# Statute Law Amendment (National Health Practitioner Regulation) Act 2010

No. 13 of 2010

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Statute Law Amendment (National Health Practitioner Regulation) Act 2010†

No. 13 of 2010

[Assented to 30 March 2010]

The Parliament of Victoria enacts:

PART 1—PRELIMINARY

1 Purposes

The main purposes of this Act are—

(a) to amend the Health Professions Registration Act 2005 as a consequence of the enactment of the Health Practitioner Regulation National Law (Victoria) Act 2009;
(b) to amend the Health Practitioner Regulation National Law (Victoria) Act 2009 to provide for transitional and other matters;

(c) to make consequential amendments to other Acts as a result of the enactment of the Health Practitioner Regulation National Law (Victoria) Act 2009.

2 Commencement

(1) This Part and Parts 3 and 5 come into operation on the day after the day on which this Act receives the Royal Assent.

(2) The remaining provisions of this Act, including the Schedule, come into operation on 1 July 2010.
PART 2—AMENDMENTS TO THE HEALTH PROFESSIONS REGISTRATION ACT 2005

3 Definitions

(1) In section 3 of the Health Professions Registration Act 2005 for the definition of registered medical practitioner substitute—

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

(2) In section 3 of the Health Professions Registration Act 2005 for the definition of registered pharmacist substitute—

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

4 Statute law revision

In section 6(2)(ab)(ii) of the Health Professions Registration Act 2005, for "practise" substitute "practice".

5 Requirements for registration

(1) Section 7(2) of the Health Professions Registration Act 2005 is repealed.

(2) For section 8(1) of the Health Professions Registration Act 2005 substitute—

"(1) The responsible board may grant or refuse to grant registration or renewal of registration as a student to a person to enable that person to undertake or complete any period of clinical training as part of a course of study required under section 5(1)(a) or (ab).".
(3) In section 18(5) of the Health Professions Registration Act 2005 omit "or 7(2)".

6 Endorsement of registration for nurse practitioners
Section 20 of the Health Professions Registration Act 2005 is repealed.

7 Endorsement of registration—midwives
Section 21 of the Health Professions Registration Act 2005 is repealed.

8 Endorsement of registration of nurses—medication
Section 22 of the Health Professions Registration Act 2005 is repealed.

9 Endorsement of registration of optometrists
Section 23 of the Health Professions Registration Act 2005 is repealed.

10 Endorsement of registration of podiatrists
Section 24 of the Health Professions Registration Act 2005 is repealed.

11 Endorsement of registration of pharmacists
Section 26 of the Health Professions Registration Act 2005 is repealed.

12 Endorsement of registration for specialist practitioners
Section 27 of the Health Professions Registration Act 2005 is repealed.

13 Endorsement of registration of health practitioners for acupuncture
Section 28 of the Health Professions Registration Act 2005 is repealed.
14 Reporting of ill-health of health practitioners

In section 36 of the Health Professions Registration Act 2005 for "the board responsible" substitute "the Chinese Registration Medicine Board or Medical Radiation Practitioners Board of Victoria whichever is responsible".

15 Immunity of health practitioners

In section 37(1) of the Health Professions Registration Act 2005, after "A" insert "registered".

16 Claims by persons as to registration

(1) For the Table in section 80(2) of the Health Professions Registration Act 2005 substitute—

"TABLE

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Registered Occupation</th>
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<tbody>
<tr>
<td>acupuncturist</td>
<td>registered acupuncturist</td>
</tr>
<tr>
<td>Chinese medicine practitioner</td>
<td>registered Chinese medicine practitioner</td>
</tr>
<tr>
<td>Chinese herbal dispenser</td>
<td>registered Chinese herbal dispenser</td>
</tr>
<tr>
<td>Chinese herbal medicine practitioner</td>
<td>registered Chinese herbal medicine practitioner</td>
</tr>
<tr>
<td>Oriental medicine practitioner</td>
<td>registered Oriental medicine practitioner</td>
</tr>
<tr>
<td>radiographer</td>
<td>registered radiographer</td>
</tr>
<tr>
<td>nuclear medicine technologist</td>
<td>registered nuclear medicine technologist</td>
</tr>
<tr>
<td>radiation therapist</td>
<td>registered radiation therapist</td>
</tr>
</tbody>
</table>

(2) After section 80(14) of the Health Professions Registration Act 2005 insert—

"(15) Nothing in this section applies to a person using the title acupuncturist if the person's registration has been endorsed under section 97 of the Health Practitioner
Regulation National Law as being qualified
to practise as an acupuncturist.

(16) Nothing in section 300(3) of the Health
Practitioner Regulation National Law affects
the operation of this section."

17 Clinical training

For section 82(2) of the Health Professions
Registration Act 2005 substitute—

"(2) In this section relevant responsible board
means one of the following responsible
boards—

(a) the Chinese Medicine Registration
Board of Victoria;

(b) the Medical Radiation Practitioners
Board of Victoria.".

18 References to pharmacists

(1) In section 86 of the Health Professions
Registration Act 2005—

(a) in subsection (1) omit "and, in the case of a
pharmacist, from owning or having a
proprietary interest in a pharmacy business";

(b) in subsection (3), omit "or, in the case of a
pharmacist, from owning or having a
proprietary interest in a pharmacy business";

(c) in subsection (4) omit "or, in the case of a
pharmacist, to own or have a proprietary
interest in a pharmacy business";

(d) in subsection (5)(a) omit "including
pharmacy services".

(2) In section 88 of the Health Professions
Registration Act 2005, omit "or, in the case of a
pharmacist, own or have a proprietary interest in a
pharmacy business".
(3) In section 91(1) of the Health Professions Registration Act 2005, omit "and, in the case of a pharmacist, from owning or having a proprietary interest in a pharmacy business".

(4) In section 92 of the Health Professions Registration Act 2005, omit "or, in the case of a pharmacist, from owning or having a proprietary interest in a pharmacy business".

19 Division 2—Offences for nurses
Division 2 of Part 5 of the Health Professions Registration Act 2005 is repealed.

20 Division 3—Dental care providers
Division 3 of Part 5 of the Health Professions Registration Act 2005 is repealed.

21 Division 4—Optometrists
Division 4 of Part 5 of the Health Professions Registration Act 2005 is repealed.

22 Definition for Part 6
In section 100 of the Health Professions Registration Act 2005, in the definition of Board, after "Act" insert "by Division 1A".

23 New Division 1A inserted in Part 6
After Division 1 of Part 6 of the Health Professions Registration Act 2005 insert—

"Division 1A—Pharmacy Board of Victoria

100A Pharmacy Board of Victoria
The Pharmacy Board of Victoria as constituted immediately before 1 July 2010 continues in operation, on and from 1 July 2010, under, and subject to, this Act.
Powers and functions of Board

(1) The Pharmacy Board of Victoria has the following functions—

(a) to approve pharmacies, pharmacy businesses, pharmacy departments and pharmacy depots for the purposes of this Part;

(b) to advise the Minister on any matters relating to its functions;

(c) when so requested by the Minister, give to the Minister any information reasonably required by the Minister;

(d) any other functions conferred on the Board by this or any other Act.

(2) The Board has all the powers necessary to enable it to perform its functions.

(3) In carrying out its functions, the Board must consult with the Minister and have regard to the Minister's advice.

Delegation

The Pharmacy Board of Victoria, in writing, may delegate to—

(a) a member of the Board; or

(b) the registrar or another person employed by the Board under section 132; or

(c) a person engaged by the Board to provide services to the Board—

its powers and functions under this Act other than—

(d) the power to refuse to approve an application under this Part; or
Part 2—Amendments to the Health Professions Registration Act 2005

(9) the power to revoke an approval under this Part; or
(10) the power to impose conditions on an approval under this Part; or
(11) this power to delegate.

100D Application of provisions of Act to Board
Sections 117(2) to (4), sections 120 to 132, Part 8, Part 9 and sections 159 and 160(1) apply to the Pharmacy Board of Victoria as if a reference in those provisions to a responsible board were a reference to the Pharmacy Board of Victoria."

24 Revocation of approvals
In section 113(1)(b)(ii) of the Health Professions Registration Act 2005 after "regulations" insert "or section 136 of the Health Practitioner Regulation National Law".

25 Powers and functions of responsible boards
Section 118(3) of the Health Professions Registration Act 2005 is repealed.

26 Establishment of prescribing practice advisory committees
Section 135 of the Health Professions Registration Act 2005 is repealed.

27 Membership of committees
Section 136(2) of the Health Professions Registration Act 2005 is repealed.

28 General powers of entry with warrant
In section 147(1)(b) of the Health Professions Registration Act 2005, after "this Act" insert "or a matter referred to in section 47,".
29 New Division 5 inserted in Part 11

After Division 4 of Part 11 of the **Health Professions Registration Act 2005** insert—

"Division 5—Transitional provisions—Statute Law Amendment (National Health Practitioner Regulation) Act 2010"

183 Definitions

In this Division—

old Board means a Board abolished by section 184.

184 Abolition of Boards

The following Boards are abolished—

(a) the Chiropractors Registration Board of Victoria;
(b) the Dental Practice Board of Victoria;
(c) the Medical Practitioners Board of Victoria;
(d) the Nurses Board of Victoria;
(e) the Optometrists Registration Board of Victoria;
(f) the Osteopaths Registration Board of Victoria;
(g) the Physiotherapists Registration Board of Victoria;
(h) the Podiatrists Registration Board of Victoria;
(i) the Psychologists Registration Board of Victoria.
185 Reports

(1) Despite section 184, the report of operations and financial statements of an old Board for a period of time prior to the financial year ending 30 June 2010 must be prepared under the Financial Management Act 1994.

(2) For the purposes of subsection (1), an old Board continues in operation as if the old Board were a responsible board and had not been abolished.

186 Pharmacy Board of Victoria

The Pharmacy Board of Victoria as constituted under Division 1A of Part 6—

(a) must prepare under the Financial Management Act 1994 the report of operations and financial statements of that Board as constituted immediately before 1 July 2010 for a period of time prior to the financial year ending 30 June 2010;

(b) for the purposes of paragraph (a), the Pharmacy Board of Victoria continues in operation as if it were a responsible board and had not been reconstituted under Division 1A of Part 6.”.

30 Schedule 1 amended—responsible boards

(1) In Schedule 1 to the Health Professions Registration Act 2005 paragraphs (b), (c), (d), (f), (g), (h), (i), (j), (k), (l) are repealed.

(2) In Schedule 1 to the Health Professions Registration Act 2005, in paragraph (e) for "Act;" substitute "Act.".
31 Schedule 4

Schedule 4 to the Health Professions Registration Act 2005 is repealed.
32 Exclusion of legislation

Section 7(i) of the Health Practitioner Regulation National Law (Victoria) Act 2009 is repealed.

33 New section 8 inserted

After section 7 of the Health Practitioner Regulation National Law (Victoria) Act 2009 insert—

"8 Regulations dealing with transitional matters

(1) The Governor in Council may make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of this Act, including any repeals and amendments made as a result of the enactment of this Act.

(2) Regulations made under this section may—

   (a) have a retrospective effect to a day on or from a date not earlier than 1 July 2010; and

   (b) be of limited or general application; and

   (c) leave any matter or thing to be decided by a specified person or class of person.

(3) Regulations under this section have effect despite anything to the contrary in any Act (other than this Act or the Charter of
Part 3—Amendments to the Health Practitioner Regulation National Law (Victoria) Act 2009

Statute Law Amendment (National Health Practitioner Regulation) Act 2010
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Human Rights and Responsibilities Act 2006 or in any subordinate instrument.

(4) For the avoidance of doubt, the Subordinate Legislation Act 1994 applies to any regulations made under this section.

(5) This section is repealed on 1 July 2014.".
PART 4—AMENDMENTS TO OTHER ACTS

Division 1—Amendments to the Births, Deaths and Marriages Registration Act 1996

34 Definitions

In section 4(1) of the Births, Deaths and Marriages Registration Act 1996—

(a) for the definition of doctor substitute—

"doctor means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);",

(b) insert the following definition—

"midwife means a person registered under the Health Practitioner Regulation National Law—

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

(b) in the register of midwives kept for that profession;".
Division 2—Amendments to the Drugs, Poisons and Controlled Substances Act 1981

35 Definitions

(1) In section 4(1) of the Drugs, Poisons and Controlled Substances Act 1981—

(a) the definition of authorised practitioner is repealed;

(b) for the definition of dentist substitute—

"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;"

(c) for the definition of nurse practitioner substitute—

"nurse practitioner means a nurse whose registration is endorsed by the Nursing and Midwifery Board of Australia under section 95 of the Health Practitioner Regulation National Law;"

(d) for the definition of pharmacist substitute—

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

(e) for the definitions of registered medical practitioner, registered optometrist and registered podiatrist substitute—
"registered medical practitioner" means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);

"registered optometrist" means a person registered under the Health Practitioner Regulation National Law to practise in the optometry profession (other than as a student);

"registered podiatrist" means a person registered under the Health Practitioner Regulation National Law to practise in the podiatry profession (other than as a student);

(2) In section 4(1) of the Drugs, Poisons and Controlled Substances Act 1981 insert the following 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 midwife or as a student); and

(b) in the registered nurses division of that profession;"

36 Act not to derogate from provisions of other Acts

In section 7 of the Drugs, Poisons and Controlled Substances Act 1981, after "Health Professions Registration Act 2005," insert "Health Practitioner Regulation National Law,".
37 Persons authorized to have possession etc. of poisons or controlled substances

(1) In section 13(1) of the Drugs, Poisons and Controlled Substances Act 1981—

(a) for paragraph (ba) substitute—

"(ba) any nurse practitioner is hereby authorised to obtain and have in his or her possession and to use, sell or supply any Schedule 2, 3, 4 or 8 poison approved by the Minister in relation to the relevant category of nurse practitioner in the lawful practice of his or her profession as a nurse practitioner; and

(b) any registered nurse whose registration is endorsed under section 94 of the Health Practitioner Regulation National Law is hereby authorised to obtain and have in his or her possession and to use, sell or supply any Schedule 2, 3, 4 or 8 poison approved by the Minister in relation to the relevant category of nurse in the lawful practice of his or her profession as a registered nurse; and"

(b) in paragraph (c) for "the Health Professions Registration Act 2005" substitute "section 94 of the Health Practitioner Regulation National Law";

(c) in paragraph (ca) for "the Health Professions Registration Act 2005" substitute "section 94 of the Health Practitioner Regulation National Law".
(2) After section 13(2AA) of the **Drugs, Poisons and Controlled Substances Act 1981** insert—

"(2AAB) Subsection (1)(bb) shall not be construed as authorising a registered nurse referred to in that paragraph to sell or supply any Schedule 2, 3, 4 or 8 poison by retail in an open shop unless the registered nurse is licensed under this Act to do so."

(3) For section 13(3A) of the **Drugs, Poisons and Controlled Substances Act 1981** substitute—

"(3A) If a registered Chinese herbal dispenser sells or supplies by wholesale a Schedule 1 poison to any other registered Chinese herbal dispenser in accordance with an endorsement of that other dispenser's registration under the **Health Professions Registration Act 2005** for use by the other registered Chinese herbal dispenser in the lawful practice of his or her profession as a registered Chinese herbal dispenser, the sale or supply shall, for the purposes of subsection (1), be regarded as a sale or supply in the lawful practice of his or her profession by the first-mentioned registered Chinese herbal dispenser."

(4) For section 13(5) of the **Drugs, Poisons and Controlled Substances Act 1981** substitute—

"(5) Despite subsection (1)(a), a registered medical practitioner or pharmacist who is also registered as a Chinese medicine practitioner or Chinese herbal dispenser with an endorsement with respect to Schedule 1 poisons is authorised to obtain and have in his or her possession and to use, sell or supply Schedule 1 poisons in accordance with that endorsement in the lawful practice of his or her profession as a registered medical practitioner or pharmacist."
38 Chinese medicine practitioners and herbal dispensers must establish therapeutic need

In section 13A of the Drugs, Poisons and Controlled Substances Act 1981—

(a) omit "or an authorised practitioner", wherever occurring;

(b) in subsection (2)(b)—

(i) omit "or authorised practitioner";

(ii) omit "or that authorised practitioner".

39 Special provisions as to medical practitioners

(1) Insert the following heading to section 14 of the Drugs, Poisons and Controlled Substances Act 1981—

"Restrictions on authorisations for certain health practitioners".

(2) In section 14(1) of the Drugs, Poisons and Controlled Substances Act 1981, for "the Health Professions Registration Act 2005, the Medical Practitioners Board of Victoria" substitute "the Health Practitioner Regulation National Law, the Medical Board of Australia".

(3) In section 14(3) of the Drugs, Poisons and Controlled Substances Act 1981—

(a) for "the Nurses Board of Victoria continued in operation under the Health Professions Registration Act 2005" substitute "the Nursing and Midwifery Board of Australia acting under the Health Practitioner Regulation National Law";

(b) after "nurse practitioner" (where twice occurring) insert "or registered nurse".
(4) In section 14(4) of the Drugs, Poisons and Controlled Substances Act 1981, for "Optometrists Registration Board of Victoria continued under the Health Professions Registration Act 2005" substitute "Optometry Board of Australia acting under the Health Practitioner Regulation National Law".

(5) In section 14(5) of the Drugs, Poisons and Controlled Substances Act 1981, for "Podiatrists Registration Board of Victoria continued under the Health Professions Registration Act 2005" substitute "Podiatry Board of Australia acting under the Health Practitioner Regulation National Law".

40 Minister to approve scope of prescribing rights

(1) In the heading to section 14A of the Drugs, Poisons and Controlled Substances Act 1981 after "rights" insert "or supply of poisons".

(2) In section 14A(1) of the Drugs, Poisons and Controlled Substances Act 1981, after "(ba)," insert "(bb),".

(3) After section 14A(1) of the Drugs, Poisons and Controlled Substances Act 1981 insert—

"(1A) Without limiting subsection (1), for the purposes of an authorisation under section 13(1)(bb), the Minister may approve—

(a) the health services or class of health services in which the poison or class of poison is to be used, sold or supplied; and

(b) the clinical circumstances in which a registered nurse or class of registered nurse may use, sell or supply any Schedule 2, 3, 4 or 8 poison or class of Schedule 2, 3, 4 or 8 poison.".
(4) For section 14A(2) of the **Drugs, Poisons and Controlled Substances Act 1981 substitute**—

"(2) An approval under subsection (1) or (1A) may—

(a) be expressed generally for all poisons in a specified Schedule; or

(b) be limited to a particular class, list or type of poison in a specified Schedule; or

(c) be limited by reference to a specified form of the poison; or

(d) be limited by reference to the purpose for which the poison is to be used, sold or supplied; or

(e) be limited by reference to any other matter specified in the approval; or

(f) apply, adopt or incorporate any matter contained in any document, code, standard, rule, specification or method, formulated, issued, prescribed or published by any other person whether—

(i) wholly or partially or as amended by the approval; or

(ii) as formulated, issued, prescribed or published at the time the approval is made or at any time before then; or

(iii) as formulated, issued, prescribed or published from time to time.". 
(5) In section 14A(3) of the **Drugs, Poisons and Controlled Substances Act 1981**—

(a) for "The Minister" substitute "Without limiting the Minister's powers under subsection (1) or (1A), the Minister";

(b) after "2005" insert "or the relevant National Health Practitioner Board established by the Health Practitioner Regulation National Law".

(6) In section 14A(4) of the **Drugs, Poisons and Controlled Substances Act 1981** after "may" insert "amend or".

(7) After section 14A(4) of the **Drugs, Poisons and Controlled Substances Act 1981** insert—

"(5) An approval made under this section takes effect on the date of publication of the notice in the Government Gazette or on such later date as is specified in the notice.".

41 Offences concerning labelling and other matters

For section 27A(4) of the **Drugs, Poisons and Controlled Substances Act 1981** substitute—

"(4) Nothing in this section applies to a Schedule 1 poison that is sold or supplied by a registered Chinese medicine practitioner or registered Chinese herbal dispenser in accordance with the endorsement of that person's registration under the **Health Professions Registration Act 2005**.".

42 Definitions

(1) In section 36D of the **Drugs, Poisons and Controlled Substances Act 1981**, in the definition of **high level residential care** for "Commonwealth," substitute "Commonwealth.".
(2) In section 36D of the **Drugs, Poisons and Controlled Substances Act 1981**, the definitions of *nurse* and *Nurses Board of Victoria* are repealed.

### 43 Administration of drugs etc. in aged care services

In section 36E of the **Drugs, Poisons and Controlled Substances Act 1981**, for "nurse" substitute "registered nurse".

### 44 Section 36F substituted

For section 36F of the **Drugs, Poisons and Controlled Substances Act 1981** substitute—

"36F Registered nurse to have regard to code or guideline

A registered nurse who manages the administration of any drug of dependence, Schedule 9 poison, Schedule 8 poison or Schedule 4 poison to a resident in an aged care service in accordance with this Division must do so in accordance with the relevant code or guideline (if any) issued by the Nursing and Midwifery Board of Australia under the Health Practitioner Regulation National Law."

### 45 Regulations

(1) In section 129(1) of the **Drugs, Poisons and Controlled Substances Act 1981** after "nurse practitioners," (wherever occurring) insert "registered nurses,"

(2) In section 129(2) of the **Drugs, Poisons and Controlled Substances Act 1981** after "nurse practitioner," insert "registered nurse, ".
46 Construction of section 129

In section 130 of the Drugs, Poisons and Controlled Substances Act 1981—

(a) in paragraph (b) for "2005." substitute "2005; or";

(b) after paragraph (b) insert—

"(c) as unprofessional conduct within the meaning and for the purposes of the Health Practitioner Regulation National Law."

47 General regulations

In section 132 of the Drugs, Poisons and Controlled Substances Act 1981—

(a) after paragraph (g) insert—

"(h) prescribing the Schedule 2, 3, 4 or 8 poisons that a registered nurse or class of registered nurse is authorised to obtain and have in his or her possession and to use, sell or supply;"

(b) in paragraph (k), after "nurse practitioners," insert "registered nurses, registered optometrists, registered podiatrists;"

(c) in paragraph (q) after "nurse practitioner," insert "registered nurse, registered podiatrist;"

(d) in paragraph (z) after "nurse practitioners," insert "registered nurses, registered optometrists, registered podiatrists;"

(e) in paragraph (za) after "nurse practitioner," insert "registered nurse, registered optometrist, registered podiatrist;"
(f) in paragraph (zc) after "nurse practitioner," insert "registered nurse, registered optometrist, registered podiatrist,":

48 Statute law revision

In the Drugs, Poisons and Controlled Substances Act 1981—

(a) in section 52(2)(f), for "Agricultural Chemicals Act 1958" substitute "Agricultural and Veterinary Chemicals (Control of Use) Act 1992".

(b) in section 120(3)—

(i) for "paragraph (a)" substitute "subsection (2)(a)";

(ii) for "(i) not" substitute "(a) not";

(iii) for "(ii) notice" substitute "(b) notice".

Division 3—Amendment to the Interpretation of Legislation Act 1984

49 New section 38E inserted

After section 38D of the Interpretation of Legislation Act 1984 insert—

"38E References to Health Practitioner Regulation National Law

In an Act or a subordinate instrument—

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
Part 4—Amendments to Other Acts

Health Practitioner Regulation National Law Act 2009 of Queensland; and

(ii) as it applies as a law of Victoria, another State or a Territory (with or without modification); or

(b) the law of another State or a Territory that substantially corresponds to the law referred to in paragraph (a);

Health Practitioner Regulation National Law (Victoria) means the provisions applying because of section 4 of the Health Practitioner Regulation National Law (Victoria) Act 2009."

Division 4—Amendments to the Victorian Civil and Administrative Tribunal Act 1998

50 Amendment of Schedule 1

After Part 5AA of Schedule 1 to the Victorian Civil and Administrative Tribunal Act 1998 insert—

"PART 5AAB—HEALTH PRACTITIONER REGULATION NATIONAL LAW (VICTORIA)

11AJ Constitution of Tribunal for hearings

The Tribunal is to be constituted for the purposes of making a final determination under Part 8 of the Health Practitioner Regulation National Law (Victoria) by at least 3 members, of whom at least 2 must be health practitioners with professional qualifications in the health profession regulated by the National Board that is a party to the proceedings.".

See:
Reprint No. 6
as at
1 January 2009
and
amending
Act Nos
46/2008,
76/2008,
78/2008,
6/2009,
14/2009,
21/2009,
68/2009 and
69/2009.
LawToday:
www.
legislation.
vic.gov.au
Division 5—Consequential amendments to other Acts

51 Consequential amendments

An Act specified in a heading to an item in the Schedule is amended as set out in that item.
PART 5—REPEAL OF AMENDING ACT

52 Repeal of amending Act

This Act is repealed on 1 July 2011.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the Interpretation of Legislation Act 1984).
SCHEDULE

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

1 Abortion Law Reform Act 2008

1.1 In section 3 for the definitions of \textit{registered health practitioner}, \textit{registered medical practitioner}, \textit{registered nurse}, \textit{registered pharmacist} and \textit{regulated health profession substitute}—

"\textit{registered health practitioner} means—

(a) a registered health practitioner within the meaning of the \textit{Health Professions Registration Act 2005};

(b) a person registered under the Health Practitioner Regulation National Law to practise a health profession (other than as a student);

\textit{registered medical practitioner} means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);

\textit{registered nurse} means a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse or as a midwife (other than as a student);

\textit{registered pharmacist} means a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student);
regulated health profession means—

(a) regulated health profession within the meaning of the *Health Professions Registration Act 2005*;

(b) a health profession within the meaning of the Health Practitioner Regulation National Law;".

2 Accident Compensation Act 1985

2.1 In section 5(1) for paragraph (a) of the definition of medical practitioner substitute—

"(a) a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student); and"

2.2 In section 5(1) insert the following definitions—

"midwife means a person registered under the Health Practitioner Regulation National Law—

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

(b) in the register of midwives kept for 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 midwife or as a student);"

2.3 In section 5(1) for the definition of nursing service substitute—

"nursing service means a nursing or midwifery service rendered by a nurse or midwife, otherwise than at a hospital or as a member of the nursing staff of a hospital;".
2.4 In section 5(1) for the definitions of *registered chiropractor, registered dentist, registered optometrist, registered osteopath, registered physiotherapist, registered podiatrist* and *registered psychologist substitute*—

"*registered chiropractor* means a person registered under the Health Practitioner Regulation National Law to practise in the chiropractic profession (other than as a student);"

*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;

*registered optometrist* means a person registered under the Health Practitioner Regulation National Law to practise in the optometry profession (other than as a student);

*registered osteopath* means a person registered under the Health Practitioner Regulation National Law to practise in the osteopathy profession (other than as a student);

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

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

3 Adoption Act 1984

3.1 In section 43(3) for "Health Professions Registration Act 2005" substitute "Health Practitioner Regulation National Law".

3.2 In section 89 for "Health Professions Registration Act 2005" substitute "Health Practitioner Regulation National Law".

4 Agricultural and Veterinary Chemicals (Control of Use) Act 1992

4.1 In section 4, in paragraph (a)(i) of the definition of veterinary chemical product after "pharmacist" insert "registered under the Health Practitioner Regulation National Law".

5 Alcoholics and Drug-dependent Persons Act 1968

5.1 In section 3(1), for the definition of registered medical practitioner substitute—

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

6 Assisted Reproductive Treatment Act 2008

6.1 In section 3 for the definition of doctor substitute—

"doctor means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);".
7 Bail Act 1977

7.1 In section 5(4), for "medical practitioner registered under the Health Professions Registration Act 2005" substitute "registered medical practitioner".

7.2 After section 5(4) insert—

"(5) In subsection (4), registered medical practitioner means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student).".

8 Cancer Act 1958

8.1 In section 59(1), for the definition of registered medical practitioner substitute—

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

9 Cemeteries and Crematoria Act 2003

9.1 In section 3(1), for the definition of registered medical practitioner substitute—

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

10 Child Employment Act 2003

10.1 In section 3, for the definition of registered pharmacist substitute—

"registered pharmacist means a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student).".
11 Child Wellbeing and Safety Act 2005

11.1 In section 3, for the definition of health professional substitute—

"health professional" means a person who is registered as any of the following under the Health Practitioner Regulation National Law—

(a) a medical practitioner; or
(b) a nurse; or
(c) a psychologist; or
(d) a midwife;.

11.2 In section 3 insert the following definitions—

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

"midwife" means a person registered under the Health Practitioner Regulation National Law—

(a) to practise in the nursing and midwifery profession as a midwife (other than as a student); and
(b) in the register of midwives kept for 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 midwife or as a student);
psychologist means a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession (other than as a student);”.

11.3 In section 45(a) after "nurse" insert "or midwife".

12 Children, Youth and Families Act 2005

12.1 In section 3(1) in the definition of information holder, for paragraphs (i) and (j) substitute—

"(i) a registered psychologist;
(j) a nurse;
(ja) a midwife;".

12.2 In section 3(1)—

(a) for the definition of registered medical practitioner substitute—

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

(b) for the definition of registered psychologist substitute—

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

12.3 In section 3(1), insert the following definitions—

"midwife means a person registered under the Health Practitioner Regulation National Law—

(a) to practise in the nursing and midwifery profession as a midwife (other than as a student); and
(b) in the register of midwives kept for 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 midwife or as a student);".

12.4 For section 182(1)(b) substitute—

"(b) a nurse;

(ba) a midwife;".

13 Children's Services Act 1996

13.1 In section 3(1), for the definition of *registered medical practitioner* substitute—

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

14 Coal Mines (Pensions) Act 1958

14.1 In section 105(4) for "medical practitioner registered under the Health Professions Registration Act 2005" (where twice occurring) substitute "registered medical practitioner".

14.2 After section 105(4) insert—

"(5) In subsection (4), *registered medical practitioner* means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student).".
15 Coroners Act 2008

15.1 In section 3(1), for the definition of registered medical practitioner substitute—

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

16 Corrections Act 1986

16.1 In section 3(1) insert the following definitions—

"midwife" means a person registered under the Health Practitioner Regulation National Law—

(a) to practise in the nursing and midwifery profession as a midwife (other than as a student); and
(b) in the register of midwives kept for 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 midwife or as a student);

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

16.2 In section 14 in the definition of officer in paragraph (f) for "nurse" substitute "nurse, midwife".
16.3 In section 16(1) for "medical practitioner registered under the Health Professions Registration Act 2005" substitute "registered medical practitioner".

16.4 In section 30I(5), in the definition of authorised person—

(a) in paragraph (c), for "medical practitioner registered under the Health Professions Registration Act 2005" substitute "registered medical practitioner";

(b) in paragraph (d), for "psychologist registered under the Health Professions Registration Act 2005" substitute "person registered as a psychologist under the Health Practitioner Regulation National Law".

16.5 In sections 60G(a) and 77(8), for "medical practitioner registered under the Health Professions Registration Act 2005" substitute "registered medical practitioner".

16.6 In section 85 in paragraph (e) of the definition of officer for "nurse" substitute "nurse, midwife".

17 Crimes Act 1958

17.1 In section 15 for the definitions of registered medical practitioner, registered midwife, registered nurse and registered pharmacist substitute—

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

registered midwife means a person registered under the Health Practitioner Regulation National Law—
(a) to practise in the nursing and midwifery profession as a midwife (other than as a student); and

(b) in the register of midwives kept for that profession;

registered 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);

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

17.2 In section 65(4) for the definitions of registered medical practitioner, registered nurse and registered pharmacist substitute—

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

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

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

17.3 In section 464(2)—

(a) for the definition of dentist substitute—

"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);

(b) in the dentists division of that profession;"

(b) for the definition of medical practitioner substitute—

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

(c) for the definition of nurse substitute—

"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 midwife or as a student);"

(d) insert the following definition—

"midwife means a person registered under the Health Practitioner Regulation National Law—

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

(b) in the register of midwives kept for that profession;".

17.4 In section 464S(1)(c) after "nurse" insert "or midwife".

17.5 In section 464Y(1) after "nurse" insert ", midwife".
17.6 In section 464Z—

(a) in subsection (3)(a) after "nurse" insert "or midwife";

(b) in subsection (3)(c) after "nurse" insert ", or midwife";

(c) in subsection (4) after "nurse" insert "or midwife";

(d) in subsection (5) after "nurse" insert ", midwife";

(e) in subsection (6)(a) after "nurse" insert ", midwife";

(f) in subsection (8) after "nurse" insert ", midwife".

17.7 In section 464ZA(1) after "nurse," insert "midwife,".

17.8 In section 464ZA(4)(b)—

(a) after "independent nurse" insert "or independent midwife";

(b) after "nurse" insert ", midwife".

17.9 In section 464ZA(6)(b) after "nurse," insert "midwife,"

17.10 In section 464ZGB(3)(h) after "nurse" insert ", midwife".

17.11 Insert the following heading to section 464ZH—

"Immunity of medical practitioners, nurses, midwives, dentists and other persons".

17.12 In section 464ZH—

(a) after "nurse" (where first occurring) insert "or midwife";

(b) after "nurse," (wherever subsequently occurring) insert "midwife,".

Sch.
18 Crimes (Mental Impairment and Unfitness to be Tried) Act 1997

18.1 In section 3(1), for the definitions of registered medical practitioner and registered psychologist substitute—

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

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

19 Disability Act 2006

19.1 In section 3(1) insert the following definition—

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

20 Electoral Act 2002

20.1 In section 3, for the definition of registered medical practitioner substitute—

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

21 Emergency Services Superannuation Act 1986

21.1 In section 24(2), for "medical practitioner registered under the Health Professions Registration Act 2005" substitute "person registered under the Health Practitioner
22 Evidence (Miscellaneous Provisions) Act 1958

22.1 In section 32B(1), for the definition of registered medical practitioner substitute—

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

22.2 In section 107A(1)—

(a) for paragraphs (p) and (q) substitute—

"(p) a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);

(q) 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;";

(b) for paragraph (s) substitute—

"(s) a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student);".
23 Firearms Act 1996

23.1 In section 3(1)—

   (a) for the definition of *registered medical practitioner substitute*—

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

   (b) for the definition of *registered psychologist substitute*—

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

23.2 In section 3(1) the definition of *registered nurse* is **repealed**.

23.3 In section 3(1) **insert** the following definitions—

   "*midwife* means a person registered under the Health Practitioner Regulation National Law—

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

   (b) in the register of midwives kept for 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 midwife or as a student);".

23.4 In section 183(4)(c) for "registered nurse" **substitute** "nurse or midwife".
24  Food Act 1984

24.1 In section 4(1), for the definition of registered medical practitioner substitute—

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

25  Freedom of Information Act 1982

25.1 In section 33(5), for "medical practitioner registered under the Health Professions Registration Act 2005" (where twice occurring) substitute "person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student)".

26  Guardianship and Administration Act 1986

26.1 In section 3(1), for the definition of registered practitioner substitute—

"registered practitioner" means—

(a) a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student); or

(b) 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 dentist division of that profession;".
27 Health Practitioners (Special Events Exemption) Act 1999

27.1 In section 3, in the definition of health registration Act, for "and includes any regulations made under that Act" substitute "or the Health Practitioner Regulation National Law and includes any regulations made under those Acts".

27.2 In section 16(2), after "Health Professions Registration Act 2005" insert "or the Health Practitioner Regulation National Law".

28 Health Records Act 2001

28.1 In section 3(1), for the definition of registered medical practitioner substitute—

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

28.2 In section 3(1) in paragraph (c) of the definition of health service after "a pharmacist" insert "registered under the Health Practitioner Regulation National Law".

29 Health Services Act 1988

29.1 In section 3(1), for the definition of registered medical practitioner substitute—

"registered medical practitioner means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);".
30 Health Services (Conciliation and Review) Act 1987

30.1 For the Schedule substitute—

"__________________

SCHEDULE

(1) The Chinese Medicine Registration Board of Victoria.

(2) Medical Radiation Practitioners Board of Victoria.

(3) A National Board established under the Health Practitioner Regulation National Law."

31 Human Tissue Act 1982

31.1 In section 3(1), for the definition of registered medical practitioner substitute—

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

31.2 In section 3(1) insert the following definitions—

"midwife means a person registered under the Health Practitioner Regulation National Law—

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

(b) in the register of midwives kept for 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 midwife or as a student);".

31.3 In section 18(2)(a)(iii) for "state enrolled nurse" substitute "midwife".

31.4 In section 19(1)(a)(iii) for "state enrolled nurse" substitute "midwife".

31.5 In section 42(3), for the definition of registered dentist substitute—

"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.".

32 Juries Act 2000

32.1 In section 3(1), for the definitions of registered medical practitioner and registered psychologist substitute—

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

registered psychologist means a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession (other than as a student);".
33 Legal Profession Act 2004

33.1 In section 2.5.2, for the definition of registered medical practitioner substitute—

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

34 Liquor Control Reform Act 1998

34.1 For section 6(c) substitute—

"(c) to the supply or administration of liquor only as medicine or for medical purposes by or under the direction of—

(i) a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student); or

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

35 Marine Act 1988

35.1 In section 3(1), for paragraph (a) of the definition of approved health professional substitute—

"(a) a person registered under the Health Practitioner Regulation National Law—

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

(ii) in the registered nurses division of that profession;".
35.2 In section 3(1), for the definition of *registered medical practitioner* substitute—

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

36 Meat Industry Act 1993

36.1 In section 3(1), for the definition of *registered medical practitioner* substitute—

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

37 Medical Treatment Act 1988

37.1 In section 3, for the definition of *registered medical practitioner* substitute—

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

38 Mental Health Act 1986

38.1 In section 3(1), for the definitions of *registered medical practitioner* and *registered nurse* substitute—

"*registered medical practitioner* means a person registered under the Health Practitioner Regulation National Law to practise in the medical 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 midwife or as a student); and

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

39 Occupational Health and Safety Act 2004

39.1 In section 37(4), for the definition of medical treatment substitute—

"medical treatment means treatment by a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);".

40 Parliamentary Salaries and Superannuation Act 1968

40.1 In section 17(1), for "medical practitioner registered under the Health Professions Registration Act 2005" substitute "person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student)".

41 Police Integrity Act 2008

41.1 In section 30, for the definition of registered medical practitioner substitute—

"registered medical practitioner means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);".
42 Police Regulation Act 1958

42.1 In section 7(1), for "medical practitioners registered under the Health Professions Registration Act 2005" substitute "persons registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student)".

42.2 In section 16B(2), for "medical practitioner registered under the Health Professions Registration Act 2005" substitute "person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student)".

42.3 In section 64B(2), in the definition of disability, for "medical practitioners registered under the Health Professions Registration Act 2005" substitute "persons registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student)".

42.4 In section 85A, for the definition of registered medical practitioner substitute—

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

43 Professional Boxing and Combat Sports Act 1985

43.1 In section 5, for the definition of medical practitioner substitute—

"medical practitioner means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);".
44  Public Health and Wellbeing Act 2008

44.1 In section 3(1)—

(a) for the definition of midwife substitute—

"midwife means a person registered under the Health Practitioner Regulation National Law—

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

(b) in the register of midwives kept for that profession;";

(b) the definition of registered nurse is repealed;

(c) insert the following definition—

"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 midwife or as a student);";

(d) for the definitions of registered health practitioner and registered medical practitioner substitute—

"registered health practitioner means—

(a) a registered health practitioner within the meaning of the Health Professions Registration Act 2005;

(b) a person registered under the Health Practitioner Regulation National Law to practise a health profession other than as a student;
registered medical practitioner means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);";

(e) for the definition of registered pharmacist substitute—
"registered pharmacist means a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student);".

44.2 In section 3(1) for the definition of surgical or medical procedure for "registered nurse" (where twice occurring) substitute "nurse or midwife".

44.3 For section 41(1)(a) substitute—
"(a) a National Board established under Part 5 of the Health Practitioner Regulation National Law;".

44.4 For section 134(10)(c) and (d) substitute—
"(c) 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;

(ca) a nurse or a midwife;

(d) a student who is registered under the Health Practitioner Regulation National Law by the Medical Board of Australia, the Dental Board of Australia or the Nursing and Midwifery Board of Australia;".
44.5 In Table 1 of the Schedule, in columns 1 and 3 of item 3, for "registered nurse" (wherever occurring) substitute "nurse, midwife".

45 Radiation Act 2005

45.1 In section 44(2), for paragraph (a) of the definition of relevant practitioner registration board substitute—

"(a) registered—

(i) as a health practitioner by a responsible board under the Health Professions Registration Act 2005—the responsible board that registered that person;

(ii) to practise a health profession other than as a student by a National Board under the Health Practitioner Regulation National Law—the National Board that registered that person;".

45.2 In section 60—

(a) in subsection (2)(a), after "registration board" insert "or National Board";

(b) in subsection (5), for paragraph (a) of the definition of relevant practitioner registration board substitute—

"(a) registered—

(i) as a health practitioner by a responsible board under the Health Professions Registration Act 2005—the responsible board that registered that person;
(ii) to practise a health profession other than as a student by a National Board under the Health Practitioner Regulation National Law—the National Board that registered that person;".

45.3 In section 136(1)(b), after "2005" insert ", a National Board established under Part 5 of the Health Practitioner Regulation National Law".

46 Rail Safety Act 2006

46.1 In section 3(1) for paragraph (a) of the definition of approved health professional substitute—

"(a) a person registered under the Health Practitioner Regulation National Law—

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

(ii) in the registered nurses division of that profession;".

46.2 In section 3(1) for the definition of registered medical practitioner substitute—

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

47 Retirement Villages Act 1986

47.1 In section 16(5)(b), for "medical practitioners registered under the Health Professions Registration Act 2005" substitute "persons registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student)".

Sch.
48 Road Safety Act 1986

48.1 In section 3(1) for paragraph (a) of the definition of approved health professional substitute—

"(a) a person registered under the Health Practitioner Regulation National Law—

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

(ii) in the registered nurses division of that profession;".

48.2 In section 3(1)—

(a) for the definition of dentist substitute—

"dentist means a person registered under the Health Practitioner Regulation National Law—

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

(b) in the dentists division of that profession;";

(b) for the definition of pharmacist substitute—

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

(c) for the definition of registered medical practitioner substitute—

"registered medical practitioner means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);"."
49 Sentencing Act 1991

49.1 In section 18ZY(4)(a), for "medical practitioner registered under the Health Professions Registration Act 2005" substitute "person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student)".

49.2 In section 95BA(2)—

(a) for the definition of dentist substitute—

"dentist means—

(a) a person registered or qualified to be registered under the Health Practitioner Regulation National Law—

(i) to practise in the dentistry profession (other than as a student) and;

(ii) in the dentists division of that profession; or

(b) a person entitled to practise dentistry in a place out of Australia under an enactment of that place corresponding to the Health Practitioner Regulation National Law, whether or not the person does so practise;";

(b) for the definition of medical practitioner substitute—

"medical practitioner means—

(a) a person registered or qualified to be registered under the Health Practitioner Regulation National Law to practise in the medical
profession (other than as a student); or

(b) a person entitled to practise medicine in a place out of Australia under an enactment of that place corresponding to the Health Practitioner Regulation National Law, whether or not the person does so practise;"

(c) for the definition of psychologist substitute—

"psychologist means—

(a) a person registered or qualified to be registered under the Health Practitioner Regulation National Law to practise in the psychology profession (other than as a student); or

(b) a person who is qualified or registered to practise psychology in a place outside Australia.".

50 Serious Sex Offenders (Detention and Supervision) Act 2009

50.1 In section 3, for the definition of psychologist substitute—

"psychologist means—

(a) a person registered or qualified to be registered under the Health Practitioner Regulation National Law to practise in the psychology profession (other than as a student); or

(b) a person who is qualified or registered to practise psychology in a place outside Australia;".
50.2 In section 3, insert the following definition—

"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 midwife or as a student);".

51 State Employees Retirement Benefits Act 1979

51.1 In section 2(1), for the definition of registered medical practitioner substitute—

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

52 State Superannuation Act 1988

52.1 In section 3(1), for the definition of registered medical practitioner substitute—

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

53 Status of Children Act 1974

53.1 In section 24(4), for "medical practitioners registered under the Health Professions Registration Act 2005" substitute "persons registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student)".

54 Summary Offences Act 1966

54.1 In section 42(2), for "medical practitioner registered under the Health Professions Registration Act 2005" substitute "person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student)".
54.2 In section 43(1) for the definitions of registered health practitioner, registered student and regulated health service substitute—

"registered health practitioner means—

(a) a registered health practitioner within the meaning of the Health Professions Registration Act 2005;

(b) a person registered under the Health Practitioner Regulation National Law to practise a health profession;

registered student means a person registered under the Health Practitioner Regulation National Law to practise a health profession as a student or a registered student within the meaning of the Health Professions Registration Act 2005;

regulated health service means a health profession that is regulated by a responsible board under the Health Professions Registration Act 2005 or a National Board under the Health Practitioner Regulation National Law."

55 Therapeutic Goods (Victoria) Act 1994

55.1 In section 3 insert the following definitions—

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

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

56 Transport Accident Act 1986

56.1 In section 3(1)—

(a) in the definition of medical practitioner for "medical practitioner registered under the Health Professions Registration Act 2005" substitute "person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student)";

(b) for paragraph (ba) of the definition of medical service substitute—

"(ba) the provision of acupuncture by a person—

(i) registered as an acupuncturist under the Health Practitioner Regulation National Law; or

(ii) whose registration is endorsed to practise acupuncture under that Law; or

(iii) registered as a Chinese medicine practitioner under the Health Professions Registration Act 2005; and";
(c) **insert** the following definitions—

"midwife" means a person registered under the Health Practitioner Regulation National Law—

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

(b) in the register of midwives kept for 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 midwife or as a student);".

56.2 In section 3(1) for the definition of **nursing service** substitute—

"nursing service" means a nursing or midwifery service rendered by a nurse or midwife, otherwise than at a hospital or as a member of the nursing staff of a hospital;".

56.3 In section 3(1), for the definition of **registered psychologist substitute**—

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

56.4 In section 134, for the definition of **registered medical practitioner substitute**—

"registered medical practitioner" means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);".
57  Transport Superannuation Act 1988

57.1 In section 3(1), for the definition of registered medical practitioner substitute—

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

58  Veterinary Practice Act 1997

58.1 In section 3, for the definition of registered medical practitioner substitute—

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

58.2 In section 27(5), for paragraphs (b) to (e) substitute—

"(b) a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession (other than as a student); or

(c) a person registered under the Health Practitioner Regulation National Law to practise in the physiotherapy profession (other than as a student); or

(d) a person registered under the Health Practitioner Regulation National Law to practise in the osteopathy profession (other than as a student); or

(e) a person registered under the Health Practitioner Regulation National Law to practise in the chiropractic profession (other than as a student).".
59 Victorian Institute of Forensic Medicine Act 1985

59.1 In section 3(1), for the definition of doctor substitute—

"doctor means a person who is registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);".

60 Workers Compensation Act 1958

60.1 In section 3(1) insert the following definitions—

"midwife means a person registered under the Health Practitioner Regulation National Law—

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

(b) in the register of midwives kept for 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 midwife or as a student);

registered chiropractor means a person registered under the Health Practitioner Regulation National Law to practise in the chiropractic profession (other than as a student);

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;
registered optometrist means a person registered under the Health Practitioner Regulation National Law to practise in the optometry profession (other than as a student);

registered osteopath means a person registered as under the Health Practitioner Regulation National Law to practise in the osteopathy profession (other than as a student);

registered physiotherapist means a person registered as a physiotherapist under the Health Practitioner Regulation National Law;

registered podiatrist means a person registered under the Health Practitioner Regulation National Law to practise in the podiatry profession (other than as a student);

60.2 In section 3(1), for the definition of registered medical practitioner substitute—

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

60.3 For section 26(2)(e) substitute—

"(e) nursing service means a nursing or midwifery service rendered by a nurse or midwife, otherwise than at a hospital or as a member of the nursing staff of a hospital;".

61 Working with Children Act 2005

61.1 In section 3 for the definition of registered medical practitioner substitute—

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

62 Wrongs Act 1958

62.1 In section 28LB, in the definition of medical practitioner, for "medical practitioner registered under the Health Professions Registration Act 2005" substitute "person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student)".

62.2 In section 28LB, for the definition of registered health practitioner substitute—

"registered health practitioner means—

(a) a medical practitioner; or

(b) 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

(c) a person registered under the Health Practitioner Regulation National Law to practise in the chiropractic profession (other than as a student); or

(d) a person registered under the Health Practitioner Regulation National Law to practise in the optometry profession (other than as a student); or

(e) a person registered under the Health Practitioner Regulation National Law to practise in the osteopathy profession (other than as a student); or
(f) a person registered under the Health Practitioner Regulation National Law to practise in the physiotherapy profession (other than as a student); or

(g) a person registered under the Health Practitioner Regulation National Law to practise in the podiatry profession (other than as a student); or

(h) a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession (other than as a student); or

(i) a Chinese medicine practitioner registered under the Health Professions Registration Act 2005;". 
ENDNOTES

† Minister's second reading speech—
Legislative Assembly: 24 February 2010
Legislative Council: 11 March 2010

The long title for the Bill for this Act was "A Bill for an Act to amend the Health Professions Registration Act 2005, the Health Practitioner Regulation National Law (Victoria) Act 2009 and other Acts and for other purposes."