

NORTHERN TERRITORY OF AUSTRALIA

HEALTH PRACTITIONER (NATIONAL UNIFORM LEGISLATION)  
IMPLEMENTATION ACT 2012

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Act No. 17 of 2012

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# NORTHERN TERRITORY OF AUSTRALIA

Act No. 17 of 2012

An Act to provide for the further implementation of a national law relating to health practitioner regulation, and for related purposes

[Assented to 22 May 2012]  
[Second reading 29 March 2012]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Health Practitioner (National Uniform Legislation) Implementation Act 2012*.

### 2 Commencement

This Act commences on 1 July 2012.

## Part 2 Amendment of Health Practitioners Act

### 3 Act amended

This Part amends the *Health Practitioners Act*.

**4 Long title replaced**

Long title

*repeal, insert*

**An Act to provide for the Pharmacy Premises Committee and Health Professional Review Tribunal, and for other purposes relating to health practitioners**

**5 Section 3 amended**

Section 3(b) to (d)

*omit, insert*

(b) to promote the highest standard of health care services in the Territory.

**6 Section 4 replaced**

Section 4

*repeal, insert*

**4 Definitions**

In this Act:

***advisory committee*** means an advisory committee established under section 18H.

***business address*** means the address of the premises at or from which a person practises a health profession.

***health care service*** means:

- (a) a service provided by a health practitioner in practising a health profession for which the health practitioner is registered; or
- (b) any other service connected with the provision of health care.

***health practitioner*** means an individual who practises a health profession.

***health profession*** means health profession as defined in section 5 of the Health Practitioner Regulation National Law.

***inquiry*** means an inquiry conducted by the Tribunal.

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***inspector*** means a person appointed as an inspector under section 71.

***National Board*** means a National Health Practitioner Board established by section 31 of the Health Practitioner Regulation National Law.

***notification*** means notification as defined in section 5 of the Health Practitioner Regulation National Law.

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

***Pharmacy Committee*** means the Pharmacy Premises Committee established by section 18A(1).

***registered*** means registered under the Health Practitioner Regulation National Law to practise a health profession.

***Tribunal*** means the Health Professional Review Tribunal established by section 63(1).

## **7 Section 6 and Part 2 repealed**

Section 6 and Part 2

*repeal*

## **8 Part 2A heading amended**

Part 2A, heading

*omit*

**Part 2A**

*insert*

**Part 2**

## **9 Section 18B replaced**

Section 18B

*repeal, insert*

## **18B Membership**

- (1) The Pharmacy Committee consists of 4 members who are appointed by the Minister.

- (2) Of the 4 members:
- (a) 3 must be pharmacists who are able to assist the Committee in performing its functions; and
  - (b) one must be a person who:
    - (i) is not a pharmacist; and
    - (ii) is able to represent the interests of patients and consumers of pharmacy services.
- (3) Schedule 2 has effect in relation to each member of the Committee.
- (4) Schedule 3 has effect in relation to meetings of the Committee.

#### **10 Section 18L inserted**

After section 18K in Part 2

*insert*

#### **18L Fees**

- (1) The Minister may, by *Gazette* notice, determine fees to be paid to the Pharmacy Committee.
- (2) The Pharmacy Committee may waive the whole or part of a fee determined under subsection (1).

#### **11 Part 3 repealed**

Part 3

*repeal*

#### **12 Part 4 heading replaced**

Part 4, heading

*omit, insert*

### **Part 3 Health Professional Review Tribunal**

#### **13 Part 3, Division 1 repealed**

Part 3, Division 1

*repeal*

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**14 Part 3, Division 2 heading repealed**

Part 3, Division 2, heading

*repeal*

**15 Section 63 amended**

(1) Section 63(2)(b)

*omit, insert*

(b) a person who is not:

(i) a registered health practitioner; or

(ii) a lawyer.

(2) Section 63(4) to (13)

*omit, insert*

(4) For each matter for which the Tribunal has functions under this Act or the *Health Practitioner Regulation National Law (NT)* (including, for example, a matter referred to it about a registered health practitioner, or an appeal of a decision not to register a person), the Tribunal consists of:

(a) the 2 permanent members of the Tribunal; and

(b) 3 persons (the *special members*) who are:

(i) registered health practitioners under the *Health Practitioner Regulation National Law (NT)* in the health profession to which the matter relates (other than as a student); and

(ii) appointed by the President of the Tribunal.

*Example for subsection (4)*

*For a matter referred to the Tribunal as a responsible tribunal under section 193 of the Health Practitioner Regulation National Law (NT) about a registered health practitioner in a health profession, each special member must be a registered health practitioner in that health profession.*

(5) The President of the Tribunal may appoint a person to be a special member only if:

(a) the person has skills, knowledge or experience relevant to the matter; and



- 
- (b) the person has not been involved in a previous decision, consideration or investigation relating to the matter; and
  - (c) if the Tribunal is performing its functions under the *Health Practitioner Regulation National Law (NT)* in relation to the matter – the person is not a member of the National Board that made the notification in relation to the matter.
- (6) A person who is a member of the Tribunal is not personally liable for any act done or purported or omitted to be done by the person in good faith for this Act or another Act.
  - (7) Schedule 4 has effect in relation to the powers and procedures of the Tribunal.
  - (8) Schedule 5 has effect in relation to the members of the Tribunal.
  - (9) Schedule 6 has effect in relation to the proceedings of the Tribunal.

## **16 Section 64 amended**

- (1) Section 64(1)  
*omit, insert*
- (1) The Tribunal must hear each matter for which it has functions under the *Health Practitioner Regulation National Law (NT)*.  
*Note for subsection (1)*  
*See section 6 of the Health Practitioner Regulation (National Uniform Legislation) Act.*
- (2) Section 64(2), example  
*omit*
- (3) After section 64(2)  
*insert*
- (3) Without limiting subsections (1) and (2), the Tribunal has the powers necessary to perform its functions (including, for example, powers to conduct any inquiry into a matter for which it has functions).

## **17 Part 3, Divisions 3 and 4 repealed**

Part 3, Divisions 3 and 4

*repeal*

**18 Part 3, Division 5 heading repealed**

Part 3, Division 5, heading

*repeal*

**19 Part 4 heading inserted**

Before section 71

*insert*

**Part 4 Inspectors of Pharmacy Committee**

**20 Section 71 amended**

(1) Section 71(1)

*omit*

A regulatory body

*insert*

The Pharmacy Committee

(2) Section 71(2) and (3)

*omit, insert*

(2) The function of an inspector is to investigate matters that are:

(a) related to the Pharmacy Committee's functions; and

(b) referred to the inspector by the Committee.

(3) The Pharmacy Committee must issue each inspector with an identity card that:

(a) is in the form approved by the Committee; and

(b) contains a recent photograph of the inspector, the inspector's name and the common seal of the Committee.

(3) Section 71(4)

*omit*

the regulatory body

*insert*

the Pharmacy Committee

**21 Section 73 amended**

(1) Section 73(1)(g)

*omit*

practice services

*insert*

services at the premises

(2) Section 73(1)(i)

*omit*

or a practising certificate

*insert*

issued under section 124 of the Health Practitioner Regulation National Law

(3) Section 73(1)(j)

*omit*

or a code

(4) Section 73(1)(k) and (2)

*omit*

a regulatory body

*insert*

the Pharmacy Committee

(5) Section 73(1)(k) and (2)

*omit (all references)*

the regulatory body

*insert*

the Pharmacy Committee

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**22 Parts 5 and 6 repealed**

Parts 5 and 6

*repeal*

**23 Section 99 amended**

(1) Section 99(1) and (2)

*omit*

(2) Section 99(2A)

*omit*

(2A)

*insert*

(1)

(3) Section 99(2B)

*omit, insert*

(2) However, a registered health practitioner, student or other person the subject of an appellable decision under that Law may appeal against a decision under subsection (1) on a question of law only.

(4) Section 99(3)

*omit*

Board's or

**24 Section 100 amended**

Section 100(1)(a) to (c), before "Board" (*all references*)

*insert*

National

**25 Part 8, Division 1 repealed**

Part 8, Division 1

*repeal*

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**26 Part 8, Division 2 heading repealed**

Part 8, Division 2, heading

*repeal*

**27 Section 106 replaced**

Section 106

*repeal, insert*

**106 Offences of dishonesty**

(1) A person commits an offence if:

- (a) the person makes or gives someone a statement (whether orally or in writing); and
- (b) the person knows the statement contains misleading information; and
- (c) the statement is made or given in connection with an investigation being carried out by an inspector.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

(2) A person commits an offence if:

- (a) the person makes or gives someone a statement (whether orally or in writing); and
- (b) the person knows the statement contains misleading information; and
- (c) the statement is made or given in connection with a hearing of the Tribunal.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

(3) In this section:

***misleading information*** means information that is misleading in a material particular or because of the omission of a material particular.

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**28 Section 108 amended**

- (1) Section 108, heading

*omit*

**assessments, evaluations, inquiries etc.**

*insert*

**requirements of inspector or Tribunal**

- (2) Section 108(1)(a) to (e) and penalty provision

*omit, insert*

- (a) fail to comply with a notice or summons issued by the Tribunal (including a notice to appear before the Tribunal); or
- (b) fail to comply with the requirement to take an oath for a hearing of the Tribunal; or
- (c) fail to produce a document when required to do so by an inspector or the Tribunal; or
- (d) fail to answer questions required to be answered by an inspector or the Tribunal; or
- (e) fail to assist an inspector in relation to an investigation being carried out by the inspector.

Maximum penalty: 50 penalty units.

- (3) Section 108(2)

*omit*

a committee, inspector, assessor or the Tribunal

*insert*

an inspector or the Tribunal

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**29 Sections 109, 110 and 111 replaced**

Sections 109, 110 and 111

*repeal, insert*

**109 Threat and intimidation**

A person must not threaten or intimidate a person who, in good faith, provides information about a health practitioner or anyone else in accordance with this Act.

Maximum penalty: 500 penalty units.

**110 Failure to comply with orders**

(1) A person must not:

- (a) fail to leave any proceedings of the Tribunal when ordered to do so by the Tribunal; or
- (b) fail to leave any proceedings of the Pharmacy Committee when ordered to do so by the Committee.

Maximum penalty: 50 penalty units.

(2) A person must not, contrary to an order of the Tribunal, report or otherwise disclose:

- (a) any proceedings of the Tribunal; or
- (b) any information in relation to the proceedings of the Tribunal.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

(3) A person must not, contrary to an order of the Pharmacy Committee, report or otherwise disclose:

- (a) any proceedings of the Pharmacy Committee; or
- (b) any information in relation to the proceedings of the Pharmacy Committee.

Maximum penalty: 100 penalty units or imprisonment for 6 months.

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**30 Part 9 heading amended**

Part 9, heading

*omit*

**Miscellaneous**

*insert*

**Other matters relating to health practitioners**

**31 Sections 112 to 118 replaced**

Sections 112 to 118

*repeal, insert*

**112 Protection from liability**

- (1) A person is not civilly or criminally liable for an act done or omitted to be done by the person in good faith in:
  - (a) assisting, or providing information to, the Tribunal; or
  - (b) providing the Pharmacy Committee with information.
- (2) Subsection (1) does not affect any liability the Territory would, apart from that subsection, have for the act or omission.

**32 Section 120 amended**

- (1) Section 120(1)

*omit*

a regulatory body

*insert*

the Pharmacy Committee

- (2) Section 120(1)(a) to (c)

*omit*

Board's

*insert*

Committee's



---

(3) Section 120(2)(a) to (c)

*omit*

relevant Board's

*insert*

Tribunal's

(4) Section 120(3)

*omit*

**33 Section 121 amended**

Section 121(a) to (d)

*omit*

a regulatory body

*insert*

the Pharmacy Committee

**34 Sections 123, 125, 126, 128 and 129, Part 9, Division 3 and Part 10 repealed**

Sections 123, 125, 126, 128 and 129, Part 9, Division 3 and Part 10

*repeal*

**35 Part 12, Division 1 heading inserted**

Before section 145

*insert*

**Division 1 Health Practitioner (National Uniform Legislation)  
Implementation Act 2010**

**36 Section 146 amended**

(1) Section 146(4)(a)(ii)

*omit*

that law to the former Board were a reference

*insert*

relation to the former Board in that Law were a reference in relation

(2) Section 146(5), definition ***complaint***, all words after "Tribunal"

*omit, insert*

by a former board under section 62(3) of this Act as in force immediately before the commencement day for an inquiry on the basis that the matter could have been grounds for a complaint.

### 37 Section 147 amended

Section 147(3)(a)(ii)

*omit*

in that law to the former Board were a reference

*insert*

in relation to the former Board in the *Information Act* or *Ombudsman Act* were a reference in relation

### 38 Part 12, Division 2 inserted

After section 148 in Part 12

*insert*

## Division 2 Health Practitioner (National Uniform Legislation) Implementation Act 2012

### 149 Definitions

In this Part:

***commencement day*** means the day on which the implementation provisions commence.

***former Board*** means the following Boards established under this Act as in force immediately before the commencement day:

- (a) the Aboriginal Health Workers Board of the Northern Territory;
- (b) the Occupational Therapists Board of the Northern Territory;
- (c) the Radiographers Board of the Northern Territory.

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**implementation provisions** means Part 2 of the *Health Practitioner (National Uniform Legislation) Implementation Act 2012*.

**National Board** means a National Board established by the *Health Practitioner Regulation National Law (NT)*.

## 150 Pending complaints

- (1) Subsection (2) applies if section 289 of the *Health Practitioner Regulation National Law (NT)* (the **transitional provision**) applies in relation to a complaint being dealt with immediately before the commencement day.
- (2) For applying the transitional provision, this Act as in force immediately before the commencement day is the Act of the participating jurisdiction under which the complaint was made (the **notification Act**) even though the provision refers to the notification Act being repealed.
- (3) Subsection (4) applies if, immediately before the commencement day, the Tribunal had not completed an inquiry into a complaint referred to it by a former Board.
- (4) The Tribunal must deal with the complaint as the responsible Tribunal under Part 8, Division 12 of the *Health Practitioner Regulation National Law (NT)*:
  - (a) as if:
    - (i) the complaint had been referred to the Tribunal under that Law by a National Board; and
    - (ii) a reference in relation to the former Board in that Law were a reference in relation to the National Board for the health profession for which the former Board had been established; and
  - (b) with any other changes that are necessary or convenient.
- (5) In this section:

**complaint** includes a matter referred to the Tribunal by a former Board under section 62(3) of this Act as in force immediately before the commencement day for an inquiry on the basis that the matter could have been grounds for a complaint.

**151 Pending matters under Information and Ombudsman Acts**

- (1) This section applies if, immediately before the commencement day:
- (a) an application in relation to information made to a former Board under Part 3, Division 2 or 3 of the *Information Act* had not been decided; or
  - (b) an application for review of a decision made to a former Board under Part 3, Division 4 of the *Information Act* had not been decided; or
  - (c) a complaint made under Part 7 of the *Information Act* about a decision made by a former Board had not been determined; or
  - (d) a complaint made under Part 5 of the *Ombudsman Act* in relation to an administrative action taken by a former Board had not been finally dealt with under that Act.
- (2) In addition, this section applies if:
- (a) a former Board had decided an application under Part 3, Division 2 or 3 or Part 3, Division 4 of the *Information Act*, and
  - (b) on the commencement day, the applicant would have been entitled under the *Information Act* to apply for a review of the decision, or to make a complaint about the decision, if the implementation provisions had not commenced.
- (3) The *Information Act* or *Ombudsman Act* continues to apply in relation to the application, complaint or decision:
- (a) as if:
    - (i) the implementation provisions had not commenced; and
    - (ii) a reference in relation to the former Board in the *Information Act* or *Ombudsman Act* were a reference in relation to the National Board for the health profession for which the former Board had been established; and
  - (b) with any other changes that are necessary or convenient.

**152 Principal place of practice**

- (1) This section applies to a health practitioner who is registered under this Act as in force immediately before the commencement day.

- 
- (2) The health practitioner's business address recorded in a register immediately before the commencement day is taken to be the health practitioner's principal place of practice under the *Health Practitioner Regulation National Law (NT)*.
  - (3) Subsection (1) has effect subject to the health practitioner declaring, under the *Health Practitioner Regulation National Law (NT)*, another place to be the health practitioner's principal place of practice.

**153 Tribunal constituted before commencement day**

- (1) This section applies if the Tribunal is constituted under section 6 of the *Health Practitioner Regulation (National Uniform Legislation) Act* as in force before the commencement day in relation to a matter.
- (2) The Tribunal as so constituted is taken to have been constituted under section 63(4) of this Act on and after the commencement day in relation to the matter.

**39 Part 13 replaced**

Part 13

*repeal, insert*

**Part 13 Transitional matters for Health Practitioner Regulation (National Uniform Legislation) Act 2010 and Health Practitioner (National Uniform Legislation) Implementation Act 2012**

**154 Definition**

In this Part:

*commencement day* means the day on which Part 2 of the *Health Practitioner (National Uniform Legislation) Implementation Act 2012* commences.

**155 Transitional regulations**

- (1) A regulation may provide for a matter of a transitional nature:
  - (a) because of the enactment of the *Health Practitioner (National Uniform Legislation) Implementation Act 2012*, or

- 
- (b) to otherwise allow or facilitate the transition from the operation of a law of the Territory to the operation of:
- (i) the *Health Practitioner Regulation National Law (NT)*; or
  - (ii) this Act.
- (2) The regulation may have retrospective operation to a day not earlier than the commencement day.
- (3) However, to the extent to which the regulation has retrospective operation, it does not operate to the disadvantage of a person (other than the Territory or a Territory authority) by:
- (a) decreasing the person's rights; or
  - (b) imposing liabilities on the person.
- (4) The regulation must declare it is made under this section.

**156 Expiry**

This Part, and each regulation made under section 155, expires on 30 June 2013.

**40 Schedule 1 repealed**

Schedule 1

*repeal*

**41 Schedule 2 amended**

- (1) Schedule 2, heading

*omit*

**regulatory bodies**

sections 9(2) and 18B(2)

*insert*

**Pharmacy Committee**

section 18B(3)

- (2) Schedule 2, clause 2(4)

*omit*

health practitioner

*insert*

pharmacist

- (3) Schedule 2, clause 3(1)

*omit, insert*

- (1) The Pharmacy Committee must elect one of its members who is a pharmacist to be the Chairperson of the Committee.

#### **42 Schedule 3 amended**

- (1) Schedule 3, heading

*omit*

### **Provisions about meetings of regulatory bodies**

sections 9(3) and 18B(3)

*insert*

### **Meetings of Pharmacy Committee**

section 18B(4)

- (2) Schedule 3, clause 2(1)

*omit*

health practitioners

*insert*

pharmacists

- (3) Schedule 3, clause 6(3)(b) and (c)

*omit, insert*

- (b) it is dealing with information concerning the personal affairs, finances or business arrangements of a person; or

---

(c) the disclosure of the proceedings or the information may be unfairly prejudicial to the reputation of a person.

(4) Schedule 3, clause 6(5)

*omit*

#### **43 Schedule 4 amended**

(1) Schedule 4, heading

*omit*

### **Powers and procedures of Committee and Tribunal**

sections 25(3) and 63(10)

*insert*

### **Powers and procedures of Tribunal**

section 63(7)

(2) Schedule 4, clause 1

*omit*

(3) Schedule 4, clause 2(1)

*omit*

A committee or the Tribunal may

*insert*

The Tribunal may, in relation to its proceedings

(4) Schedule 4, clause 2(2) and (3)

*omit, insert*

(2) The Tribunal or the President of the Tribunal may, at any time before or during its proceedings, give directions for the expeditious and efficient hearing of the matter to which the proceedings relate.

(5) Schedule 4, clause 2(4)

*omit*

respect



*insert*

relation to

- (6) Schedule 4, clause 3, heading

*omit*

**for inquiry**

*insert*

**for hearing**

- (7) Schedule 4, clause 3(1)

*omit, insert*

- (1) This clause applies to a health practitioner who is the subject of a matter for which the Tribunal has functions.
- (1A) A summons requiring the health practitioner to attend the Tribunal's proceedings in relation to the matter must specify the following:
- (a) particulars of the matter;
  - (b) the date, time and place at which the health practitioner is required to appear;
  - (c) that the health practitioner is entitled to be represented by another person (including a legal practitioner) in relation to the proceedings;
  - (d) that the hearing of the proceedings will be open to the public unless the Tribunal orders otherwise.

- (8) Schedule 4, clause 4

*omit*

A committee or the

*insert*

The

- (9) Schedule 4, clause 4(a) and (b), at the end

*insert*

and

(10) Schedule 4, clause 5

*omit, insert*

**5. Additional notifications**

(1) The Tribunal may deal with one or more notifications about a health practitioner in its proceedings.

(2) If, during any proceedings for a notification (the *first notification*) relating to a health practitioner, the Tribunal considers that another notification could have been made against the health practitioner, the Tribunal may:

(a) take that other notification to have been referred to the Tribunal; and

(b) deal with it in the same proceedings, including dealing with it after an adjournment that is, in the Tribunal's opinion, just and equitable in the circumstances.

(3) The Tribunal may do so:

(a) whether instead of, or in addition to, the first notification; and

(b) whether or not the notification could have been made by the same entity that made the first notification.

(11) Schedule 4, clause 6(1) and (2)

*omit, insert*

(1) The Tribunal may, by written notice, require the person who is the subject of a matter for which the Tribunal has functions to have one or more medical examinations at the expense of the National Board for the health profession to which the matter relates.

(2) The Tribunal must not require a person to have a medical examination under subclause (1) unless it is reasonable to do so for the proceedings.

(12) Schedule 4, clause 6(5)

*omit*

the committee or

(13) Schedule 4, clause 6(6), definition *relevant Board*

*omit*

- (14) Schedule 4, clause 7(1) to (3)

*omit*

a committee or

- (15) Schedule 4, clause 7(2)

*omit*

committee or

- (16) Schedule 4, clause 7(3)(a), at the end

*insert*

or

- (17) Schedule 4, clause 7(3)(b) and (c)

*omit, insert*

(b) it is dealing with information concerning the personal affairs, finances or business arrangements of a person; or

(c) the disclosure of the proceedings or the information may be unfairly prejudicial to the reputation of a person.

- (18) Schedule 4, clause 8

*omit, insert*

## **8. Representation**

A party to proceedings of the Tribunal is entitled:

(a) to attend the proceedings; and

(b) to be represented by another person (including a legal practitioner).

## **44 Schedule 5 amended**

- (1) Schedule 5, heading

*omit*

## **Provisions with respect to Membership of Tribunal**

section 63(11)

*insert*

## Membership of Tribunal

section 63(8)

- (2) Schedule 5, clause 2(3)

*omit, insert*

- (3) A special member is appointed for the period during which the Tribunal is constituted for the matter to which the member's appointment relates.

- (3A) To avoid doubt, the period mentioned in subclause (3) ends when:

- (a) the Tribunal has decided the matter for which it is constituted; and
- (b) all proceedings of the Tribunal in relation to the matter have ended.

- (3) Schedule 5, clause 3(2)(a) and (b)

*omit, insert*

- (a) for a permanent member – is absent from a meeting of the Tribunal convened to deal with a particular matter without the permission of the other members of the Tribunal as constituted for that matter; or
- (b) for a special member – is absent from a meeting of the Tribunal convened to deal with the matter to which the special member's appointment relates without the permission of the other members of the Tribunal as constituted for that matter; or

- (4) Schedule 5, clause 3(2)(c) and (d), at the end

*insert*

or

- (5) Schedule 5, clause 3(2)(f)

*omit, insert*

- (f) is found guilty of an offence against this Act or the Health Practitioner Regulation National Law.

- 
- (6) Schedule 5, clause 3(5)  
*omit*  
a health practitioner or lawyer  
*insert*  
a registered health practitioner or a lawyer
- (7) Schedule 5, clause 3(6), before "health practitioner"  
*insert*  
registered
- (8) Schedule 5, clause 4(2)(b)  
*omit*  
a health practitioner or lawyer  
*insert*  
a registered health practitioner or a lawyer

#### **45 Schedule 6 amended**

- (1) Schedule 6, heading  
*omit*

### **Provisions with respect to proceedings of Tribunal**

section 63(12)

*insert*

### **Proceedings of Tribunal**

section 63(9)

- (2) Schedule 6, clause 1  
*omit, insert*

#### **1. Proceedings of Tribunal**

- (1) For the purposes of conducting any proceedings in relation to a matter for which the Tribunal is constituted, the President or any 2 members of the Tribunal may convene a meeting.

- (2) However, the President must preside over all proceedings of the Tribunal.
- (3) Schedule 6, clause 2(1) to (4)  
*omit, insert*
- (1) If a member, other than the President, constituting the Tribunal for a matter vacates his or her office before the Tribunal decides the matter, either of the following must hear and decide the matter:
- (a) the Tribunal constituted by the remaining 4 members;
- (b) the Tribunal constituted by the remaining 4 members and a person appointed to fill the vacant office.
- (2) If the vacancy mentioned in subclause (1) occurs after any proceedings in relation to the matter have started, the Tribunal as mentioned in subclause (1)(a) or (b) must continue the proceedings.
- (3) If 2 or more members constituting the Tribunal for a matter vacate their offices before the Tribunal decides the matter:
- (a) any proceedings started in relation to the matter are terminated; and
- (b) the Tribunal must be reconstituted for the matter.
- (4) Subclause (3) does not prevent the reconstituted Tribunal from taking into account any proceedings of the Tribunal as constituted before the termination in relation to the matter.
- (4) Schedule 6, clause 4  
*omit*
- (5) Schedule 6, clause 5(1) and (2)  
*omit, insert*
- (1) Unless there are circumstances beyond the control of the Tribunal, a decision of the Tribunal in relation to a matter must be made within 3 months after the hearing for the matter is completed.
- (2) The decision of the Tribunal and the reasons for it must be in writing.

- (6) Schedule 6, clause 6(b)  
*omit*  
in the course of an inquiry

**46 Schedule 7 repealed**

Schedule 7  
*repeal*

**47 Schedule 8 amended**

- (1) Schedule 8 heading  
*omit, insert*

**Schedule 7 Pharmacies**

section 18C

- (2) Schedule 7, at the end  
*insert*

**11. Unconscionable conduct**

A person must not, either directly or indirectly, attempt to influence, coerce or otherwise cause a pharmacist to engage in conduct that contravenes this Act.

Maximum penalty: 400 penalty units.

**48 Schedules 9 and 10 repealed**

Schedules 9 and 10  
*repeal*

**49 Act further amended**

Schedule 1 has effect.

## Part 3 Consequential and other amendments

### Division 1 Amendment of Health Practitioner Regulation (National Uniform Legislation) Act

#### 50 Act amended

This Division amends the *Health Practitioner Regulation (National Uniform Legislation) Act*.

#### 51 Section 6 amended

Section 6(2) to (4)

*omit, insert*

- (2) A person who appeals against an appellable decision under section 199 of the *Health Practitioner Regulation National Law (NT)* must start the appeal by giving:
- (a) a notice of appeal to the President of the Tribunal in a form approved by the President; and
  - (b) a copy of the notice to:
    - (i) the other parties to the proceedings to which the appeal relates; and
    - (ii) anyone else entitled to be given notice of the appellable decision under the *Health Practitioner Regulation National Law (NT)*.
- (3) The period for starting the appeal is:
- (a) the period of 28 days after the later of the following:
    - (i) the appellable decision is made;
    - (ii) the reasons for the appellable decision are given to the person; or
  - (b) a longer period allowed by the President of the Tribunal.
- (4) In this section:

***appellable decision*** means an appellable decision as defined in section 199(1) of the *Health Practitioner Regulation National Law (NT)*.



***President of the Tribunal*** means the President of the Tribunal mentioned in section 63(3) of the *Health Practitioners Act*.

## **Division 2 Amendment of Radiation Protection Act**

### **52 Act amended**

This Division amends the *Radiation Protection Act*.

### **53 Section 89 amended**

Section 89(2A)

*omit*

### **54 Part 9, Division 4 replaced**

Part 9, Division 4

*repeal, insert*

## **Division 4 Provisions relating to Diagnostic Radiographers**

### **100 Registration certificate taken to be licence**

- (1) This section applies to a person who:
  - (a) is registered under the Health Practitioner Regulation National Law (other than as a student) to practise as a diagnostic radiographer in the diagnostic radiographer division of the medical radiation practice profession; and
  - (b) uses a radiation apparatus under that Law for practising radiography.
- (2) The person's certificate of registration issued under section 124 of the Health Practitioner Regulation National Law is taken to be a licence under this Act authorising the person to use the radiation source that is the radiation apparatus for practising radiography.
- (3) The licence has effect subject to the conditions applying to the certificate of registration that relates to using the radiation source for practising radiography.
- (4) However, subsections (2) and (3) do not apply to the person during a period in which the person's certificate of registration is suspended under the Health Practitioner Regulation National Law.

**101        Regulations**

- (1) The regulations may provide for a matter arising from this Division.
- (2) Without limiting subsection (1), the regulations may provide for matters relevant to the application of this Act to a person who is taken to hold a licence as provided in section 100.

**Division 3        Amendment of other laws**

**55        Other laws amended**

Schedule 2 amends the laws mentioned in it.

**Part 4            Expiry of Act**

**56        Expiry**

This Act expires on the day after it commences.

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## Schedule 1 Health Practitioners Act further amended

section 49

### Part 1 Amendments about Pharmacy Committee

| Provision   | Amendment  |                        |
|---|--|------------------------|
|   | <i>omit</i>                                      | <i>insert</i>          |
| Schedule 2, clauses 1(1) and 4(1) and (2) and Schedule 3, clauses 1, 2(1) to (4), 3(1) and (2), 6(1), (3) and (4), 7(1) and 8   | a regulatory body<br>( <i>all references</i> )   | the Pharmacy Committee |
| Schedule 2, clauses 2(2)(a) and 4(1) and (2)(a) and (b) and Schedule 3, clauses 1, 2(2), 5(1) and (2), 6(3)(a) and (4) and 7(1) | the regulatory body<br>( <i>all references</i> ) | the Pharmacy Committee |
| Schedule 3, clauses 4, 6(2) and 7(2) and (4)  | A regulatory body                                | The Pharmacy Committee |
| Schedule 3, clause 5(1)   | the Board  | the Pharmacy Committee |

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**Part 2 Other amendments**


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| Provision  | Amendment        |                  |
|--|------------------|------------------|
|  | <i>omit</i>      | <i>insert</i>    |
| sections 71(4), 72(7), 107 and 119(8), Schedule 3, clause 8 and Schedule 7, clauses 2(1), 3, 4(1) and (2), 5(1) and (2), 6(1) and (2), 7(1) to (4), 8(1) and (2), 9(1) and 10(1) and (4)   | Penalty:         | Maximum penalty: |
| section 72(3)(a), at the end   |                  | and              |
| sections 73(2)(a), 100(1)(a), 120(1)(a) and (2)(a) and 121(a) and (b), Schedule 2, clause 2(1)(a), (2)(a) to (c) and (3)(a), Schedule 3, clause 6(3)(a), Schedule 5, clause 3(1)(a) and Schedule 7, clause 1, definitions <b><i>authorised pharmacy business owner</i></b> , paragraph (a) and <b><i>authorised pharmacy service provider</i></b> , paragraph (a) and clause 2(5)(a), at the end |                  | or               |
| Schedule 7, clauses 2(1), 3, 4(1) and (2), 5(1) and (2), 7(1) to (4) and 8(1) and (2), penalty provision   | a natural person | an individual    |
| Schedule 7, clause 2(1)(b)   | the conduct of,  | the conduct of;  |

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**Schedule 2 Other laws amended**

section 55

| Provision   | Amendment          |  |
|---|--------------------|--|
|   | <i>omit</i>        | <i>insert</i>  |
| <b><i>Agents Licensing Regulations</i></b>  |                    |  |
| regulation 17(1)(c)(xiv)  | whole subparagraph | (xiv) a person registered under the Health Practitioner Regulation National Law to practise in a health profession (other than as a student);  |
| <b><i>Alcohol Reform (Prevention of Alcohol-Related Crime and Substance Misuse) Act</i></b> |                    |  |
| section 5(3)(b) and (c)   | whole paragraph    | (b) a person registered under the Health Practitioner Regulation National Law (other than as a student) to practise in: <ul style="list-style-type: none"> <li>(i) the Aboriginal and Torres Strait Islander health practice profession; or</li> <li>(ii) the nursing and midwifery profession as a nurse; or</li> <li>(iii) the psychology profession;</li> </ul> |

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***Care and Protection of Children Act***

|   |                  |  |
|---|------------------|--|
| section 13, definition<br><b><i>health practitioner</i></b> | whole definition | <b><i>health practitioner</i></b><br>means a person registered under the Health Practitioner Regulation National Law to practise in a health profession (other than as a student). |
|---|------------------|--|

***Classification of Publications, Films and Computer Games Regulations***

|              |            |            |
|--------------|------------|------------|
| regulation 7 | Schedule 8 | Schedule 7 |
|--------------|------------|------------|

***Criminal Code***

|   |                  |  |
|---|------------------|--|
| section 186A, definition<br><b><i>authorised professional</i></b> | whole definition | <b><i>authorised professional</i></b><br>means a person registered under the Health Practitioner Regulation National Law (other than as a student) to practise in: <ul style="list-style-type: none"> <li>(a) the Aboriginal and Torres Strait Islander health practice profession; or</li> <li>(b) the nursing and midwifery profession.</li> </ul> |
|---|------------------|--|

***Domestic and Family Violence Act***

|   |                 |  |
|---|-----------------|--|
| section 84(7), definition<br><b><i>health practitioner</i></b> ,<br>paragraph (c) | whole paragraph | (c) a person registered under the Health Practitioner Regulation National Law to practise in the Aboriginal and Torres Strait Islander health practice profession (other than as a student). |
|---|-----------------|--|

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***Firearms Act***

|   |                  |   |
|---|------------------|---|
| section 101(6),<br>definition <b><i>health practitioner</i></b> | whole definition | <b><i>health practitioner</i></b> means a person registered under the Health Practitioner Regulation National Law to practise in a health profession, other than as: <ul style="list-style-type: none"> <li>(a) a diagnostic radiographer in the diagnostic radiographer division of the medical radiation practice profession; or</li> <li>(b) a student.</li> </ul> |
|---|------------------|---|

***Health and Community Services Complaints Act***

|  |                                       |  |
|--|---------------------------------------|--|
| section 4, definitions<br><b><i>Board</i></b> and <b><i>NT Board</i></b> | whole definition                      | <i>(in alphabetical order)</i><br><b><i>Board</i></b> means a National Board.                              |
| section 89, heading  | <b>relevant Board Act</b>             | <b>Health Practitioner Regulation National Law</b>   |
| section 89   | all words after<br>"between this Act" | and the Health Practitioner Regulation National Law, that Law prevails to the extent of the inconsistency. |

***Mental Health and Related Services Act***

|   |                  |  |
|---|------------------|--|
| section 4, definition<br><b><i>Aboriginal health worker</i></b> | whole definition | <b><i>Aboriginal and Torres Strait Islander health practitioner</i></b> means a person registered under the Health Practitioner Regulation National Law to practise in the Aboriginal and Torres Strait Islander health practice profession (other than as a student). |
|---|------------------|--|

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|                                |                          |  |
|--------------------------------|--------------------------|--|
| section 11(b)                  | whole paragraph          | (b) if the person is an Aborigine or Torres Strait Islander, the involuntary treatment is, where possible, to be provided in collaboration with an Aboriginal and Torres Strait Islander health practitioner.  |
| section 23(3)(a)(iii) and (iv) | whole subparagraph       | <p>(iii) a person registered under the Health Practitioner Regulation National Law to practise in the occupational therapy profession (other than as a student); or</p> <p>(iv) an Aboriginal and Torres Strait Islander health practitioner; or</p> |
| section 35(1)(c)               | Aboriginal health worker | Aboriginal and Torres Strait Islander health practitioner.   |

***Motor Vehicles Act***

|                                |                    |  |
|--------------------------------|--------------------|--|
| section 11(1)(a)(ii) and (iii) | whole subparagraph | (ii) a person registered under the Health Practitioner Regulation National Law (other than as a student) to practise in the occupational therapy, optometry or physiotherapy profession; and |
|--------------------------------|--------------------|--|



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***Parole of Prisoners Act***

|                  |                 |   |
|------------------|-----------------|---|
| section 3B(1)(d) | whole paragraph | <p>(d) a person who is:</p> <p>(i) a medical practitioner; or</p> <p>(ii) a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession (other than as a student); and</p> |
|------------------|-----------------|---|

***Poisons and Dangerous Drugs Act***

|                |   |  |
|----------------|---|--|
| section 29(4C) | all words from "An" to " <i>Gazette</i> " | An Aboriginal and Torres Strait Islander health practitioner, or a member of a class of Aboriginal and Torres Strait Islander health practitioners, approved by the Chief Health Officer by <i>Gazette</i> notice, |
|----------------|---|--|

|  |                  |   |
|--|------------------|---|
| section 29(5), definition <b><i>dental therapist</i></b> | whole definition | <p><i>(in alphabetical order)</i></p> <p><b><i>Aboriginal and Torres Strait Islander health practitioner</i></b> means a person registered under the Health Practitioner Regulation National Law to practise in the Aboriginal and Torres Strait Islander health practice profession (other than as a student).</p> <p><b><i>dental therapist</i></b> means a person registered under the Health Practitioner Regulation National Law to practise in the dental</p> |
|--|------------------|---|

profession as a dental therapist in the dental therapists division of that profession (other than as a student).

***Poisons and Dangerous Drugs Regulations***

regulation 11(1)(b) to (d) whole paragraph

- (b) a medical practitioner;
- (c) a person registered under the Health Practitioner Regulation National Law (other than as a student) to practise in:
  - (i) the Aboriginal and Torres Strait Islander health practice profession; or
  - (ii) the dental profession as a dentist in the dentist division of that profession; or
  - (iii) the nursing and midwifery profession as a nurse or midwife; or
  - (iv) the optometry profession; or
  - (v) the pharmacy profession.

***Police Administration Act***

section 4(1), definition  
***health practitioner*** whole definition

***health practitioner***  
means a person  
registered under the  
Health Practitioner  
Regulation National Law  
to practise in a health  
profession, other than as:

- (a) a diagnostic radiographer in the diagnostic radiographer division of the medical radiation practice profession; or
- (b) a student.

section 132(1),  
definition ***health  
practitioner*** whole definition

***health practitioner***  
means one of the  
following who is available  
to attend to a person held  
in custody:

- (a) a medical practitioner;
- (b) a person registered under the Health Practitioner Regulation National Law (other than as a student) to practise in:
  - (i) the Aboriginal and Torres Strait Islander health practice profession; or
  - (ii) the nursing and midwifery profession as a nurse.

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***Public Health (Cervical Cytology Register) Regulations***

|   |                  |   |
|---|------------------|---|
| regulation 2, definition<br><b><i>health practitioner</i></b> | whole definition | <b><i>health practitioner</i></b><br>means:<br><br>(a) a medical practitioner; or<br><br>(b) a person registered under the Health Practitioner Regulation National Law (other than as a student) to practise in:<br><br>(i) the Aboriginal and Torres Strait Islander health practice profession; or<br><br>(ii) the nursing and midwifery profession as a nurse. |
|---|------------------|---|

***Public Sector Employment and Management Act***

|   |                 |   |
|---|-----------------|---|
| section 3(1), definition<br><b><i>health practitioner</i></b> ,<br>paragraphs (b) and (c) | whole paragraph | (b) any other person registered under the Health Practitioner Regulation National Law to practise in a health profession (other than as a student). |
|---|-----------------|---|

***Superannuation Regulations***

|                  |           |        |
|------------------|-----------|--------|
| Schedule, item 2 | Authority | Agency |
|------------------|-----------|--------|

***Therapeutic Goods and Cosmetics Act***

section 4(1), definitions whole definition  
***dentist, nurse*** and  
***pharmacist***

*(in alphabetical order)*  
***dentist*** means a person registered under the Health Practitioner Regulation National Law (other than as a student) to practise in the dental profession:

- (a) as a dentist in the dentists division of that profession; or
- (b) in a recognised speciality in the dentist division of that profession.

***nurse*** means a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse in the registered nurse division of that profession (other than as a student).

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

***Transplantation and Anatomy Act***

section 29(3), definition *health practitioner* whole definition

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

***Volatile Substance Abuse Prevention Act***

section 4, definitions *Aboriginal health worker* and *health practitioner* whole definition

*(in alphabetical order)*  
***health practitioner***  
means:

- (a) a medical practitioner; or
- (b) a person registered under the Health Practitioner Regulation National Law (other than as a student) to practise in:
  - (i) the Aboriginal and Torres Strait Islander health practice profession; or
  - (ii) the nursing and midwifery profession as a nurse; or
- (c) for Part 3 – a person mentioned in paragraph (a) or (b), or a person registered under the Health Practitioner Regulation National Law to practise in the psychology

profession (other than as a student).

***Workers Rehabilitation and Compensation Act***

|  |                           |             |   |
|--|---------------------------|-------------|---|
| <p>section 49(1), definition <b><i>medical, surgical and rehabilitation treatment,</i></b> paragraph (a)(ii) and (iii)</p> | <p>whole subparagraph</p> | <p>(ii)</p> | <p>a person registered under the Health Practitioner Regulation National Law (other than as a student) to practise in the Aboriginal and Torres Strait Islander health practice, chiropractic, dental, occupational therapy, osteopathy, physiotherapy or psychology profession; or</p> |
|--|---------------------------|-------------|---|

***Workers Rehabilitation and Compensation Regulations***

|                                    |                        |            |   |
|------------------------------------|------------------------|------------|---|
| <p>regulation 12(1)(a) and (b)</p> | <p>whole paragraph</p> | <p>(a)</p> | <p>a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse (other than as a student);</p>                      |
|                                    |                        | <p>(b)</p> | <p>a person registered under the Health Practitioner Regulation National Law to practise in the Aboriginal and Torres Strait Islander health practice profession (other than as a student).</p> |

***Youth Justice Regulations***

regulation 57(4),  
definition ***registered  
nurse***

whole definition

***registered nurse*** means  
a person registered under  
the Health Practitioner  
Regulation National Law  
to practise in the nursing  
and midwifery profession  
as a nurse in the  
registered nurse division  
of that profession (other  
than as a student).

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