



HOUSE OF REPRESENTATIVES  
**Supplementary Order Paper**

**Tuesday, 5 October 1999**

HEALTH OCCUPATIONAL REGISTRATION ACTS AMENDMENT BILL

*Proposed Amendments*

Rt Hon WYATT CREECH, in Committee, to move the following amendments:

*Clause 1 (2):* To omit from line 10 on page 5 the expression “1 September 1998”, and substitute the expression “the 7th day after the date on which this Act receives the Royal assent”.

PART 1

AMENDMENTS TO CHIROPRACTORS ACT 1982

*Clause 2 (2):* To omit from line 6 on page 6 the expression “1 September 1998”, and substitute the expression “the 7th day after the date on which this Act receives the Royal assent”.

*Clause 2A (2):* To omit from line 11 on page 6 the words “definition of the term ‘Chairman’”, and substitute the words “definitions of the terms ‘Board’ and ‘Chairman’”.

To insert on page 6, after line 12, the following definition:

“‘Board’ means the Chiropractic Board continued by section 3 (1):

*Clause 8: New section 41B (1):* To omit paragraph (b) from page 14, and substitute the following paragraph:

“(b) Proceedings concerning discipline under this Act.

*Clause 9c:* To insert on page 17, after subclause (1), the following subclause:

(1A) The prohibition contained in section 3A (2) of the principal Act against being a member of the Board for more than 9 consecutive years does not apply to a member holding office immediately before the commencement of this section, but only for as long as that member—

- (a) Continues to hold office under this section; or
- (b) Holds office under an appointment made within 1 year beginning on that commencement.

## PART 2

## AMENDMENTS TO DENTAL ACT 1988

*Clause 10 (2):* To omit from line 28 on page 17 the expression “1 September 1998”, and substitute the expression “the 7th day after the date on which this Act receives the Royal assent”.

*New clause 10AB:* To insert on page 18, after *clause 10A*, the following clause:

**10AB. Prohibition of practice of dentistry by unregistered persons**—Section 4 (1) of the principal Act is amended by omitting the words “shall practise as a dentist”, and substituting the words “may practise dentistry”.

*Clause 10B:* To omit this clause (which appears on page 18).

*Clause 10C:* To omit this clause (which appears on pages 18 and 19).

*Clause 11: New section 71:* To omit subsection (2) from page 20, and substitute the following subsection:

“(2) The persons appointed under **subsection (1)(d)** may include—

“(a) Two (but not more than 2) dentists; and

“(b) One (but not more than 1) person involved in teaching dentistry.

*Clause 12: New section 74:* To omit subsection (2) from page 21, and substitute the following subsection:

“(2) The persons appointed under **subsection (1)(c)** may include—

“(a) One (but not more than 1) person who is a clinical dental technician or a dental technician or both a clinical dental technician and a dental technician; and

“(b) One (but not more than 1) dentist; and

“(c) One (but not more than 1) person who is involved in teaching dentistry.

*Clause 12D: New section 79B (1):* To omit paragraph (b) from page 25, and substitute the following paragraph:

“(b) Proceedings concerning discipline under this Act.

*Clause 12D: New section 79c (4):* To omit from line 22 on page 25 the words “of this Act”.

*Clause 14A:* To omit subclause (1) from page 27, and substitute the following subclause:

(1) The following provisions of the principal Act are repealed:

(a) Paragraphs (a) and (b) of section 83:

(b) Sections 88 and 89.

*Clause 14c:* To omit subclause (3) from page 28.

To insert on page 28, after subclause (4), the following subclauses:

(4A) The prohibition contained in **section 75 (2)** of the principal Act against being a member of the Council for more than 9 consecutive years does not apply to an appointed member holding office immediately before the commencement of this section, but only for as long as that member—

(a) Continues to hold office under this section; or

(b) Holds office under an appointment made within 1 year beginning on that commencement.

(4B) The prohibition contained in **section 75 (3)** of the principal Act against being a member of the Council for more than 9 consecutive years does not apply to an elected member

holding office immediately before the commencement of this section, but only for as long as that member—

- (a) Continues to hold office under this section; or
- (b) Holds office as a result of the first election held after that commencement.

*Clause 14D:* To insert on page 29, after subclause (1), the following subclause:

(1A) The prohibition contained in **section 75 (2)** of the principal Act against being a member of the Board for more than 9 consecutive years does not apply to a member holding office immediately before the commencement of this section, but only for as long as that member—

- (a) Continues to hold office under this section; or
- (b) Holds office under an appointment made within 1 year beginning on that commencement.

### PART 3

#### AMENDMENTS TO DIETITIANS ACT 1950

*Clause 15 (2):* To omit from line 15 on page 29 the expression “1 September 1998”, and substitute the expression “the 7th day after the date on which this Act receives the Royal assent”.

*Clause 15A:* To omit subclause (2) from page 29, and substitute the following subclause:

(2) Section 2 of the principal Act is amended by repealing the definitions of the terms “Board” and “Registrar”, and substituting the following definitions:

- “‘Board’ means the Dietitians Board continued by this Act;
- “‘Registrar’ means the Registrar of Dietitians appointed under **section 8c**.”

*Clause 17: New section 8F:* To omit from line 12 on page 33 the word “board”, and substitute the word “Board”.

*Clause 19 (2):* To omit from line 5 on page 37 the word “act”, and substitute the word “Act”.

*Clause 20c: New section 30B (1):* To omit paragraph (b) from page 38, and substitute the following paragraph:

“(b) Proceedings concerning discipline under this Act.

*Clause 20c: New section 30c (4):* To omit from line 6 on page 39 the words “of this Act”.

*Clause 22c:* To insert on page 41, after subclause (1), the following subclause:

(1A) The prohibition contained in **section 4A (2)** of the principal Act against being a member of the Board for more than 9 consecutive years does not apply to a member holding office immediately before the commencement of this section, but only for as long as that member—

- (a) Continues to hold office under this section; or
- (b) Holds office under an appointment made within 1 year beginning on that commencement.

### PART 4

#### AMENDMENTS TO MEDICAL AUXILIARIES ACT 1966

*Clause 24 (2):* To omit from line 13 on page 42 the expression “1 September 1998”, and substitute the expression “the 7th day after the date on which this Act receives the Royal assent”.

*Clause 29: New section 12j:* To omit from line 32 on page 47 the word “the” where it first occurs, and substitute the word “every”.

*Clause 34: New section 36 (1):* To insert on page 52, after paragraph (h), the following paragraph:

“(ha) An application for an exemption from provisions of this Act or regulations made under this Act:

*Clause 34: New section 36A (1):* To omit paragraph (b) from page 52, and substitute the following paragraph:

“(b) Proceedings concerning discipline under this Act.

*Clause 35c:* To insert on page 55, after subclause (1), the following subclause:

(1A) The prohibition contained in **section 4c (2)** of the principal Act against being a member of a Board for more than 9 consecutive years does not apply to a member holding office immediately before the commencement of this section, but only for as long as that member—

- (a) Continues to hold office under this section; or
- (b) Holds office as a member of the Board concerned under an appointment made within 1 year beginning on that commencement.

*New clause 35d:* To insert on page 56, after *clause 35c*, the following clause:

**35D. Transitional provisions relating to deficit by Podiatrists Board—**(1) In this section, unless the context otherwise requires,—

“Deficit” means the amount by which expenditure exceeds income:

“Expenditure” means the expenditure incurred, before the commencement of this Act, in respect of the functions of the Podiatrists Board:

“Income” means the money received under section 36 (3) of the principal Act (as in force immediately before the commencement of this Act):

“Memorandum account” means the account maintained by the Crown to record the difference between income and expenditure.

(2) If the memorandum account shows a deficit as at the commencement of this Act, that deficit is to be treated as an interest free loan by the Crown to the Podiatrists Board (as continued by **section 4B** of the principal Act).

(3) On each of the first 3 anniversaries of the commencement of this Act, the Podiatrists Board must pay to the Crown an instalment that is equal to a third of the deficit referred to in **subsection (2)**.

(4) Any amount that is not paid in accordance with **subsection (3)** is recoverable as a debt due to the Crown.

(5) Nothing in **subsection (3)** prevents the Podiatrists Board from repaying the whole or part of the deficit before an instalment becomes payable.

(6) Despite **subsection (3)**, the Minister and the Podiatrists Board may agree in writing that the Board is to pay either the first or the second instalment after the date on which the instalment is payable under that subsection.

(7) Nothing in subsection (6) authorises the repayment of the whole, or any part, of the deficit later than the third anniversary of the commencement of this Act.

#### PART 5

##### AMENDMENTS TO MEDICAL PRACTITIONERS ACT 1995

*Clause 36 (2):* To omit from line 11 on page 56 the expression “1 September 1998”, and substitute the expression “the 7th day after the date on which this Act receives the Royal assent”.

*Clause 37:* To omit subclause (1) from page 56, and substitute the following subclause:

(1) Section 124 (a) of the principal Act is repealed.

*Clause 38:* To omit from line 10 on page 58 the word “Board”, and substitute the word “Council”.

To omit from line 29 on page 59 the word “delegation”, and substitute the word “resolution”.

To omit subclauses (7) and (8) from pages 59 and 60, and substitute the following subclauses:

(7) Clause 12 (1) of the Second Schedule of the principal Act is amended—

(a) By inserting, after the words “The contemporaneous linking together by telephone”, the words “or videolink”;

(b) By omitting from paragraph (a) the words “or other means of communication”, and substituting the words “, letter, or electronic transmission”.

(8) Clause 14 of the Second Schedule of the principal Act is amended by repealing paragraph (a), and substituting the following paragraph:

“(a) Any such committee may include or consist of persons who are not members of the Council; and”.

#### PART 6

##### AMENDMENTS TO NURSES ACT 1977

*Clause 39 (2):* To omit from line 9 on page 60 the expression “1 September 1998”, and substitute the expression “the 7th day after the date on which this Act receives the Royal assent”.

*Clause 40F: New section 14B (1):* To omit paragraphs (a) and (b) from page 63, and substitute the following paragraphs:

“(a) Investigations by the Preliminary Proceedings Committee; and

“(b) Proceedings concerning discipline under this Act.

*Clause 40M:* To insert on page 66, after subclause (1), the following subclause:

(1A) The prohibition contained in section 4A (2) of the principal Act against being a member of the Council for more than 9 consecutive years does not apply to a member holding office immediately before the commencement of this section, but only for as long as that member—

(a) Continues to hold office under this section; or

(b) Holds office under an appointment made within 1 year beginning on that commencement.

## PART 7

## AMENDMENTS TO OCCUPATIONAL THERAPY ACT 1949

*Clause 41 (2):* To omit from line 30 on page 66 the expression “1 September 1998”, and substitute the expression “the 7th day after the date on which this Act receives the Royal assent”.

*Clause 41A:* To omit subclause (2) from page 67, and substitute the following subclause:

(2) Section 2 of the principal Act is amended by repealing the definitions of the terms “Board” and “Registrar”, and substituting the following definitions:

“‘Board’ means the Occupational Therapy Board continued by this Act:

“‘Registrar’ means the Registrar of Occupational Therapists appointed under **section 8B.**”

*Clause 48B: New section 30B:* To omit subsection (1) from page 76, and substitute the following subsection:

“(1) The Board may from time to time, by notice in the *Gazette*, impose on every registered occupational therapist a disciplinary levy of such amount as it thinks fit for the purpose of funding the costs arising out of—

“(a) Inquiries or investigations into allegations or complaints against occupational therapists; and

“(b) Proceedings concerning discipline under this Act.

*Clause 50A:* To omit this clause from page 79, and substitute the following clause:

**50A. Consequential amendments to principal Act—**

(1) Sections 3, 3A, 5 to 7, and 32 (2) (e) of the principal Act are consequentially repealed.

(2) Section 23 (9) of the principal Act is amended by omitting the expression “under subsection (2) of section 5 of this Act”.

*Clause 50c:* To omit from line 19 on page 79 the word “continued”, and substitute the word “established”.

To insert on page 79, after subclause (1), the following subclause:

(1A) The prohibition contained in **section 4A (2)** of the principal Act against being a member of the Board for more than 9 consecutive years does not apply to a member holding office immediately before the commencement of this section, but only for as long as that member—

(a) Continues to hold office under this section; or

(b) Holds office under an appointment made within 1 year beginning on that commencement.

*Clause 51:* To omit from line 7 on page 80 the expression “Section 3 (4) of the”, and substitute the word “The”.

To omit from line 11 on page 80 the expression “(1)”.

To insert in line 17 on page 80, after the expression “4 (2),” the expression “4 (3),”.

## PART 8

## AMENDMENTS TO OPTOMETRISTS AND DISPENSING OPTICIANS ACT 1976

*Clause 52 (2):* To omit from line 28 on page 80 the expression “1 September 1998”, and substitute the expression “the 7th day after the date on which this Act receives the Royal assent”.

*Clause 53:* To omit subsection (3) of *new section 3* (all the words in lines 8 to 15 on page 82), and substitute the following subsection:

- “(3) The Board consists of—
- “(a) Four registered optometrists; and
- “(b) Three registered dispensing opticians; and
- “(c) Three other persons, none of whom is a registered optometrist or a registered dispensing optician.

To omit *new section 3c* (all the words in lines 9 to 11 on page 83), and substitute the following section:

“**3c. Further provisions relating to Board in Schedule 2**—The provisions set out in **Schedule 2** apply to the Board and its proceedings.”

*New clause 54A*: To insert on page 83, after *clause 54*, the following clause:

**54A. Other committees**—Section 11 (3) of the principal Act is amended by inserting, after the words “may include”, the words “or consist of”.

*Clause 55: New section 13B*: To omit subsection (1) from page 88, and substitute the following subsection:

“(1) The Board may from time to time, by notice in the *Gazette*, impose on every registered optician a disciplinary levy of such amount as it thinks fit for the purpose of funding the costs arising out of—

- “(a) Investigations by the Penal Cases Committee; and
- “(b) Proceedings concerning discipline under this Act.

*Clause 56A*: To add on page 89, as subclause (2), the following subclause:

(2) Section 33 (8) of the principal Act is amended by omitting the word “Crown”, and substituting the word “Board”.

*Clause 59*: To omit this clause from page 90, and substitute the following clause:

**59. New Schedule 2 added**—The principal Act is amended by adding **Schedule 2** set out in **Schedule 7**.

*Clause 59A*: To insert on page 90, after subclause (1), the following subclause:

(1A) Section 55 (1) of the principal Act is amended by omitting the words “the Schedule to this Act”, and substituting the expression “Schedule 1”.

*Clause 59c*: To insert on page 91, after subclause (1), the following subclause:

(1A) The prohibition contained in **section 3A (2)** of the principal Act against being a member of the Board for more than 9 consecutive years does not apply to a member holding office immediately before the commencement of this section, but only for as long as that member—

- (a) Continues to hold office under this section; or
- (b) Holds office under an appointment made within 1 year beginning on that commencement.

#### PART 8A

#### AMENDMENTS TO PHARMACY ACT 1970

*Clause 59D (2)*: To omit from line 13 on page 92 the expression “**1 September 1998**”, and substitute the expression “the 7th day after the date on which this Act receives the Royal assent”.

*Clause 59F: New section 5 (5):* To omit from line 20 on page 93 the word “servant”, and substitute the word “employee”.

*New clause 59GA:* To insert on page 94, after *clause 59G*, the following clause:

**59GA. Officers of the Council**—Section 11 of the principal Act is amended by omitting the words “and servants”, and substituting the words “, employees, or agents”.

*Clause 59H:* To omit this clause from page 94, and substitute the following clause:

**59H. Further provisions relating to Council in Schedule 2**—The principal Act is amended by inserting, after section 12, the following section:

“12A. The provisions set out in **Schedule 2** apply to the Council and its proceedings.”

*New clause 59JA:* To insert on page 95, after *clause 59J*, the following clause:

**59JA. Appeals from decisions of the Council**—

(1) Section 51 (5) of the principal Act is amended by omitting the word “Crown”, and substituting the word “Society”.

(2) Section 51 of the principal Act is amended by repealing subsection (5A), and substituting the following subsection:

“(5A) There may be paid to any barrister, and to assessors, appointed under subsection (2), out of the funds of the Society, such remuneration (by way of fees, salary, or otherwise) and allowances and expenses as the Council from time to time determines.”

*Clause 59K:* To omit this clause from page 95, and substitute the following clause:

**59K. Fees**—Section 56 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

“(1) All fees required to be paid under this Act must be paid to the Registrar.”

*Clause 59L: New section 56B:* To omit subsection (1) from page 96, and substitute the following subsection:

“(1) The Council may from time to time, by notice in the *Gazette*, impose on every pharmacist a disciplinary levy of such amount as it thinks fit for the purpose of funding the costs arising out of—

“(a) Investigations by the Disciplinary Committee; and

“(b) Proceedings concerning discipline under this Act.

*Clauses 59M and 59N:* To omit these clauses from page 97, and substitute the following clauses:

**59M. New Schedule 2 added**—The principal Act is amended by adding **Schedule 2** set out in **Schedule 7A**.

**59N. Consequential amendments**—(1) Paragraphs (i) and (j) of section 57 of the principal Act are repealed.

(2) Section 58 (1) of the principal Act is amended by omitting the words “the Schedule to this Act”, and substituting the expression “Schedule 1”.

*Clause 59O:* To omit subclause (1) from page 97, and substitute the following subclause:



- (1) The following provisions are revoked:
  - (a) Regulations 3, 3A, 7 to 10, and 26, and the First Schedule, of the Pharmacy Regulations 1975 (S.R. 1987/269);
  - (b) Regulation 7 of the Pharmacy Registration Regulations 1972 (S.R. 1972/94).

To insert in line 33 on page 97, after the expression "Regulations 1975", the words "and the Pharmacy Registration Regulations 1972".

*Clause 59P:* To add on page 98, as subclauses (2) and (3), the following subclauses:

(2) The Pharmacy Regulations 1975 are amended by omitting from regulations 17 and 18 (1) the words "or of either island".

(3) The Pharmacy Regulations 1975 may be amended or revoked as if the amendments made by this section had been effected by regulations.

*Clause 59Q:* To omit this clause from page 98, and substitute the following clauses:

**59Q. Transitional provisions relating to membership of Council**—(1) Despite **section 59F**, every person holding office immediately before the commencement of this section as a member of the Council constituted under section 5 of the principal Act (as in force immediately before the commencement of this section)—

- (a) Continues to hold office until the first persons are elected to office under **section 5 (1) (a)** of the principal Act (as enacted by this Act); and
- (b) Is to be regarded as a member of the Council constituted under **section 5** of the principal Act (as enacted by this Act).

(2) The prohibition contained in **section 5A (1)** of the principal Act against being a member of the Council for more than 9 consecutive years does not apply to an elected member holding office immediately before the commencement of this section, but only for as long as that member—

- (a) Continues to hold office under this section; or
- (b) Holds office as a member of the Council as a result of the first election held after that commencement.

(3) The prohibition contained in **section 5A (3)** of the principal Act against being a member of the Council for more than 9 consecutive years does not apply to an appointed member holding office immediately before the commencement of this section, but only for as long as that member—

- (a) Continues to hold office under this section; or
- (b) Holds office as a member of the Council under an appointment made within 1 year beginning on that commencement.

(4) **Subsection (1)** is subject to **section 5B** of the principal Act.

(5) Despite **paragraph (b)** of **section 5 (1)** of the principal Act, until the expiry of the period of 1 year beginning on the commencement of this Act, only 1 person may hold office under that paragraph, and that person may not be a pharmacist.

**59R. Election of new Council**—(1) After the commencement of this Act, the Council must take all necessary steps to ensure that the persons specified in **section 5 (1) (a)** of the

principal Act are elected before the expiry of the period of 1 year beginning on that commencement.

(2) The provisions of the Pharmacy Regulations 1975 governing elections, apply, with all necessary modifications, to the steps required to be taken under **subsection (1)**.

## PART 9

### AMENDMENTS TO PHYSIOTHERAPY ACT 1949

*Clause 60 (2):* To omit from line 28 on page 98 the expression “**1 September 1998**”, and substitute the expression “the 7th day after the date on which this Act receives the Royal assent”.

*Clause 60A:* To omit subclause (2) from page 99, and substitute the following subclause:

(2) Section 2 of the principal Act is amended by repealing the definitions of the terms “Board” and “Registrar”, and substituting the following definitions:

“‘Board’ means the Physiotherapy Board continued by this Act:

“‘Registrar’ means the Registrar of Physiotherapists appointed under **section 8c**.”

*New clause 63A:* To insert on page 102, after *clause 63*, the following clause:

**63A. Committees of Board**—Section 8A (3) of the principal Act is amended by inserting, after the words “may include”, the words “or consist of”.

*New clause 67AA:* To insert on page 107, after *clause 67A*, the following clause:

**67AA. Offences by companies**—Section 26A (3) of the principal Act is amended by omitting the expression “\$1,000”, and substituting the expression “\$10,000”.

*Clause 67B: New section 29A:* To insert on page 107, after paragraph (c), the following paragraph:

“(ca) The issue of a licence under the Physiotherapy Amendment Act 1953:

*Clause 67B: New section 29B:* To omit subsection (1) from page 108, and substitute the following subsection:

“(1) The Board may from time to time, by notice in the *Gazette*, impose on every registered physiotherapist a disciplinary levy of such amount as it thinks fit for the purpose of funding the costs arising out of—

“(a) Inquiries or investigations into allegations or complaints against physiotherapists; and

“(b) Proceedings concerning discipline under this Act.

*New clause 69AA:* To insert on page 110, after *clause 69A*, the following clause:

**69AA. Amendments to Physiotherapy Amendment Act 1953**—(1) Section 10 of the Physiotherapy Amendment Act 1953 is repealed.

(2) The Physiotherapy Amendment Act 1953 is amended by repealing section 12 (2), and substituting the following subsection:

“(2) Every person who commits an offence against this Act is liable on summary conviction to a fine not exceeding \$10,000.”

*Clause 69c:* To insert on page 111, after subclause (1), the following subclause:

(1A) The prohibition contained in **section 4A (2)** of the principal Act against being a member of the Board for more than 9 consecutive years does not apply to a member holding office immediately before the commencement of this section, but only for as long as that member—

- (a) Continues to hold office under this section; or
- (b) Holds office under an appointment made within 1 year beginning on that commencement.

*Clause 70 (b):* To omit from line 24 on page 111 the expression “Section 3”, and substitute the expression “Sections 3 to 5”.

#### PART 10

##### AMENDMENTS TO PLUMBERS, GASFITTERS, AND DRAINLAYERS ACT 1976

*Clause 71 (2):* To omit from line 36 on page 111 the expression “1 September 1998”, and substitute the expression “the 7th day after the date on which this Act receives the Royal assent”.

*Clause 71A:* To omit this clause from page 112, and substitute the following clause:

**71A. Interpretation—**(1) Section 2 of the principal Act is amended by repealing the definitions of the terms “Chairman” and “Deputy Chairman”, and substituting the following definitions:

“ ‘Chairman’ means the Chairman of the Board appointed under **clause 1 of the Schedule**:

“ ‘Deputy Chairman’ means the Deputy Chairman of the Board appointed under **clause 1 of the Schedule**.”

(2) Section 2 of the principal Act is amended by inserting, in their appropriate alphabetical order, the following definitions:

“ ‘Document’ has the same meaning as it has in the Official Information Act 1982:

“ ‘Electronic transmission’ includes facsimile, electronic mail, or other similar means of communication.”

*Clause 72B: New section 14B:* To omit subsection (1) from page 114, and substitute the following subsection:

“(1) The Board may from time to time, by notice in the *Gazette*, impose on every registered person a disciplinary levy of such amount as it thinks fit for the purpose of funding the costs arising out of—

- “(a) Investigations into allegations or complaints against registered persons; and
- “(b) Proceedings concerning discipline under this Act.

*Clause 72G: New section 62 (3):* To omit from line 15 on page 116 the expression “(1)”, and substitute the expression “(2)”.

*Clause 72K:* To insert on page 117, after subclause (1), the following subclause:

(1A) The prohibition contained in **section 6A (2)** of the principal Act against being a member of the Board for more than 9 consecutive years does not apply to a member holding office immediately before the commencement of this section, but only for as long as that member—

- (a) Continues to hold office under this section; or
- (b) Holds office under an appointment made within 1 year beginning on that commencement.

*New clause 72L:* To insert on page 117, after *clause 72k*, the following clause:

**72L. Consequential repeals**—The following enactments are repealed:

- (a) Section 3 of the Plumbers, Gasfitters, Drainlayers Amendment Act 1980:
- (b) So much of the First Schedule of the Local Government Amendment Act 1992 as relates to section 6 of the principal Act:
- (c) Section 22 (1) of the Plumbers, Gasfitters, Drainlayers Amendment Act 1992.

## PART 11

### AMENDMENTS TO PSYCHOLOGISTS ACT 1981

*Clause 73:* To omit from line 18 on page 117 the expression “**1 September 1998**”, and substitute the expression “the 7th day after the date on which this Act receives the Royal assent”.

*Clause 73A:* To omit this clause from page 117, and substitute the following clause:

**73A. Interpretation**—(1) Section 2 of the principal Act is amended by repealing the definitions of the terms “Board”, “Chairman”, and “Secretary”, and substituting the following definitions:

“‘Board’ means the Psychologists Board continued by **section 3 (1)**:

“‘Chairman’ means the Chairman of the Board appointed under **clause 1 of Schedule 2**:

“‘Secretary’ means the Secretary of the Board appointed under **section 11B**.”

(2) Section 2 of the principal Act is amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Document’ has the same meaning as it has in the Official Information Act 1982:

“‘Electronic transmission’ includes facsimile, electronic mail, or other similar means of communication.”

*Clause 74: New section 3 (3):* To omit from line 27 on page 118 the expression “Four”, and substitute the expression “Six”.

To omit from line 28 on page 118 the expression “Three”, and substitute the expression “Four”.

*Clause 74A:* To omit this clause from page 119, and substitute the following clause:

**74A. Further provisions relating to Board in Schedule 2**

—The principal Act is amended by inserting, after section 4, the following section:

“4A. The provisions set out in **Schedule 2** apply to the Board and its proceedings.”

*New clause 76AA:* To insert on page 123, after *clause 76*, the following clause:

**76AA. Qualifications of applicants for registration**—

Section 13 (1) (c) of the principal Act is amended by omitting the expression “the Schedule to this Act”, and substituting the expression “**Schedule 1**”.

*Clause 79: New section 41AB (1):* To omit paragraph (b) from page 125, and substitute the following paragraph:

“(b) Proceedings concerning discipline under this Act.

*Clause 80:* To omit this clause from page 127, and substitute the following clause:

**80. New Schedule 2 added**—The principal Act is amended by adding **Schedule 2** set out in **Schedule 9**.

*Clause 80c:* To omit from line 16 on page 128 the word “continued”, and substitute the word “established”.

To insert on page 128, after subclause (1), the following subclause:

(1A) The prohibition contained in **section 3A (2)** of the principal Act against being a member of the Board for more than 9 consecutive years does not apply to a member holding office immediately before the commencement of this section, but only for as long as that member—

- (a) Continues to hold office under this section; or
- (b) Holds office as a member of the Board under an appointment made within 1 year beginning on that commencement.

*New clause 80D:* To add on page 128, after *clause 80c*, the following clause:

**80D. Transitional provisions relating to deficit by Psychologists Board**—(1) In this section, unless the context otherwise requires,—

“Deficit” means the amount by which expenditure exceeds income:

“Expenditure” means the expenditure incurred, before the commencement of this Act, in respect of the functions of the Psychologists Board:

“Income” means the money received under section 41 of the principal Act (as in force immediately before the commencement of this Act):

“Memorandum account” means the account maintained by the Crown to record the difference between income and expenditure.

(2) If the memorandum account shows a deficit as at the commencement of this Act, that deficit is to be treated as an interest free loan by the Crown to the Psychologists Board (as continued by **section 4B** of the principal Act).

(3) On each of the first 3 anniversaries of the commencement of this Act, the Psychologists Board must pay to the Crown an instalment that is equal to a third of the deficit referred to in **subsection (2)**.

(4) Any amount that is not paid in accordance with **subsection (3)** is recoverable as a debt due to the Crown.

(5) Nothing in **subsection (3)** prevents the Psychologists Board from repaying the whole or part of the deficit before an instalment becomes payable.

(6) Despite **subsection (3)**, the Minister and the Psychologists Board may agree in writing that the Board is to pay either the first or the second instalment after the date on which the instalment is payable under that subsection.

(7) Nothing in **subsection (6)** authorises the repayment of the whole, or any part, of the deficit later than the third anniversary of the commencement of this Act.

## SCHEDULES

*Schedule 1: Clause 8 (1):* To insert in paragraph (a) on page 131, after the words “given, by”, the words “letter or”.

*Schedule 2: Clause 3:* To omit subclause (3) from page 135, and substitute the following subclause:

(3) At any meeting of a body, the quorum necessary for the transaction of business is 4 members, of whom, in the case of the Council, at least 1 must be an elected member and, in the case of the Board, at least 1 must be a clinical dental technician or a dental technician.

*Schedule 2: Clause 8 (1):* To insert in paragraph (a) on page 137, after the words “given, by”, the words “letter or”.

*Schedule 3: Clause 8 (1):* To insert in paragraph (a) on page 142, after the words “given, by”, the words “letter or”.

*Schedule 4: Clause 1 (3):* To insert in paragraph (b) on page 145, before the expression “Secretary”, the expression “appropriate”.

*Schedule 4: Clause 4:* To insert in subclause (2) on page 146, before the expression “Secretary”, the expression “appropriate”.

*Schedule 4: Clause 8 (1):* To insert in paragraph (a) on page 148, after the words “given, by”, the words “letter or”.

*Schedule 5: Clause 7 (1):* To insert in paragraph (a) on page 152, after the words “given, by”, the words “letter or”.

*Schedule 6: Clause 8 (1):* To insert in paragraph (a) on page 157, after the words “given, by”, the words “letter or”.

*Schedule 7:* To omit from the heading to this schedule on page 160 the words “INSERTED IN”, and substitute the words “2 ADDED TO”.

*Schedule 7: New Schedule 1A:* To omit from the heading to *new Schedule 1A* on page 160 the expression “1A”, and substitute the expression “2”.

*Schedule 7: Clause 4:* To omit from subclause (2) on page 161 the expression “Registrar”, and substitute the expression “Secretary”.

*Schedule 7: Clause 8 (1):* To insert in paragraph (a) on page 162, after the words “given, by”, the words “letter or”.

*Schedule 7A:* To omit from the heading to this schedule on page 164 the expression “1A INSERTED IN”, and substitute the expression “2 ADDED TO”.

*Schedule 7A: New Schedule 1A:* To omit from the heading to *new Schedule 1A* on page 164 the expression “1A”, and substitute the expression “2”.

*Schedule 7A: Clause 4:* To omit from subclause (2) on page 165 the words “a Council”, and substitute the words “the Council”.

*Schedule 7A: New clause 4A:* To insert on page 165, after *clause 4*, the following clause:

**4A. President to preside at meeting**—(1) The President of the Council presides at each meeting of the Council if he or she is present and willing to preside.

(2) If the President is not present or willing to preside at a meeting of the Council, the Vice-President, if present and willing to preside, presides.

(3) If neither the President nor the Vice-President is present and willing to preside at a meeting of the Council, the

members present must elect a member who is present to preside at that meeting.

*Schedule 7A: Clause 7 (1):* To insert in paragraph (a) on page 166, after the words “given, by”, the words “letter or”.

*Schedule 7A: Clause 11:* To omit from subclause (3) on page 168 the word “Council”, and substitute the word “Society”.

*Schedule 7A: Clause 12:* To omit from subclauses (1) and (2) on page 168 the word “Council” wherever it occurs, and substitute in each case the word “Society”.

To omit the word “Council” where it first occurs in subclause (3) on page 169, and substitute the word “Society”.

*Schedule 8: Clause 4 (6):* To insert in paragraph (b) on page 171, after the expression “or 24 or”, the word “under”.

*Schedule 8: Clause 8 (1):* To insert in paragraph (a) on page 172, after the words “given, by”, the words “letter or”.

*Schedule 8A: Clause 8 (1):* To insert in paragraph (a) on page 177, after the words “given, by”, the words “letter or”.

*Schedule 9:* To omit from the heading to this schedule on page 179 the words “1A INSERTED IN”, and substitute the words “2 ADDED TO”.

*Schedule 9: New Schedule 1A:* To omit from the heading to *new Schedule 1A* on page 179 the expression “1A”, and substitute the expression “2”.

*Schedule 9: Clause 8 (1):* To insert in paragraph (a) on page 181, after the words “given, by”, the words “letter or”.

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#### EXPLANATORY NOTE

This Supplementary Order Paper proposes to make a number of drafting clarifications and corrections, and also drafting changes to standardise the terminology of provisions governing registration authorities. The substantive changes proposed by the SOP are outlined below.

#### COMMENCEMENT OF BILL

The commencement date for the Bill (and for all its Parts) is changed from 1 September 1998 to the 7th day after the date on which the Bill receives the Royal assent. The 7-day interval between assent and commencement will allow boards to take preparatory steps, such as opening bank accounts.

#### TRANSITIONAL EXEMPTION FOR EXISTING MEMBERS FROM BAR ON SERVING FOR MORE THAN 9 CONSECUTIVE YEARS

A substantive amendment that recurs throughout the SOP exempts persons holding office on boards and councils as at the commencement of the Bill from the provision in the Bill that prevents members from serving on boards and councils for more than 9 consecutive years. The exemption is available for the period of transition (that is until new members take office or the expiry of 1 year after the commencement of the Bill, whichever occurs first) and for 1 further term of office to which a current member may be reappointed or re-elected after the commencement of the Bill.

#### OTHER SUBSTANTIVE AMENDMENTS

Other substantive amendments are proposed for the following Parts:

#### PART 2

##### AMENDMENTS TO DENTAL ACT 1988

*New clause 10AA* amends section 4 of the principal Act to clarify that unauthorised persons are prohibited from practising any form of dentistry. The purpose is to preclude any argument that section 4 does not prohibit unauthorised persons from practising as dental technicians.

*Clause 10B* is omitted as the amendment proposed by the clause has been enacted by section 5 (4) of the Health and Disability Services Amendment Act 1998.

*Clause 12* of the Bill enacts a *new section 74* which provides that the Dental Technicians Board consists of 2 clinical dental technicians, 2 dental technicians, and 5 other persons who may not include more than 1 clinical dental technician, 1 dental technician, and 1 person who is a dentist or involved in teaching dentistry. The SOP amends *new section 74* so that the 5 other persons may not include more than 1 person who is a clinical dental technician or a dental technician, 1 dentist, and 1 person involved in teaching dentistry.

#### PART 4

##### AMENDMENTS TO MEDICAL AUXILIARIES ACT 1966

*Clause 34* of the Bill substitutes a *new section 36* of the principal Act to authorise the Medical Laboratory Technologists Board, the Medical Radiation Technologists Board, and the Podiatrists Board to prescribe fees. The SOP amends *new section 36* to authorise each Board to prescribe fees for applications for exemptions from statutory requirements.

*New clause 35D* proposed by the SOP would require the Podiatrists Board (as established by the Bill) to pay to the Crown the deficit incurred by the Crown in respect of the activities of the current Podiatrists Board. The deficit is to be treated as an interest free loan from the Crown, repayable over 3 years.

#### PART 5

##### AMENDMENTS TO MEDICAL PRACTITIONERS ACT 1995

*Clause 37* of the Bill amends the composition of the Medical Council. In its current form the amendment would authorise the Minister of Health to appoint 6 persons whose qualifications are not specified by the Bill. However, the intention is that the number of such appointments should only be 5. The amendment to *clause 37* gives effect to that intention.

#### PART 8

##### AMENDMENTS TO OPTOMETRISTS AND DISPENSING OPTICIANS ACT 1976

*Clause 53* of the Bill amends the composition of the Opticians Board. The current provision in the Bill is for a Board consisting of 3 registered optometrists, 3 registered dispensing opticians, and 4 other persons, of whom 1 may be an ophthalmologist, and 1 may be a teacher of optometry. Under the SOP there will be 4 registered optometrists, 3 registered dispensing opticians, and 3 other persons, none of whom may be a registered optometrist or a registered dispensing optician.

*New clause 54A* amends section 11 of the principal Act to authorise the Opticians Board to establish committees consisting entirely of persons who are not members of the Board. This is consistent with the powers of the other boards and councils.

#### PART 8A

##### AMENDMENTS TO PHARMACY ACT 1970

The SOP omits *clause 59Q*, dealing with transitional arrangements relating to the membership of the Pharmacy Council, and substitutes *new clauses 59Q* and *59R*. Under the transitional arrangement set out in the Bill elected members of the Council holding office at the commencement of the Bill would continue in office until the expiry of the term for which he or she was elected. Under *new clause 59Q* those members hold office until new members are elected in accordance with the Bill. The Council is required by *new clause 59R* to hold elections to ensure that new members are elected within 1 year after the commencement of the Bill.

#### PART 9

##### AMENDMENTS TO PHYSIOTHERAPY ACT 1949

*New clause 63A* amends section 8A of the principal Act to authorise the Physiotherapy Board to establish committees consisting entirely of persons who are not members of the Board. This is consistent with the powers of the other boards and councils.

*New clause 67AA* increases the maximum fine that a court can impose on a company or company director for the offence of carrying on physiotherapy otherwise than through the services of a registered physiotherapist from \$1,000 to \$10,000. This is consistent with other amendments made by the Bill to the level of fines.

*New clause 69AA* increases the maximum fine that a court can impose on a person for an offence under the Physiotherapy Amendment Act 1953 (which includes an offence of knowingly making false statements to obtain a licence) from \$1,000 to \$10,000. This is consistent with other amendments made by the Bill to the level of fines.



## PART 11

## AMENDMENTS TO PSYCHOLOGISTS ACT 1981

*Clause 74* is amended to increase the number of members of the Psychologists Board who do not have to be psychologists from 3 to 4.

*New clause 80D* would require the Psychologists Board (as established by the Bill) to pay to the Crown the deficit incurred by the Crown in respect of the activities of the current Psychologists Board. The deficit is to be treated as an interest free loan from the Crown, repayable over 3 years.