

TASMANIA

**HEALTH PRACTITIONER REGULATION
NATIONAL LAW (TASMANIA)
(CONSEQUENTIAL AMENDMENTS) BILL 2010**

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**HEALTH PRACTITIONER REGULATION
NATIONAL LAW (TASMANIA)
(CONSEQUENTIAL AMENDMENTS) BILL 2010**

*(Brought in by the Minister for Health, the Honourable
Michelle Anne O'Byrne)*

A BILL FOR

**An Act to amend certain Acts and statutory rules
consequent on the enactment of the *Health Practitioner
Regulation National Law (Tasmania) Act 2010***

Be it enacted by His Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Health Practitioner
Regulation National Law (Tasmania)
(Consequential Amendments) Act 2010*.

2. Commencement

The provisions of this Act commence on a day
or days to be proclaimed.

3. Effect of certain consequential amendments

The amendment by this Act of a provision of any
regulations, rules or by-laws made under any Act
does not prevent that provision or any other

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provision of those regulations, rules or by-laws from being amended or rescinded by any subsequent regulations, rules or by-laws.

4. Consequential amendments

The legislation specified in Schedule 1 is amended as specified in that Schedule.

5. Repeal of Act

This Act is repealed on the ninetieth day from the day on which all of the provisions of this Act commence.

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SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Section 4

Acts Interpretation Act 1931

1. Section 46 is amended as follows:

- (a) by inserting the following definition after the definition of “crime”:

“enrolled nurse” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the nursing profession whose name is entered on Division 2 of the Register of Nurses, kept under that Law, as an enrolled nurse;

- (b) by inserting the following definition after the definition of “Magistrates Court”:

“medical practitioner” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the medical profession;

- (c) by inserting the following definition after the definition of “public place”:

“registered nurse” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the nursing

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profession whose name is entered
on Division 1 of the Register of
Nurses, kept under that Law, as a
registered nurse;

Adoption Act 1988

1. Section 24(4) is amended by omitting “legally-qualified”.
2. Section 36(3) is amended by omitting “legally-qualified”.
3. Section 37(1)(b) is amended by omitting “legally-qualified”.
4. Section 76 is amended by omitting “legally-qualified”.

Adoption Regulations 2006

1. Regulation 3(1) is amended by omitting the definition of “medical practitioner”.

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*Agricultural and Veterinary Chemicals (Control of Use) Act
1995*

1. Section 3(1) is amended as follows:

- (a) by inserting the following definition after the definition of “operator”:

“pharmacist” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the pharmacy profession;

- (b) by omitting the definition of “registered pharmacist”;
- (c) by omitting “registered pharmaceutical chemist” from paragraph (a)(i) of the definition of “veterinary chemical product” and substituting “pharmacist”.

2. Section 15(1)(d) is amended as follows:

- (a) by omitting “duly qualified”;
- (b) by omitting “registered”.

Alcohol and Drug Dependency Act 1968

1. Section 2(1) is amended by omitting the definition of “medical practitioner”.

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2. Section 8(1)(a) is amended by omitting “legally-qualified”.
3. Clause 4(1)(c) of Schedule 1 is amended by omitting “legally-qualified”.

Ambulance Service (Fees) Regulations 2001

1. Regulation 3 is amended by omitting the definition of “medical practitioner”.

Annulled Convictions Act 2003

1. Schedule 1 is amended by inserting after Part 6 the following Part:

PART 6A – HEALTH

1. A person registered under the Health Practitioner Regulation National Law (Tasmania) as a registered health professional in a health profession, within the meaning of that Law.
2. A person registered on a student register under the Health Practitioner Regulation National Law (Tasmania) in a health profession, within the meaning of that Law.

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Births, Deaths and Marriages Registration Act 1999

1. Section 3 is amended as follows:

- (a) by omitting the definition of “doctor”;
- (b) by omitting the definition of “midwife” and substituting the following definition:

“midwife” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the midwifery profession;

2. Section 11 is amended as follows:

- (a) by omitting from subsection (4) “doctor’s” and substituting “medical practitioner’s”;
- (b) by omitting from subsection (5) “doctor” twice occurring and substituting “medical practitioner”;
- (c) by omitting “doctor” from paragraph (b)(i) of the definition of “responsible person” in subsection (6) and substituting “medical practitioner”;
- (d) by omitting “doctor” from paragraph (b)(ii) of the definition of “responsible person” in subsection (6) and substituting “medical practitioner”.

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3. Section 28B(a) is amended by omitting “doctors, or 2 medical practitioners registered under the law of any other State,” and substituting “medical practitioners”.
4. Section 34(1)(a) is amended by omitting “doctor” and substituting “medical practitioner”.
5. Section 35 is amended as follows:
 - (a) by omitting from subsection (1) “doctor” and substituting “medical practitioner”;
 - (b) by omitting from subsection (2) “doctor” first occurring and substituting “medical practitioner”;
 - (c) by omitting from subsection (2)(a) “doctor” and substituting “medical practitioner”;
 - (d) by omitting from subsection (3) “doctor” and substituting “medical practitioner”.

Blood Transfusion (Limitation of Liability) Act 1986

1. Section 6(c) is amended by omitting “registered”.

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Burial and Cremation (Cremation) Regulations 2002

1. Regulation 3(1) is amended by omitting the definition of “medical practitioner”.

***Burial and Cremation (Handling of Human Remains)
Regulations 2005***

1. Regulation 3 is amended by omitting the definitions of “medical practitioner” and “nurse” and substituting the following definitions:

“**midwife**” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the midwifery profession;

“**nurse**” means a registered nurse or an enrolled nurse;

2. Regulation 5 is amended as follows:
 - (a) by inserting the following paragraph after paragraph (c) in subregulation (1):
 - (ca) a midwife;
 - (b) by inserting in subregulation (2) “midwife,” after “nurse,”.

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Children, Young Persons and Their Families Act 1997

1. The definition of “prescribed person” in section 14(1) is amended as follows:
 - (a) by omitting from paragraph (a) “registered”;
 - (b) by omitting paragraphs (b), (c) and (d) and substituting the following paragraphs:
 - (b) a registered nurse or enrolled nurse; and
 - (ba) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the midwifery profession; and
 - (c) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as a dentist, dental therapist, dental hygienist or oral health therapist; and
 - (d) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the psychology profession; and

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Civil Liability Act 2002

1. Section 17(2)(c) is amended by omitting “registered”.

2. Section 21 is amended as follows:
 - (a) by omitting from subsection (1) “registered” first occurring;
 - (b) by omitting from subsection (1) “registered” second occurring;
 - (c) by omitting from subsection (1)(b) “registered”;
 - (d) by omitting from subsection (2) “registered” first occurring;
 - (e) by omitting from subsection (2)(b) “registered”.

Conveyancing Act 2004

1. Section 38 is amended by omitting “legally-qualified”.

Coroners Act 1995

1. Section 3 is amended by omitting the definition of “medical practitioner”.

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Corrections Act 1997

1. Section 3 is amended by omitting “legally qualified” from the definition of “medical officer”.
2. Section 30(1) is amended by omitting “nurse registered under the *Nursing Act 1995*” and substituting “registered nurse”.
3. Section 31 is amended by omitting “nurse registered under the *Nursing Act 1995*” and substituting “registered nurse”.
4. Section 32(2) is amended by omitting “nurse registered under the *Nursing Act 1995*” and substituting “registered nurse”.

Criminal Code Act 1924

1. Section 164 is amended as follows:
 - (a) by omitting from subsection (2)(a) “registered”;
 - (b) by omitting from subsection (3) “registered”;
 - (c) by omitting from subsection (4) “registered”;

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- (d) by omitting from subsection (5) “registered”;
- (e) by omitting from subsection (6) “registered”;
- (f) by omitting “registered” from paragraph (a) of the definition of “informed consent” in subsection (9);
- (g) by omitting “registered” from paragraph (b) of the definition of “informed consent” in subsection (9).

Criminal Justice (Mental Impairment) Act 1999

1. Section 3 is amended by omitting the definition of “psychiatrist” and substituting the following definition:

“psychiatrist” means a medical practitioner who –

- (a) is a Fellow of the Royal Australian and New Zealand College of Psychiatrists; or
- (b) holds specialist registration in the speciality of psychiatry; or
- (c) holds limited registration which enables the person to practise the speciality of psychiatry;

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2. Section 35 is amended as follows:

- (a) by omitting from subsection (2)(a) “psychiatrist” first occurring and substituting “medical practitioner”;
- (b) by inserting the following subsection after subsection (3):

(4) In this section –

“medical practitioner” means
a person who –

- (a) is a psychiatrist; or
- (b) is a medical practitioner approved by the Chief Forensic Psychiatrist as holding the requisite training and experience to provide medico-legal reports to the court.

Dangerous Goods (Road and Rail Transport) Regulations
1998

- 1.** Regulation 217(2)(b) is amended by omitting “registered”.

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2. Clause 1 of Schedule 3 is amended by omitting the definition of “registered” and substituting the following definition:

“registered”, for a vehicle, means a vehicle registered under State or Territory law;

Disability Services Act 1992

1. Section 9(1)(b) is amended by omitting “duly qualified”.

Education Act 1994

1. Section 10(2) is amended by omitting “registered”.

Family Violence Act 2004

1. Section 31(6) is amended by omitting “registered”.
2. The definition of “prescribed person” in section 38(1) is amended as follows:
 - (a) by omitting from paragraph (a) “registered”;
 - (b) by omitting paragraphs (b), (c) and (d) and substituting the following paragraphs:

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- (b) a registered nurse or enrolled nurse; and
- (ba) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the midwifery profession; and
- (c) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as a dentist, dental therapist, dental hygienist or oral health therapist; and
- (d) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the psychology profession; and

Firearms Act 1996

1. Section 148(6) is amended by omitting paragraphs (a), (b) and (c) from the definition of “prescribed person” and substituting:
 - (a) a medical practitioner; or
 - (b) a registered nurse; or
 - (c) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the psychology profession; or

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Fluoridation Act 1968

1. Section 3(2) is amended as follows:

(a) by omitting paragraph (c) and substituting the following paragraph:

(c) one is to be a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as a dentist;

(b) by omitting from paragraph (e) “registered”.

Forensic Procedures Act 2000

1. Section 3(1) is amended as follows:

(a) by omitting the definition of “dentist” and substituting the following definition:

“dentist” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as a dentist;

(b) by omitting the definition of “medical practitioner”;

(c) by omitting the definition of “nurse” and substituting the following definition:

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“nurse” means a registered nurse;

Freedom of Information Act 1991

1. Section 30(7) is amended by omitting “legally qualified”.

Guardianship and Administration Act 1995

1. Section 3(1) is amended by omitting the definition of “registered practitioner” and substituting the following definition:

“registered practitioner” means a person who is a medical practitioner or a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as a dentist;

Guardianship and Administration Regulations 2007

1. Regulation 3 is amended as follows:
 - (a) by omitting “registered” twice occurring from the definition of “health care professional”;
 - (b) by inserting the following definition after the definition of “Poisons List”:

“psychologist” means a person registered under the Health

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Practitioner Regulation National
Law (Tasmania) in the
psychology profession;

Health (Fees) Regulations 2007

1. Schedule 1 is amended by omitting from column 2 of paragraph (c) of item 1 in Part 3 “registered”.

Health Complaints Act 1995

1. Section 3 is amended as follows:
 - (a) by inserting the following definitions after the definition of “health service user”:

“local registration board” means a body specified in Schedule 2;

“National Board” means a National Health Practitioner Board established by the Health Practitioner Regulation National Law (Tasmania);

“notification” has the same meaning as in the Health Practitioner Regulation National Law (Tasmania) and includes part of a notification;

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- (b) by omitting the definition of “registration board” and substituting the following definition:

“registration board” means a
National Board or a local
registration board;

2. Section 24A is amended by inserting “local” after “any relevant”.

3. Section 25 is amended as follows:

- (a) by inserting in subsection (2) “or notification” after “a complaint”;

- (b) by inserting the following subsection after subsection (2):

(2A) For the purposes of subsection (2), a notification which is or is to be dealt with by the Commissioner by reason of the provisions or operation of section 150 of the Health Practitioner Regulation National Law (Tasmania) is taken to have been referred to the Commissioner by the National Board to which the notification was made.

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4. Before section 56A, the following section is inserted in Part 7:

56AA. Relationship of this Act to Health Practitioner Regulation National Law (Tasmania)

- (1) If a provision of this Act is inconsistent with section 150 of the Health Practitioner Regulation National Law (Tasmania), section 150 prevails and the provision of this Act has no effect to the extent of the inconsistency.
- (2) If part of a complaint or notification is dealt with by a National Board pursuant to section 150 of the Health Practitioner Regulation National Law (Tasmania), the Commissioner is not precluded from dealing with the remaining part of the complaint or notification under this Act.

5. Section 56A is repealed and the following section is substituted:

56A. Agreement on protocol

The Commissioner and a National Board may agree on protocols that relate to all or any of the following:

- (a) the consultation process referred to in this Act;

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- (b) the agreement process referred to in section 150 of the Health Practitioner Regulation National Law (Tasmania);
- (c) the referral of complaints or notifications made or likely to be made under this Act or the Health Practitioner Regulation National Law (Tasmania).

6. Section 57 is amended as follows:

- (a) by inserting in subsection (1) “local” after “If a”;
- (b) by inserting in subsection (2) “local” after “and a”;
- (c) by inserting in subsection (4) “local” after “A”;
- (d) by inserting in subsection (5) “local” after “guidelines to”.

7. Section 58 is amended as follows:

- (a) by inserting in subsection (1) “local” after “A”;
- (b) by inserting in subsection (2) “local” after “grievance, the”;

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- (c) by inserting in subsection (3) “local” after “subsection (1)(a), the”;
 - (d) by inserting in subsection (4) “local” after “subsection (1)(b), the”;
 - (e) by inserting in subsection (5)(a) “local” after “notify the”;
 - (f) by inserting in subsection (6) “local” after “by the”.
- 8.** Section 62 is amended by inserting “local” after “before a”.
- 9.** Section 62A is amended by inserting “local” after “a”.
- 10.** Section 73(ab) is amended by inserting “local” after “by a”.
- 11.** Schedule 2 is amended by omitting the table and substituting:

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Health Professionals (Special Events Exemption) Act 1998

1. Section 3 is amended by omitting the definition of “Health Registration Act” and substituting the following definition:

“Health Registration Act” means the Health Practitioner Regulation National Law (Tasmania);

2. Section 9(2) is amended as follows:

- (a) by omitting from paragraph (b) “pharmaceutical chemist” and substituting “pharmacist”;
- (b) by omitting from paragraph (d) “registered”.

Health Services Act 1960

1. Section 3(1) is amended by omitting “legally qualified”.

HIV/AIDS Preventive Measures Act 1993

1. Section 3 is amended as follows:

- (a) by omitting the definition of “dentist” and substituting the following definition:

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“dentist” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as a dentist;

- (b) by omitting the definition of “medical practitioner”;
- (c) by omitting the definition of “nurse” and substituting the following definition:

“nurse” means a registered nurse;

- (d) by omitting the definition of “pharmacist” and substituting the following definition:

“pharmacist” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the pharmacy profession;

Human Tissue Act 1985

1. Section 3(1) is amended as follows:

- (a) by omitting the definition of “medical practitioner”;
- (b) by omitting the definition of “registered nurse”.

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Industrial Relations Act 1984

1. Section 66(5) is amended by omitting the definition of “health practitioners” and substituting the following definition:

“health practitioners” means –

- (a) medical practitioners; and
- (b) persons registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as dentists; and
- (c) persons registered under the Health Practitioner Regulation National Law (Tasmania) in the optometry profession; and
- (d) persons registered under the Health Practitioner Regulation National Law (Tasmania) in the physiotherapy profession; and
- (e) persons registered under the Health Practitioner Regulation National Law (Tasmania) in the podiatry profession.

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Juries Act 2003

1. Section 3 is amended as follows:

- (a) by inserting the following definition after the definition of “prohibited matter”:

“psychologist” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the psychology profession;

- (b) by omitting the definitions of “registered medical practitioner” and “registered psychologist”.

2. Section 58 is amended as follows:

- (a) by omitting from subsection (4)(a) “registered” twice occurring;
- (b) by omitting from subsection (5) “registered” twice occurring.

Justices Act 1959

- 1.** Section 106E(1D) is amended by omitting “legally-qualified”.

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Legal Profession Act 2007

1. Section 4(1) is amended by omitting the definition of “registered medical practitioner”.
2. Section 26(3)(b) is amended by omitting “registered”.
3. Section 87(1)(c) is amended by omitting “registered”.

Long Service Leave (Casual Wharf Employees) Act 1982

1. Section 5(2)(b) is amended by omitting “legally-qualified”.

Long Service Leave (State Employees) Act 1994

1. Section 13(3)(b) is amended by omitting “legally-qualified”.

Marine Safety (Misuse of Alcohol) Act 2006

1. Section 3 is amended as follows:
 - (a) by omitting the definition of “medical practitioner”;

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- (b) by omitting the definition of “nurse” and substituting the following definition:

“**nurse**” means a registered nurse or an enrolled nurse;

Marine and Safety (Pilotage and Navigation) Regulations
2007

1. Regulation 11 is amended as follows:

- (a) by omitting from subregulation (2) “registered”;
- (b) by omitting from subregulation (3) “registered”.

2. Regulation 24 is amended as follows:

- (a) by omitting from subregulation (2) “registered”;
- (b) by omitting from subregulation (3) “registered”;
- (c) by omitting from subregulation (4) “registered”.

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***Medical Radiation Science Professionals Registration Act
2000***

1. Section 6(1)(b) is amended by omitting “registered”.
2. Section 65 is amended by omitting “registered” first occurring.

Mental Health Act 1996

1. Section 3 is amended by omitting the definition of “psychiatrist” and substituting the following definition:

“psychiatrist” means a medical practitioner who –

- (a) is a Fellow of the Royal Australian and New Zealand College of Psychiatrists; or
- (b) holds specialist registration in the speciality of psychiatry; or
- (c) holds limited registration which enables the person to practise the speciality of psychiatry;

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2. Section 72N(2)(a)(i) is amended by omitting “nurse who is registered under the *Nursing Act 1995*” and substituting “registered nurse”.

3. Section 73B is amended as follows:
 - (a) by omitting from subsection (2) “nurse registered under the *Nursing Act 1995*” and substituting “registered nurse”;

 - (b) by omitting from subsection (6) “nurse registered under the *Nursing Act 1995*” and substituting “registered nurse”.

Misuse of Drugs Act 2001

1. Section 3(1) is amended by omitting the definition of “medical practitioner”.

2. Section 28(1) is amended by omitting the definition of “health professional” and substituting the following definition:

“health professional” means –

 - (a) a medical practitioner; and

 - (b) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as a dentist; and

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- (c) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the nursing profession who is endorsed by the Nursing and Midwifery Board of Australia to practise as a nurse practitioner; and
- (d) a person who may lawfully practise as a veterinary surgeon, whether in this State or in a Territory or another State.

Motor Accidents (Liabilities and Compensation) Act 1973

- 1. Section 23(8) is amended by omitting paragraph (a) from the definition of “counselling services” and substituting:
 - (a) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the psychology profession; or

Motor Accidents (Liabilities and Compensation) Regulations 2010

- 1. Clause 1(3) of Part 2 of Schedule 1 is amended as follows:
 - (a) by omitting from paragraph (a) “registered”;

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- (b) by omitting from paragraph (b) “registered”;
- (c) by omitting from paragraph (f) “registered” first occurring.

Perinatal Registry Act 1994

1. Section 3 is amended by inserting after the definition of “maternal death” the following definition:

“midwife” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the midwifery profession;

2. Section 5(1) is amended by omitting paragraph (g) and substituting the following paragraph:

(g) one is to be a midwife who is nominated by the Tasmanian Branch of the Australian College of Midwives Incorporated.

3. Section 6(c) is amended as follows:

- (a) by omitting “legally-qualified”;
- (b) by omitting “and nurses” and substituting “, registered nurses, enrolled nurses and midwives”.

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- 4.** Section 15(1)(a) is amended as follows:
 - (a) by omitting “legally-qualified”;
 - (b) by omitting “nurse” and substituting “registered nurse, enrolled nurse or midwife”.

- 5.** The definition of “attendant” in section 16(1) is amended as follows:
 - (a) by omitting from paragraph (c)(ii) “legally-qualified”;
 - (b) by omitting from paragraph (c)(iii) “legally-qualified” first occurring;
 - (c) by omitting from paragraph (c)(iii)(B) “legally-qualified”;
 - (d) by omitting from paragraph (d)(i) “legally-qualified”;
 - (e) by omitting from paragraph (d)(ii) “legally-qualified”;
 - (f) by omitting from paragraph (d)(iii) “legally-qualified”.

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Personal Information Protection Act 2004

1. Section 3B is amended as follows:

- (a) by omitting from subsection (1) “registered”;
- (b) by omitting subsection (2).

Petroleum (Submerged Lands) (Management of Safety on Offshore Facilities) Regulations 2008

1. Regulation 4(1) is amended as follows:

- (a) by omitting the definition of “registered medical practitioner”;
- (b) by omitting “registered” from paragraph (a) of the definition of “therapeutic drug”;
- (c) by omitting “registered” from paragraph (b) of the definition of “therapeutic drug”.

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***Petroleum (Submerged Lands) (Occupational Health and
Safety) Regulations 2008***

1. Regulation 4(1) is amended as follows:
 - (a) by omitting the definitions of “registered medical practitioner”, “registered nurse” and “registered pharmacist” and substituting the following definition:

“pharmacist” means a person who is registered under the Health Practitioner Regulation National Law (Tasmania) in the pharmacy profession;
 - (b) by omitting “registered” from paragraph (a) of the definition of “therapeutic drug”;
 - (c) by omitting “registered” from paragraph (b) of the definition of “therapeutic drug”.

2. Regulation 8(2)(b)(ii) is amended as follows:
 - (a) by omitting “registered” first occurring;
 - (b) by omitting “registered” third occurring.

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Pharmacists Registration Act 2001

1. After section 5, the following section is inserted in Part 1:

5A. Inconsistency between Act and Health Practitioner Regulation National Law (Tasmania)

In the event of an inconsistency between a provision of this Act and the Health Practitioner Regulation National Law (Tasmania), the provisions of the Health Practitioner Regulation National Law (Tasmania) prevail.

Poisons Act 1971

1. Section 3(1) is amended as follows:
 - (a) by omitting the definition of “dentist” and substituting the following definition:

“dentist” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as a dentist, except in section 36 and Parts V and VA in which case the dentist must be present in Tasmania and acting in the course of dental practice in Tasmania;

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- (b) by omitting the definition of “medical practitioner” and substituting the following definition:

“medical practitioner” means a medical practitioner, except in section 36 and Parts V and VA in which case the medical practitioner must be present in Tasmania and acting in the course of medical practice in Tasmania;

- (c) by inserting the following definition after the definition of “medicinal poison”:

“midwife” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the midwifery profession;

- (d) by omitting the definition of “nurse practitioner” and substituting the following definition:

“nurse practitioner” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the nursing profession who is endorsed by the Nursing and Midwifery Board of Australia to practise as a nurse practitioner, except in section 36 and Parts V and VA in which case the nurse practitioner must

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be present in Tasmania and acting
in the course of nurse practitioner
practice in Tasmania;

- (e) by omitting the definitions of
“pharmaceutical chemist” and “pharmacy
trainee” and substituting the following
definitions:

“pharmaceutical chemist” means a
person registered under the
Health Practitioner Regulation
National Law (Tasmania) in the
pharmacy profession but does not
include a person who holds
provisional, student or non-
practising registration in that
profession;

“pharmacy trainee” means a person
who holds provisional
registration under the Health
Practitioner Regulation National
Law (Tasmania) in the pharmacy
profession;

- (f) by omitting the definition of “registered
nurse”;
- (g) by omitting “or the *Pharmacists
Registration Act 2001*” from paragraph
(a) of the definition of “wholesale
dealing”.

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2. Section 5(a) is amended by omitting “*Pharmacists Registration Act 2001*” and substituting “Health Practitioner Regulation National Law (Tasmania)”.

3. Section 25A(1) is amended by inserting “or midwife” after “nurse”.

4. Section 26 is amended as follows:
 - (a) by omitting from subsection (1A) “registered”;
 - (b) by omitting from subsection (1C) “registered”.

5. Section 36 is amended as follows:
 - (a) by omitting from subsection (1)(b)(i) “registered”;
 - (b) by omitting from subsection (1A) “registered”.

6. Section 38 is amended as follows:
 - (a) by omitting from subsection (1)(ab) “authorised to prescribe such a substance under Division 3A of Part 3 of the *Optometrists Registration Act 1994*” and

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- substituting “endorsed to prescribe such a substance under the Health Practitioner Regulation National Law (Tasmania)”;
- (b) by inserting in subsection (1)(c) “or midwife” after “registered nurse”;
- (c) by inserting in subsection (1)(e) “or midwife” after “registered nurse”;
- (d) by omitting from subsection (1)(ea)(i) “a person who is a registered optometrist” and substituting “an optometrist”;
- (e) by omitting subparagraph (ii) from subsection (1)(ea) and substituting the following subparagraph:
- (ii) of a class 1 substance by an optometrist who is endorsed to administer such a substance under the Health Practitioner Regulation National Law (Tasmania);
- (f) by omitting from subsection (1)(f) “*Podiatrists Registration Act 1995*” and substituting “Health Practitioner Regulation National Law (Tasmania)”;
- (g) by omitting the definition of “registered optometrist” from subsection (1A) and substituting the following definition:

“optometrist” means a person registered under the Health

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Practitioner Regulation National
Law (Tasmania) in the optometry
profession;

7. Section 47(1) is amended as follows:

- (a) by inserting in paragraph (d) “or midwife” after “nurse”;
- (b) by inserting in paragraph (da) “or midwife” after “nurse”.

8. Section 48 is amended as follows:

- (a) by inserting in subsection (1)(b) “or midwife” after “nurse”;
- (b) by inserting in subsection (2)(ba) “or midwife” after “nurse”.

9. Section 59(6) is amended by omitting paragraphs (a), (b), (c) and (ca) and substituting the following paragraph:

- (a) professional misconduct within the meaning and for the purposes of Part 8 of the Health Practitioner Regulation National Law (Tasmania);

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- 10.** Section 93(6) is amended by omitting “*Pharmacists Registration Act 2001*” and substituting “Health Practitioner Regulation National Law (Tasmania)”.

Poisons List Order 2001

- 1.** After clause 3, the following clause is inserted:

3A. Definition

In a Schedule to this order –

“registered dental professional”
means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as a dentist or dental therapist.

Poisons Regulations 2008

- 1.** Regulation 3(1) is amended as follows:
- (a) by omitting “Tasmania” from the definition of “approved recording system” and substituting “Australia”;
 - (b) by omitting the definitions of “authorised optometrist” and “Board” and substituting the following definition:

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“authorised optometrist” means an optometrist who holds an endorsement under the Health Practitioner Regulation National Law (Tasmania) to prescribe a restricted substance;

- (c) by omitting the definitions of “dental therapist” and “dentist” and substituting the following definition:

“dental therapist” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as a dental therapist;

- (d) by omitting the definition of “enrolled nurse”;
- (e) by inserting the following paragraph after paragraph (d) in the definition of “health professional”:

(da) a midwife; and

- (f) by omitting the definitions of “Nursing Board” and “optometrist” and substituting the following definitions:

“Nursing and Midwifery Board of Australia” means the Nursing and Midwifery Board of Australia established under the Health Practitioner Regulation National Law (Tasmania);

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“optometrist” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the optometry profession;

- (g) by inserting “midwife,” after “a medical practitioner, dentist, podiatrist, dental therapist, registered nurse,” in the definition of “patient”;
- (h) by inserting “midwife,” after “that medical practitioner, dentist, podiatrist, dental therapist, registered nurse,” in the definition of “patient”;
- (i) by omitting “pharmacist” from the definition of “pharmacy” and substituting “pharmaceutical chemist”;
- (j) by omitting the definition of “podiatrist” and substituting the following definition:

“podiatrist” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the podiatry profession;

- (k) by omitting the definition of “trainee pharmacist”.

2. Regulation 21 is amended as follows:

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- (a) by omitting “doctor” first occurring and substituting “medical practitioner”;
- (b) by omitting from paragraph (b) “doctor” and substituting “medical practitioner”;
- (c) by omitting paragraph (c) and substituting the following paragraphs:
 - (c) the nurse has undergone an educational program approved by the Nursing and Midwifery Board of Australia; and
 - (ca) the nurse’s registration has been endorsed by that Board; and

3. Regulation 22 is amended as follows:

- (a) by inserting in paragraph (b) “or midwife” after “registered nurse”;
- (b) by inserting in paragraph (b) “or midwife” after “the nurse”;
- (c) by inserting in paragraph (c) “or midwife” after “registered nurse”;
- (d) by inserting in paragraph (c) “or midwife” after “the nurse”;
- (e) by inserting in paragraph (d) “or midwife” after “nurse”.

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4. Regulation 23(14) is amended as follows:
 - (a) by omitting from paragraph (b) “dental practitioner” and substituting “dentist”;
 - (b) by inserting in paragraph (d)(i) “dentist,” after “practitioner,”.

5. Regulation 27 is amended as follows:
 - (a) by inserting in subregulation (1)(a)(i) “or midwife” after “nurse”;
 - (b) by inserting in subregulation (2)(a)(i) “or midwife” after “nurse”.

6. Regulation 29 is amended as follows:
 - (a) by inserting in subregulation (1) “or midwife” after “nurse”;
 - (b) by inserting in subregulation (2) “or midwife” after “nurse”;
 - (c) by inserting in subregulation (4) “or midwife” after “nurse”.

7. Regulation 30(4) is amended by inserting “or midwife” after “registered nurse”.

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- 8.** Regulation 53(1)(b) is amended by omitting “trainee pharmacist” and substituting “pharmacy trainee”.

- 9.** Regulation 56(2)(b)(i) is amended by inserting “or midwife” after “nurse”.

- 10.** Regulation 58 is amended by inserting “or midwife” after “nurse”.

- 11.** Regulation 59(4) is amended by inserting “or midwife” after “registered nurse”.

- 12.** Regulation 60 is amended as follows:
 - (a) by inserting in paragraph (a)(ii) “or midwife” after “registered nurse”;
 - (b) by omitting from paragraph (b) “Executive Officer of the Nursing Board of Tasmania” and substituting “Nursing and Midwifery Board of Australia”.

- 13.** Regulation 61 is amended as follows:
 - (a) by omitting “doctor” first occurring and substituting “medical practitioner”;

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- (b) by omitting from paragraph (b) “doctor” and substituting “medical practitioner”;
- (c) by omitting paragraph (c) and substituting the following paragraphs:
 - (c) the nurse has undergone an educational program approved by the Nursing and Midwifery Board of Australia; and
 - (ca) the nurse’s registration has been endorsed by that Board; and

14. Regulation 62 is amended as follows:

- (a) by inserting in paragraph (b) “or midwife” after “registered nurse”;
- (b) by inserting in paragraph (b) “or midwife” after “the nurse”;
- (c) by inserting in paragraph (c) “or midwife” after “registered nurse”;
- (d) by inserting in paragraph (c) “or midwife” after “the nurse”;
- (e) by inserting in paragraph (ca) “or midwife” after “nurse”;
- (f) by inserting in paragraph (e) “or midwife” after “registered nurse”;

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- (g) by inserting in paragraph (e) “or midwife” after “the nurse”.

15. Regulation 64 is amended as follows:

- (a) by inserting in paragraph (b) “or midwife” after “nurse”;
- (b) by inserting in paragraph (c) “or midwife” after “nurse”.

16. Regulation 76 is amended as follows:

- (a) by inserting in subregulation (2)(e) “or midwife” after “nurse”;
- (b) by inserting in subregulation (3)(f) “or midwife” after “nurse”;
- (c) by omitting paragraph (i) from subregulation (3) and substituting the following paragraph:
 - (i) an optometrist;
- (d) by inserting in subregulation (3)(j) “or midwife” after “nurse”;
- (e) by omitting paragraph (h) from subregulation (4) and substituting the following paragraph:
 - (h) an optometrist;

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17. Regulation 80(3)(c) is amended by inserting “or midwife” after “registered nurse”.

18. Regulation 94(1) is amended by omitting the definition of “midwife”.

Police Service Act 2003

1. The definition of “qualified person” in section 3 is amended as follows:
 - (a) by omitting from paragraph (a) “registered”;
 - (b) by omitting paragraph (b) and substituting the following paragraph:
 - (b) a registered nurse or an enrolled nurse;

2. Section 29(3) is amended by omitting “registered”.

Police Service Regulations 2003

1. Regulation 7(7)(a) is amended by omitting “registered”.

2. Regulation 8 is amended as follows:

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- (a) by omitting from subregulation (1) “registered”;
- (b) by omitting from subregulation (3) “registered”.

Public Health Act 1997

1. Section 6(2)(a) is amended by omitting “registered”.
2. Section 11 is amended as follows:
 - (a) by omitting from subsection (1)(a) “registered”;
 - (b) by omitting from subsection (2)(a) “registered”.
3. Section 41 is amended as follows:
 - (a) by omitting from subsection (1) “registered”;
 - (b) by omitting from subsection (4) “registered”.
4. Section 45 is amended by omitting “registered”.

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5. Section 50 is amended as follows:
 - (a) by omitting from subsection (1) “registered”;
 - (b) by omitting from subsection (2) “registered” twice occurring.

6. Section 56(2) is amended by omitting “registered”.

7. Section 94(2) is amended by omitting paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k) and substituting the following paragraphs:
 - (a) the Health Practitioner Regulation National Law (Tasmania);
 - (b) *Hospitals Act 1918*;
 - (c) *Health Service Establishment Act 2006*;
 - (d) *Medical Radiation Science Professionals Registration Act 2000*.

8. Section 147(b) is amended by omitting “registered”.

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Public Trustee Act 1930

1. Section 3(1) is amended by inserting after the definition of “investment committee” the following definition:

“pharmacist” means a person who is registered under the Health Practitioner Regulation National Law (Tasmania) in the pharmacy profession;

2. The definition of “charges for medical treatment” in section 61(2) is amended as follows:
 - (a) by omitting “registered” first occurring;
 - (b) by omitting “practising”.

Radiation Protection Regulations 2006

1. Regulation 4 is rescinded and the following regulation is substituted:
4. **Criteria for determining applications for authorities**
 - (1) For the purposes of section 21(2)(a) of the Act, the following are prescribed criteria:
 - (a) whether a person specified in the application as likely to be dealing

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- with the radiation source has adequate training in radiation protection measures;
- (b) whether a person specified in the application as likely to be dealing with the radiation source has experience and qualifications relevant to the dealing with the radiation source to be conducted by the person;
- (c) whether a person specified in the application as likely to be dealing with the radiation source is licensed or registered with, or has an authority issued by, an appropriate board in Tasmania that is relevant to the person's profession and role in the radiation practice;
- (d) whether any of the following persons has been convicted of an offence that the Director of Public Health considers relevant, whether in Tasmania or elsewhere:
- (i) the applicant;
 - (ii) a person specified in the application as likely to be dealing with the radiation source;

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- (iii) if the applicant is a body corporate, a director or person concerned in the management of the body corporate;
 - (iv) if the applicant is a partnership, a partner of the partnership;
- (e) whether any of the following persons has had any licence, registration, accreditation or other authorisation relating to any dealing with a radiation source revoked, whether in Tasmania or elsewhere:
- (i) the applicant;
 - (ii) a person specified in the application as likely to be dealing with the radiation source;
 - (iii) if the applicant is a body corporate, a director or person concerned in the management of the body corporate;
 - (iv) if the applicant is a partnership, a partner of the partnership.

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(2) For the purposes of subregulation (1)(c) –

“an appropriate board” includes a Board established under the Health Practitioner Regulation National Law (Tasmania).

Rail Safety Regulations 1999

1. Clause 1(1) of Part 1 of Schedule 1 is amended as follows:
 - (a) by omitting the definition of “medical practitioner”;
 - (b) by omitting the definition of “registered nurse”.

Retirement Benefits (Parliamentary Superannuation)
Regulations 2002

1. Regulation 61(1)(a) is amended by omitting “duly qualified”.
2. Regulation 62(2) is amended by omitting “duly qualified” from the definition of “n”.

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Retirement Benefits Regulations 2005

1. Regulation 31(4)(a) is amended by omitting “legally-qualified”.
2. Regulation 33(10)(a) is amended by omitting “legally qualified”.
3. Regulation 72(5) is amended by omitting “legally-qualified”.
4. Regulation 118(8)(a) is amended by omitting “legally qualified”.
5. Regulation 120(3)(a) is amended by omitting “legally-qualified”.
6. Regulation 126(3)(a) is amended by omitting “legally-qualified”.

Right to Information Act 2009

1. Section 18 is amended as follows:
 - (a) by omitting from subsection (5) “registered”;

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(b) by omitting subsection (6).

Road Rules 2009

1. Rule 376(3) is amended by omitting “registered”.

Road Safety (Alcohol and Drugs) Act 1970

1. Section 2 is amended as follows:

(a) by omitting the definition of “qualified nurse” from subsection (1) and substituting the following definition:

“qualified nurse” means a registered nurse or an enrolled nurse;

(b) by omitting the definition of “medical practitioner” from subsection (2).

2. Section 6(4)(c)(ii) is amended by omitting “registered”.

3. Section 29B is amended by omitting “registered”.

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State Service Regulations 2001

1. Regulation 22(6)(a) is amended by omitting “legally-qualified”.
2. Regulation 29(3)(c)(iii) is amended by omitting “legally-qualified”.

Status of Children (Parentage Testing) Regulations 2007

1. Regulation 3 is amended by omitting the definition of “medical practitioner”.

Therapeutic Goods Act 2001

1. Section 3 is amended by omitting the definitions of “registered medical practitioner” and “registered pharmaceutical chemist”.
2. Section 19(5) is amended by omitting paragraph (b) from the definition of “public place” and substituting:
 - (b) premises where a medical practitioner, registered veterinary surgeon or a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession or pharmacy

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profession carries on the practice of his
or her profession.

Traffic Act 1925

1. Section 41A(4)(b) is amended by omitting “legally-qualified”.

Vehicle and Traffic Act 1999

1. Section 3(1) is amended as follows:
 - (a) by omitting the definition of “medical practitioner”;
 - (b) by omitting the definition of “registered health care practitioner” and substituting the following definition:

“registered health care practitioner”
means –

- (a) a person registered under the Health Practitioner Regulation National Law (Tasmania) in the psychology profession; and
- (b) a person registered under the Health Practitioner Regulation National Law

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(Tasmania) in the
optometry profession; and

- (c) an occupational therapist
registered or licensed as
such under the law of a
State or Territory;

Workers' (Occupational Diseases) Relief Fund Act 1954

1. Section 14(1) is amended by omitting “legally-qualified”.

Workers Rehabilitation and Compensation Act 1988

1. Section 3(1) is amended by omitting the definition of “medical practitioner”.
2. Section 74 is amended as follows:
 - (a) by omitting the definition of “chiropractor” and substituting the following definition:

“chiropractor” means a person
registered under the Health
Practitioner Regulation National
Law (Tasmania) in the
chiropractic profession;

- (b) by omitting the definition of “dentist”
and substituting the following definition:

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“dentist” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the dental profession as a dentist;

(c) by omitting “pharmaceutical chemist” from paragraph (d) of the definition of “medical services” and substituting “pharmacist”;

(d) by omitting the definition of “nurse” and substituting the following definition:

“nurse” means a registered nurse or an enrolled nurse;

(e) by omitting the definitions of “optometrist”, “osteopath”, “physiotherapist”, “podiatrist” and “registered pharmacist” and substituting the following definitions:

“optometrist” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the optometry profession;

“osteopath” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the osteopathy profession;

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“pharmacist” means a person who is registered under the Health Practitioner Regulation National Law (Tasmania) in the pharmacy profession;

“physiotherapist” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the physiotherapy profession;

“podiatrist” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the podiatry profession;

“psychologist” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the psychology profession;

Workplace Health and Safety Regulations 1998

1. Regulation 22(3) is amended by omitting “registered” twice occurring.
2. Regulation 72(2) is amended by omitting “legally qualified”.

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Youth Justice Act 1997

1. Section 3(1) is amended by inserting after the definition of “provide” the following definition:

“psychologist” means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the psychology profession;