

1994  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Health)

**Health Legislation  
(Consequential Amendments) Bill 1994**

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**A BILL**

FOR

**An Act to amend the *Health Professions Boards (Procedures) Act 1981* and the *Health Professions Boards (Elections) Act 1980* and for related purposes**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**PART I—PRELIMINARY**

**Short title**

- 5       1. This Act may be cited as the *Health Legislation (Consequential Amendments) Act 1994*.

**Commencement**

- 10       2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.  
(2) The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

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(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

## 5 PART II—AMENDMENTS OF HEALTH PROFESSIONS BOARDS (PROCEDURES) ACT 1981

### Principal Act

3. In this Part, “Principal Act” means the *Health Professions Boards (Procedures) Act 1981*.

### 10 Interpretation

4. Section 3 of the Principal Act is amended—

- (a) by omitting “or” from paragraph (f) of the definition of “Board”;
- (b) by inserting after paragraph (f) of the definition of “Board” the following paragraphs:

15 “(fa) the Podiatrists Board established under the Podiatrists Act;

(fb) the Psychologists Board established under the Psychologists Act; or”;

20 (c) by omitting “or” from subparagraph (f) (ii) of the definition of “proceeding”;

(d) by inserting after paragraph (f) of the definition of “proceeding” the following paragraphs:

“(fa) in relation to the Podiatrists Board—an inquiry by the Board under section 38 of the Podiatrists Act;

25 (fb) in relation to the Psychologists Board—an inquiry by the Board under section 38 of the Psychologists Act; or”;  
and

(e) by inserting the following definitions:

“ ‘Podiatrists Act’ means the *Podiatrists Act 1994*;

30 ‘Psychologists Act’ means the *Psychologists Act 1994*;”.

### Vacation of office

5. Section 11 of the Principal Act is amended—

- (a) by omitting from paragraph (4) (f) “and”; and

(b) by inserting after paragraph (4) (f) the following paragraphs:

“(fa) in relation to a member of the Podiatrists Board—a person registered as a podiatrist under the Podiatrists Act;

5 (fb) in relation to a member of the Psychologists Board—a person registered as a podiatrist under the Psychologists Act; and”.

**Further amendments of Health Professions Boards (Procedures) Act**

6. The Principal Act is further amended as set out in Schedule 1.

10 **PART III—AMENDMENTS OF HEALTH PROFESSIONS BOARDS (ELECTIONS) ACT 1980**

**Principal Act**

7. In this Part, “Principal Act” means the *Health Professions Boards (Elections) Act 1980*.

15 **Amendments of Health Professions Boards (Elections) Act**

8. The Principal Act is amended as set out in Schedule 2.

**PART IV—AMENDMENTS OF HEALTH COMPLAINTS ACT 1993**

**Principal Act**

20 9. In this Part, “Principal Act” means the *Health Complaints Act 1993*.

**Amendments of Health Complaints Act**

10. Section 4 of the *Health Complaints Act 1993* is amended—

(a) by omitting “or” from paragraph (h) of the definition of “Board” in subsection (1); and

25 (b) by inserting after paragraph (h) of the definition of “Board” in subsection (1) the following paragraphs:

“(ha) the Podiatrists Board; or

(hb) the Psychologists Board;”.

## SCHEDULE 1

Section 6

AMENDMENTS OF HEALTH PROFESSIONS  
BOARDS (PROCEDURES) ACT 1981**Section 3 (definition of “Board”, paragraph (aa))—**

- 5 (a) Omit “Chiropractic”, substitute “Chiropractors and Osteopaths”.  
(b) Insert “and Osteopaths” after “Chiropractors”.

**Section 3 (definition of “Chairman”)—**

Omit the definition, substitute the following definition:

“ ‘Chairperson’ means the Chairperson of a Board;”.

10 **Section 3 (definition of “Chiropractors Act”)—**

Omit the definition, substitute the following definition:

“ ‘Chiropractors and Osteopaths Act’ means the *Chiropractors and Osteopaths Act 1983*;”.

**Section 3 (definition of “Dentists Act”)—**

- 15 Omit “*Registration*”.

**Section 3 (definition of “Deputy Chairman”)—**

Omit the definition, substitute the following definition:

“ ‘Deputy Chairperson’ means the Deputy Chairperson of a Board;”.

**Section 3 (definition of “Medical Practitioners Act”)—**

- 20 Omit “*Registration*”.

**Section 3 (definition of “member”)—**

Omit “Chairman”, substitute “Chairperson”.

**Section 3 (definition of “Physiotherapists Act”)—**

Omit “*Registration*”.

25 **Section 3 (definition of “proceeding”, paragraph (aa))—**

- (a) Omit “Chiropractic”, substitute “Chiropractors and Osteopaths”.  
(b) Omit “24”, substitute “32”.  
(c) Insert “and Osteopaths” after “Chiropractors”.

**Section 3 (definition of “proceeding”, paragraph (b))—**

- 30 Omit “31”, substitute “42”.

**SCHEDULE 1—continued**

**Section 3 (definition of “proceeding”, paragraph (c))—**  
Omit “38”, substitute “40”.

**Section 3 (definition of “proceeding”, paragraph (d))—**  
Omit “24”, substitute “40”.

5 **Section 3 (definition of “proceeding”, paragraph (e))—**  
Omit “33”, substitute “41”.

**Section 3 (definition of “proceeding”, paragraph (f))—**  
Omit the paragraph, substitute the following paragraph:

10 “(f) in relation to the Physiotherapists Board—an inquiry under section 30F of the *Physiotherapists Act 1977*.”

**Section 3 (definition of “proceeding”, paragraph (g))—**  
Omit “22”, substitute “25J”.

**Section 3 (definition of “proceeding”)—**  
Add at the end the following paragraph:

15 “(h) in relation to the Podiatrists Board—an inquiry under section 38 of the *Podiatrists Act 1994*.”

**Section 3 (definition of “Veterinary Surgeons Act”)—**  
Omit “Registration”.

20 **Subsection 5 (1)—**  
Omit “Chairman”, substitute “Chairperson”.

**Subsection 6 (1)—**  
(a) Omit “one”, substitute “1”.  
(b) Omit “Chairman”, substitute “Chairperson”.

25 **Subsection 6 (2)—**  
Omit “Chairman” (first and second occurring), substitute “Chairperson”.

**Paragraphs 6 (2) (a) and (b)—**  
Omit “Chairman”, substitute “Chairperson”.

**SCHEDULE 1—continued**

**Subsection 6 (3)—**

- (a) Omit “Chairman”, substitute “Chairperson”.
- (b) Insert “or her” after “his”.
- (c) Insert “or she” after “he”.

5 **Subsection 6 (4)—**

- (a) Omit “Chairman” (wherever occurring), substitute “Chairperson”.
- (b) Insert “or her” after “his”.
- (c) Insert “or her” after “him”.

**Subsection 6 (5)—**

- 10 Omit “Chairman” (wherever occurring), substitute “Chairperson”.

**Subsection 7 (1)—**

Omit “Chairman”, substitute “Chairperson”.

**Subsection 7 (4)—**

- (a) Insert “or her” after “his”.
- 15 (b) Insert “or her” after “him”.

**Subsection 7 (5)—**

Omit “he”, substitute “the person”.

**Subsection 7 (6)—**

- (a) Insert “or her” after “his” (wherever occurring).
- 20 (b) Insert “or her” after “him”.

**Subsection 8 (1)—**

Omit “his”, substitute “the person’s”.

**Subsection 8 (2)—**

Insert “or she” after “he”.

25 **Subsection 8 (3)—**

Omit “Chairman”, substitute “Chairperson”.

**Subsection 9 (2)—**

- (a) Insert “or her” after “his” (wherever occurring).
- (b) Insert “or she” after “he”.

**SCHEDULE 1—continued**

- Paragraph 9 (4) (a)—**  
Insert “or her” after “his”.
- Paragraph 9 (4) (c)—**  
(a) Insert “or her” after “his”.  
5 (b) Insert “or she” after “he”.
- Section 10—**  
(a) Omit “Chairman” (wherever occurring), substitute “Chairperson”.  
(b) Insert “or her” after “his”.  
(c) Insert “or her” after “him”.
- 10 **Paragraph 11 (2) (a)—**  
Insert “or her” after “his” (wherever occurring).
- Paragraph 11 (2) (b)—**  
Omit “one”, substitute “1”.
- Paragraph 11 (2) (c)—**  
15 Insert “or she” after “he”.
- Paragraph 11 (4) (aa)—**  
(a) Omit “Chiropractic”, substitute “Chiropractors and Osteopaths”.  
(b) Insert “or osteopath” after “chiropractor”.  
(c) Insert “and Osteopaths” after “Chiropractors”.
- 20 **Subsection 12 (1)—**  
Omit “Chairman”, substitute “Chairperson”.
- Subsection 12 (2)—**  
(a) Omit “Chairman” (wherever occurring), substitute “Chairperson”.  
(b) Omit “one”, substitute “1”.
- 25 **Subsection 13 (1)—**  
(a) Insert “or her” after “him”.  
(b) Insert “or her” after “his”.

**SCHEDULE 1—continued****Subsection 13 (2)—**

(a) Insert “or her” after “him”.

(b) Insert “or her” after “his” (wherever occurring).

**Section 15—**

5 Insert “or her” after “his”.

**Subsection 16 (2)—**

Omit “Chairman”, substitute “Chairperson”.

**Subsection 16 (4)—**

Omit “Chairman” (wherever occurring), substitute “Chairperson”.

**10 Subsection 17 (1)—**

(a) Omit “Chairman”, substitute “Chairperson”.

(b) Insert “or she” after “he”.

**Subsection 17 (2)—**

Omit “Chairman” (wherever occurring), substitute “Chairperson”.

**15 Subsection 17 (3)—**

(a) Omit “Chairman” (wherever occurring), substitute “Chairperson”.

(b) Omit “one”, substitute “1”.

**Subsection 19 (2)—**

(a) Insert “or she” after “he”.

20 (b) Omit “Chairman” (wherever occurring), substitute “Chairperson”.

**Subsection 19 (3)—**

Omit “Chairman” (wherever occurring), substitute “Chairperson”.

**Subsection 21 (1)—**

Omit “Chairman”, substitute “Chairperson”.

**25 Subsection 21 (2)—**

(a) Omit “Chairman”, substitute “Chairperson”.

(b) Insert “or her” after “him”.

**Subsection 22A (1)—**

Omit “Chairman” (wherever occurring), substitute “Chairperson”.

**SCHEDULE 1—continued**

**Subsections 23 (1) and (2)—**

Omit “Chairman” (wherever occurring), substitute “Chairperson”.

**Subsection 24 (1)—**

Omit “Chairman”, substitute “Chairperson”.

**5 Subsection 24 (3)—**

(a) Insert “or her” after “his”.

(b) Omit “Chairman” (wherever occurring), substitute “Chairperson”.

**Subsection 25 (2)—**

Omit “Chairman” (wherever occurring), substitute “Chairperson”.

**10 Subsection 28 (2)—**

Omit “Chairman”, substitute “Chairperson”.

**Subsection 28 (3)—**

(a) Insert “or her” after “his”.

(b) Omit “Chairman” (wherever occurring), substitute “Chairperson”.

**15 Subsection 29 (2)—**

Insert “or she” after “he”.

**Section 30—**

Insert “or her” after “his”.

**Paragraph 31 (2) (b)—**

**20** Omit “Chairman”, substitute “Chairperson”.

**Subsection 32 (2)—**

Omit “Chairman”, substitute “Chairperson”.

**Subsection 34 (1)—**

Omit “Chairman”, substitute “Chairperson”.

**25 Paragraph 35 (b)—**

Insert “or herself” after “himself”.

**Paragraph 36 (1) (b)—**

(a) Insert “or she” after “he”.

(b) Omit “Chairman”, substitute “Chairperson”.

**SCHEDULE 1—continued**

**Paragraph 36 (1) (c)—**

(a) Insert “or she” after “he”.

(b) Insert “or her” after “him”.

**Subsection 36 (2)—**

5 Insert “or her” after “him”.

**Section 37—**

Omit “Chairman”, substitute “Chairperson”.

**Subsections 38 (1) and (2)—**

Omit “Chairman” (wherever occurring), substitute “Chairperson”.

10 **Subsection 39 (1)—**

Insert “or her” after “his” (wherever occurring).

**Paragraph 40 (a)—**

Insert “or her” after “his”.

**Section 41—**

15 (a) Omit “Chairman” (wherever occurring), substitute “Chairperson”.

(b) Insert “or her” after “his”.

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**SCHEDULE 2**

Section 8

20 **AMENDMENTS OF HEALTH PROFESSIONS BOARDS  
(ELECTIONS) ACT 1980**

**Section 3 (definition of “Board”, paragraph (aa))—**

Omit “Chiropractic”, substitute “Chiropractors and Osteopaths”.

**Section 3 (definition of “Chairman”)—**

Omit the definition, substitute the following definition:

25 “ ‘Chairperson’, in relation to an election held for the purposes of a prescribed Act, means the Chairperson of the Board established under that Act, or if for any reason the Chairperson is unable to act, the Deputy Chairperson of that Board;”.

**SCHEDULE 2—continued**

**Section 3 (definition of “Chiropractors Act”)—**

Omit the definition, substitute the following definition:

“ ‘Chiropractors and Osteopaths Act’ means the *Chiropractors and Osteopaths Act 1983*.”

5 **Section 3 (definition of “Dentists Act”)—**

Omit “*Registration*”.

**Section 3 (definition of “election”, paragraph (aa))—**

Omit the paragraph, substitute the following paragraph:

“(aa) the Chiropractors and Osteopaths Act;”.

10 **Section 3 (definition of “Medical Practitioners Act”)—**

Omit “*Registration*”.

**Section 3 (definition of “Physiotherapists Act”)—**

Omit “*Registration*”.

**Section 3 (definition of “Register”, paragraph (aa))—**

15 Omit the paragraph, substitute the following paragraph:

“(aa) in relation to an election held for the purposes of the Chiropractors and Osteopaths Act—the Register of Chiropractors or the Register of Osteopaths kept under that Act;”.

**Section 3 (definition of “Register”, paragraph (a))—**

20 Omit “in pursuance of section 19 of”, substitute “under”.

**Section 3 (definition of “Register”, paragraph (b))—**

Omit “in pursuance of section 19 of”, substitute “under”.

**Section 3 (definition of “Register”, paragraph (c))—**

Omit “in pursuance of section 16 of”, substitute “under”.

25 **Section 3 (definition of “Register”, paragraph (d))—**

Omit “in accordance with section 14 of”, substitute “under”.

**Section 3 (definition of “Register”, paragraph (e))—**

Omit “in pursuance of section 21 of”, substitute “under”.

**Section 3 (definition of “Register”, paragraph (f))—**

30 Omit “in accordance with section 13 of”, substitute “under”.

**SCHEDULE 2—continued**

**Section 3 (definition of “Register”, paragraph (g))—**

Omit “in accordance with section 11 of”, substitute “under”.

**Section 3 (definition of “registered practitioner”, paragraph (aa))—**

5 (a) Insert “and Osteopaths” after “Chiropractors”.

(b) Insert “or osteopath” after “chiropractor”.

**Section 3 (definition of “Veterinary Surgeons Act”)—**

Omit “Registration”.

**Section 3—**

10 Insert the following definition:

“ ‘prescribed Act’ means the Chiropractors and Osteopaths Act, the Dentists Act, the Medical Practitioners Act, the Nurses Act, the Optometrists Act, the Pharmacy Act, the Physiotherapists Act or the Veterinary Surgeons Act, as the case requires;”.

15 **Subsection 5 (1)—**

Omit “Chairman”, substitute “Chairperson”.

**Subsection 5 (3)—**

Omit “Chairman”, substitute “Chairperson”.

**Subsection 6 (1)—**

20 Omit “Chairman” (wherever occurring), substitute “Chairperson”.

**Subsection 6 (2)—**

Insert “or her” after “his”.

**Section 7—**

Insert “or her” after “him” (first occurring).

25 **Paragraph 7 (a)—**

Omit “him”, substitute “that person”.

**Paragraph 8 (2) (b)—**

Insert “or she” after “he”.

**SCHEDULE 2—continued**

**Paragraph 8 (3) (aa)—**

(a) Insert “and Osteopaths” after “Chiropractors”.

(b) Insert “or osteopath” after “chiropractor”.

**Paragraphs 8 (3) (a) and (b)—**

5 Omit “he”, substitute “that person”.

**Paragraph 8 (3) (c)—**

(a) Omit “midwifery nurse”, substitute “midwife”.

(b) Omit “, a mental health nurse or an infant’s nurse”, substitute “or a mental health nurse”.

10 **Paragraphs 8 (3) (d), (e), (f) and (g)—**

Omit “he”, substitute “that person”.

**Subsection 8 (4)—**

Insert “or she” after “he”.

**Subsection 9 (1)—**

15 (a) Insert “or her” after “him” (first occurring).

(b) Omit “he”, substitute “the Returning Officer”.

(c) Omit “his”, substitute “the candidate’s”.

**Paragraph 9 (1) (b)—**

Insert “or her” after “him”.

20 **Subsection 10 (1)—**

Insert “or her” after “his” (wherever occurring).

**Subsection 10 (2)—**

(a) Insert “or her” after “his” (wherever occurring).

(b) Omit “he”, substitute “the candidate”.

25 **Paragraph 12 (1) (b)—**

Omit “Chairman”, substitute “Chairperson”.

**Paragraph 17 (1) (a)—**

Insert “or her” after “his”.

**SCHEDULE 2—continued**

**Paragraph 17 (1) (b)—**

- (a) Insert “or she” after “he”.
- (b) Insert “or her” after “him”.

**Paragraph 17 (1) (c)—**

- 5 Insert “or she” after “he”.

**Subparagraph 17 (2) (a) (i)—**

- Insert “or her” after “his”.

**Subparagraph 17 (2) (a) (ii)—**

- Insert “or her” after “him”.

10 **Subsection 18 (1)—**

- Insert “or her” after “his” (first and second occurring).

**Paragraph 18 (1) (a)—**

- (a) Insert “or she” after “he” (wherever occurring).
- (b) Insert “or her” after “his” (wherever occurring).

15 **Paragraph 18 (1) (b)—**

- Insert “or her” after “his”.

**Paragraph 18 (2) (a)—**

- Insert “or she” after “he”.

**Paragraph 18 (2) (c)—**

- 20 (a) Omit “him” (first occurring), substitute “the Returning Officer”.
- (b) Insert “or her” after “him” (last occurring).

**Paragraph 19 (1) (a)—**

- Insert “or her” after “his”.

**Paragraph 19 (1) (b)—**

- 25 Insert “or her” after “him”.

**Subsection 19 (2)—**

- (a) Insert “or her” after “him”.
- (b) Insert “or her” after “his”.

**SCHEDULE 2—continued**

**Subsection 20 (1)—**

Insert “or her” after “him”.

**Paragraph 20 (2) (b)—**

Insert “or her” after “him” (wherever occurring).

**5 Paragraph 21 (c)—**

Insert “or her” after “his”.

**Subparagraphs 21 (d) (i) and (ii)—**

Insert “or she” after “he”.

**Paragraph 21 (e)—**

**10** Insert “or her” after “his”.

**Paragraph 21 (f)—**

Insert “or her” after “him”.

**Paragraph 21 (g)—**

Insert “or her” after “his”.

**15 Paragraph 23 (b)—**

Insert “or her” after “his”.

**Paragraph 25 (1) (b)—**

Omit “Chairman”, substitute “Chairperson”.

**Subsection 26 (1)—**

**20** (a) Insert “or she” after “he”.

(b) Omit “his”, substitute “the Returning Officer’s”.

**Subsection 26 (2)—**

(a) Insert “or her” after “him”.

(b) Insert “or she” after “he”.

**25 Subsection 26 (3)—**

Insert “or her” after “him”.

**Subsection 27 (3)—**

Insert “or her” after “his”.

**SCHEDULE 2—continued****Paragraph 31 (c)—**

Insert “or she” after “he” (first occurring).

**Subparagraphs 31 (c) (i) and (ii)—**

Insert “or she” after “he”.

**5 Subsections 33 (2) and (3)—**

Insert “or she” after “he”.

**Paragraph 36 (b)—**

Insert “or herself” after “himself”.

**Paragraph 36 (c)—**

10 Omit “his”, substitute “the person’s”.

**Paragraph 36 (d)—**

Insert “or herself” after “himself”.

**Paragraph 37 (2) (b)—**

Insert “or her” after “him”.

**15 Paragraph 38 (d)—**

Insert “or she” after “he”.

**Schedule 1, Form 1—**

Omit “CHIROPRACTIC”, substitute “CHIROPRACTORS AND OSTEOPATHS”.

**Schedule 1, Form 1 (paragraph 36 (b))—**

20 Insert “or herself” after “himself”.

**Schedule 1, Form 1 (paragraph 36 (c))—**

Omit “his”, substitute “the person’s”.

**Schedule 1, Form 1 (paragraph 36 (d))—**

Insert “or herself” after “himself”.

**25 Schedule 1, Form 2—**

Omit “CHIROPRACTIC”, substitute “CHIROPRACTORS AND OSTEOPATHS”.

**Schedule 1, Form 2—**

Omit “him” (wherever occurring), substitute “the Returning Officer”.

**SCHEDULE 2—continued**

**Schedule 1, Form 3—**

Omit “Chiropractic”, substitute “Chiropractors and Osteopaths”.

**Schedule 1, Form 3 (paragraph 36 (b))—**

Insert “or herself” after “himself”.

5 **Schedule 1, Form 3 (paragraph 36 (c))—**

Omit “his”, substitute “the person’s”.

**Schedule 1, Form 3 (paragraph 36 (d))—**

Insert “or herself” after “himself”.

**Schedule 2 (paragraph 4 (a))—**

10 Omit “him”, substitute “that candidate”.

**Schedule 2 (paragraph 4 (b))—**

Omit “his”, substitute “that candidate’s”.

**Schedule 3 (clause 5)—**

Omit “his” (first occurring), substitute “that candidate’s”.

15 **Schedule 3 (paragraph 5 (b))—**

Omit “him”, substitute “the elected candidate”.

**Schedule 3 (paragraph 5 (d))—**

Omit “him”, substitute “the unelected candidate”.

**Schedule 3 (subclause 6 (1))—**

20 Omit “he”, substitute “the candidate”.

**Schedule 3 (subclause 6 (2))—**

(a) Omit “he”, substitute “the candidate”.

(b) Insert “or her” after “him”.

**Schedule 3 (subclause 6 (4))—**

25 Omit “his”, substitute “the candidate’s”.

**Schedule 3 (paragraph 6 (4) (d))—**

Insert “or her” after “him”.

**Schedule 3 (subclause 7 (1))—**

Omit “him”, substitute “that candidate”.

## SCHEDULE 2—continued

**Schedule 3 (subclause 7 (2))—**

Omit “one”, substitute “1”.

**Schedule 3 (paragraph 7 (2) (b))—**

Omit “he”, substitute “the candidate”.

5 **Schedule 3 (subclause 8 (1))—**

Omit “he”, substitute “the candidate”.

**Schedule 3 (subclause 8 (2))—**

(a) Omit “he”, substitute “the candidate”.

(b) Insert “or her” after “him”.

10 **Schedule 3 (clause 9)—**

Insert “or her” after “his”.

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**NOTE ABOUT SECTION HEADINGS**

On the day on which the *Health Professions Boards (Procedures) Act 1981* is amended by this Act, the following headings to that Act are amended as follows:

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Section	Alteration
5	Omit from the heading “ <b>Chairman</b> ”, substitute “ <b>Chairperson</b> ”.
6	Omit from the heading “ <b>Chairman</b> ”, substitute “ <b>Chairperson</b> ”.