



Health Practitioner Regulation (Consequential Amendments) Act 2010

No. 48, 2010

**An Act to make amendments consequential on
uniform legislation relating to the regulation of
health practitioners, and for related purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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**An Act to make amendments consequential on
uniform legislation relating to the regulation of
health practitioners, and for related purposes**

[Assented to 31 May 2010]

The Parliament of Australia enacts:

1 Short title

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

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	31 May 2010
2. Schedule 1	A single day to be fixed by Proclamation.	Never commenced

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments

Crimes Act 1914

1 Subsection 3(1) (definition of *nurse*)

Omit “registered”.

Health Insurance Act 1973

2 Subsection 3(1) (definition of *consultant physician*)

Repeal the definition, substitute:

consultant physician: a medical practitioner is a ***consultant physician***, in relation to a particular specialty, if:

- (a) the following conditions are satisfied:
 - (i) the medical practitioner is registered in that specialty under a law of a State or Territory;
 - (ii) that specialty is prescribed by the regulations for the purpose of this paragraph;
 - (iii) if that specialty is also prescribed by the regulations for the purpose of paragraph (a) of the definition of ***specialist***—the regulations provide that the medical practitioner is a consultant physician, rather than a specialist, in relation to that specialty or is both a consultant physician and a specialist in relation to that specialty; or
- (b) regulations for the purpose of this paragraph provide that the medical practitioner is a consultant physician in relation to that specialty.

3 Subsection 3(1) (definition of *general practitioner*)

Repeal the definition, substitute:

general practitioner means:

- (a) a medical practitioner who is registered under a law of a State or Territory in the specialty of general practice; or

- (b) a medical practitioner of a kind prescribed by the regulations for the purpose of this paragraph.

4 Subsection 3(1) (definition of *medical practitioner*)

Repeal the definition, substitute:

medical practitioner means a person who is registered under a law of a State or Territory as a medical practitioner.

5 Subsection 3(1)

Insert:

nurse means:

- (a) a person who is registered under a law of a State or Territory as a registered nurse (Division 1); or
(b) a person who is registered under a law of a State or Territory as an enrolled nurse (Division 2).

6 Subsection 3(1) (definition of *nursing care*)

Omit “registered nurse”, substitute “nurse who is covered by paragraph (a) of the definition of *nurse*”.

7 Subsection 3(1) (definition of *professional attention*)

Repeal the definition.

8 Subsection 3(1) (definition of *registered nurse*)

Repeal the definition.

9 Subsection 3(1) (definition of *specialist*)

Repeal the definition, substitute:

specialist: a medical practitioner is a *specialist*, in relation to a particular specialty, if:

- (a) the following conditions are satisfied:
- (i) the medical practitioner is registered in that specialty under a law of a State or Territory;
 - (ii) that specialty is prescribed by the regulations for the purpose of this paragraph;
 - (iii) if that specialty is also prescribed by the regulations for the purpose of paragraph (a) of the definition of

consultant physician—the regulations provide that the medical practitioner is a specialist, rather than a consultant physician, in relation to that specialty or is both a specialist and a consultant physician in relation to that specialty; or

- (b) regulations for the purpose of this paragraph provide that the medical practitioner is a specialist in relation to that specialty.

10 Subsection 3(1) (definition of *vocationally registered general practitioner*)

Repeal the definition.

11 Sections 3D to 3G

Repeal the sections.

12 Subsection 3GC(6A)

Repeal the subsection, substitute:

- (7) In this section:

medical college means an organisation that is:

- (a) accredited by the Australian Medical Council as a specialist medical college; and
(b) specified by the Minister, by notice in writing to the Medical Training Review Panel, for the purpose of this definition.
- (8) A notice under the definition of *medical college* in subsection (7) is not a legislative instrument.

13 Section 3H

Repeal the section.

14 Subsection 19C(2)

Repeal the subsection, substitute:

- (2) In this section:

practitioner means:

- (a) a medical practitioner; or

- (b) a practitioner, within the meaning of section 124B, of any other kind who is registered under a law of a State or Territory as a practitioner of that kind; or
- (c) a health professional of any other kind who is registered under a law of a State or Territory as a health professional of that kind.

practitioner's registration means:

- (a) if the practitioner is a medical practitioner—the practitioner's registration under a law of a State or Territory as a medical practitioner; or
- (b) if the practitioner is covered by paragraph (b) or (c) of the definition of *practitioner*—the practitioner's registration as mentioned in that paragraph.

Note: The heading to section 19C is altered by omitting “**medical**”.

15 Paragraphs 19C(3)(a) and (b)

Repeal the paragraphs, substitute:

- (a) a practitioner is not authorised under the practitioner's registration to render a particular professional service; and
- (b) the practitioner renders such a service;

16 Paragraphs 19C(4)(a) and (b)

Repeal the paragraphs, substitute:

- (a) a practitioner is authorised under the practitioner's registration to render a particular professional service only in particular circumstances; and
- (b) the practitioner renders such a service in other circumstances;

17 Before subsection 19CB(1)

Insert:

(1A) In this section:

practitioner has the same meaning as in section 19C.

practitioner's registration has the same meaning as in section 19C.

Note: The heading to section 19CB is altered by omitting “**medical**”.

17A Subsection 19CB(1)

Omit “medical”.

18 Paragraphs 19CB(1)(a) and (b)

Repeal the paragraphs, substitute:

- (a) is not authorised under the practitioner’s registration to render a particular professional service; or
- (b) is authorised under the practitioner’s registration to render a particular professional service only in particular circumstances;

19 Subsection 19CB(1)

Omit “in that State or Territory”.

20 Paragraph 19CB(1)(d)

Omit “licence”, substitute “registration”.

21 Subsection 19CB(3)

Repeal the subsection, substitute:

- (3) Unless sooner revoked, the direction has effect until the practitioner is authorised under the practitioner’s registration to render the professional service, or to render the professional service in the circumstances where the practitioner was not previously authorised to render it (as the case may be).

21A Subsection 19CB(4)

Omit “medical” (wherever occurring).

22 Subsection 19DA(1)

Repeal the subsection, substitute:

- (1) In this section:

deregistered practitioner means a person:

- (a) who was registered under a law of a State or Territory as a practitioner; but
- (b) who is not currently registered under a law of a State or Territory as a practitioner.

practitioner has the same meaning as in section 19C.

23 Paragraphs 106XB(2)(c) and (d)

After “appropriate body”, insert “or bodies”.

24 Subsection 106XB(3)

Repeal the subsection, substitute:

- (3) The appropriate body or bodies for the purpose of paragraphs (2)(c) and (d) are:
 - (a) if the practitioner is a medical practitioner—the Medical Board of Australia; or
 - (b) in any other circumstances—the body or bodies specified in the regulations for the purpose of those circumstances.
- (4) In this section:

Medical Board of Australia means the Medical Board of Australia referred to in section 31 of the Health Practitioner Regulation National Law set out in the Schedule to the *Health Practitioner Regulation National Law Act 2009* of Queensland.

25 Subsections 130(5C) and (5D)

Repeal the subsections.

Part 2—Transitional provisions

26 Definitions

In this Part:

commencement time means the time when this Schedule commences.

new law means the *Health Insurance Act 1973* as in force after the commencement time.

old law means the *Health Insurance Act 1973* as in force immediately before the commencement time.

27 Regulations may provide that certain persons are taken to be general practitioners

The Governor-General may make regulations providing that persons who:

- (a) at a time before the commencement time either:
 - (i) were registered as vocationally registered general practitioners under section 3F of the old law; or
 - (ii) had applied to be so registered; and
- (b) satisfy any other conditions prescribed by those regulations;

are taken to be general practitioners, for the purposes of the new law, for the period specified in the regulations.

28 Saving of directions of the Minister about medicare payments in respect of services rendered

A direction of the Minister under subsection 19C(3) or (4) of the old law that is in force immediately before the commencement time is taken, on and after the commencement time, to be a direction of the Minister under subsection 19C(3) or (4) (as the case requires) of the new law.

29 Saving of directions of the Minister about rendering of unauthorised services

A direction of the Minister under subsection 19CB(1) of the old law that is in force immediately before the commencement time is taken, on and after the commencement time, to be a direction of the Minister under subsection 19CB(1) of the new law.

*[Minister's second reading speech made in—
House of Representatives on 24 February 2010
Senate on 13 May 2010]*

(38/10)

10 *Health Practitioner Regulation (Consequential Amendments) Act 2010* No. 48, 2010