

NORTHERN TERRITORY OF AUSTRALIA

HEALTH PRACTITIONER (NATIONAL UNIFORM LEGISLATION)  
IMPLEMENTATION ACT 2010

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Act No. 18 of 2010

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 18 of 2010

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

[Assented to 20 May 2010]  
[Second reading 24 February 2010]

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 2010*.

### 2 Commencement

This Act commences on 1 July 2010.

## Part 2 Amendment of Health Practitioners Act

### 3 Act amended

This Part amends the *Health Practitioners Act*.

### 4 Amendment of section 4 (Definitions)

- (1) Section 4, definitions *application*, *approved*, *category of enrolment*, *certificate of enrolment*, *enrolled*, *enrolled nurse*, *evaluation*, *foreign health care practice law*, *health practitioner*, *interim certificate of enrolment*, *member*, *Nursing and Midwifery Board*, *practise*, *registered nurse*, *relevant Board*

and **roll**.

*omit*

(2) Section 4

*insert (in alphabetical order)*

**application** means an application to be registered.

**approved** means approved by a regulatory body.

**evaluation** means an evaluation of an applicant's entitlement to be registered.

**foreign health care practice law** means a law of a jurisdiction outside the Territory relating to the registration, authorisation or licensing of persons practising health care.

**health practitioner** means a person who is registered.

**member** means a member of a regulatory body, and includes the Chairperson of the body.

**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.

**practise** means to practise health care in a category of registration.

**radiographer** means a person who practises radiography.

**radiographic procedure** means a procedure using ionizing or ultrasonic radiations for:

- (a) investigating the state of a part of an individual's body; or
- (b) treating a condition of a part of an individual's body.

**radiography** means the carrying out of radiography procedures.

**regulatory body** means a Board or the Pharmacy Committee.

**relevant Board** means:

- (a) for a category of health care practice – the Board established in respect of the category; or



- (b) for a health practitioner – the Board that registered the health practitioner.

**5 Repeal and substitution of section 6**

*repeal, substitute*

**6 Category of health care practice**

- (1) Each of the following is a **category of health care practice**:
  - (a) Aboriginal health work;
  - (b) occupational therapy;
  - (c) radiography.
- (2) Subsection (1) applies whether or not the practice is exclusively concerned with an individual's health.

**6 Amendment of section 7 (Establishment of Boards)**

- (1) Section 7(1)

*omit*

Subject to subsections (2) and (3), a Board

*substitute*

A Board

- (2) Section 7(2) to (4)

*omit, substitute*

- (2) The following are the names of the Boards:
  - (a) for the category of health care practice of Aboriginal health work – the Aboriginal Health Workers Board of the Northern Territory;
  - (b) for the category of health care practice of occupational therapy – the Occupational Therapists Board of the Northern Territory;
  - (c) for the category of health care practice of radiography – the Radiographers Board of the Northern Territory.

**7 New Part 2A**

After section 18

*insert*

**Part 2A Pharmacy Premises Committee****18A Establishment**

- (1) The Pharmacy Premises Committee is established.
- (2) The Committee:
  - (a) is a body corporate with perpetual succession; and
  - (b) has a common seal; and
  - (c) is capable, in its corporate name, of acquiring, holding and disposing of real and personal property and of suing and being sued.
- (3) All courts, judges and persons acting judicially must:
  - (a) take judicial notice of the common seal affixed to a document; and
  - (b) presume the seal was properly affixed.

**18B Membership**

- (1) The Pharmacy Committee consists of members appointed by the Minister.
- (2) Schedules 1 and 2 have effect with respect to the membership of the Committee.
- (3) Schedule 3 has effect with respect to meetings of the Committee.

**18C Functions**

- (1) The Pharmacy Committee has the following functions:
  - (a) to administer Schedule 8, including, for example:
    - (i) to monitor and investigate compliance with Schedule 8; and
    - (ii) to prosecute offences against Schedule 8;

(b) to advise the Minister on matters relating to the administration and enforcement of Schedule 8.

(2) In addition, the Committee has the functions imposed on it by this or another Act.

#### **18D Powers**

The Pharmacy Committee has power to do all things necessary or convenient to be done in connection with the performance of its functions.

#### **18E Policies and guidelines**

(1) The Pharmacy Committee may approve a policy or guideline to give practical guidance to pharmacists for complying with Schedule 8.

(2) The Committee must publicise the approved policy or guideline in the way it decides (for example, on a website).

#### **18F Delegation**

The Pharmacy Committee may, in writing, delegate to a person or advisory committee any of its powers and functions under this Act.

#### **18G Registrar**

(1) The Minister must appoint a person to be the Registrar of the Pharmacy Committee.

(2) The Registrar has the powers and functions conferred by or under this Act.

(3) The Minister may appoint a person to act as Registrar during:

(a) a period, or all periods, when the Registrar is absent from duty or from the Territory; or

(b) a vacancy in the office.

#### **18H Advisory committee**

(1) The Pharmacy Committee may establish an advisory committee to advise it in exercising its powers or performing its functions.

(2) The advisory committee consists of persons appointed by the Committee.

(3) A member of the Committee may be a member of the advisory committee and may be appointed chairperson of the advisory committee.

(4) The advisory committee must keep accurate minutes of its proceedings.

(5) The advisory committee may regulate its own proceedings.

#### **18J 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 the exercise of a power or performance of a function as any of the following:

(a) a member of the Pharmacy Committee;

(b) a member of an advisory committee;

(c) a delegate of the Pharmacy Committee.

(2) Subsection (1) does not affect any liability the Territory would, apart from that subsection, have for the act or omission.

(3) In this section:

**exercise**, of a power, includes the purported exercise of the power.

**performance**, of a function, includes the purported performance of the function.

#### **18K Annual report**

The Pharmacy Committee must, before 31 December in each year, give the Minister a report on its operations for the preceding financial year.

#### **8 Repeal and substitution of section 19**

Section 19

*repeal, substitute*

#### **19 Categories of registration**

The following are the categories of registration:

(a) in the category of health care practice of Aboriginal health work – Aboriginal health worker;

(b) in the category of health care practice of occupational therapy – occupational therapist;

(c) in the category of health care practice of radiography – radiographers.

**9 Amendment of section 20 (Application for registration or enrolment)**

Section 20(1) and (2)

*omit, substitute*

- (1) A person may apply to be registered in a category of registration.
- (2) The application must be made to the relevant Board.

**10 Repeal of section 29**

Section 29

*repeal*

**11 Repeal and substitution of section 38**

Section 38

*repeal, substitute*

**38 Registered persons to be issued with certificates**

A Board must issue a certificate of registration and practising certificate to each person it registers.

**12 Amendment of section 40 (Practising certificates)**

- (1) Section 40(1)(a) and (2)(a), at the end

*insert*

and

- (2) Section 40(2)(b)

*omit*

certificate; or

*substitute*

certificate.

- (3) Section 40(2)(c) and (3)

*omit*

**13 Repeal of section 44**

Section 44

*repeal***14 Amendment of section 99 (Right of appeal)**

After section 99(2)

*insert*

(2A) A party to a proceeding under Part 8, Division 12 or 13 of the Health Practitioner Regulation National Law may appeal to the Supreme Court against a decision of the Tribunal under the Division.

(2B) 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 (2A) on a question of law only.

**15 New section 102A**

After section 102

*insert***102A Offence to carry out radiographic procedure**

(1) A person must not carry out a radiographic procedure unless the person:

(a) is a registered radiographer who holds a current practising certificate; and

(b) carries out the procedure at the direction of a medical practitioner.

Maximum penalty: 10 penalty units or imprisonment for 3 months.

(2) Subsection (1) does not apply if the person:

(a) is undergoing an approved course of training in radiographic procedures; and

(b) carries out the procedure at the direction of a medical practitioner:

(i) under the supervision of a registered radiographer who holds a current practising certificate; or

(ii) under a licence under the *Radiation Protection Act*.

(3) In addition, subsection (1) does not apply if:

- (a) the person is a physiotherapist; and
- (b) the procedure is the use of ultrasonic equipment to treat a condition of a part of another person's body; and
- (c) the person carries out the procedure at the direction of a medical practitioner.

(4) In this section:

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

## 16 Repeal of section 130

Section 130

*repeal*

## 17 New Parts 10 to 13

After section 133

*insert*

# Part 10 Transitional matters for radiographers

## 134 Definitions for Part 10

In this Part:

**commencement day** means the day on which Part 2 of the *Health Practitioner (National Uniform Legislation) Implementation Act 2010* commences.

**former Board** means the Radiographers Registration Board established under the repealed Act.

**new Board** means the Radiographers Board of the Northern Territory established under this Act.

**repealed Act** means the *Radiographers Act* as in force immediately before the commencement day.

**135 Radiographers Board membership**

- (1) Subsection (2) applies to a member of the former Board holding office immediately before the commencement day under section 4(2)(b) or (c) of the repealed Act.
- (2) The member is taken to have been appointed a member of the new Board under clause 7(2)(a) of Schedule 1 and, subject to Schedule 2, holds office until the member's appointment under the repealed Act would have ended had it not been repealed.
- (3) Subsection (4) applies to a member of the former Board holding office immediately before the commencement day under section 4(2)(d) of the repealed Act.
- (4) The member is taken to have been appointed a member of the new Board under clause 7(2)(b) of Schedule 1 and, subject to Schedule 2, holds office until the member's appointment under the repealed Act would have ended had it not been repealed.

**136 Registrar**

The Registrar of the former Board holding office immediately before the commencement day is taken to be the Registrar of the new Board.

**137 Register**

The Register of Radiographers under the repealed Act immediately before the commencement day is taken to be the register kept under section 43 by the new Board.

**138 Registered radiographers**

- (1) A radiographer registered under the repealed Act immediately before the commencement day is taken to be registered under this Act.
- (2) The certificate of registration and practising certificate issued to the radiographer is taken to be a certificate of registration and practising certificate issued under this Act.
- (3) Despite sections 40 and 49, the first due date for a practising certificate to which subsection (2) applies is 31 December 2010.
- (4) A radiographer provisionally registered under the repealed Act immediately before the commencement day is taken to have interim registration under this Act.



(5) The certificate of provisional registration issued to the radiographer is taken to be an interim certificate of registration issued under this Act.

(6) In this section:

***first due date***, for a practising certificate, means the due date first occurring after the commencement day.

### **139 Suspension of registration**

(1) This section applies if, before the commencement day, the former Board had suspended a radiographer's certificate of registration under the repealed Act.

(2) The suspension ends on the date it would have ended had the repealed Act not been repealed.

### **140 Pending application for registration**

(1) This section applies if, immediately before the commencement day, the former Board had not decided an application for registration under the repealed Act.

(2) The application is taken to be an application for a certificate of registration under this Act.

### **141 Pending application for restoration of registration**

(1) This section applies if, immediately before the commencement day, the former Board had not decided an application for the restoration of a registration under the repealed Act.

(2) Despite its repeal, the new Board must decide the application as if the repealed Act had not been repealed.

(3) However, if the new Board decides to restore the applicant's registration, the Board must issue a certificate of registration and practising certificate to the applicant under this Act.

### **142 Pending appeal**

(1) This section applies if, immediately before the commencement day, an appeal against a decision of the former Board had not been decided.

(2) Despite its repeal, the appeal must be decided under the repealed Act.

- (3) However, a decision on the appeal must be given effect under this Act.

**143 Interpretation Act not affected**

This Part does not limit Part III of the *Interpretation Act*.

**Part 11 Transitional matter for pharmacies**

**144 Pharmacy standards**

- (1) The standards prescribed for clause 4 of Schedule 8 and in force immediately before the commencement day are taken to be standards prescribed by the Pharmacy Committee under the clause.
- (2) In this section:

**commencement day** means the day on which Part 2 of the *Health Practitioner (National Uniform Legislation) Implementation Act 2010* commences.

**Part 12 Transitional matters for implementation of Health Practitioner Regulation National Law (NT)**

**145 Definitions**

In this Part:

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

**former Board** means a Board that:

- (a) had been established under this Act for a category of health care practice; and
- (b) ceased to exist on the commencement day.

**implementation provisions** means Part 2 of the *Health Practitioner (National Uniform Legislation) Implementation Act 2010*.

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

**146 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 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 that law to the former Board were a reference 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 under section 62(3) for an inquiry by a former Board on the basis that the complaint could have been grounds for a complaint.

**147 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 that law to the former Board were a reference 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.

#### **148 Principal place of practice**

- (1) A 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)*.
- (2) 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.

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

**149**            **Definition**

In this Part:

***commencement day*** means the day on which Part 2 of the *Health Practitioner (National Uniform Legislation) Implementation Act 2010* commences.

**150**            **Transitional regulations**

- (1) A regulation may provide for a matter of a transitional nature:
  - (a) because of the enactment of:
    - (i) the *Health Practitioner Regulation (National Uniform Legislation) Act 2010*; or
    - (ii) the *Health Practitioner (National Uniform Legislation) Implementation Act 2010*; 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.

**151**            **Expiry**

This Part, and each regulation made under section 150, expires on 30 June 2011.

**18 Amendment of Schedule 1 (Membership of Boards)**

- (1) Schedule 1, heading  
*repeal, substitute*

**Schedule 1 Membership of regulatory bodies**

sections 9(2) and 18B(2)

- (2) Schedule 1, clauses 2 to 5  
*repeal*

- (3) Schedule 1, clauses 7 to 10  
*repeal, substitute*

**7 Radiographers Board of the Northern Territory**

- (1) The Radiographers Board of the Northern Territory consists of 5 members.
- (2) Of the 5 members:
- (a) 3 must be persons who:
- (i) are registered in the category of registration of radiographer and hold current practising certificates; and
  - (ii) are able to assist the Board in performing its functions; and
- (b) 2 must be persons who:
- (i) are not registered in the category of registration of radiographer; and
  - (ii) are able to represent the interest of consumers using the services provided by persons registered in the category.

**8 Pharmacy Premises Committee**

- (1) The Pharmacy Committee consists of 4 members.
- (2) Of the 4 members:
- (a) 3 must be persons who are pharmacists 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.

**19 Amendment of Schedule 2 (Provisions with respect to membership of Board)**

- (1) Schedule 2, heading  
*repeal, substitute*

**Schedule 2 Administrative provisions about members of regulatory bodies**

sections 9(2) and 18B(2)

- (2) Schedule 2, clause 3  
*repeal, substitute*

**3 Chairperson**

- (1) A regulatory body must elect one of its members who is a health practitioner to be the Chairperson of the body.
- (2) The Chairperson may, by notice, resign the office.
- (3) The Chairperson may resign the office but remain a member.

**20 Amendment of Schedule 3 (Provisions with respect to meetings of Board)**

- (1) Schedule 3, heading  
*repeal, substitute*

**Schedule 3 Provisions about meetings of regulatory bodies**

sections 9(3) and 18B(3)

---

(2) Schedule 3, clause 2(1)

*omit, substitute*

(1) The quorum at a meeting of a regulatory body is 3 members of whom 2 must be health practitioners.

**21 Repeal and substitution of Schedule 7**

Schedule 7

*repeal, substitute*

**Schedule 7 Protected titles**

section 104

---

Profession	Title
Aboriginal health work	Aboriginal health worker
occupational therapy	occupational therapist
radiography	radiographer

---

**22 Amendment of Schedule 8 (Provisions relating to pharmacies)**

Schedule 8, heading

*repeal, substitute*

**Schedule 8 Provisions relating to pharmacies**

section 18C

**23 Further amendments**

Schedule 1 has effect.



## Part 3 Consequential amendment of other laws

### Division 1 Adult Guardianship Act

#### 24 Act amended

This Division amends the *Adult Guardianship Act*.

#### 25 Amendment of section 21 (Medical procedures)

(1) Section 21(2)

*omit*

all the words from "or person" to "dentistry"

*substitute*

or dentist

(2) Section 21(2), at the end

*insert*

*Note for subsection (2)*

*Proceedings for professional misconduct, unsatisfactory professional performance or unprofessional conduct may be taken against a medical practitioner or dentist under the Health Practitioner Regulation National Law because of a contravention of this subsection. Under section 243 of that Law, disciplinary proceedings may be taken under the Law irrespective of whether proceedings for the offence have been taken.*

(3) Section 21(3)

*omit*

(4) After section 21(8)

*insert*

(9) In this section:

**dentist** means a person registered under the Health Practitioner Regulation National Law:

- (a) to practise in the dental profession as a dentist (other than as a student); and
- (b) in the dentists division of that profession.

## **Division 2 Cross-border Justice Regulations**

### **26 Regulations amended**

This Division amends the *Cross-border Justice Regulations*.

### **27 Repeal and substitution of regulations 32 to 34**

Regulations 32 to 34

*repeal, substitute*

### **32 New section 38A**

Before section 39, in Part 6, Division 2

*insert*

### **38A Definitions**

In this Division:

***approved treatment facility*** means:

- (a) a place or premises or a part of a place or premises declared under section 20(1)(a); or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993 (SA)*; or
- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996 (WA)*.

***authorised psychiatric practitioner*** means:

- (a) a person appointed as an authorised psychiatric practitioner under section 22; or
- (b) a psychiatrist as defined in section 3 of the *Mental Health Act 1993 (SA)*; or
- (c) a psychiatrist as defined in section 3 of the *Mental Health Act 1996 (WA)*.

**33 New section 41A**

Before section 42, in Part 6, Division 3

*insert*

**41A Definitions**

In this Division:

***approved treatment facility*** means:

- (a) a place or premises or a part of a place or premises declared under section 20(1)(a); or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993 (SA)*; or
- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996 (WA)*.

***authorised psychiatric practitioner*** means:

- (a) a person appointed as an authorised psychiatric practitioner under section 22; or
- (b) a psychiatrist as defined in section 3 of the *Mental Health Act 1993 (SA)*; or
- (c) a psychiatrist as defined in section 3 of the *Mental Health Act 1996 (WA)*.

**34 New Part 10, Division 1A**

Before Part 10, Division 1

*insert*

**Division 1A Definitions**

**73AA Definitions**

In this Part:

***approved temporary treatment facility*** means:

- (a) a place or premises or a part of a place or premises declared under section 20(1)(b); or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993 (SA)*; or

- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996* (WA).

**approved treatment facility** means:

- (a) a place or premises or a part of a place or premises declared under section 20(1)(a); or
- (b) an approved treatment centre as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) an authorised hospital as defined in section 3 of the *Mental Health Act 1996* (WA).

**authorised psychiatric practitioner** means:

- (a) a person appointed as an authorised psychiatric practitioner under section 22; or
- (b) a psychiatrist as defined in section 3 of the *Mental Health Act 1993* (SA); or
- (c) a psychiatrist as defined in section 3 of the *Mental Health Act 1996* (WA).

**designated mental health practitioner** means:

- (a) a person appointed to be a designated mental health practitioner under section 23; or
- (b) an authorised mental health practitioner as defined in section 3 of the *Mental Health Act 1996* (WA).

**outpatient assessment** means an assessment (whether in the Territory or a participating jurisdiction) that is not carried out at an approved treatment facility or approved temporary treatment facility.

**person-in-charge**, of an approved treatment facility or approved temporary treatment facility, means:

- (a) for a facility in the Territory – a person appointed as the person-in-charge of the facility under section 21(1) or the person otherwise in charge of the facility; or
- (b) for a facility in South Australia – the director of the facility; or
- (c) for a facility in Western Australia – the person in charge of the facility.

**practitioner** means an authorised psychiatric practitioner, medical practitioner or designated mental health practitioner.

**28 Repeal and substitution of regulation 40**

Regulation 40

*repeal, substitute*

**40 Modification of section 132 (Continued detention of person taken into custody under section 128)**

Section 132(1)

*insert (in alphabetical order)*

***member of the Police Force of or above the rank of superintendent*** includes a police officer of another participating jurisdiction who holds:

- (a) the rank of superintendent or a higher rank; and
- (b) a secondary office as a police officer of the Territory.

**29 Repeal of regulation 42**

Regulation 42

*repeal*

**30 Repeal and substitution of regulations 58 and 59**

Regulations 58 and 59

*repeal, substitute*

**58 Modification of section 3 (Interpretation)**

- (1) Section 3(1), definitions ***authorized analyst, health centre and hospital***

*omit*

- (2) Section 3(1)

*insert (in alphabetical order)*

***authorised analyst*** means:

- (a) a person authorised under this Act to be an analyst; or
- (b) an analyst as defined in section 47A(1) of the *Road Traffic Act 1961 (SA)*; or

- (c) an analyst as defined in section 65 of the *Road Traffic Act 1974* (WA).

***hospital*** means:

- (a) a hospital declared under section 6(2)(a)(i) of the *Medical Services Act*; or
- (b) an incorporated hospital as defined in section 3(1) of the *Health Care Act 2008* (SA); or
- (c) a public hospital as defined in section 2(1) of the *Hospitals and Health Services Act 1927* (WA).

**31 Repeal and substitution of regulation 62**

Regulation 62

*repeal, substitute*

**62 Modification of section 5 (Interpretation)**

- (1) Section 5(1), definitions ***detention centre*** and ***prison***

*omit*

- (2) Section 5(1)

*insert (in alphabetical order)*

***detention centre*** means:

- (a) a youth detention centre approved under section 148; or
- (b) a detention centre in another participating jurisdiction under its cross-border laws.

***prison*** means:

- (a) a prison as defined in section 5 of the *Prisons (Correctional Services) Act*; or
- (b) a prison in another participating jurisdiction under its cross-border laws.

### **Division 3 Education Act**

#### **32 Act amended**

This Division amends the *Education Act*.

#### **33 Amendment of section 25 (Child not to attend school in certain circumstances)**

Section 25(3)

*omit*

#### **34 Amendment of section 72 (Medical and dental inspections)**

(1) Section 72

*omit*

The Minister

*substitute*

(1) The Minister

(2) Section 72

*omit*

all words from "or a health" to "dentistry"

*substitute*

, dentist or nurse

(3) After section 72(1)

*insert*

(2) In this section:

**dentist** means a person registered under the Health Practitioner Regulation National Law:

(a) to practise in the dental profession as a dentist (other than as a student); and

(b) in the dentists 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 (other than as a student).

#### **Division 4 Evidence Act**

##### **35 Act amended**

This Division amends the *Evidence Act*.

##### **36 Amendment of section 56F (Limitation on privilege under this Part)**

(1) Section 56F

*omit*

Nothing

*substitute*

(1) Nothing

(2) Section 56F(b)

*omit*

who has a right of practice under the *Health Practitioners Act*

(3) Section 56F, at the end

*insert*

(2) In this section:

**registered nurse** means a person registered under the Health Practitioner Regulation National Law:

(a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and

(b) in the registered nurses division of that profession.

#### **Division 5 Firearms Act**

##### **37 Act amended**

This Division amends the *Firearms Act*.



**38 Amendment of section 101 (Report to be made in certain circumstances)**

(1) Section 101(1)

*omit*

within the meaning of the *Health Practitioners Act*

(2) After section 101(5)

*insert*

(6) In this section:

**health practitioner** means:

- (a) a person registered under the Health Practitioner Regulation National Law to practise a health profession (other than as a student); or
- (b) a health practitioner who has a right of practice under the *Health Practitioners Act* other than a registered radiographer under that Act.

**Division 6 Health and Community Services Complaints Act**

**39 Act amended**

This Division amends the *Health and Community Services Complaints Act*.

**40 Amendment of section 4 (Interpretation)**

(1) Section 4(1), definition **Board**

*omit*

(2) Section 4(1)

*insert (in alphabetical order)*

**Board** means:

- (a) a National Board; or
- (b) an NT Board; or
- (c) another entity prescribed by regulation.

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

**NT Board** means a Board established by section 7 of the *Health Practitioner Act*.

**41 Amendment of section 73 (Information to Board)**

Section 73(1) and (2)

*omit, substitute*

- (1) Despite sections 33 and 97, the Commissioner must give the relevant Board information received by the Commissioner in conducting an investigation of a complaint against a registered provider.
- (2) The relevant Board may use the information in exercising its powers and performing its functions.

**42 Amendment of section 75 (Commissioner may be party to proceedings by Board)**

(1) Section 75(1)

*omit*

complaint or investigation

*substitute*

complaint, or investigation of a complaint,

(2) After section 75(2)

*insert*

*Note for section 75*

*For provision about the parties to proceedings taken on a notification made under the Health Practitioner Regulation National Law, see section 194 of that Law.*

**43 Repeal and substitution of section 89**

Section 89

*repeal, substitute*

**89 Inconsistency between Act and relevant Board Act**

If there is an inconsistency between this Act and the law under which a relevant Board is established:

- (a) if the Board is a National Board – the Health Practitioner Regulation National Law prevails to the extent of the inconsistency; or
- (b) if the Board is an NT Board or other entity – this Act prevails to the extent of the inconsistency.

**Division 7 Health and Community Services Complaints Regulations**

**44 Regulations amended**

This Division amends the *Health and Community Services Complaints Regulations*.

**45 Repeal of regulation 3 and Schedule 1**

Regulation 3 and Schedule 1

*repeal*

**46 Amendment of Schedule 2 (Health Services)**

- (1) Schedule 2, Part 1, clause 9(b)

*omit*

psychotherapist, radiographer or therapeutic counsellor; or

*substitute*

psychotherapist or therapeutic counsellor.

- (2) Schedule 2, Part 1, clause 9(c)

*omit*

## Division 8 Interpretation Act

### 47 Act amended

This Division amends the *Interpretation Act*.

### 48 Amendment of section 17 (Definitions)

(1) Section 17, definition ***medical practitioner***

*omit*

(2) Section 17

*insert (in alphabetical order)*

***Health Practitioner Regulation National Law*** means:

- (a) the Health Practitioner Regulation National Law:
  - (i) as in force from time to time, set out in the Schedule to the *Health Practitioner Regulation National Law Act 2009 (Qld)*; and
  - (ii) as it applies as a law of the Territory, a State or another Territory (with or without modification); or
- (b) the law of a State or another Territory that substantially corresponds to the law mentioned in paragraph (a).

*Note for definition ***Health Practitioner Regulation National Law****

*The Health Practitioner Regulation National Law is applied as a law of the Territory by the Health Practitioner Regulation (National Uniform Legislation) Act 2009.*

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

## Division 9 Meat Industries Act

### 49 Act amended

This Division amends the *Meat Industries Act*.

**50 Amendment of section 58 (Power of inspector in relation to persons suffering from disease)**

(1) Section 58(2)(b)(i)

*omit*

, or a registered nurse who has a right of practice under the *Health Practitioners Act*,

*substitute*

or a registered nurse

(2) After section 58(2)

*insert*

(3) In this section:

**registered nurse** means a person registered under the Health Practitioner Regulation National Law:

(a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and

(b) in the registered nurses division of that profession.

**Division 10 Mental Health and Related Services Act**

**51 Act amended**

This Division amends the *Mental Health and Related Services Act*.

**52 Amendment of section 4 (Definitions)**

(1) Section 4, definitions **psychologist** and **registered nurse**

*omit*

(2) Section 4

*insert (in alphabetical order)*

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

**registered nurse** means a person registered under the Health Practitioner Regulation National Law:

- (a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and
- (b) in the registered nurses division of that profession.

**53 Amendment of section 23 (Designated mental health practitioners)**

Section 23(3)(a)

*omit, substitute*

- (a) is:
  - (i) a psychologist; or
  - (ii) a registered nurse; or
  - (iii) an occupational therapist who has a right of practice under the *Health Practitioners Act*, or
  - (iv) an Aboriginal health worker; or
  - (v) a social worker; or
  - (vi) an ambulance officer; and

**54 Amendment of section 66 (Electro convulsive therapy)**

Section 66(8)

*omit, substitute*

*Note for section 66*

*Proceedings for professional misconduct, unsatisfactory professional performance or unprofessional conduct may be taken against a medical practitioner under the Health Practitioner Regulation National Law because of a contravention of this section. Under section 243 of that Law, disciplinary proceedings may be taken under the Law irrespective of whether proceedings for the offence have been taken.*

**Division 11 Poisons and Dangerous Drugs Act**

**55 Act amended**

This Division amends the *Poisons and Dangerous Drugs Act*.

**56 Amendment of section 6 (Interpretation)**

- (1) Section 6(1), definitions ***dentist***, ***medical practitioner***, ***nurse***, ***optometrist*** and ***pharmacist***

*omit*

- (2) Section 6(1)

*insert (in alphabetical order)*

***dentist*** means a person registered under the Health Practitioner Regulation National Law:

- (a) to practise in the dental profession as a dentist (other than as a student); and
- (b) in the dentists division of that profession.

***medical practitioner*** means a medical practitioner who practises in the medical profession in the Territory.

***nurse*** means 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).

***optometrist*** means a person registered under the Health Practitioner Regulation National Law to practise in the optometry 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).

**57 New section 6B**

After section 6A

*insert*

**6B Relationship with Health Practitioner Regulation National Law**

A health practitioner's authorisation under this Act to manufacture, possess, issue a prescription for, supply or administer a poison is subject to:

- (a) the health practitioner's registration under the Health Practitioner Regulation National Law being endorsed as qualified to do so; and
- (b) any condition endorsed on the registration.

**58 Amendment of section 28 (Supply by pharmacists)**

Section 28(1)(ca)(i)

*omit*

dentist or

*substitute*

a dentist who practises in the Territory or a

**59 Amendment of section 29 (Supply of substances for therapeutic use)**

(1) Section 29(3)

*omit*

all words from "and" to "Board,"

(2) Section 29(3), note

*omit*

(3) Section 29(4A) and (4B)

*omit*

who has a right of practice under the *Health Practitioners Act*

(4) Section 29(5)

*insert (in alphabetical order)*

**dental therapist** means a person registered under the Health Practitioner Regulation National Law to practise the health profession of:

- (a) to practise in the dental profession as a dental therapist (other than as a student); and
- (b) in the dental therapists division of that profession.

**registered nurse** means a person registered under the Health Practitioner Regulation National Law:

- (a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and
- (b) in the registered nurses division of that profession.



**60 Amendment of section 38A (Definitions for Part VII)**

(1) Section 38A, definition *nurse*

*omit*

(2) Section 38A

*insert (in alphabetical order)*

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

**Division 12 Poisons and Dangerous Drugs Regulations**

**61 Regulations amended**

This Division amends the *Poisons and Dangerous Drugs Regulations*.

**62 Amendment of regulation 11 (Disposal of Schedule 8 substances)**

Regulation 11(1)(b) and (c)

*omit, substitute*

- (b) a dentist, medical practitioner, optometrist or pharmacist;
- (c) a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse or midwife (other than as a student);
- (d) a health practitioner who has a right of practice under the *Health Practitioners Act* in the category of health care practice of Aboriginal health work;
- (e) a veterinarian.

**Division 13 Police Administration Act**

**63 Act amended**

This Division amends the *Police Administration Act*.

**64 Amendment of section 4 (Interpretation)**

Section 4(1)

*insert (in alphabetical order)*

**health practitioner** means:

- (a) a person registered under the Health Practitioner Regulation National Law to practise a health profession (other than as a student); or
- (b) a health practitioner who has a right of practice under the *Health Practitioners Act* other than a registered radiographer under that Act.

**65 Amendment of section 83 (Medical examinations)**

Section 83(1)(a)

*omit, substitute*

- (a) health practitioners; or

**66 Amendment of section 88 (Review of grounds)**

(1) Section 88(2)

*omit*

who have a right to practice under the *Health Practitioners Act*

(2) Section 88(3)

*omit*

referred to in that subsection

**67 Amendment of section 91 (Mental incapacity)**

(1) Section 91(2)

*omit*

who have a right to practice under the *Health Practitioners Act*

(2) Section 91(3)

*omit*

referred to in that subsection

**68 Amendment of section 132 (Continued detention of person taken into custody under section 128)**

(1) Section 132(1), definition *health practitioner*

*omit*

(2) Section 132(1)

*insert*

***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 to practise in the nursing and midwifery profession as a nurse (other than as a student);
- (c) a health practitioner who has a right of practice under the *Health Practitioners Act* in the category of health care practice of Aboriginal health work.

**69 Amendment of section 145 (Intimate procedures)**

Section 145(14)

*omit, substitute*

(14) In this section:

***registered dentist*** means a person registered under the Health Practitioner Regulation National Law:

- (a) to practise in the dental profession as a dentist (other than as a student); and
- (b) in the dentists division of that profession.

**Division 14 Prisons (Correctional Services) Act**

**70 Act amended**

This Division amends the *Prisons (Correctional Services) Act*.

**71 Amendment of section 95A (Prisoner may be tested for drugs, &c.)**

(1) Section 95A, heading

*omit, substitute*

**95A Prisoner may be tested for drugs and alcohol**

(2) Section 95A(4)

*omit*

who has a right of practice under the *Health Practitioners Act*

(3) After section 95A(5)

*insert*

(6) In this section:

**registered nurse** means a person registered under the Health Practitioner Regulation National Law:

- (a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and
- (b) in the registered nurses division of that profession.

**Division 15 Prisons (Correctional Services) (Home Detention Orders) Regulations**

**72 Regulations amended**

This Division amends the *Prisons (Correctional Services) (Home Detention Orders) Regulations*.

**73 Amendment of regulation 3 (Definitions)**

Regulation 3

*insert (in alphabetical order)*

**health practitioner** means:

- (a) a person registered under the Health Practitioner Regulation National Law;
  - (i) to practise in the dental profession as a dentist (other than as a student); and

- (ii) in the dentists division of that profession; or
- (b) a health practitioner who has a right of practice under the *Health Practitioners Act* in the category of health care practice of Aboriginal health work.

**74 Amendment of regulation 4 (Conduct of offenders)**

- (1) Regulation 4(1)(c)(ii)

*omit*

all the words from "a dentist" to "Act"

*substitute*

a health practitioner

- (2) Regulation 4(2)(b)

*omit*

all the words from "a dentist" to "Act"

*substitute*

a health practitioner)

**Division 16 Private Hospitals and Nursing Homes Act**

**75 Act amended**

This Division amends the *Private Hospitals and Nursing Homes Act*.

**76 Amendment of section 4 (Definitions)**

- (1) Section 4, definition **matron**

*omit*

- (2) Section 4

*insert (in alphabetical order)*

**matron** means a registered nurse in charge of nursing services in a nursing institution.

**registered nurse** means a person registered under the Health Practitioner Regulation National Law:

- (a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and
- (b) in the registered nurses division of that profession.

**77 Amendment of section 20 (Duties of manager)**

Section 20(d)

*omit*

who has a right of practice under the *Health Practitioners Act*

**78 Amendment of section 26 (Grounds for revoking or varying licence)**

Section 26(1)(j)(i)

*omit*

this Act

*substitute*

this Act, the Health Practitioner Regulation National Law,

**Division 17 Radiation Protection and Radiographers  
Amendment Act 2009**

**79 Act amended**

This Division amends the *Radiation Protection and Radiographers Amendment Act 2009*.

**80 Repeal of Part 4**

Part 4

*repeal*

**81 Amendment of section 23 (Expiry)**

Section 23

*omit*

Part 4

*substitute*

Part 3, Division 17 of the *Health Practitioner (National Uniform Legislation) Implementation Act 2010*

## **Division 18 Veterinarians Regulations**

### **82 Regulations amended**

This Division amends the *Veterinarians Regulations*.

### **83 Amendment of regulation 7 (Exclusion from section 25 of the Act)**

(1) Regulation 7(1)(a)

*omit*

all words from "person who has" to "physiotherapy"

*substitute*

health practitioner

(2) After regulation 7(2)

*insert*

(3) In this regulation:

***health practitioner*** means:

- (a) a medical practitioner; or
- (b) a person registered under the Health Practitioner Regulation National Law to practise the chiropractic, dental or physiotherapy profession (other than as a student).

## **Division 19 Volatile Substance Abuse Prevention Act**

### **84 Act amended**

This Division amends the *Volatile Substance Abuse Prevention Act*.

### **85 Amendment of section 4 (Definitions)**

(1) Section 4, definition ***health practitioner***

*omit*

(2) Section 4

*insert (in alphabetical order)*

**Aboriginal health worker** means a health practitioner who has a right of practice under the *Health Practitioners Act* in the category of health care practice of Aboriginal health work.

**health practitioner** means a medical practitioner, nurse or Aboriginal health worker, and in Part 3, includes a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession (other than as a student).

**nurse** means 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).

## Division 20 Workers Rehabilitation and Compensation Act

### 86 Act amended

This Division amends the *Workers Rehabilitation and Compensation Act*.

### 87 Amendment of section 49 (Interpretation for Part 5)

(1) Section 49(1), definition **medical practitioner**

*omit*

(2) Section 49(1)

*insert (in alphabetical order)*

**enrolled nurse** means a person registered under the Health Practitioner Regulation National Law:

- (a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and
- (b) in the enrolled nurses division of that profession.

**registered nurse** means a person registered under the Health Practitioner Regulation National Law:

- (a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and
- (b) in the registered nurses division of that profession.



- (3) Section 49(1), definition **medical, surgical and rehabilitation treatment**, paragraph (a)

*omit, substitute*

- (a) an attendance, examination or treatment on or of the worker by:
- (i) a medical practitioner; or
  - (ii) a person registered under the Health Practitioner Regulation National Law to practise in the chiropractic, dental, osteopathy, physiotherapy or psychology profession (other than as a student); or
  - (iii) a health practitioner who has a right of practice under the *Health Practitioners Act* in the category of health care practice of Aboriginal health work or occupational therapy; or
  - (iv) another person that, if provided or carried out at the place where the person normally provides services, would be recognised for compensation purposes under a law providing for compensation to injured workers in that place; and

- (4) Section 49(1), definition **medical, surgical and rehabilitation treatment**, paragraph (f)

*omit*

all words from "who has" to "practice."

*substitute*

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

- (5) Section 49(1), definition **medical, surgical and rehabilitation treatment**, paragraphs (b) to (d), at the end

*insert*

and

- (6) Section 49(1), definition **nursing service**

*omit*

who has a right of practice under the *Health Practitioners Act*

**88 Amendment of section 73 (Compensation for medical, surgical and rehabilitation treatment, &c.)**

Section 73(e)

*omit*registered or enrolled nurse who has a right of practice under the *Health Practitioners Act**substitute*

registered nurse or enrolled nurse

**Division 21 Other consequential amendments****89 Amendment of other laws**

Schedule 2 amends the laws mentioned in it.

**Part 4 Repeals****90 Acts repealed**

The Acts specified in Schedule 3 are repealed.

**Part 5 Expiry of Act****91 Expiry**

This Act expires on the day after it commences.

## Schedule 1 Further amendments of Health Practitioners Act

section 23

### Part 1 Amendments relating to enrolled nurses

Provision	Amendment	
	<i>omit</i>	<i>substitute</i>
long title, Part 3, heading and Part 3, Division 1, heading	<b>and enrolment</b>	
sections 3(c) and 10(1)(a)	and enrolment	
sections 54(2)(c) and 95(1)(b)	enrolment,	
sections 11(2)(d), 20(3), 22(1), 23(1), (4) and (5)(a), 25(1) and (2), 26(1)(a) and (b), 27(1), 28, 39(2)(a), 50(1)(a), (2)(d) and (f) and (9), 54(2)(a), 56(1)(a), (b) and (d) and (2)(d), 63(4)(b) and (b)(i) and (ii), 65(1)(e), 68(1)(a), 73(1)(i), 83, 101(1), 103(1), 104(1), 111, 112(1), 114, 120(3), definition <b>relevant Board</b> , 128(c) and Schedule 2, clause 2(4)	or enrolled (all references)	
section 28, heading	<b>or enrol</b>	
sections 23(5)(b), 27(1), (3), (4) and (5)(a) and 99(1)(a)	or enrol	
section 20(4)	or enrolling	

Part 3, Divisions 2  
and 4, heading and  
sections 20 to 24, 30  
and 39, heading

**or enrolment**

sections 20(3), (3)(a),  
(b) and (c) and (4),  
22(1) and (1)(a), 23(1)  
to (5) and (5)(c), 24(1),  
(2), (4)(a) and (b) and  
(5), 26(1)(a), 27(2)(a)  
and (b) and (3), 30(1),  
(3) and (3)(a) and (b),  
39(1), (1)(b), (2) and  
(2)(a), 40(1)(c), 41(3),  
42(a) and (b), 51(1),  
54(2)(b), 56(2)(c) and  
(l), 61(7)(c), 65(1)(e)  
and (2)(a), 68(1)(i),  
70(1), 73(1)(i), 99(1)(b)  
and (j), 101(2), 103(1),  
104(1), 106(2)(a) and  
(b) and (3) and 111

or enrolment  
(all references)

Part 3, Division 7,  
heading and sections  
45 and 47, heading

**and roll**

sections 50 to 53,  
heading

**or roll**

sections 45(1), 47(1)  
and (2), 48, 50(1), (2),  
(2)(b), (4), (6) and (9),  
51(1), 52(1), (1)(a), (3),  
(4) and (5), 53(1), 54(1)  
and (2)(d), 65(1)(a),  
68(4) and 99(1)(c)  
and (d)

or roll  
(all references)

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## Part 2 Amendments relating to pharmacies

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Provision	Amendment	
	<i>omit</i>	<i>substitute</i>
sections 71(1), (3) and (4), 73(1)(k) and (2), 110(1)(c) and (3)(a) and (b), 118(1)(b), 120(1), 121(a) to (d), Schedule 2, clauses 1(1), 2(2)(a), 4(1), (2) and (2)(a) and (b), Schedule 3, clauses 1, 2(2), (3) and (4), 3(1) and (2), 4, 5(1), (2) and (2)(a) and (b), 6(1), (2), (3) and (3)(a) and (4), 7(1), (2) and (4) and 8	Board (all references)	regulatory body
section 71(2)(b)	to investigate	for a Board – to investigate
Schedule 8, clause 1, definitions <b>Board</b> and <b>pharmacist</b>	whole definition	
Schedule 8, clause 2(4)	immediately before the commencement of section 130 was the owner of a pharmacy business	was the owner of a pharmacy business before 23 February 2005
Schedule 8, clauses 4(1) and (2), 7(2) and (4) and 8(2)	Board	Pharmacy Committee
Schedule 8, clause 4(3) and (4)	whole subclause	
Schedule 8, clauses 7(5) and 8(3)	to the Board	

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**Schedule 2 Amendment of other laws**

section 89

Provision	Amendment	
	<i>omit</i>	<i>substitute</i>
<b><i>Agricultural and Veterinary Chemicals (Control of Use) Act</i></b>		
section 4(1), definition <b><i>pharmacist</i></b>	whole definition	<p><b><i>pharmacist</i></b> means a person who:</p> <p>(a) is registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student); and</p> <p>(b) is engaged in the practice of the profession.</p>
<b><i>Associations Regulations</i></b>		
Schedule 1, note at end	whole note	<p>The following laws relate to the provision of professional services and contain additional restrictions on the use of names:</p> <p>(a) the <i>Architects Act</i>;</p> <p>(b) the <i>Health Practitioners Act</i>;</p> <p>(c) the Health Practitioner Regulation National Law;</p>

(d) the *Licensed Surveyors Act*.

***Births, Deaths and Marriages Registration Act***

section 37(3)(a) Registrar of the Medical Board of the Northern Territory, established under the *Health Practitioners Act* Medical Board of Australia established under the Health Practitioner Regulation National Law

section 37(3)(b) Registrar of the Pharmacy Board of the Northern Territory, established under the *Health Practitioners Act* Pharmacy Board of Australia established under the Health Practitioner Regulation National Law

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

section 13, definition ***health practitioner*** whole definition ***health practitioner*** means a person registered under:

- (a) the Health Practitioner Regulation National Law to practise a health profession (other than as a student); or
- (b) the *Health Practitioners Act*.

***Criminal Code***

section 186A, definition ***authorised professional*** whole definition ***authorised professional*** means:

- (a) a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse or

		midwife (other than as a student); or
		(b) a health practitioner who has a right of practice under the <i>Health Practitioners Act</i> in the category of health care practice of Aboriginal health work.
section 186A, definition <b><i>medical practitioner</i></b>	whole definition	
<b><i>Human Tissue Transplant Act</i></b>		
section 16(2)(a)(iii)	whole subparagraph	(iii) to 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); or
<b><i>Juries Act</i></b>		
sections 49A(10) and 49B(9), definition <b><i>health practitioner</i></b>	whole definition	<b><i>health practitioner</i></b> means a medical practitioner or person registered under the Health Practitioner Regulation National Law to practise in the psychology profession (other than as a student).
Schedule 7	a dentist or dental specialist who has a right of practice under the <i>Health Practitioners Act</i>	a person registered under the Health Practitioner Regulation National Law: (a) to practise in the dental profession as a dentist (other than



as a student); and

- (b) in the dentists division of that profession

**Liquor Act**

section 5(1)(b)	pharmacist who has a right of practice under the <i>Health Practitioners Act</i>	a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student)
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**Medical Services Act**

section 5, definition <b>dentist</b>	whole definition	<p><b>dentist</b> means a person registered under the Health Practitioner Regulation National Law:</p> <ul style="list-style-type: none"> <li>(a) to practise in the dental profession as a dentist (other than as a student); and</li> <li>(b) in the dentists division of that profession.</li> </ul>
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section 5, definition <b>private nurse</b>	whole definition	<p><b>private nurse</b> means a person who:</p> <ul style="list-style-type: none"> <li>(a) is registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse (other than as a student); and</li> <li>(b) is not employed full-time by the Territory.</li> </ul>
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**Misuse of Drugs Act**

section 3(1), definition <b>dentist</b>	whole definition	<b>dentist</b> means a person registered under the Health Practitioner Regulation National Law:  (a) to practise in the dental profession as a dentist (other than as a student); and  (b) in the dentists division of that profession.
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section 3(1), definition <b>optometrist</b>	whole definition	<b>optometrist</b> means a person registered under the Health Practitioner Regulation National Law to practise in the optometry profession (other than as a student).
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section 3(1), definition <b>pharmacist</b>	whole definition	<b>pharmacist</b> means a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student).
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**Motor Vehicles Act**

section 11(1)(a)	whole paragraph	(a) <b>registered person</b> means:  (i) a medical practitioner; or  (ii) a person registered under the Health Practitioner Regulation National Law to practise (other than as a student) in
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the optometry  
or  
physiotherapy  
profession; or

- (iii) an occupational therapist who has a right of practice under the *Health Practitioners Act*; and

**Northern Territory  
Rail Safety  
Regulations**

regulation 31, definition  
**registered nurse** whole definition

**registered nurse** means a person registered under the Health Practitioner Regulation National Law:

- (a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and
- (b) in the registered nurses division of that profession.

**Public Health Act**

sections 5(1)(b) and 6(1) *Health Practitioners Act* Health Practitioner Regulation National Law

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

regulation 2, definition  
**health practitioner** whole definition

**health practitioner** means:

- (a) a medical practitioner; or
- (b) a person registered

		<p>under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse (other than as a student); or</p> <p>(c) a health practitioner who has a right of practice under the <i>Health Practitioners Act</i> in the category of health care practice of Aboriginal health work.</p>
regulation 2A(a)	whole paragraph	(a) a medical practitioner; or
<p><b><i>Public Health (Medical and Dental Inspection of School Children) Regulations</i></b></p>		
regulation 2, definition <b><i>dental therapist</i></b>	whole definition	<p><b><i>dental therapist</i></b> means a person registered under the Health Practitioner Regulation National Law to practise the health profession of:</p> <p>(a) to practise in the dental profession as a dental therapist (other than as a student); and</p> <p>(b) in the dental therapists division of that profession.</p>
regulation 2, definition <b><i>dentist</i></b>	whole definition	<b><i>dentist</i></b> means a person registered under the Health Practitioner Regulation National Law:

		<ul style="list-style-type: none"> <li>(a) to practise in the dental profession as a dentist (other than as a student); and</li> <li>(b) in the dentists division of that profession.</li> </ul>
regulation 2, definition <b>nurse</b>	whole definition	<b>nurse</b> means 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).
<b>Public Sector Employment and Management Act</b>		
section 3(1), definition <b>medical practitioner</b>	whole definition	
<b>Rail Safety Act</b>		
section 164(3), definition <b>person to whom this section applies</b> , paragraph (b)	whole paragraph	(b) a person registered under the Health Practitioner Regulation National Law to practise in the optometry or physiotherapy profession as a nurse (other than as a student);
<b>Traffic Act</b>		
section 3(1), definition <b>registered nurse</b>	whole definition	<b>registered nurse</b> means a person registered under the Health Practitioner Regulation National Law: <ul style="list-style-type: none"> <li>(a) to practise in the nursing and midwifery profession as a nurse (other than as a student);</li> </ul>

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and

(b) in the registered nurses division of that profession.

**Workers  
Rehabilitation and  
Compensation  
Regulations**

regulation 12(1)(a) to (c)	whole paragraph	<p>(a) a registered nurse or enrolled nurse;</p> <p>(b) a health practitioner who has a right of practice under the <i>Health Practitioners Act</i> in the category of health care practice of Aboriginal health work.</p>
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**Youth Justice Act**

section 5(1), definition <b>nurse</b>	whole definition	<b>nurse</b> means 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).
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section 30(15), definition <b>dentist</b>	whole definition	<p><b>dentist</b> means a person registered under the Health Practitioner Regulation National Law:</p> <p>(a) to practise in the dental profession as a dentist (other than as a student); and</p> <p>(b) in the dentists division of that profession.</p>
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**Schedule 3 Repealed Acts**

section 90

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<i>Radiographers Ordinance 1976</i>	Act No. 40 of 1976
<i>Radiographers Amendment Act 1980</i>	Act No. 48 of 1980
<i>Radiographers Amendment Act 1982</i>	Act No. 55 of 1982
<i>Radiographers Amendment Act 1983</i>	Act No. 21 of 1983
<i>Radiographers Amendment Act 1988</i>	Act No. 5 of 1988

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