



New South Wales

# **Health Practitioner Regulation Amendment Act 2017 No 50**

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New South Wales

# **Health Practitioner Regulation Amendment Act 2017 No 50**

Act No 50, 2017

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An Act to amend the *Health Practitioner Regulation (Adoption of National Law) Act 2009* consequential on changes made to the Health Practitioner Regulation National Law by the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017* of Queensland; and for other purposes. [Assented to 24 October 2017]

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Health Practitioner Regulation Amendment Act 2017*.

**2 Commencement**

This Act commences on a day or days to be appointed by proclamation.

## Schedule 1 **Amendment of Health Practitioner Regulation (Adoption of National Law) Act 2009 No 86**

### [1] Schedule 1 Modification of Health Practitioner Regulation National Law

Insert “*prohibition order*,” after “*professional misconduct*,” in item [1].

### [2] Schedule 1 [2]

Insert in alphabetical order:

***prohibition order***

**Note.** This definition is not applicable to New South Wales.

### [3] Schedule 1 [8], section 41B (1)

Insert in alphabetical order in the Table to the subsection:

Paramedicine Council of New South Wales	paramedicine
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### [4] Schedule 1 [10A]

Insert after Schedule 1 [10]:

#### [10A] **Section 127AA**

Insert after section 127A:

##### **127AA Council to be review body for purposes of section 127A [NSW]**

- (1) The Council for the health profession in which the relevant practitioner or student is registered is declared to be the review body for the purposes of section 127A.
- (2) A Council, in deciding a matter referred to it under section 127A, must do so in accordance with this section.
- (3) A Council may inquire into and decide the matter on its own motion or on the application of the relevant practitioner or student.
- (4) An application may not be made—
  - (a) while the terms of the condition or undertaking provide that an application for review may not be made; or
  - (b) while an appeal to the Tribunal or the Supreme Court in respect of the same matter is pending.
- (5) A Council, following its inquiry into a matter, may do any of the following—
  - (a) in the case of an inquiry initiated by an application, dismiss the application;
  - (b) in the case of an inquiry initiated by the Council, decide to do nothing;
  - (c) in the case of an inquiry in relation to an undertaking, decide to revoke the undertaking or revoke the undertaking and impose a condition on similar or different terms as the undertaking;
  - (d) in the case of an inquiry in relation to a condition, decide to remove the condition, change the condition or remove the condition and impose a new condition.

**Note.** This section is an additional New South Wales provision.

**[5] Schedule 1 [15], section 159 (1) (b)**

Insert “section 127AA or” after “under”.

**[6] Schedule 1 [15], section 163A (4)**

Omit “Court.” from paragraph (e) of the definition of ***decision-making entity***.

Insert instead:

Court;

- (f) a review body in New South Wales, when deciding a matter under section 127A.

**[7] Schedule 1 [15], section 176B**

Omit the section. Insert instead:

**176B National Board to give notice to registered health practitioner's employer and other entities [NSW]**

- (1) This section applies if—
  - (a) a National Board—
    - (i) decides to take health, conduct or performance action against a registered health practitioner; or
    - (ii) receives notice from an adjudication body that the adjudication body has decided to take health, conduct or performance action against a registered health practitioner; or
    - (iii) receives notice from a co-regulatory authority that an adjudication body in the co-regulatory jurisdiction has decided to take health, conduct or performance action against a registered health practitioner; and
  - (b) the National Board has been given practice information under section 132 or becomes aware of practice information it should have been given under that section.
- (2) The National Board, as soon as practicable after making the decision or receiving the notice—
  - (a) if the practice information given to the Board, or of which the Board becomes aware, is information referred to in paragraph (a) of the definition of ***practice information*** in section 132 (4) and includes the names of other registered health practitioners—may give written notice to each of those practitioners of the decision to take health, conduct or performance action against the registered health practitioner; or
  - (b) if the practice information given to the Board, or of which the Board becomes aware, is information referred to in paragraph (c) or (d) of the definition of ***practice information*** in section 132 (4) and includes the name of an entity—must give written notice to the entity of the decision to take health, conduct or performance action against the registered health practitioner.

**[8] Schedule 1 [25], Schedule 5A**

Insert after clause 37:

**Part 8 Provision consequent on enactment of Health  
Practitioner Regulation Amendment Act 2017  
[NSW]**

**38 Setting of inaugural fee by Secretary for paramedicine [NSW]**

Until such time as the amount of the complaints element for registration fees payable by paramedics is first set in accordance with section 26A of the Law, the Secretary of the Ministry of Health may instead set the amount.

## Schedule 2 Amendment of Health Care Complaints Act 1993 No 105

### [1] Section 4 Definitions

Omit the definitions of *chiropractor, dental hygienist, dental prosthodontist, dental therapist, oral health therapist, osteopath, professional council* and *registration authority*.

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* of Queensland, and
  - (ii) as it applies (including with any modifications) as a law of New South Wales or another State or Territory, or
- (b) the law of another State or Territory that substantially corresponds to the law referred to in paragraph (a).

***professional council*** means, in relation to a health practitioner in a health profession for which a Council is established under section 41B of the *Health Practitioner Regulation National Law (NSW)*, the Council for that health profession.

***registered health practitioner*** has the same meaning as in the *Health Practitioner Regulation National Law (NSW)*.

***registration authority*** means, in relation to a health practitioner in a health profession for which a National Board (within the meaning of the *Health Practitioner Regulation National Law (NSW)*) is provided—that National Board.

***student*** has the same meaning as in the *Health Practitioner Regulation National Law (NSW)*.

### [2] Section 10 Notifying professional councils of complaints

Omit “registered under the Health Practitioner Regulation National Law” from section 10 (1).

Insert instead “a registered health practitioner”.

### [3] Sections 14 and 22A (1) (b) (i)

Omit “Health Practitioner Regulation National Law” wherever occurring.

Insert instead “*Health Practitioner Regulation National Law (NSW)*”.

### [4] Section 30 Expert assistance

Omit “a person registered under the Health Practitioner Regulation National Law” from section 30 (1).

Insert instead “a registered health practitioner”.

### [5] Section 34 Search warrant

Omit “registered under the Health Practitioner Regulation National Law” from section 34 (2).

Insert instead “a registered health practitioner or a student”.

**[6] Section 41A Prohibition orders and public statements**

Omit “registered under the Health Practitioner Regulation National Law” from section 41A (3).

Insert instead “a registered health practitioner”.

**[7] Section 94B**

Omit the section. Insert instead:

**94B Publication of information about decisions and de-registered practitioners**

- (1) The Commission must make publicly available a statement of a decision of a tribunal if the statement is provided to it under the *Health Practitioner Regulation National Law (NSW)* and is in respect of a complaint that has been proved or admitted in whole or in part unless the tribunal has ordered otherwise.
- (2) The Commission may disseminate a statement of a decision of a professional council or registration authority provided to it under the Health Practitioner Regulation National Law as it sees fit unless the professional council or registration authority has ordered otherwise.
- (3) The Commission must make publicly available information required to be provided to it about a person whose registration as a registered health practitioner is cancelled or suspended as a result of disciplinary proceedings.
- (4) For the purposes of this section, a person’s registration as a registered health practitioner is cancelled if any of the following happen as a result of an action, decision, determination or order of a professional council, registration authority, tribunal or court:
  - (a) the person’s registration is cancelled,
  - (b) the person is de-registered,
  - (c) the person’s name is removed from, or struck off, a register or a roll,
  - (d) the person’s practising certificate is cancelled.

**[8] Schedule 4 Savings, transitional and other provisions**

Insert after Part 9:

**Part 10 Provision consequent on enactment of Health Practitioner Regulation Amendment Act 2017**

**24 Paramedics**

Division 6A of Part 2 of this Act continues to apply to a registered paramedic as if the paramedic were not registered but only in respect of a complaint made against the paramedic before the paramedic became a registered paramedic.

## Schedule 3 Amendment of Health Services Act 1997 No 154

### [1] Chapter 5A Ambulance services

Omit Part 6A.

### [2] Section 117 Duty to report certain criminal conduct and disciplinary matters

Omit “Health Practitioner Regulation National Law” from the note to the section.

Insert instead “*Health Practitioner Regulation National Law (NSW)*”.

### [3] Section 117A

Omit the section. Insert instead:

#### 117A Duty of chief executive to report certain conduct

- (1) The chief executive of a public health organisation is to report the conduct of a member of staff of the organisation to a Council established (under section 41B of the *Health Practitioner Regulation National Law (NSW)*) for a health profession if:
  - (a) the member of staff is a health practitioner in that health profession, and
  - (b) the chief executive suspects on reasonable grounds that the conduct may constitute professional misconduct or unsatisfactory professional conduct under that Law.
- (2) For the purposes of this section, the Ambulance Service of NSW is taken to be a public health organisation.

## Schedule 4 Amendment of Interpretation Act 1987 No 15

### [1] Section 21 Meanings of commonly used words and expressions

Omit the definitions of *enrolled nurse*, *Health Practitioner Regulation National Law*, *nurse*, *registered dentist* or *dentist*, *registered medical practitioner* or *medical practitioner*, *registered midwife* or *midwife*, *registered nurse*, *registered optometrist* or *optometrist*, *registered pharmacist* or *pharmacist*, *registered physiotherapist* or *physiotherapist*, *registered podiatrist* or *podiatrist* and *registered psychologist* or *psychologist* from section 21 (1).

### [2] Section 21D

Insert after section 21C:

#### 21D References to health practitioners

- (1) In any Act or instrument, a reference to a named class of health practitioner in a health profession within the meaning of the *Health Practitioner Regulation National Law (NSW)* means a person who, under that Law, is registered (other than as a student) and is authorised to use that name.
- (2) However, if the reference is to a registered nurse this is taken not to include a reference to a person who is registered under that Law as an enrolled nurse.

## Schedule 5 Consequential amendment of other Acts and instruments

### 5.1 Boarding Houses Regulation 2013

#### Clause 3 Definitions

Omit the definition of *nurse practitioner* from clause 3 (1).

### 5.2 Casino Control Regulation 2009

#### Schedule 6 Applied provisions of Liquor Act 2007 as modified

Omit section 6 (1) (c). Insert instead:

- (c) the sale of liquor for medicinal purposes by a medical practitioner, nurse practitioner, midwife practitioner or pharmacist,

### 5.3 Child Protection (Working with Children) Regulation 2013

#### Clause 6 Children's health services

Omit "a health practitioner registered under" from paragraph (a) of the definition of *health practitioner* in clause 6 (5).

Insert instead "a registered health practitioner within the meaning of".

### 5.4 Children and Young Persons (Care and Protection) Regulation 2012

#### [1] Clause 8 Prescribed bodies

Omit clause 8 (2) (a)–(e). Insert instead:

- (a) enrolled nurses and registered nurses,
- (b) medical practitioners,
- (c) midwives,
- (d) psychologists,
- (e) occupational therapists,

#### [2] Clause 8 (2), note

Omit the note. Insert instead:

**Note.** For the meaning of references in this clause to health practitioners see section 21D of the *Interpretation Act 1987* and the *Health Practitioner Regulation National Law (NSW)*.

### 5.5 Crimes Act 1900 No 40

#### [1] Section 45 Prohibition of female genital mutilation

Omit paragraph (a) of the definition of *medical student* in section 45 (7). Insert instead:

- (a) a person who is registered as a student within the meaning of the *Health Practitioner Regulation National Law (NSW)* in the medical profession, or

**[2] Section 45 (7), definition of “midwifery student”**

Omit paragraph (a). Insert instead:

- (a) a person who is registered as a student within the meaning of the *Health Practitioner Regulation National Law (NSW)* in the midwifery profession, or

**[3] Section 428A Definitions**

Omit “a registered nurse whose registration is endorsed under the Health Practitioner Regulation National Law as being qualified to practise as a nurse practitioner, a registered midwife whose registration is endorsed under the Health Practitioner Regulation National Law as being qualified to practise as a midwife practitioner,” from paragraph (c) of the definition of *self-induced intoxication*.

Insert instead “nurse practitioner, midwife practitioner”.

**5.6 Crimes (Forensic Procedures) Act 2000 No 59**

**Section 3 Interpretation**

Omit the definition of *dental prosthodontist* from section 3 (1).

**5.7 Defamation Act 2005 No 77**

**Section 4 Definitions**

Insert in alphabetic 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* of Queensland, and
  - (ii) as it applies (including with any modifications) as a law of New South Wales or another State or Territory, or
- (b) the law of another State or Territory that substantially corresponds to the law referred to in paragraph (a).

**5.8 Drug and Alcohol Treatment Act 2007 No 7**

**Section 49 Liability of police officers and health care professionals exercising functions under this Act**

Omit “a person registered under the Health Practitioner Regulation National Law” from section 49 (4).

Insert instead “a registered health practitioner or a student within the meaning of the *Health Practitioner Regulation National Law (NSW)*”.

**5.9 Drug Misuse and Trafficking Act 1985 No 226**

**Section 3 Definitions**

Omit the definitions of *midwife practitioner* and *nurse practitioner* from section 3 (1).

## 5.10 Electricity (Consumer Safety) Act 2004 No 4

### [1] Section 3 Definitions

Omit the definition of *health care professional* from section 3 (1).

Insert in alphabetical order:

*registered health practitioner* has the same meaning as it has in the *Health Practitioner Regulation National Law (NSW)*.

### [2] Section 3 (1), definition of “serious electrical accident”

Omit “health care professional” from paragraph (b).

Insert instead “registered health practitioner”.

### [3] Section 38 Arrangements with other public authorities regarding investigable electrical incidents

Omit “health care professional” from paragraph (b) of the definition of *investigable electrical incident* in section 38 (5).

Insert instead “registered health practitioner”.

## 5.11 Electricity Supply Act 1995 No 94

### [1] Dictionary

Omit the definition of *health care professional*.

Insert in alphabetical order:

*registered health practitioner* has the same meaning as it has in the *Health Practitioner Regulation National Law (NSW)*.

### [2] Dictionary, definition of “serious electricity works accident”

Omit “health care professional” from paragraph (b).

Insert instead “registered health practitioner”.

## 5.12 Gas and Electricity (Consumer Safety) Act 2017 No 15

### [1] Section 4 Definitions

Omit the definition of *health care professional* from section 4 (1).

Insert in alphabetical order:

*registered health practitioner* has the same meaning as it has in the *Health Practitioner Regulation National Law (NSW)*.

### [2] Section 39 Meanings of “serious electrical accident” and “serious gas accident”

Omit “health care professional” wherever occurring.

Insert instead “registered health practitioner”.

### [3] Section 44 Arrangements with other public authorities regarding investigable electrical or gas incidents

Omit “health care professional” from paragraph (b) of the definition of *investigable electrical or gas incident* in section 44 (5).

Insert instead “registered health practitioner”.

## 5.13 Government Information (Public Access) Regulation 2009

### Schedule 3 Agencies declared to be part of other agencies

Insert in alphabetical order:

Paramedicine Council of New South Wales

Ministry of Health

## 5.14 Health Administration Act 1982 No 135

### [1] Section 13A Corporation to manage accounts of health professional councils

Omit “referred to in Schedule 2A” wherever occurring in section 13A (1) and (3A).

Insert instead “established under section 41B of the *Health Practitioner Regulation National Law (NSW)*”.

### [2] Schedule 2A Health professional councils

Omit the Schedule.

## 5.15 Health Care Liability Act 2001 No 42

### Section 19 Medical practitioners must be covered by approved professional indemnity insurance

Omit “Health Practitioner Regulation National Law” from section 19 (4).

Insert instead “*Health Practitioner Regulation National Law (NSW)*”.

## 5.16 Health Professionals (Special Events Exemption) Act 1997 No 90

### [1] Section 3 Definitions

Omit the definitions of *chiropractor, dental hygienist, dental prosthodontist, dental therapist, oral health therapist* and *osteopath*.

### [2] Section 9 Conditions on practice by visiting health professionals

Insert “equivalent” before “local health professional” in section 9 (4).

### [3] Section 9 (5)

Omit “registered under the Health Practitioner Regulation National Law”.

Insert instead “a registered health practitioner within the meaning of the *Health Practitioner Regulation National Law (NSW)*”.

### [4] Section 11 Exemptions relating to offences

Omit “, the Health Practitioner Regulation National Law” from section 11 (1).

### [5] Section 11, note and section 12, note

Omit the notes.

### [6] Section 12 Complaints about visiting health professionals

Omit “Health Practitioner Regulation National Law” from section 12 (1).

Insert instead “*Health Practitioner Regulation National Law (NSW)*”.

**[7] Section 12 (2)**

Omit “is registered under the Health Practitioner Regulation National Law”.

Insert instead “is a registered health practitioner or a student within the meaning of the *Health Practitioner Regulation National Law (NSW)*”.

**[8] Section 14 Act does not limit the practice of registered health professionals**

Omit “is registered under the Health Practitioner Regulation National Law”.

Insert instead “is a registered health practitioner within the meaning of the *Health Practitioner Regulation National Law (NSW)*”.

**5.17 Health Records and Information Privacy Act 2002 No 71**

**Section 4 Definitions**

Omit the definitions of *chiropractor* and *osteopath* from section 4 (1).

**5.18 Health Services Regulation 2013**

**Part 4 Ambulance Service**

Omit Division 2A.

**5.19 Liquor Act 2007 No 90**

**Section 6 Exemptions from Act**

Omit section 6 (1) (c). Insert instead:

- (c) the sale of liquor for medicinal purposes by a medical practitioner, nurse practitioner, midwife practitioner or pharmacist,

**5.20 Mental Health Act 2007 No 8**

**Section 191 Liability of certain persons exercising functions under this Act or the Mental Health (Forensic Provisions) Act 1990**

Omit “a person registered under the Health Practitioner Regulation National Law” from section 191 (4).

Insert instead “a registered health practitioner or a student within the meaning of the *Health Practitioner Regulation National Law (NSW)*”.

**5.21 Mental Health Regulation 2013**

**Clause 17 Additional qualified persons**

Omit clause 17 (c). Insert instead:

- (c) the person is an occupational therapist,

**5.22 Motor Accident Injuries Act 2017 No 10**

**Section 7.52 Restriction on health practitioners who may give evidence in court and other dispute resolution proceedings**

Omit “Health Practitioner Regulation National Law” from the definition of *health practitioner* in section 7.52 (4).

Insert instead “*Health Practitioner Regulation National Law (NSW)*”.

## 5.23 Motor Accidents Compensation Regulation 2015

### Clause 3 Definitions

Omit “Health Practitioner Regulation National Law” from the definition of ***health practitioner*** in clause 3 (1).

Insert instead “*Health Practitioner Regulation National Law (NSW)*”.

## 5.24 Poisons and Therapeutic Goods Act 1966 No 31

### [1] Section 4 Interpretation

Omit the definitions of ***midwife practitioner*** and ***nurse practitioner*** from section 4 (1).

### [2] Section 17A Authorisation of possession, use, supply or prescription of substances by nurses and midwives

Omit “is endorsed under section 94 of the Health Practitioner Regulation National Law as being qualified” from section 17A (1) (a).

Insert instead “has an endorsement of a kind referred to in section 94 of the *Health Practitioner Regulation National Law (NSW)* that qualifies the nurse”.

### [3] Section 17A (2) (a)

Omit “is endorsed under section 94 of the Health Practitioner Regulation National Law as being qualified”.

Insert instead “has an endorsement of a kind referred to in section 94 of the *Health Practitioner Regulation National Law (NSW)* that qualifies the midwife”.

### [4] Section 17B Authorisation of possession, use, supply or prescription of substances by optometrists

Omit “is endorsed under section 94 of the Health Practitioner Regulation National Law as being qualified”.

Insert instead “has an endorsement of a kind referred to in section 94 of the *Health Practitioner Regulation National Law (NSW)* that qualifies the optometrist”.

### [5] Section 17C Authorisation of possession, use, supply or prescription of substances by podiatrists

Omit “is endorsed under section 94 of the Health Practitioner Regulation National Law as being qualified”.

Insert instead “has an endorsement of a kind referred to in section 94 of the *Health Practitioner Regulation National Law (NSW)* that qualifies the podiatrist”.

### [6] Section 30AA Power of Medical Committee to obtain information

Omit “Health Practitioner Regulation National Law” from section 30AA (5).

Insert instead “*Health Practitioner Regulation National Law (NSW)*”.

## 5.25 Poisons and Therapeutic Goods Regulation 2008

### Appendix C Persons authorised to possess and use substances

Omit clauses 4 (2) and 5 (2).

## 5.26 Private Health Facilities Act 2007 No 9

### Section 39 Medical advisory committee

Omit “(each of whom holds general or specialist registration in the medical profession under Part 7 of the Health Practitioner Regulation National Law)” from section 39 (1).

Insert instead “within the meaning of the *Health Practitioner Regulation National Law (NSW)* (each of whom holds general or specialist registration in the medical profession)”.

## 5.27 Public Finance and Audit Act 1983 No 152

### Schedule 2 Statutory bodies

Insert in alphabetical order:

Paramedicine Council of New South Wales

## 5.28 Public Health Act 2010 No 127

### [1] Section 5 Definitions

Insert in alphabetical order in section 5 (1):

**registered health practitioner** has the same meaning as it has in the *Health Practitioner Regulation National Law (NSW)*.

### [2] Section 5 (1), definition of “skin penetration procedure”

Omit “a health practitioner registered under the Health Practitioner Regulation National Law” from paragraph (a).

Insert instead “a registered health practitioner”.

### [3] Section 100 Codes of conduct for non-registered health practitioners

Omit section 100 (1). Insert instead:

- (1) The regulations may prescribe codes of conduct for the provision of health services by:
  - (a) health practitioners who are not registered health practitioners (including de-registered health practitioners within the meaning of Division 3), and
  - (b) registered health practitioners who provide health services that are unrelated to their registration.

### [4] Section 101 Definitions

Omit the definitions of **de-registered health practitioner** and **interstate health registration legislation** from section 101 (1).

Insert in alphabetical order:

**de-registered health practitioner** means a health practitioner whose registration as a health practitioner is cancelled or is suspended under health registration legislation.

**health registration legislation** means the *Health Practitioner Regulation National Law (NSW)* or the law of another State or Territory that provides for the registration of health practitioners and includes any former law of a State or Territory that provided for the registration of health practitioners.

**[5] Section 101 (2)**

Omit “*the Health Practitioner Regulation National Law or interstate*”.

**[6] Sections 102 (1) and 103 (1)**

Omit “the Health Practitioner Regulation National Law or interstate” wherever occurring.

## **5.29 Public Health Regulation 2012**

**[1] Clause 93A Corresponding interstate prohibition order**

Omit clause 93A (c). Insert instead:

- (c) any order made under section 196 (4) of the Schedule to the *Health Practitioner Regulation National Law Act 2009* of Queensland as it applies as a law of a State or Territory,
- (c1) any order made under section 196 (4) of the Schedule to the *Health Practitioner Regulation National Law (WA) Act 2010* of Western Australia,

**[2] Clause 99 Code of conduct for certain health practitioners**

Omit “subject to the scheme for registration under the Health Practitioner Regulation National Law” from clause 99 (a).

Insert instead “registered health practitioners within the meaning of the *Health Practitioner Regulation National Law (NSW)*”.

**[3] Clause 99 (b)**

Omit “health practitioners who are registered under the Health Practitioner Regulation National Law for the provision of health services and”.

Insert instead “registered health practitioners within the meaning of the *Health Practitioner Regulation National Law (NSW)*”.

**[4] Schedule 3 Code of conduct**

Omit “subject to the scheme for registration under the Health Practitioner Regulation National Law” from clause 2 (a).

Insert instead “registered health practitioners within the meaning of the *Health Practitioner Regulation National Law (NSW)*”.

**[5] Schedule 3, clause 2 (b)**

Omit “health practitioners who are registered under the Health Practitioner Regulation National Law for the provision of health services and”.

Insert instead “registered health practitioners within the meaning of the *Health Practitioner Regulation National Law (NSW)*”.

**[6] Schedule 3, clause 6, note**

Omit “a health practitioner registered under the Health Practitioner Regulation National Law” from paragraph (a).

Insert instead “a registered health practitioner”.

**[7] Schedule 3, clause 18 (1)**

Omit the subclause. Insert instead:

- (1) A health practitioner must not sell or supply an optical appliance (other than cosmetic contact lenses) to a person unless he or she does so in accordance with a prescription from a person lawfully authorised to prescribe the optical appliance.

**Note.** See section 122 of the *Health Practitioner Regulation National Law (NSW)* for the persons who can lawfully prescribe optical appliances in New South Wales.

**[8] Schedule 3, clause 18 (5), definition of “optical appliance”**

Omit “Health Practitioner Regulation National Law”.

Insert instead “*Health Practitioner Regulation National Law (NSW)*”.

## 5.30 Radiation Control Regulation 2013

**[1] Clause 11 Exemptions from radiation user licensing requirements for dental profession in relation to use of certain radiation apparatus**

Omit clause 11 (1) (a). Insert instead:

- (a) is a dentist, a dental therapist, a dental hygienist or an oral health therapist, and

**[2] Clause 11 (2) (a)**

Omit the paragraph. Insert instead:

- (a) is a student within the meaning of the *Health Practitioner Regulation National Law (NSW)* in the dental profession, and

## 5.31 Veterinary Practice Act 2003 No 87

### Section 4 Definitions

Omit “a person registered in a health profession under the Health Practitioner Regulation National Law” from the definition of **health practitioner** in section 4 (1).

Insert instead “a registered health practitioner within the meaning of the *Health Practitioner Regulation National Law (NSW)*”.

## 5.32 Victims Rights and Support Regulation 2013

### Clause 4 Definitions

Omit “who holds general registration under the Health Practitioner Regulation National Law to practise as a psychologist” from the definition of **specialist counsellor**.

Insert instead “who is a psychologist”.

## 5.33 Work Health and Safety Act 2011 No 10

### Section 4 Definitions

Omit “registered under” from the definition of **medical treatment**.

Insert instead “within the meaning of”.

## 5.34 Work Health and Safety Regulation 2017

### Clause 5 Definitions

Omit the definition of *registered medical practitioner* from clause 5 (1).

## 5.35 Workers Compensation Act 1987 No 70

### [1] Section 59 Definitions

Omit the definitions of *chiropractor*, *dental prosthodontist* and *osteopath*.

### [2] Section 59, note

Insert at the end of the section:

**Note.** For the meaning of references in this Division to health practitioners see section 21D of the *Interpretation Act 1987* and the *Health Practitioner Regulation National Law (NSW)*.

## 5.36 Workers Compensation Regulation 2016

### [1] Clause 164 Disclosure of information for complaint about health practitioners

Omit “registration authority under the Health Practitioner Regulation National Law” from clause 164 (1).

Insert instead “to a registration authority within the meaning of the *Health Practitioner Regulation National Law (NSW)*”.

### [2] Clause 164 (3)

Insert “, *Health Practitioner Regulation National Law*” after “*health practitioner*”.

[Second reading speech made in—

Legislative Council on 11 October 2017

Legislative Assembly on 18 October 2017]