, definition of nurse practitioner – substitutes a new definition of nurse practitioner to make it consistent with the *Health Professionals Act 2004*.

Part 6.7 Mental Health (Treatment and Care) Act 1994

Item 6.9 Section 4, definition of mental health nurse – substitutes a new definition of mental health nurse to make it consistent with the *Health Professionals Act 2004*.

Part 6.8 Periodic Detention Act 1995

Item 6.10 Section 3(1), definition of nurse – omits the definition of nurse which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Part 6.9 Physiotherapists Act 1977

Item 6.11 Section 3(1), definition of nurse – substitutes a new definition of nurse to make it consistent with the *Health Professionals Act 2004*.

Part 6.10 Transplant and Anatomy Act 1978

Item 6.12 Section 4(1), definition of enrolled nurse – substitutes a new definition of enrolled nurse to make it consistent with the *Health Professionals Act 2004*.

Item 6.13 Section 4(1), definition of registered nurse – substitutes a new definition of registered nurse as contained in the *Legislation Act 2001* to make it consistent with the *Health Professionals Act 2004*.

Part 6.11 Repeal of legislation consequential on the repeal of Nurses Act 1988

This part expressly repeals all notifiable instruments and disallowable instruments that relate to the *Nurses Act 1988*.

Schedule 7 Optometrists

Part 7.1 Repeal of legislation consequential on the repeal of Optometrists Act 1956

This part expressly repeals all notifiable instruments and disallowable instruments that relate to the *Optometrists Act 1956*.

Schedule 8 Pharmacists

Part 8.1 Drugs of Dependence Act 1989

Item 8.1 Section 3(1), definition of pharmacist – omits the definition of pharmacist which is now defined in the *Legislation Act 2001* and is consistent with the *Health Professionals Act 2004*.

Part 8.2 Legislation Act 2001

Item 8.2 Dictionary, pt 1, definition of pharmacist – substitutes a new definition of pharmacist to make it consistent with the *Health Professionals Act 2004*.

Part 8.3 Repeal of legislation consequential on the repeal of Pharmacy Act 1931

This part expressly repeals all notifiable instruments and disallowable instruments that relate to the *Pharmacy Act 1931*.

Schedule 9 Physiotherapists

Part 9.1 Chiropractors and Osteopaths Act 1983

Item 9.1 Section 3(1), definition of physiotherapists – substitutes a new definition of physiotherapist to make it consistent with the *Health Professionals Act 2004*.

Part 9.2 Podiatrists Act 1994

Item 9.2 Section 3(1), definition of physiotherapists – substitutes a new definition of physiotherapist to make it consistent with the *Health Professionals Act 2004*.

Part 9.3 Repeal of legislation consequential on the repeal of Physiotherapists Act 1977

This part expressly repeals all notifiable instruments and disallowable instruments that relate to the *Physiotherapists Act 1977*.

Schedule 10 Podiatrists

Part 10.1 Poisons Act 1933

Item 10.1 New section 23 – inserts a new section into the Act which maintains existing definitions in respect of a fees determination DI2004-8 during the transition period until all the new provisions finally

take effect. These temporary changes expire on the day the *Health Professionals Act 2004* section 136 (Repeals) expire.

Part 10.2 Repeal of legislation consequential on the repeal of Podiatrists Act 1994

This part expressly repeals all notifiable instruments and disallowable instruments that relate to the *Podiatrists Act 1994*.

Schedule 11 Psychologists

Part 11.1 Victims of Crime (Financial Assistance) Act 1983

Item 11.1 Section 2, definition of health professional – substitutes a new definition of health professional to make it consistent with the *Health Professionals Act 2004*.

Part 11.2 Repeal of legislation consequential on the repeal of Psychologists Act 1994

This part expressly repeals all notifiable instruments and disallowable instruments that relate to the *Psychologists Act 1994*.

Schedule 12 Miscellaneous

Part 12.1 Veterinary Surgeons Act 1965

Item 12.1 Section 7(1) – substitutes a new definition of board to allow for the fact that the Health Professions Boards (Procedures) Act 1981 and the Health Professions Boards (Elections) Act 1980 will be repealed as a result of the transition provisions of the *Health Professionals Act 2004*.

Item 12.2 Section 7 – provides for the renumbering of the subsection when the Act is next republished.

Part 12.2 Repeal of legislation consequential on the repeal of Health Professions Boards (Elections) Act 1980

This part expressly repeals all notifiable instruments and disallowable instruments that relate to the *Health Professions Boards (Elections) Act 1980*.