



Australian Capital Territory

Health Professionals Amendment Regulation 2007 (No 1)

Subordinate Law SL2007-1

The Australian Capital Territory Executive makes the following regulation under the *Health Professionals Act 2004*.

Dated 23 December 2006.

KATY GALLAGHER
Minister

ANDREW BARR
Minister



Australian Capital Territory

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made under the

Health Professionals Act 2004

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1 Name of regulation

This regulation is the *Health Professionals Amendment Regulation 2007 (No 1)*.

2 Commencement

- (1) Section 41 commences on 7 January 2007.
- (2) The remaining provisions commence on 9 January 2007.

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

3 Legislation amended

This regulation amends the *Health Professionals Regulation 2004*.

Note This regulation also amends the *Health Professionals Amendment Regulation 2005 (No 1)* (see s 41).

4 New section 3A

insert

3A Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg **conduct**, **intention**, **recklessness** and **strict liability**).

Note 2 Penalty units

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

5 New section 21 (2)

insert

- (2) The executive officer of a health profession board may delegate a function given to the officer under a territory law to a public servant, including the registrar of the board.

Note For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

6 Section 112

substitute

112 Application for registration—Act, s 37 (5) (a)

- (1) An application by a person for registration as a health professional must contain the following:
- (a) the person's name;
 - (b) the name used by the person, or intended to be used by the person, when practising the profession if different from the person's name;
 - (c) if the person has previously practised the profession—any other name used by the person when practising the profession;
 - (d) the person's business address, or intended business address;
 - (e) the person's postal address;

- (f) if the person is an individual—each of the following:
 - (i) the person's date of birth;
 - (ii) a recent passport-size photograph of the applicant's head and shoulders, signed by a person before whom a statutory declaration may be made;
 - (iii) a statutory declaration stating that the applicant's right to practise as a health professional in the territory or anywhere else is not suspended and has not been cancelled;
 - (iv) evidence of the person's qualifications, including relevant training undertaken;
- (g) if the person has been refused registration, or the person's registration has been cancelled—details of the refusal or cancellation;
- (h) if the person has been refused registration (however described) as a health professional, or the person's registration as a health professional has been cancelled, under a corresponding law of a local jurisdiction—details of the refusal or cancellation;
- (i) if the person is a corporation—the information required in paragraphs (d) to (h) for each director of the corporation;

- (j) anything else prescribed in the schedule for the health profession.

Note 1 A fee may be determined under the Act, s 132 for this section.

Note 2 If a form is approved under s 157C for this provision, the form must be used.

Note 3 The *Statutory Declarations Act 1959* (Cwlth), s 8 requires a statutory declaration to be made before a prescribed person. The *Statutory Declaration Regulations 1993* (Cwlth) prescribes people for that section.

Note 4 Section 115 requires the board to take into account a person's convictions when considering whether the person is competent to practise a health profession.

Note 5 A corporation may be allowed to apply to be registered as a health profession if a regulation allows a corporation to be registered in the health profession—see Act, s 37 (2).

- (2) If an applicant is currently registered (however described) in a local jurisdiction or outside Australia, the application must also include—
 - (a) the original, or a certified copy, of the applicant's current registration certificate (however described); and
 - (b) if required by the board—a statutory declaration to the effect that the applicant has asked the regulatory authority responsible for the registration of the health profession in the place where the applicant is registered for a certificate of standing about the applicant to be given to the board.

- (3) Also, an individual applicant must personally provide to the board 100 points of evidence of identity as prescribed under the *Financial Transaction Reports Regulations 1990* (Cwlth) for general verification.

Example

presentation of a combination of a passport or citizenship certificate or photographic licence (such as a drivers licence), with a social security card, employment ID, a letter from an employer, credit or debit card or Medicare card

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).

- (4) In this section:

certificate of standing about an individual applicant, given by a regulatory authority of a place, means a certificate stating—

- (a) that the applicant is registered in the place; and

Note **Register**, a person, includes enrol the person (see Act, dict).

- (b) whether any condition or restriction applies to the applicant's registration; and

- (c) if a condition or restriction applies to the registration—the condition or restriction; and

- (d) whether any disciplinary action has been taken in relation to the applicant.

7 Section 114

substitute

114 Suitability to practise requirements

- (1) An individual is suitable to practise in a health profession, or a specialist area of the profession, if the individual—
- (a) has the qualifications for the health profession or specialist area set out in the schedule for the health profession; and

- (b) has successfully completed training (which may include an internship) set out in the schedule for the health profession or specialist area; and
- (c) is generally competent.

Note 1 General competence is dealt with in s 115.

Note 2 An individual is also suitable to practise in a health profession if the individual is unconditionally registered in another jurisdiction and is entitled to be registered in the ACT under the *Mutual Recognition Act 1992* (Cwlth) or the *Trans-Tasman Mutual Recognition Act 1997* (Cwlth).

- (2) For subsection (1) (b), the schedule for the health profession may require the training to have been completed within a stated time before the application for registration.
- (3) Unless the schedule for a health profession otherwise provides, a corporation is suitable to practise the health profession, or a specialist area of the health profession, if each director of the corporation is suitable to practise the health profession or specialist area of the health profession.

8 New section 115 (1) (aa)

insert

- (aa) whether the person has communication skills that allow the person to practise the profession effectively without endangering patients;

Note Under the Act, s 37 (1) (b), the person must have knowledge of written and spoken English that is adequate to allow the person to practise in a health profession.

9 New section 115 (1A)*insert*

- (1A) Unless the schedule for a health profession otherwise provides, a health profession board, in deciding whether a corporation is generally competent in relation to a profession, must consider the matters in subsection (1) (a) to (d) in relation to each director of the corporation.

10 New section 115A*insert***115A Short-term registration—Act, s 37 (5) (b)**

- (1) On application by an individual under section 112, the executive officer of a health profession board may, on behalf of the board, register the individual if satisfied that—
- (a) if the board were to consider the individual's application, it would—
 - (i) register the individual unconditionally; or
 - (ii) register the individual conditionally because the person would be entitled to apply for unconditional registration if a degree or award to which the person is entitled had been conferred or granted by the institution concerned; and
 - (b) it is appropriate to conditionally register the person because the board will not meet to consider the application soon.
- (2) Registration under this section is subject to—
- (a) the condition that it ends on the earlier of—
 - (i) the day the health profession board decides the application for registration; or

- (ii) the day 3 months after the day the executive officer registers the individual under this section; and
- (b) any other condition the executive officer considers appropriate.
- (3) However, if the health profession board decides to register the individual, the registration is taken to have started on the day the executive officer of the board conditionally registered the individual.

11 New section 129 (2)

insert

- (2) Unless the schedule for a health profession otherwise provides, a corporation must ensure that each director of the corporation remains suitable to practise the profession in which the corporation is registered.

12 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 Medical Board	medical practitioners	2
2	ACT Nursing and Midwifery Board	nurses	3
3	ACT Nursing and Midwifery Board	midwives	4
4	ACT Pharmacy Board	pharmacists	5

column 1 item	column 2 health profession board	column 3 health profession	column 4 relevant schedule
5	ACT Dental Board	dentists, dental hygienists and dental therapists	6
6	ACT Psychologists Board	psychologists	7
7	ACT Dental Technicians and Dental Prosthetists Board	dental technicians and dental prosthetists	8
8	ACT Podiatrists Board	podiatrists	9
9	ACT Physiotherapists Board	physiotherapists	10
10	ACT Optometrists Board	optometrists	11
11	ACT Veterinary Surgeons Board	veterinary surgeons	12
12	ACT Chiropractors and Osteopaths Board	chiropractors	13
13	ACT Chiropractors and Osteopaths Board	osteopaths	14
14	ACT Medical Radiation Scientists Board	medical radiation scientists	15

13 Schedule 2, new note

insert

Note to sch 2

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 must have a knowledge of written and spoken English that is adequate to allow the person to practise
- 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; and
 - (b) whether the person has communication skills that allow the person to practise effectively without endangering patients; and
 - (c) whether the person has an addiction to alcohol, another drug or another substance that may affect the person's ability to practise; and
 - (d) whether the person has been convicted or found guilty of an offence that indicates that the person may not be competent to practise; and
 - (e) whether the person's experience is recent and sufficient to allow the person to practise.

14 Schedule 2, new section 2.1A

before section 2.1, insert

2.1A Definitions—sch 2

In this schedule:

board means the ACT Medical Board.

medical practitioner means an individual registered as a medical practitioner under this schedule.

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

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

15 Schedule 2, section 2.2 (1) (b)

substitute

- (b) have successfully completed a period of supervised training approved by the board.

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.

16 Schedule 2, section 2.3

omit

17 Schedule 2, section 2.4, table 2.4, item 7

substitute

7	general practice	Fellowship of Royal Australian College of General Practice (FRACGP)
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18 Schedule 2, section 2.4, table 2.4, item 11

substitute

11	ophthalmology	Fellowship of Royal Australian and New Zealand College of Ophthalmologists (FRANZCO)
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19 Schedule 2, section 2.4, table 2.4, new item 11B

insert

11B	palliative medicine	Fellowship of Royal Australasian College of Physicians (FRACP) Fellowship of Australasian Chapter of Palliative Medicine (FACHPM)
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20 Schedule 2, section 2.5

substitute

2.5 Maintenance and demonstration of professional development, continued competence and recency of practice for medical practitioners—Act, s 23 (d)

- (1) To demonstrate adequate professional development at the time of application for registration as a medical practitioner, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant attended and satisfactorily completed a training program approved by the board; or
 - (b) that the applicant is undertaking, and making satisfactory progress towards completing, a program of continuing medical education approved by the board and provided by an Australian medical college; or
 - (c) that the applicant has undertaken professional development activities; or
 - (d) that otherwise demonstrates professional development that the board considers adequate.

- (2) To demonstrate continuing competence at the time of application for registration as a medical practitioner, 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 medical practitioner, the applicant must, if required by the board, give the board—
 - (a) written evidence that the applicant has practised as a medical practitioner for an average of at least 8 hours each week in the 5 years before the day the application is made; or
 - (b) written evidence that the applicant has attended and satisfactorily completed a refresher course approved in writing by the board; or
 - (c) for medical practitioners who are not members of an Australian medical college—written evidence of satisfactory progress in an education program approved in writing by the board; or
 - (d) other written evidence that demonstrates the applicant's recency of practice.

Example

At renewal, Mary includes in her application evidence that, during the year, she has earned 4 points towards a continuing medical education package accredited by the board.

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).

- (4) In this section:

professional development activity—an activity is a ***professional development activity*** if it complies with a standard about professional development for medical practitioners developed or endorsed under section 131.

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

21 Schedule 2, section 2.7 (2)

substitute

- (2) However, subsection (1) does not apply to a medical practitioner if the medical practitioner—
- (a) is covered by medical indemnity insurance (the *other insurance*) other than insurance maintained by the medical practitioner; and
 - (b) only practises as a medical practitioner while covered by the other insurance.

22 Schedule 2, sections 2.8 to 2.10

substitute

2.8 Application requirements—Act, s 37 (5) (a)

An application for registration as a medical practitioner must be accompanied by each of the following:

- (a) unless the board exempts the applicant in writing, the original certificate, issued not more than 6 months before the day the application is made, by the Australian Federal Police describing the applicant's criminal history (if any);
- (b) if the application is for conditional registration in the public interest because the applicant believes the applicant is someone mentioned in section 117 (1) (c) or (g)—evidence from a medical college that the training the applicant proposes to undertake is appropriate for the applicant;
- (c) if the application is for conditional registration in the public interest because the applicant believes the applicant is someone mentioned in section 117 (1) (d)—evidence that the applicant is an applicant for, or has enrolled in, an examination required under the Act;

- (d) if the application is for conditional registration under section 117 (1) (e)—a letter of offer from the applicant's prospective employer stating the conditions of employment and giving the name of the applicant's proposed supervisor;
- (e) if the application is for conditional registration in the public interest because the applicant believes the applicant is someone mentioned in section 117 (1) (f)—
 - (i) a certificate from the chief executive stating that the position to be filled by the applicant is in an area of unmet need; and
 - (ii) a letter of offer from the applicant's prospective employer stating the conditions of employment and giving the name of the applicant's proposed supervisor.

2.9 Conditional registration of student medical practitioners—Act, s 37 (5) (b)

- (1) The board may register an individual as a medical practitioner if satisfied that the individual is undertaking, or about to undertake—
 - (a) medical study at a medical school in the ACT accredited by the Australian Medical Council; or
 - (b) a clinical placement in the ACT arranged by an educational institution, whether or not the placement is for a course accredited by the Australian Medical Council.
- (2) Registration in accordance with this section is subject to the condition that the individual only practises as a medical practitioner—
 - (a) as part of the study or placement; and
 - (b) under the supervision of a medical practitioner whose registration entitles the practitioner to practise medicine without supervision.

- (3) The board may impose any other condition on the registration of the individual that it considers appropriate.
- (4) The board must not determine a fee for registration under this section.

23 Schedule 2, further amendments, mentions of *medical board*

omit

medical board

substitute

board

in

- section 2.2 (2) (a)
- section 2.4 (4) (b)
- section 2.6 (1)
- section 2.7 (1)
- section 2.11
- section 2.12

24 Schedule 3, new note

insert

Note to sch 3

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 must have a knowledge of written and spoken English that is adequate to allow the person to practise
- 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; and
 - (b) whether the person has communication skills that allow the person to practise effectively without endangering patients; and
 - (c) whether the person has an addiction to alcohol, another drug or another substance that may affect the person's ability to practise; and
 - (d) whether the person has been convicted or found guilty of an offence that indicates that the person may not be competent to practise; and
 - (e) whether the person's experience is recent and sufficient to allow the person to practise.

25 Schedule 3, section 3.1, definition of *enrolled nurse*

substitute

enrolled nurse means a nurse who is enrolled in accordance with this schedule.

26 Schedule 3, section 3.1, definition of *nurse practitioner*

substitute

nurse practitioner means a nurse registered in the specialist area of nurse practitioner.

27 Schedule 3, section 3.6

omit

28 Schedule 3, section 3.7 (2) and (4)

omit

specialty

substitute

specialist

29 Schedule 3, section 3.8

substitute

3.8 Maintenance and demonstration of professional development, continued competence and recency of practice for nurses—Act, s 23 (d)

- (1) To demonstrate adequate professional development at the time of application for registration or enrolment as a nurse, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant attended and satisfactorily completed a training program approved by the board; or
 - (b) that the applicant has undertaken at least 30 hours of professional development activities during the period of 3 years ending on the day the applicant applied for registration or enrolment; or
 - (c) that the applicant has otherwise demonstrated professional development the board considers appropriate.
- (2) To demonstrate continuing competence at the time of application for registration or enrolment as a nurse, 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 or enrolment as a nurse, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant has practised as a nurse within the period of 5 years ending on 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 that the board considers adequate.

(4) In this section:

enrolment includes renewal of enrolment.

professional development activity—an activity is a ***professional development activity*** if it complies with a standard about professional development for nurses developed or endorsed under section 131.

registration includes renewal of registration.

Note For application requirements, see s 112.

30 Schedule 3, sections 3.10 and 3.11

omit

31 Schedule 3, sections 3.12 (2) (a) and 3.13 (4) (b)

after

registered nurse

insert

whose registration entitles the registered nurse to practise nursing without supervision

32 Schedule 4, new note

insert

Note to sch 4

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 must have a knowledge of written and spoken English that is adequate to allow the person to practise
- 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; and
 - (b) whether the person has communication skills that allow the person to practise effectively without endangering patients; and
 - (c) whether the person has an addiction to alcohol, another drug or another substance that may affect the person's ability to practise; and
 - (d) whether the person has been convicted or found guilty of an offence that indicates that the person may not be competent to practise; and
 - (e) whether the person's experience is recent and sufficient to allow the person to practise.

33 Schedule 4, section 4.1, new definition of *midwife*

insert

midwife means an individual who is registered as a midwife under this schedule.

34 Schedule 4, sections 4.5 and 4.6

substitute

4.5 Maintenance and demonstration of professional development, continued competence and recency of practice for midwives—Act, s 23 (d)

- (1) To demonstrate adequate professional development at the time of application for registration as a midwife, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant attended and satisfactorily completed a training program approved by the board; or
 - (b) that the applicant has undertaken at least 30 hours of professional development activities during the period of 3 years ending on the day the applicant applied for registration or enrolment; or

- (c) that the applicant has otherwise demonstrated professional development the board considers appropriate.
- (2) To demonstrate continuing competence at the time of application for registration as a midwife, 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 midwife, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant has practised as a midwife within the period of 5 years ending on 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 that 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 midwives 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.

35 Schedule 4, sections 4.8 and 4.9

omit

36 Schedule 4, sections 4.10 (2) (a) and 4.11 (2) (b)

after

midwife

insert

whose registration entitles the midwife to practise midwifery without supervision

37 New schedules 5 to 12

insert

Schedule 5 Pharmacists

(see s 4 and sch 1)

Note to sch 5

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; and
 - (b) whether the person has communication skills that allow the person to practise effectively without endangering patients; and

- (c) whether the person has an addiction to alcohol, another drug or another substance that may affect the person's ability to practise; and
- (d) whether the person has been convicted or found guilty of an offence that indicates that the person may not be competent to practise; and
- (e) whether the person's experience is recent and sufficient to allow the person to practise.

5.1 Definitions—sch 5

In this schedule:

board means the ACT Pharmacy Board.

close relative, of a pharmacist, means a domestic partner, parent, child or grandchild of the pharmacist.

Note For the meaning of ***domestic partner***, see the Legislation Act, s 169.

community pharmacy means a pharmacy at a place other than an institution.

institution means a correctional centre, hospital or residential care facility.

pharmacist means a person registered as a pharmacist under this schedule.

pharmacy means premises where a pharmacist practises as a pharmacist.

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

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

residential care—see the *Aged Care Act 1997* (Cwlth), section 41-3 (Meaning of *residential care*).

residential care facility means a residential facility that provides residential care to residents at the facility.

5.2 Restriction on pharmacy premises—supermarkets

- (1) To protect the public, a pharmacist must not operate or practise in a community pharmacy inside, or partly inside, premises being used as a supermarket.

- (2) In this section:

supermarket means a large shop selling food and other household items where the selection of goods is organised on a self-serve basis.

Note This definition is the same as the definition of ***supermarket*** in the territory plan.

5.3 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 board may approve standards about premises for community pharmacies for subsection (1) (c).

- (3) A pharmacist must comply with any standard approved under this section.

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.

- (4) 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.

5.4 General area of operation of pharmacy profession—Act, s 22 (1) (a)**(1) The practice of pharmacy involves—**

- (a) dispensing medicine; and
- (b) formulating and preparing medicine; and
- (c) supplying medicine and health-related products; and
- (d) giving advice and information about medicines.

Example—par (c)

first aid items; medical devices; inhalers for people with asthma

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).

(2) In particular, the practice of pharmacy includes the following:

- (a) dispensing prescription and non-prescription medicines;
- (b) providing health-related products;
- (c) formulating and compounding medicines;
- (d) conducting medication reviews;
- (e) diagnosing minor health conditions, giving advice on health care matters that do not require a doctor's advice and referring people to other health professionals if they require other advice;
- (f) prescribing medicines that do not require a prescription from a medical practitioner;
- (g) ensuring the correct use of medicines and health-related products;
- (h) providing clinical testing services in pharmacies for health monitoring;

- (i) conducting research in relation to medicines, including interpreting medicinal data;
 - (j) regulating pharmacy practices, policies and procedures;
 - (k) educating and training other people in pharmacy practice.
- (3) To remove any doubt, a person also practises as a pharmacist if the person—
 - (a) owns a pharmacy; or
 - (b) practises pharmacy (see subsections (1) and (2)) as part of a business other than the business of operating a pharmacy.
- (4) However, a person is not practising as a pharmacist if the person has applied under section 5.14 (Operation of pharmacy on death of pharmacist) for permission to operate a pharmacy and the application has not been refused.
- (5) In this section:
 - sell* includes each of the following:
 - (a) offer or expose for sale;
 - (b) barter (or offer or expose for barter);
 - (c) exchange (or offer or expose for exchange);
 - (d) have in possession for sale.
 - supply*—
 - (a) includes each of the following:
 - (i) offer to supply;
 - (ii) supply for value (or offer or expose to supply for value);

- (iii) supply for free (or offer or expose to supply for free);
 - (iv) sell;
 - (v) dispense; but
- (b) does not include administer.

5.5 Qualifications as suitability to practise for individual pharmacists—Act, s 23 (a)

- (1) To practise as a pharmacist, an individual—

- (a) must—

- (i) be a graduate of a course of education in pharmacy offered in the ACT or a local jurisdiction that is accredited by COPRA or approved by the board or the regulatory authority of a local jurisdiction; and

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.

- (ii) have completed training in the ACT or a local jurisdiction that is accredited by COPRA or approved by the board or the regulatory authority of a local jurisdiction; or

- (b) must—

- (i) have completed a program in pharmacy offered by APEC; and
- (ii) have a certificate issued by APEC that certifies that the person has satisfied the requirements of APEC to practise as a pharmacist.

(2) In this section:

APEC means the Australian Pharmacy Examining Council Incorporated.

COPRA means the Council of Pharmacy Registering Authorities.

5.6 Qualifications as suitability to practise as corporate pharmacist—Act, s 23 (a)

To practise as a pharmacist, a corporation must—

- (a) have the board's written approval to practise as a pharmacist; and
- (b) have 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 can not 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
- (c) have 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

- (d) for a corporation that is to practise pharmacy as a trustee—only be 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 board; and
- (e) have a constitution that is appropriate to a corporation formed to practise as a pharmacist.

5.7 Maintenance and demonstration of professional development, continued competence and recency of practice for individual pharmacists—Act, s 23 (d)

- (1) To demonstrate adequate professional development at the time of application for registration as an individual pharmacist, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant attended and satisfactorily completed a training program approved by the board; or
 - (b) that the applicant has undertaken professional development activities; or
 - (c) that the applicant otherwise demonstrates professional development the board considers adequate.
- (2) To demonstrate continuing competence at the time of application for registration as an individual pharmacist, the applicant must, if required by the board, give the board written evidence—
 - (a) of the applicant's competence assessed against the board's standards statement; or
 - (b) that the applicant otherwise demonstrates continuing competence the board considers satisfactory.

- (3) To demonstrate recency of practice at the time of application for registration as an individual pharmacist, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant has practised as a pharmacist in 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 that 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 pharmacists 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.

5.8 Board membership—Act, s 24

- (1) The board is made up of the president and the following individuals:
 - (a) 3 elected members;
 - (b) 5 appointed members, 2 of whom are community representatives.
- (2) One of the community representatives must be a lawyer who has been a lawyer for a continuous period of at least 5 years before the day of appointment.

5.9 Required insurance policy—Act, s 37 (1) (d)

- (1) A pharmacist must maintain a policy of professional indemnity insurance at a level approved by the board.

- (2) However, subsection (1) does not apply to a pharmacist if the pharmacist —
 - (a) is covered by professional indemnity insurance (the *other insurance*) other than insurance maintained by the pharmacist; and
 - (b) only practises as a pharmacist while covered by the other insurance.

5.10 Conditional registration of pharmacists with unapproved qualifications—Act, s 37 (5) (b)

- (1) The board may register an individual as a pharmacist if satisfied that the individual—
 - (a) is a graduate of a course of education or training in pharmacy that is not approved under section 5.5 (Qualifications as suitability to practise for individual pharmacists—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 pharmacists in the ACT;
 - (ii) undergo a period of practice as a pharmacist under the supervision of a pharmacist 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 pharmacy—
 - (a) under the supervision of a pharmacist whose registration entitles the pharmacist to practise pharmacy 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.

5.11 Conditional registration for pharmacists who want to teach etc—Act, s 37 (5) (b)

- (1) This section applies if—
 - (a) an individual has applied for registration as a pharmacist; 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) 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.

5.12 Conditional registration for non-practising pharmacists—Act, s 37 (5) (b)

- (1) This section applies if—
 - (a) a person has applied for registration as a pharmacist; and
 - (b) the board is satisfied that the person does not intend to practise pharmacy, 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 pharmacist.

5.13 Conditional registration not limited

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

5.14 Operation of pharmacy on death of pharmacist

- (1) This section applies if—
 - (a) a pharmacist dies; and
 - (b) at the time of the pharmacist's death, the pharmacist was operating a pharmacy.
- (2) A person who is an executor of the estate, or a close relative, of the pharmacist, but who is not qualified to be a pharmacist, may apply for permission to operate the pharmacy.
- (3) The board may allow the person to operate the pharmacy for not longer than 12 months to allow for the sale or disposal of the pharmacy on the condition that the pharmacy is under the direct, personal control of a pharmacist at all times when the pharmacy is being operated.

5.15 Registration end date—regulation, s 120 (b) (i) and s 121 (c)

The registration end date for a certificate of registration is 31 October following registration.

Schedule 6 Dentists, dental hygienists and dental therapists

(see s 4 and sch 1)

Note to sch 6

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 must have a knowledge of written and spoken English that is adequate to allow the person to practise
- 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; and
 - (b) whether the person has communication skills that allow the person to practise effectively without endangering patients; and
 - (c) whether the person has an addiction to alcohol, another drug or another substance that may affect the person's ability to practise; and
 - (d) whether the person has been convicted or found guilty of an offence that indicates that the person may not be competent to practise; and
 - (e) whether the person's experience is recent and sufficient to allow the person to practise.

6.1 Definitions—sch 6

In this schedule:

board means the ACT Dental Board.

dental care provider means—

- (a) a dentist; or
- (b) a dental hygienist; or
- (c) a dental therapist.

dental hygienist means an individual who is registered as a dental hygienist under this schedule.

dental procedure means—

- (a) a general dental procedure; or
- (b) a dentist procedure;

dental therapist means an individual who is registered as a dental therapist under this schedule.

dentist means an individual who is registered as a dentist under this schedule.

dentist procedure—each of the following is a ***dentist procedure*** when carried out by a dentist:

- (a) providing a technical or professional service for the dental care or treatment of a patient, whether or not in support of another dental service;
- (b) prescribing and administering drugs or medicine for a dental examination or treatment;
- (c) supplying a dental prosthesis to a patient or renewing or maintaining a dental prosthesis;
- (d) a procedure that a dental hygienist can carry out under the supervision of a dentist, whether carried out under supervision or otherwise;
- (e) a procedure that a dental therapist can carry out under the supervision of a dentist, whether carried out under supervision or otherwise.

general dental procedure—each of the following is a ***general dental procedure*** when carried out by a dental care provider:

- (a) applying a topical preparation to a patient;
- (b) applying a local anaesthetic to a patient;

- (c) giving information about a service or treatment relating to dental care;
- (d) providing diagnostic and recording services (including radiography) if the service relates to a dental procedure;
- (e) removing plaque (including calculus) from a patient's teeth;
- (f) enamel shaping of a patient's tooth;
- (g) polishing a patient's teeth;
- (h) placing fissure sealants on a patient's teeth.

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

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

under the supervision of a dentist, for a procedure carried out by a dental hygienist or dental therapist, means under the direct or indirect supervision of a dentist as required by a standard of practice for the procedure.

6.2 General area of operation of dentist profession—Act, s 22 (1) (a)

The practice of a dentist involves the prevention, diagnosis and treatment of conditions and disorders of teeth and related structures.

6.3 General area of operation of dental hygienist profession—Act, s 22 (1) (a)

The practice of a dental hygienist involves carrying out procedures under the supervision of a dentist, including—

- (a) carrying out a procedure assisting a dental procedure undertaken by a dentist; and
- (b) measuring and recording a patient's periodontal condition; and

- (c) carrying out an orthodontic procedure assisting a dental procedure undertaken by a dentist specialising in orthodontics; and
- (d) in-office bleaching of a patient's teeth.

6.4 General area of operation of dental therapist profession—Act, s 22 (1) (a)

The practice of a dental therapist involves carrying out procedures on people who are younger than 19 years old under the supervision of a dentist, including—

- (a) diagnosing or recording a child's dental condition or planning and arranging appropriate treatment; and
- (b) extracting non-permanent teeth without surgery; and
- (c) performing pulpotomy and placing pulp dressing in non-permanent teeth; and
- (d) restoring non-permanent and permanent teeth affected by tooth decay; and
- (e) treating an injured permanent tooth.

6.5 Qualifications as suitability to practise requirements for dental care providers—Act, s 23 (a)

To practise as a dentist, dental hygienist or dental therapist, an individual—

- (a) must be a graduate of a course of education offered in the ACT or a local jurisdiction that is accredited by the Australian Dental Council or approved by the board or the regulatory authority of the 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 completed training in the ACT or a local jurisdiction that is accredited by the Australian Dental Council or approved by the board or the regulatory authority of the local jurisdiction; or
- (c) must have—
 - (i) completed a course of education outside Australia approved by the Australian Dental Council as a course of education in the relevant dental practice; and
 - (ii) passed an examination in dental practice held by an organisation approved by the Australian Dental Council; or
- (d) must have—
 - (i) completed training outside Australia approved by the Australian Dental Council as training in the relevant dental practice; and
 - (ii) a practising certificate issued by the Australian Dental Council that certifies that the person is a dentist, dental hygienist or dental therapist; or
- (e) must—
 - (i) have a qualification from the United Kingdom or Republic of Ireland accredited by the Australian Dental Council; and
 - (ii) be registered (however described) as a dentist, dental hygienist or dental therapist in the United Kingdom or Republic of Ireland.

6.6 Qualifications as suitability to practise requirements for dental therapists—Act, s 23 (a)—transitional

- (1) This section applies to a person—
 - (a) who was entitled to carry out an approved dental procedure under the *Dentists Act 1931*, section 74 (Practising dentistry—dental therapists) immediately before the commencement of this schedule; and
 - (b) who does not satisfy the requirements of section 6.5 as a dental therapist.
- (2) Despite section 6.5, the board may register the person as a dental therapist if—
 - (a) satisfied that the person is someone to whom this section applies; and
 - (b) the person applies to be registered before 9 January 2009; and
 - (c) the person has not previously been registered under this section.
- (3) The board may renew the person's registration as a dental therapist if—
 - (a) the person's registration has not ended under section 124 (1) (a) or (b) (When does registration end?); or
 - (b) if the person's registration has ended under section 124 (1) (a) or (b)—the person's registration was renewed under section 127 (Late payment of registration) or section 128 (Retrospective re-registration).
- (4) This section expires on 9 January 2009.
- (5) This section is a law to which the Legislation Act, section 88 (Repeal does not end effect of transitional laws etc) applies.

**6.7 Specialist areas and suitability to practise requirements—
Act, s 23 (c)**

- (1) Each of the areas mentioned in table 6.7, column 2 is a specialist area of dentistry.
- (2) A person meets the requirements for registration in a specialist area of dentistry if—
 - (a) the person—
 - (i) is registered under the Act; and
 - (ii) has a qualification mentioned in table 6.7, column 3 in a specialist area mentioned in column 2; or
 - (b) the person—
 - (i) graduated in dentistry, whether from an Australian institution or otherwise; and
 - (ii) holds a qualification in a specialist area of dentistry awarded by an educational institution outside Australia; and
 - (iii) the qualification is approved by the board, Australian Dental Council or a regulatory authority.
- (3) A reference in subsection (2) (a) (ii) to a qualification (the ***current qualification***) mentioned in table 6.7, column 3 in a specialist area of dentistry includes a reference to a qualification—
 - (a) awarded before the current qualification was first awarded; and

- (b) that the board is satisfied was, at the time it was awarded, an adequate qualification for admission to the specialist area.

Table 6.7 Specialist areas of dental practice

column 1 item	column 2 specialist areas	column 3 qualification
1	endodontics	3 year postgraduate endodontics qualification accredited by the Australian Dental Council
2	orthodontics	3 year postgraduate orthodontics qualification accredited by the Australian Dental Council
3	prosthodontics	3 year postgraduate prosthodontics qualification accredited by the Australian Dental Council
4	paediatric dentistry	3 year postgraduate paediatric dentistry qualification accredited by the Australian Dental Council
5	periodontics	3 year postgraduate periodontics qualification accredited by the Australian Dental Council
6	oral and maxillofacial surgery	Fellowship of the Faculty of Oral and Maxillofacial Surgery from the Royal Australian College of Dental Surgeons (FRACDS OMS)
7	dento-maxillofacial radiology	3 year postgraduate dento-maxillofacial radiology qualification accredited by the Australian Dental Council
8	public health dentistry	3 year postgraduate public health dentistry qualification accredited by the Australian Dental Council
9	oral pathology	Fellowship of the Faculty of Oral Pathology from the Royal Australia College of Pathologists (FRACP OP)

column 1 item	column 2 specialist areas	column 3 qualification
10	oral medicine	3 year postgraduate oral medicine qualification accredited by the Australian Dental Council
11	special needs dentistry	3 year postgraduate special needs dentistry qualification accredited by the Australian Dental Council

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

- (1) To demonstrate adequate professional development at the time of application for registration as a dental care provider, the applicant must, for the type of dental care provider the applicant is applying to be registered as, if required by the board, give the board written evidence—
- (a) that the applicant attended and satisfactorily completed a training program approved by the board; or
 - (b) that the applicant has undertaken professional development activities; or
 - (c) that otherwise demonstrates professional development the board considers adequate.
- (2) To demonstrate continuing competence at the time of application for registration as a dental care provider, 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.

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- (3) To demonstrate recency of practice at the time of application for registration as a dental care provider, the applicant must, if required by the board, give the board written evidence—
- (a) that the applicant has practised as a dental care provider of the kind the applicant is seeking to be registered as in 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 that 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 care providers 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.

6.9 Board membership—Act, s 24

- (1) The board is made up of the president and the following individuals:
- (a) 3 elected members who must be dentists;
 - (b) 5 appointed members.
- (2) The president must be a dentist.
- (3) The appointed members must be—
- (a) a dentist (whether admitted to a specialist area of dentistry or otherwise); and
 - (b) a dental hygienist; and

- (c) a dental therapist; and
 - (d) 2 community representatives.
- (4) One of the community representatives must be a lawyer who has been a lawyer for a continuous period of at least 5 years before the day of appointment.

6.10 Required insurance policy—Act, s 37 (1) (d)

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

6.11 Conditional registration of students—Act, s 37 (5) (b)

- (1) The board may register an individual as a dentist if satisfied that the individual—
- (a) is a student in a course of education or training in dentistry that is approved under section 6.5 (Qualifications as suitability to practise requirements for dental care providers—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 dentists in the ACT;
 - (ii) undergo a period of practice under supervision as a dentist to allow the person to become registered in the ACT.
- (2) Registration in accordance with this section is subject to the condition that the individual only practises as a dentist—
 - (a) under the supervision of a dentist whose registration entitles the dentist to practise dentistry 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.

6.12 Conditional registration of dentist with unapproved qualifications—Act, s 37 (5) (b)

- (1) The board may register an individual as a dentist if satisfied that the individual—
 - (a) is a graduate of a course of education or training in dentistry that is not approved under section 6.5 (Qualifications as suitability to practise requirements for dental care providers—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 dentists in the ACT;

- (ii) undergo a period of practice under supervision as a dentist to allow the person to become registered in the ACT.
- (2) Registration in accordance with this section is subject to the condition that the individual only practises as a dentist—
 - (a) under the supervision of a dentist whose registration entitles the dentist to practise dentistry 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.

6.13 Conditional registration for dentists who want to teach etc—Act, s 37 (5) (b)

- (1) This section applies if—
 - (a) an individual has applied for registration as a dentist; 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) 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.

6.14 Conditional registration for non-practising dentists—Act, s 37 (5) (b)

- (1) This section applies if—
 - (a) a person has applied for registration as a dentist; and
 - (b) the board is satisfied that the person does not intend to practise as a dentist, 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 dentist.

6.15 Conditional registration not limited

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

6.16 Registration end date—regulation, s 120 (b) (i) and s 121 (c)

The registration end date for a certificate of registration is 30 June following registration.

Schedule 7 Psychologists

(see s 4 and sch 1)

Note to sch 7

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 must have a knowledge of written and spoken English that is adequate to allow the person to practise
- 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; and
 - (b) whether the person has communication skills that allow the person to practise effectively without endangering patients; and
 - (c) whether the person has an addiction to alcohol, another drug or another substance that may affect the person's ability to practise; and
 - (d) whether the person has been convicted or found guilty of an offence that indicates that the person may not be competent to practise; and
 - (e) whether the person's experience is recent and sufficient to allow the person to practise.

7.1 Definitions—sch 7

In this schedule:

board means the ACT Psychologists Board.

psychologist means an individual who is registered as a psychologist under this schedule.

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

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

7.2 General area of operation of psychology profession—Act, s 22 (1) (a)

The practice of psychology involves the application of psychological knowledge, principles, methods and procedures of understanding, predicting, ameliorating or influencing behaviour, affect or cognition in relation to a person or situation.

7.3 Qualifications as suitability to practise requirements for psychologists—Act, s 23 (a)

To practise as a psychologist, an individual—

(a) must have—

- (i) completed a course of at least 4 years of education or training in psychology in the ACT or a local jurisdiction that is approved by the board or a regulatory authority; and

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.

- (ii) successfully completed 2 years of supervised training approved by the board; or

(b) must have graduated from a post-graduate degree in the ACT or a local jurisdiction that is approved by the board or the regulatory authority of the local jurisdiction within 5 years before the day the person applied for registration; or

(c) must have qualifications and experience that the board considers equivalent to the qualifications and experience mentioned in paragraph (a) or the qualifications mentioned in paragraph (b).

7.4 Maintenance and demonstration of professional development, continued competence and recency of practice for psychologists—Act, s 23 (d)

- (1) To demonstrate adequate professional development at the time of application for registration as a psychologist, the applicant must, if required by the board, give the board written evidence—

- (a) that the applicant attended and satisfactorily completed a training program approved by the board; or

- (b) that the applicant has undertaken professional development activities; or
 - (c) that otherwise demonstrates professional development the board considers adequate.
- (2) To demonstrate continuing competence at the time of application for registration as a psychologist, 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 psychologist, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant has practised as a psychologist in 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 psychologists 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.

7.5 Board membership—Act, s 24

- (1) The board is made up of the president and the following individuals:
 - (a) 2 elected members;
 - (b) 6 appointed members, 2 of whom are community representatives.
- (2) One of the community representatives must be a lawyer who has been a lawyer for a continuous period of at least 5 years before the day of appointment.

7.6 Required insurance policy—Act, s 37 (1) (d)

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

7.7 Conditional registration of student psychologists—Act, s 37 (5) (b)

- (1) The board may register an individual as a psychologist if satisfied that the individual—
 - (a) is a graduate of a course of education or training in psychology that is—
 - (i) for a course undertaken in the ACT or a local jurisdiction—at least 4 years and approved by the board or a regulatory authority; or

- (ii) for a course undertaken outside Australia—approved by the board; 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 psychologists in the ACT;
 - (ii) undergo a period of practice under supervision as a psychologist to allow the person to become registered in the ACT.
- (2) Registration in accordance with this section is subject to the condition that the individual only practises as a psychologist—
 - (a) under the supervision of a psychologist whose registration entitles the psychologist to practise psychology 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.

7.8 Conditional registration for non-practising psychologists—Act, s 37 (5) (b)

- (1) This section applies if—
 - (a) a person has applied for registration as a psychologist; and
 - (b) the board is satisfied that the person does not intend to practise as a psychologist, 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 psychologist.

7.9 Conditional registration not limited

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

7.10 Registration end date—regulation, s 120 (b) (i) and s 121 (c)

The registration end date for a certificate of registration is 31 July following registration.

Schedule 8 Dental technicians and dental prosthetists

(see s 4 and sch 1)

Note to sch 8

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; and
 - (b) whether the person has communication skills that allow the person to practise effectively without endangering patients; and

- (c) whether the person has an addiction to alcohol, another drug or another substance that may affect the person's ability to practise; and
- (d) whether the person has been convicted or found guilty of an offence that indicates that the person may not be competent to practise; and
- (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 and Dental Prosthetists 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 prosthetic service—a ***dental prosthetic service*** involves the following:

- (a) making, fitting, supplying or taking impressions for immediate dentures, under a prescription from a dentist;
- (b) making, fitting, supplying or taking impressions for other dental prosthetic appliances, whether or not under a prescription from a dentist;
- (c) repairing or replacing dental prosthetic appliances.

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

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

Example of 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 who is registered as a dentist under schedule 6.

regulatory authority means an authority established under a corresponding law of a local jurisdiction or a place outside Australia to regulate the dental prosthetist and 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 General area of operation of dental prosthetist profession—Act, s 22 (1) (a)

- (1) The practice of a dental prosthetist involves the provision of dental prosthetic services.
- (2) The practice of a dental prosthetist also includes the following:
 - (a) giving advice about dental prosthetics issues;
 - (b) conducting dental prosthetics research;
 - (c) educating and training people in the dental prosthetist profession.
- (3) To remove any doubt, a person also practises as a dental prosthetist if the person provides dental prosthetic services as part of a business.
- (4) However, the practice of a dental prosthetist does not include the following:
 - (a) removing or replacing implants or abutment components;
 - (b) taking impressions for, making, fitting or supplying implant-retained prostheses other than under a prescription from a dentist or surgeon;
 - (c) adjusting, modifying or treating a patient's natural dentition, bone or soft tissue of the mouth, or dental restorations, other than using tissue conditioners and soft lining materials.

8.4 Qualifications as suitability to practise as individual dental prosthetist or 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 prosthetic 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 prosthetist work that is accredited by CORA or approved by the board or the regulatory authority of a local jurisdiction.

- (2) To practise as a dental prosthetist, an individual—

- (a) must—
- (i) be a graduate of a course of education in dental prosthetic 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.

- (ii) have completed a course of education or training in dental prosthetic work outside Australia that is accredited by CORA or approved by the board or the regulatory authority of a local jurisdiction; or
 - (iii) have passed an examination in dental prosthetist work that is accredited by CORA or approved by the board or the regulatory authority of a local jurisdiction; and
- (b) must be a dental technician.
- (3) In this section:

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

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

- (1) 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.
- (2) To practise as a dental prosthetist, a corporation must—
 - (a) have the board's written approval to carry on business as a dental prosthetist; and
 - (b) have a constitution that provides that—
 - (i) the corporation may carry on business as a dental prosthetist; and
 - (ii) the chair of the corporation must be a dental prosthetist; and
 - (iii) if there are more than 2 directors—a majority of the directors must be dental prosthetists; and
 - (iv) at least 50% of shares in the corporation are held by 1 or more dental prosthetists; 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; and
 - (c) be a dental technician.

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

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

- (b) that the applicant has undertaken professional development activities; or
 - (c) that otherwise demonstrates professional development the board considers adequate.
- (2) To demonstrate continuing competence at the time of application for registration as a dental prosthetist or 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 prosthetist or dental technician, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant has practised in the relevant profession 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 prosthetists and 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.

8.7 Board membership—Act, s 24

- (1) The board is made up of the president and 6 appointed members.
- (2) The appointed members must include—
 - (a) a community representative; and
 - (b) 2 dental prosthetists; and
 - (c) 2 dental technicians.
- (3) The remaining appointed member must be—
 - (a) a dental prosthetist; or
 - (b) if the president is a dental prosthetist—a dental technician.

8.8 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.

8.9 Dental prosthetists—required insurance policy—Act, s 37 (1) (d)

- (1) A dental prosthetist must maintain a policy of professional indemnity insurance at a level approved by the board.

- (2) However, subsection (1) does not apply to a dental prosthetist if the dental prosthetist—
 - (a) is covered by professional indemnity insurance (the *other insurance*) other than insurance maintained by the dental prosthetist; and
 - (b) only practises as a dental prosthetist while covered by the other insurance.

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

- (1) The board may register an individual as a dental prosthetist if satisfied that the individual—
 - (a) is a graduate of a course of education or training in dental technology that is not approved under section 8.4 (1) (Qualifications as suitability to practise as individual dental prosthetist or 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 prosthetists in the ACT;
 - (ii) undergo a period of practice as a dental prosthetist under the supervision of a dental prosthetist 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 technology—
 - (a) under the supervision of a dental prosthetist whose registration entitles the dental prosthetist to practise dental technology 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.

8.11 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 8.4 (2) (Qualifications as suitability to practise as individual dental prosthetist or 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.

8.12 Conditional registration for dental prosthetists and 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 prosthetist or 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.

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

- (1) This section applies if—
 - (a) a person has applied for registration as a dental prosthetist or dental technician; and
 - (b) the board is satisfied that the person does not intend to practise as a dental prosthetist or 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 prosthetist or dental technician.

8.14 Conditional registration not limited

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

8.15 Registration end date—regulation, s 120 (b) (i) and s 121 (c)

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

Schedule 9 Podiatrists

(see s 4 and sch 1)

Note to sch 9

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 must have a knowledge of written and spoken English that is adequate to allow the person to practise
- 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; and
 - (b) whether the person has communication skills that allow the person to practise effectively without endangering patients; and
 - (c) whether the person has an addiction to alcohol, another drug or another substance that may affect the person's ability to practise; and
 - (d) whether the person has been convicted or found guilty of an offence that indicates that the person may not be competent to practise; and
 - (e) whether the person's experience is recent and sufficient to allow the person to practise.

9.1 Definitions—sch 9

In this schedule:

board means the ACT Podiatrists Board.

podiatric surgeon means an individual who is registered as a podiatric surgeon under this schedule.

podiatrist means an individual who is registered as a podiatrist under this schedule.

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

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

9.2 General area of operation of podiatry profession—Act, s 22 (1) (a)

The practice of podiatry involves the diagnosis, treatment, prevention and rehabilitation of disorders of the ankle and foot, and related structures of the human body.

9.3 Qualifications as suitability to practise requirements for podiatrists—Act, s 23 (a)

(1) To practise as a podiatrist, an individual—

- (a) must be a graduate of a course of education in podiatry offered in the ACT or a local jurisdiction that is accredited by the Australian Podiatry Council or approved by the board; 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 completed training in podiatry offered in the ACT or a local jurisdiction that is accredited by the Australian Podiatry Council or approved by the board; or

(c) must have—

- (i) completed a course of education in podiatry outside Australia accredited by the Australian Podiatry Council or approved the board as a course of education in podiatry; and
- (ii) passed an examination in podiatry held by an organisation accredited by the Australian Podiatry Council or approved by the board; or

(d) must have—

- (i) completed training in podiatry outside Australia accredited by the Australian Podiatry Council or approved by the board; and
- (ii) passed an examination in podiatry held by an organisation accredited by the Australian Podiatry Council or approved by the board.

(2) To practise as podiatric surgeon, an individual must—

- (a) be unconditionally registered as a podiatrist; and
- (b) either—
 - (i) be a fellow of the Australasian College of Podiatric Surgeons (**ACPS**); or
 - (ii) be eligible for fellowship of the ACPS.

9.4 Maintenance and demonstration of professional development, continued competence and recency of practice for podiatrists and podiatric specialists—Act, s 23 (d)

- (1) To demonstrate adequate professional development at the time of application for registration as a podiatrist, the applicant must, if required by the board, give the board written evidence—

- (a) that the applicant attended and satisfactorily completed a training program approved by the board; or
 - (b) that the applicant has undertaken professional development activities; or
 - (c) that otherwise demonstrates professional development the board considers adequate.
- (2) To demonstrate continuing competence at the time of application for registration as a podiatrist, 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 podiatrist, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant has practised as a podiatrist or podiatric surgeon in 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 podiatrists 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.

9.5 Board membership—Act, s 24

The board is made up of the president and the following individuals:

- (a) 1 elected member;
- (b) 3 appointed members, 1 of whom is a community representative.

9.6 Required insurance policy—Act, s 37 (1) (d)

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

9.7 Conditional registration for non-practising podiatrists—Act, s 37 (5) (b)

- (1) This section applies if—
 - (a) a person has applied for registration as a podiatrist; and
 - (b) the board is satisfied that the person does not intend to practise as a podiatrist, 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 podiatrist.

9.8 Conditional registration not limited

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

9.9 Registration end date—regulation, s 120 (b) (i) and s 121 (c)

The registration end date for a certificate of registration is 28 February following registration.

Schedule 10 Physiotherapists

(see s 4 and sch 1)

Note to sch 10

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 must have a knowledge of written and spoken English that is adequate to allow the person to practise
- 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; and
 - (b) whether the person has communication skills that allow the person to practise effectively without endangering patients; and
 - (c) whether the person has an addiction to alcohol, another drug or another substance that may affect the person's ability to practise; and
 - (d) whether the person has been convicted or found guilty of an offence that indicates that the person may not be competent to practise; and
 - (e) whether the person's experience is recent and sufficient to allow the person to practise.

10.1 Definitions—sch 10

In this schedule:

board means the ACT Physiotherapists Board.

physiotherapist means an individual who is registered as a physiotherapist under this schedule.

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

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

10.2 General area of operation of physiotherapy profession—Act, s 22 (1) (a)

The practice of physiotherapy involves the prevention, diagnosis and therapeutic management of pain and disorders of movement to facilitate normal function and development.

Note Schedules 13 and 14 deal with health professionals practising as chiropractors and osteopaths.

10.3 Qualifications as suitability to practise requirements for physiotherapists—Act, s 23 (a)

To practise as a physiotherapist, an individual—

- (a) must be a graduate of a course of education in physiotherapy offered in the ACT or a local jurisdiction that is accredited by the Australian Physiotherapy Council or approved by the board or the regulatory authority of the 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 completed training in the ACT or a local jurisdiction accredited by the Australian Physiotherapy Council or approved by the board or the regulatory authority of the local jurisdiction where the training was held; or
- (c) must have—
 - (i) completed a course of education or training in physiotherapy outside Australia and New Zealand; and
 - (ii) passed an examination held by the Australian Examining Committee of Overseas Physiotherapists.

10.4 Maintenance and demonstration of professional development, continued competence and recency of practice for physiotherapists—Act, s 23 (d)

- (1) To demonstrate adequate professional development at the time of application for registration as a physiotherapist, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant attended and satisfactorily completed a training program approved by the board; or
 - (b) that the applicant has undertaken professional development activities; or
 - (c) that otherwise demonstrates professional development the board considers adequate.
- (2) To demonstrate continuing competence at the time of application for registration as a physiotherapist, 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 physiotherapist, the applicant must, if required by the board, give the board written evidence—

- (a) that the applicant has provided physiotherapy 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 physiotherapists 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.

10.5 Board membership—Act, s 24

The board is made up of the president and the following people:

- (a) 3 elected members;
- (b) 5 appointed members, 1 of whom is a community representative.

10.6 Required insurance policy—Act, s 37 (1) (d)

- (1) A physiotherapist must maintain a policy of professional indemnity insurance at a level approved by the board.
- (2) However, subsection (1) does not apply to a physiotherapist if the physiotherapist—
 - (a) is covered by professional indemnity insurance (the ***other insurance***) other than insurance maintained by the physiotherapist; and

- (b) only practises as a physiotherapist while covered by the other insurance.

10.7 Conditional registration for physiotherapists on work programs—length of registration limited—Act, s 37 (5) (b)

- (1) This section applies in relation to an applicant if the applicant has applied for registration as part of a work program approved by the board.

Example of work program

The Working Holiday Makers Program administered by the Commonwealth Department of Immigration and Multicultural and Indigenous Affairs allowing people holding a class 417 visa to enter Australia on certain conditions.

Note 1 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).

Note 2 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.

- (2) The executive officer of the board may, on behalf of the board, register the person if satisfied that the applicant completed a course in physiotherapy that the board is satisfied includes theoretical and clinical components in cardio-respiratory, musculo-skeletal and neurological physiotherapy similar in length and content to a course offered in Australia.
- (3) Registration under this section is subject to—
 - (a) the condition that it ends on the earlier of—
 - (i) the day the board decides the registration should end; or
 - (ii) the day 1 year after the day the board registers the person under this section; and

- (b) the applicant complies with the requirements of the work program the applicant is part of; and
 - (c) any other condition the board considers appropriate.
- (4) However, if the board decides to register the person, the registration is taken to have begun on the day the board conditionally registered the person.

10.8 Conditional registration for non-practising physiotherapists—Act, s 37 (5) (b)

- (1) This section applies if—
 - (a) a person has applied for registration as a physiotherapist; and
 - (b) the board is satisfied that the person does not intend to practise physiotherapy, whether or not because the person is retired.
- (2) The board may register the person on condition that the person must not practise physiotherapy.

10.9 Conditional registration not limited

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

10.10 Registration end date—regulation, s 120 (b) (i) and s 121 (c)

The registration end date for a certificate of registration is 31 August following registration.

Schedule 11 Optometrists

(see s 4 and sch 1)

Note to sch 11

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 must have a knowledge of written and spoken English that is adequate to allow the person to practise
- 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; and
 - (b) whether the person has communication skills that allow the person to practise effectively without endangering patients; and
 - (c) whether the person has an addiction to alcohol, another drug or another substance that may affect the person's ability to practise; and
 - (d) whether the person has been convicted or found guilty of an offence that indicates that the person may not be competent to practise; and
 - (e) whether the person's experience is recent and sufficient to allow the person to practise.

11.1 Definitions—sch 11

In this schedule:

board means the ACT Optometrists Board.

optometrist means an individual who is registered as an optometrist under this schedule.

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

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

11.2 General area of operation of optometry profession—Act, s 22 (1) (a)

- (1) The practice of optometry involves a service, attendance or procedure, or giving of advice, that involves 1 or more of the following:
- (a) measuring vision;
 - (b) diagnosing conditions affecting the eye, adjoining anatomical parts and vision;
 - (c) treating conditions affecting the eye, adjoining anatomical parts and vision;
 - (d) prescribing or administering medication for the eye;
 - (e) aiding the correction of vision using optical devices, optical appliances and corrective lenses;
 - (f) vision therapy;
 - (g) prescribing and fitting lenses;
 - (h) the craft of lens grinding or spectacle making.
- (2) To remove any doubt, a person also practises as an optometrist if the person practises optometry as part of a business.

11.3 Qualifications as suitability to practise requirements for optometrists—Act, s 23 (a)

- (1) To practise as an optometrist, an individual—
- (a) must be a graduate of a course of education in optometry in the ACT or a local jurisdiction that is accredited by OCANZ or approved by the board or a regulatory authority; 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 optometry outside Australia; and
 - (ii) passed an examination in optometry held by OCANZ.
- (2) In this section:
OCANZ means the Optometry Council of Australia and New Zealand.

11.4 Maintenance and demonstration of professional development, continued competence and recency of practice for individual optometrists—Act, s 23 (d)

- (1) To demonstrate adequate professional development at the time of application for registration as an individual optometrist, the individual must, if required by the board, give the board written evidence—
 - (a) that the applicant attended and satisfactorily completed a training program approved by the board; or
 - (b) that the applicant has undertaken professional development activities; or
 - (c) that the applicant otherwise demonstrates professional development the board considers adequate.
- (2) To demonstrate continuing competence at the time of application for registration as an individual optometrist, an individual 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 an individual optometrist, the individual applicant must, if required by the board, give the board written evidence—
- (a) that the applicant has practised as an optometrist in the 5 years before the day the applicant is made; or
 - (b) that the applicant attended and satisfactorily completed a training course approved by the board; or
 - (c) that the applicant 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 optometrists 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.

11.5 Board membership—Act, s 24

The board is made up of the president and the following people:

- (a) 2 elected members;
- (b) 2 appointed members, 1 of whom is a community representative.

11.6 Required insurance policy—Act, s 37 (1) (d)

- (1) An optometrist must maintain a policy of professional indemnity insurance at a level approved by the board.

- (2) However, subsection (1) does not apply to an optometrist if the optometrist—
 - (a) is covered by professional indemnity insurance (the *other insurance*) other than insurance maintained by the optometrist; and
 - (b) only practises as an optometrist while covered by the other insurance.

11.7 Conditional registration for non-practising optometrists—Act, s 37 (5) (b)

- (1) This section applies if—
 - (a) a person has applied for registration as an optometrist; and
 - (b) the board is satisfied that the person does not intend to practise optometry, whether or not because the person is retired.
- (2) The board may register the person on condition that the person must not practise optometry.

11.8 Conditional registration not limited

This schedule does not limit when an optometrist may be conditionally registered or the conditions that may be imposed on registration.

11.9 Registration end date—regulation, s 120 (b) (i) and s 121 (c)

The registration end date for a certificate of registration is 30 June following registration.

Schedule 12 Veterinary Surgeons

(see s 4 and sch 1)

Note to sch 12

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 must have a knowledge of written and spoken English that is adequate to allow the person to practise
- 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; and
 - (b) whether the person has communication skills that allow the person to practise effectively without endangering patients; and
 - (c) whether the person has an addiction to alcohol, another drug or another substance that may affect the person's ability to practise; and
 - (d) whether the person has been convicted or found guilty of an offence that indicates that the person may not be competent to practise; and
 - (e) whether the person's experience is recent and sufficient to allow the person to practise.

12.1 Definitions—sch 12

In this schedule:

AVBC means the Australasian Veterinary Boards Council.

board means the ACT Veterinary Surgeons Board.

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

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

veterinary surgeon means an individual who is registered as a veterinary surgeon under this schedule.

12.2 General area of operation of veterinary surgery profession—Act, s 22 (1) (a)

The practice of veterinary surgery involves the following:

- (a) attending to the health of animals;
- (b) giving advice on the health and welfare of animals, public health and the safety of food derived from animals;
- (c) the study of the health and welfare of animals;
- (d) the prevention of animal diseases;
- (e) diagnosis, and medical or surgical treatment, of disease or injury in animals;
- (f) prescribing medicines for veterinary purposes;
- (g) providing veterinary certificates.

12.3 Qualifications as suitability to practise requirements for veterinary surgeon—Act, s 23 (a)

To practise as a veterinary surgeon, an individual—

- (a) must be a graduate of a course of education offered by an Australian or New Zealand institution that is accredited by AVBC or approved by the board; 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 completed a course of education in veterinary surgery or veterinary science outside Australia and New Zealand that is accredited by AVBC or approved by the board; or
- (c) must have—
 - (i) completed a course of education in veterinary medicine, veterinary surgery or veterinary science outside Australia and New Zealand; and
 - (ii) passed an examination held by AVBC.

12.4 Specialist areas and suitability to practise requirements—Act, s 23 (c)

An individual meets the requirements for registration in a specialist area of veterinary surgery if the individual—

- (a) is a veterinary surgeon; and
- (b) holds a qualification in a specialist area of veterinary surgery that is approved in writing by the AVBC.

12.5 Maintenance and demonstration of professional development, continued competence and recency of practice for veterinary surgeons—Act, s 23 (d)

- (1) To demonstrate adequate professional development at the time of application for registration as a veterinary surgeon, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant has practised as a veterinary surgeon under the supervision of a veterinary surgeon and is competent to practise; or
 - (b) that the applicant attended and satisfactorily completed a training program approved by the board; or

- (c) that the applicant has undertaken professional development activities; or
 - (d) that the applicant otherwise demonstrates professional development the board considers adequate.
- (2) To demonstrate continuing competence at the time of application for registration as a veterinary surgeon, 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 veterinary surgeon, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant has practised as a veterinary surgeon in 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 the applicant 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 a veterinarian surgeon 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.

12.6 Board membership—Act, s 24

The board is made up of the president and the following people:

- (a) 3 elected members;
- (b) 3 appointed members, 1 of whom is a community representative.

12.7 Required insurance policy—Act, s 37 (1) (d)

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

12.8 Conditional registration not limited

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

12.9 Registration end date—regulation, s 120 (b) (i) and s 121 (c)

The registration end date for a certificate of registration is 30 June following registration.

38 Schedule 13

substitute

Schedule 13 Chiropractors

(see s 4 and sch 1)

Note to sch 13

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 must have a knowledge of written and spoken English that is adequate to allow the person to practise
- 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; and
 - (b) whether the person has communication skills that allow the person to practise effectively without endangering patients; and
 - (c) whether the person has an addiction to alcohol, another drug or another substance that may affect the person's ability to practise; and
 - (d) whether the person has been convicted or found guilty of an offence that indicates that the person may not be competent to practise; and
 - (e) whether the person's experience is recent and sufficient to allow the person to practise.

13.1 Definitions—sch 13

In this schedule:

board means the ACT Chiropractors and Osteopaths Board.

chiropractor means an individual who is registered as a chiropractor under this schedule.

osteopath means an individual who is registered as an osteopath under schedule 14.

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

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

13.2 General area of operation of chiropractic profession—Act, s 22 (1) (a)

The practice of chiropractic involves a service, attendance or procedure, or giving of advice, that involves 1 or more of the following:

- (a) assessing conditions related to the spine, non-spinal articulations and the neuro-musculo-skeletal system;
- (b) diagnosing, preventing, rehabilitating, managing and educating about the conditions mentioned in paragraph (a);
- (c) using chiropractic adjustments and manipulations in accordance with the standards statements for chiropractors.

13.3 Qualifications as suitability to practise requirements for chiropractors—Act, s 23 (a)

(1) To practise as a chiropractor, an individual—

- (a) must be a graduate of a course of education or training in the ACT or a local jurisdiction that is accredited by CCEA or approved by the board or a regulatory authority; 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 completed a course of education or training approved by the board; or

- (c) must have—
 - (i) passed an examination in chiropractic that the board requires; and
 - (ii) gained experience practising as a chiropractor under the supervision of a chiropractor whose registration entitles the chiropractor to practise as a chiropractor without supervision for a period approved by the board; or
- (d) must have—
 - (i) completed a course of education or training at a place outside Australia accredited by CCEA or approved by the board or a regulatory authority; and
 - (ii) completed the requirements of, and passed the examination conducted by, CCEA.
- (2) To avoid doubt, an individual is not practising as a chiropractor if the individual—
 - (a) is registered as a medical practitioner, osteopath or physiotherapist; and
 - (b) is offering a service as part of the individual's health profession that is in the general area of operation of a chiropractor; and
 - (c) has appropriate training in that area.
- (3) In this section:

CCEA means the Council on Chiropractic Education Australasia.

13.4 Maintenance and demonstration of professional development, continued competence and recency of practice for chiropractors—Act, s 23 (d)

- (1) To demonstrate adequate professional development at the time of application for registration as a chiropractor, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant attended and satisfactorily completed a training program approved by the board; or
 - (b) that the applicant has undertaken professional development activities; or
 - (c) that otherwise demonstrates professional development the board considers adequate.
- (2) To demonstrate continuing competence at the time of application for registration as a chiropractor, 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 chiropractor, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant has practised as a chiropractor in the 5 years before the day the applicant 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 chiropractors 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.

13.5 Board membership—Act, s 24

- (1) The board is made up of the president and the following people:
- (a) 2 elected members;
 - (b) 4 appointed members.
- (2) The elected members must be—
- (a) a chiropractor elected by chiropractors; and
 - (b) an osteopath elected by osteopaths.
- (3) The appointed members must be a community representative and—
- (a) if the president is a chiropractor—1 chiropractor and 2 osteopaths; or
 - (b) if the president is an osteopath—1 osteopath and 2 chiropractors.
- (4) For subsection (3), if the president is a chiropractor and osteopath, the president must choose a profession before the members are appointed and give the Minister written notice of the choice.
- (5) If the Minister has taken all reasonable steps to appoint a member from a particular profession (the ***prescribed profession***) for subsection (3) and has been unable to do so, the Minister may appoint temporarily—

- (a) if the prescribed profession is the chiropractic profession—an osteopath; or
 - (b) if the prescribed profession is the osteopathic profession—a chiropractor.
- (6) An appointment under subsection (5) ends when the Minister appoints a member from the prescribed profession.

13.6 Required insurance policy—Act, s 37 (1) (d)

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

13.7 Conditional registration for non-practising chiropractors—Act, s 37 (5) (b)

- (1) This section applies if—
- (a) a person has applied for registration as a chiropractor; and
 - (b) the board is satisfied that the person does not intend to practise as a chiropractor, 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 chiropractor.

13.8 Conditional registration not limited

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

13.9 Registration end date—regulation, s 120 (b) (i) and s 121 (c)

The registration end date for a certificate of registration is 31 August following registration.

39 Schedule 14

substitute

Schedule 14 Osteopaths

(see s 4 and sch 1)

Note to sch 14

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 must have a knowledge of written and spoken English that is adequate to allow the person to practise
- 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; and
 - (b) whether the person has communication skills that allow the person to practise effectively without endangering patients; and
 - (c) whether the person has an addiction to alcohol, another drug or another substance that may affect the person's ability to practise; and

- (d) whether the person has been convicted or found guilty of an offence that indicates that the person may not be competent to practise; and
- (e) whether the person's experience is recent and sufficient to allow the person to practise.

14.1 Definitions—sch 14

board means the ACT Chiropractors and Osteopaths Board.

chiropractor means an individual who is registered as a chiropractor under schedule 13.

osteopath means an individual who is registered as an osteopath under this schedule.

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

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

14.2 General area of operation of osteopathy profession—Act, s 22 (1) (a)

The practice of osteopathy involves a service, attendance or procedure, or giving of advice, that involves 1 or more of the following:

- (a) diagnosing and removing biomechanical derangements or somatic dysfunction that affect the human body, including the fluid systems and neural tissues;
- (b) applying manual pressure to any part of the human body that affects an appendicular joint or segment of the vertebral column.

14.3 Qualifications as suitability to practise requirements for osteopaths—Act, s 23 (a)

- (1) To practise as an osteopath, an individual—
- (a) must be a graduate of a course of education or training in the ACT or a local jurisdiction that is approved by the board or a regulatory authority; 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 completed a course of education or training approved by the board; or
 - (c) must have—
 - (i) passed an examination in osteopathy that the board requires; and
 - (ii) gained experience in osteopathy under the supervision of an osteopath whose registration entitles the osteopath to practise osteopathy without supervision for a period approved by the board; or
 - (d) must have—
 - (i) completed a course of education or training at a place outside Australia approved by the board or a regulatory authority; and
 - (ii) completed the Competency Based Screening Assessment conducted by the Osteopaths Board of New South Wales.
- (2) To avoid doubt, an individual is not practising as a osteopath if the individual—
- (a) is registered as a medical practitioner, chiropractor or physiotherapist; and

- (b) is offering a service as part of the individual's health profession that is in the general area of operation of an osteopath; and
- (c) has appropriate training in that area.

14.4 Maintenance and demonstration of professional development, continued competence and recency of practice for osteopaths—Act, s 23 (d)

- (1) To demonstrate adequate professional development at the time of application for registration as an osteopath, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant attended and satisfactorily completed a training program approved by the board; or
 - (b) that the applicant has undertaken professional development activities; or
 - (c) that otherwise demonstrates professional development the board considers adequate.
- (2) To demonstrate continuing competence at the time of application for registration as an osteopath, 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 an osteopath, the applicant must, if required by the board, give the board written evidence—
 - (a) that the applicant has practised as an osteopath in the 5 years before the day the applicant 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 osteopaths 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.

14.5 Board membership—Act, s 24

The board is made up as prescribed under schedule 13.

Note The elected members of the board include an osteopath elected by osteopaths (see sch 13, s 13.5 (2) (b)).

14.6 Required insurance policy—Act, s 37 (1) (d)

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

**14.7 Conditional registration for non-practising osteopaths—
Act, s 37 (5) (b)**

- (1) This section applies if—
- (a) a person has applied for registration as an osteopath; and
 - (b) the board is satisfied that the person does not intend to practise osteopathy, whether or not because the person is retired.
- (2) The board may register the person on condition that the person must not practise osteopathy.

14.8 Conditional registration not limited

This schedule does not limit when an osteopath may be conditionally registered or the conditions that may be imposed on registration.

**14.9 Registration end date—regulation, s 120 (b) (i) and
s 121 (c)**

The registration end date for a certificate of registration is 31 August following registration.

40 Dictionary, note 2

substitute

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

- correctional centre
- disallowable instrument (see s 9)
- electoral commissioner
- Executive
- function
- penalty unit (see s 133)
- person
- under.

41 Health Professionals Amendment Regulation 2005 (No 1) Section 24 (so far as it inserts schedule 1, items 2 to 11, and schedules 5 to 12)

omit

Endnotes

1 Notification

Notified under the Legislation Act on 4 January 2007.

2 Republications of amended laws

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