# Health Professions Registration Amendment Act
## 2007
### No. 25 of 2007

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27A Endorsement of registration for approved area of practice

82 Clinical training

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New section 14A of the **Drugs, Poisons and Controlled Substances Act 1981**
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ENDNOTES

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The Parliament of Victoria enacts:

1 Purpose
   The main purpose of this Act is to amend the Health Professions Registration Act 2005 to improve the operation of the Act.

2 Commencement
   (1) Subject to subsection (2), this Act comes into operation on the day after the day on which it receives the Royal Assent.
   (2) Section 33 comes into operation on 1 July 2007.
3 Principal Act

In this Act, the Health Professions Registration Act 2005 is called the Principal Act.

4 Unprofessional conduct

In section 3(1) of the Principal Act in the definition of unprofessional conduct paragraph (c) is repealed.

5 Application for registration

For section 4(2)(d) of the Principal Act substitute—

"(d) be accompanied by—

(i) evidence of the qualifications and supervised practice that the applicant claims entitle the applicant to the kind of registration applied for; or

(ii) if the applicant is applying for registration based on previous registration mentioned in section 6(1)(a)(ii) or (iii), evidence of that registration and the experience the applicant claims entitle the applicant to that kind of registration; and".

6 Qualifications for general registration

(1) After section 5(1)(a) of the Principal Act insert—

"(ab) a part of a course of study approved by the responsible board;".
(2) After section 5(1) of the Principal Act insert—

"(1A) For the purposes of subsection (1)(ab), a responsible board may approve part of a course of study as a qualification for general registration in a division of the register kept by the board only if the course of study is a course approved, under subsection (1)(a), for general registration in another division of the register.".

(3) In sections 5(2) and (3) of the Principal Act for "course of study" substitute "course, or part of a course, of study".

(4) In section 5(4)(b) of the Principal Act for "courses of study" substitute "courses, or parts of courses, of study".

7 General registration

(1) For section 6(1)(a) of the Principal Act substitute—

"(a) the applicant—

(i) is qualified for registration under section 5; or

(ii) had general registration under this Act or a corresponding previous enactment as a health practitioner of that kind not more than 2 years before the application was made; or

(iii) has registration as a non-practising health practitioner of that kind and was, under section 170, deemed to have general registration as that kind of health practitioner under this section; and".

3
(2) After section 6(2)(a) of the Principal Act insert—

"(ab) if the applicant is applying for registration based on previous registration mentioned in subsection (1)(a)(ii) or (iii), that the applicant—

(i) is not, in the board's opinion, competent to practise as that kind of health practitioner; or

(ii) has not, in the board's opinion, had sufficient recent practise as that kind of health practitioner;".

8 Specific registration

(1) For section 7(4) of the Principal Act substitute—

"(4) A person's specific registration continues in force until—

(a) the period, not more than 12 months, specified by the responsible board ends; or

(b) if the period of registration is extended under subsection (7), the first of the following occurs—

(i) the board makes a decision about the person's application for another period of specific registration;

(ii) the period for which the specific registration was extended ends.".

(2) After section 7(6) of the Principal Act insert—

"(7) The registrar of a responsible board, or another person authorised by the responsible board for this section, may extend the period for which a person's specific registration continues in effect for a period of not more than 3 months if—
(a) the person has, while the person's specific registration is in force, applied again under this section for a grant of specific registration; and

(b) it is not practicable to wait until the board can consider the application; and

(c) if the person has a workplace supervisor, the supervisor has provided a report indicating the person's work performance is satisfactory; and

(d) the registrar or other person authorised by the board is satisfied that none of the grounds for refusing an application for the grant of specific registration apply.

9 Registration as a student

For section 8(1) of the Principal Act 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) a course of study required under section 5(1)(a) or (ab); or

(b) a course of study for the purposes of specific registration as a nurse under section 7(2)."

10 Non-practising registration

In sections 11(1) and (2) of the Principal Act for "section 6" substitute "section 6 or 7".

11 Renewal of registration

(1) In section 18(4)(a) of the Principal Act after "2 years" insert ", or the longer period prescribed by the regulations,".
(2) For section 18(5) of the Principal Act

\textbf{substitute}—

"(5) A person may not apply for renewal of the following registration—

(a) interim registration;

(b) specific registration, other than specific registration granted for a purpose mentioned in section 7(1)(f)."

\textbf{12 New section 27A inserted}

After section 27 of the Principal Act \textbf{insert}—

"\textbf{27A Endorsement of registration for approved area of practice}

(1) If a responsible board is satisfied a health practitioner has successfully completed a course of study or units of a course of study in an approved area of practice, the board may endorse the health practitioner's registration to the effect that the health practitioner is qualified to practise in that approved area of practice.

(2) For the purposes of subsection (1), the Minister may, by notice published in the Government Gazette, approve areas of practice in relation to which a responsible board may endorse a health practitioner's registration.

(3) If a notice mentioned in subsection (2) is published, the responsible board to which the notice relates must publish a list of the approved areas of practice—

(a) in a publication circulated to health practitioners of the kind registered by the board; and
(b) on a website on the Internet kept by or on behalf of the board.

(4) The Minister may, at any time, amend, vary or revoke a notice approving an area of practice.

(5) The responsible board may impose any conditions it thinks fit on an endorsement under this section, including conditions as to professional indemnity insurance.

(6) The responsible board may, on application by the health practitioner or with the agreement of the health practitioner, amend, vary or revoke any condition imposed on the endorsement.

(7) In this section—

approved area of practice means an area of practice approved by the Minister under a notice published in the Government Gazette under subsection (2)."

13 Endorsement of registration of health practitioners for acupuncture

(1) In section 28(3)(g) of the Principal Act for "Victoria." substitute "Victoria; or".

(2) After section 28(3)(g) of the Principal Act insert—

"(h) the Podiatrists Registration Board of Victoria.".
14 Register of health practitioners

(1) Sections 30(2)(d) and (h) of the Principal Act are repealed.

(2) After section 30(2) of the Principal Act insert—

"(2A) The responsible board may also include in the register the following particulars for each health practitioner to whom the board has granted registration—

(a) the health practitioner's principal academic qualifications and the training completed by the health practitioner for registration, including the name of the person or body that awarded the qualification or provided the training and the year the qualification was awarded;

(b) the address from which the health practitioner provides regulated health services or a postal address for the practitioner.".

(3) In section 30(9) of the Principal Act for "(2)(h) substitute "(2A)(b)".

15 Provision of information

In section 34(4) of the Principal Act after "2 years" insert ", or the longer period prescribed by the regulations,"

16 Suspension of registration at any time

(1) In section 40(1) of the Principal Act after "believes" insert ", on reasonable grounds,"

(2) In sections 40(1)(a) and (b) of the Principal Act for "is" wherever occurring substitute "is, or may be,"

(3) In section 40(1)(c) of the Principal Act for "has" substitute "has, or may have,"

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17 Powers of investigator

For section 49(a) of the Principal Act

substitute—

"(a) by written notice given to a person, require
the person to do either or both of the
following—

(i) to give stated information to the
investigator within a stated reasonable
time and in a stated reasonable way;

(ii) to attend before the investigator at a
stated reasonable time and place to
answer questions or to produce a stated
thing; and".

18 Report about progress of investigation

For section 50(2) of the Principal Act

substitute—

"(2) Until the investigation is completed and a
decision is made under section 59 about the
matter being investigated, the responsible
board must, at intervals of not more than
3 months, report to the following persons
about the progress of the investigation—

(a) any notifier in relation to the matter
being investigated;

(b) the health practitioner or student being
investigated.".

19 Review of matter after decision

In section 60(1) of the Principal Act for "of a
decision" substitute "a decision".
20 Conduct of panel hearing

For section 69(3) of the Principal Act

substitute—

"(3) If a panel hearing arises out of a notification made under section 42, a person must not publish or broadcast the identity of the notifier.

Penalty: 60 penalty units in the case of a natural person and 300 penalty units in the case of a body corporate.".

21 Claims by persons as to registration

For section 80(9) of the Principal Act

substitute—

"(9) Subsections (1)(b), (c) and (d) do not apply to—

(a) a registered student who is providing regulated health services in accordance with the student's registration; or

(b) a person who is not a registered student but is providing regulated health services in the course of undertaking clinical training in accordance with section 82(1)(a).".

22 Clinical training

For section 82 of the Principal Act substitute—

"82 Clinical training

(1) A person is not entitled to undertake clinical training as part of a course of study or training referred to in section 5(1)(a) or (ab) unless—

(a) the clinical training is approved by the responsible board; and
(b) if the clinical training is approved by a relevant responsible board, the person is a registered student under this Act.

(2) In this section—

*relevant responsible board* means one of the following responsible boards—

(a) the Dental Practice Board of Victoria;

(b) the Medical Practitioners Board of Victoria;

(c) the Pharmacy Board of Victoria;

(d) another responsible board prescribed under the regulations for the purposes of this definition.

23 Restriction on practising optometry

After section 99(2) of the Principal Act insert—

"(3) Also, subsection (1) does not apply to a person who—

(a) is a registered medical practitioner; or

(b) is employed or engaged by a person who is registered as an optometrist under this Act and is assisting the optometrist to perform an activity referred to in that subsection under the optometrist's supervision; or

(c) is employed or engaged by an ophthalmologist and is assisting the ophthalmologist to perform an activity referred to in that subsection under the ophthalmologist's supervision."
(4) In this section—

ophthalmologist means a registered medical practitioner whose registration is endorsed, under section 27, to the effect that the medical practitioner is qualified to practise as a specialist practitioner in ophthalmology.

24 Delegation

For section 133(1)(b) of the Principal Act substitute—

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

(ba) a person engaged by the board to provide services to the board—".

25 Proceedings for offences

For section 142(1) of the Principal Act substitute—

"(1) A responsible board may authorise any of the following persons to take proceedings under this Act in the name of the responsible board—

(a) the registrar or another person employed by the board under section 132;

(b) a person engaged by the board to provide services to the board.".

26 Authorisation of persons to assist in enforcement

For section 143(1) of the Principal Act substitute—

"(1) A responsible board may authorise any of the following persons to carry out functions and exercise powers under this Part—
(a) the registrar or another person employed by the board under section 132;

(b) a person engaged by the board to provide services to the board.

27 Existing proceedings

After section 168(1) of the Principal Act insert—

"(1A) Without limiting subsection (1), a list of persons approved by the Governor in Council under a repealed provision to be appointed to a hearing panel for a formal or informal hearing established by a responsible board continues in effect, for the purposes of subsection (1), on and after the commencement of this section as if the repealed provision had not been repealed.".

28 New section 175A inserted

After section 175 of the Principal Act insert—

"175A List members

On the commencement of section 163, each person whose name was, immediately before the commencement, included in a list of persons approved by the Governor in Council under a repealed provision to be appointed to a hearing panel for a formal or informal hearing established by a responsible board is taken to have his or her name included in a list of names approved by the Governor in Council under Schedule 2 of this Act.".
29 New section 14A of the Drugs, Poisons and Controlled Substances Act 1981

(1) In section 180 of the Principal Act, in new section 14A(1) of the Drugs, Poisons and Controlled Substances Act 1981 after "Minister may" insert ", by notice published in the Government Gazette,".

(2) In section 180 of the Principal Act, in new section 14A(3) of the Drugs, Poisons and Controlled Substances Act 1981 for "established" substitute "continued or established".

30 Investigations Committees

In clause 1.1 of Schedule 2 to the Principal Act for "Part 3" substitute "Divisions 1 to 4 of Part 3 of this Act and section 59".

31 Schedule 3

(1) In clause 9(g) of Schedule 3 to the Principal Act for "privacy." substitute "privacy;".

(2) After clause 9(g) of Schedule 3 to the Principal Act insert—

"(h) the identity of a medicine being supplied or dispensed to a client of the pharmacy or pharmacy department cannot be known by another person present in the pharmacy or pharmacy department who is not a person carrying on the pharmacy business or pharmacy department or a member of the staff of the business or department.".

32 Schedule 4

In item 24.4 of Schedule 4 to the Principal Act after "endorsed under" insert "section 28 of".
33 Consequential amendment

(1) In section 129(1)(a) of the Drugs, Poisons and Controlled Substances Act 1981, after "registered optometrists" insert ", registered podiatrists".

(2) In section 129(2) of the Drugs, Poisons and Controlled Substances Act 1981, after "registered optometrist" insert ", registered podiatrist".

34 Minor amendments of Disability Act 2006

(1) In section 223(9) of the Disability Act 2006 for "section 25" substitute "section 24".

(2) In section 231 of the Disability Act 2006, in new clause 11AA(2) of Schedule 1 to the Victorian Civil and Administrative Tribunal Act 1998 for "Division 4" substitute "Division 5".

35 Repeal of Act

This Act is repealed on 1 July 2008.
ENDNOTES

† Minister's second reading speech—
Legislative Assembly: 2 May 2007
Legislative Council: 7 June 2007

The long title for the Bill for this Act was "A Bill for an Act to amend the Health Professions Registration Act 2005 and for other purposes."