



TASMANIA

**HEALTH LEGISLATION (MISCELLANEOUS
AMENDMENTS) ACT 2022**

No. 23 of 2022

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HEALTH LEGISLATION (MISCELLANEOUS AMENDMENTS) ACT 2022

No. 23 of 2022

An Act to amend the Acts Interpretation Act 1931, Agricultural and Veterinary Chemicals (Control of Use) Act 1995, Ambulance Service Act 1982, Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011, End-of-Life Choices (Voluntary Assisted Dying) Act 2021, Health Act 1997, Poisons Act 1971, Public Health Act 1997, Public Trustee Act 1930, Workers Rehabilitation and Compensation Act 1988 and other health-related legislation

[Royal Assent 20 September 2022]

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

Health Legislation (Miscellaneous Amendments) Act 2022
Act No. 23 of 2022

s. 1

Part 1 – Preliminary

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Health Legislation (Miscellaneous Amendments) Act 2022*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

**PART 2 – ACTS INTERPRETATION ACT 1931
AMENDED**

3. Principal Act

In this Part, the *Acts Interpretation Act 1931** is referred to as the Principal Act.

4. Section 46 amended (Definitions of certain common phrases)

Section 46 of the Principal Act is amended by inserting after the definition of *offence* the following definitions:

paramedic means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the paramedicine profession;

pharmacist means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the pharmacy profession;

*No. 59 of 1931

Health Legislation (Miscellaneous Amendments) Act 2022
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s. 5 Part 3 – Agricultural and Veterinary Chemicals (Control of Use) Act 1995
Amended

**PART 3 – AGRICULTURAL AND VETERINARY
CHEMICALS (CONTROL OF USE) ACT 1995
AMENDED**

5. Principal Act

In this Part, the *Agricultural and Veterinary Chemicals (Control of Use) Act 1995** is referred to as the Principal Act.

6. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting the definition of *pharmacist*.

*No. 106 of 1995

Health Legislation (Miscellaneous Amendments) Act 2022
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Part 4 – Ambulance Service Act 1982 Amended

s. 7

**PART 4 – AMBULANCE SERVICE ACT 1982
AMENDED**

7. Principal Act

In this Part, the *Ambulance Service Act 1982** is referred to as the Principal Act.

8. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended by omitting the definition of *paramedic*.

9. Section 3AB repealed

Section 3AB of the Principal Act is repealed.

*No. 105 of 1982

Health Legislation (Miscellaneous Amendments) Act 2022
Act No. 23 of 2022

s. 10 Part 5 – Asbestos-Related Diseases (Occupational Exposure) Compensation
Act 2011 Amended

**PART 5 – ASBESTOS-RELATED DISEASES
(OCCUPATIONAL EXPOSURE) COMPENSATION
ACT 2011 AMENDED**

10. Principal Act

In this Part, the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011** is referred to as the Principal Act.

11. Section 116 amended (Interpretation of Part 11)

Section 116 of the Principal Act is amended by omitting the definition of *pharmacist*.

*No. 29 of 2011

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Part 6 – End-of-Life Choices (Voluntary Assisted Dying) Act 2021 Amended

s. 12

**PART 6 – END-OF-LIFE CHOICES (VOLUNTARY
ASSISTED DYING) ACT 2021 AMENDED**

12. Principal Act

In this Part, the *End-of-Life Choices (Voluntary Assisted Dying) Act 2021** is referred to as the Principal Act.

13. Section 5 amended (Interpretation)

Section 5 of the Principal Act is amended by omitting the definition of *paramedic*.

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s. 14

Part 7 – Health (Fees) Regulations 2017 Amended

**PART 7 – HEALTH (FEES) REGULATIONS 2017
AMENDED**

14. Principal Regulations

In this Part, the *Health (Fees) Regulations 2017** are referred to as the Principal Regulations.

15. Regulation 3 amended (Interpretation)

Regulation 3 of the Principal Regulations is amended as follows:

- (a) by omitting the definition of *admitted patient*;
- (b) by omitting the definitions of *hospital patient* and *hospital services*;
- (c) by omitting the definitions of *National Health Data Dictionary*, *non-admitted patient* and *non-admitted patient services*.

*S.R. 2017, No. 67

PART 8 – HEALTH ACT 1997 AMENDED

16. Principal Act

In this Part, the *Health Act 1997** is referred to as the Principal Act.

17. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by inserting the following definition before the definition of *Commonwealth Act*:

admitted patient means an admitted patient as defined in the National Health Data Dictionary;

- (b) by omitting “or a day hospital facility within the meaning of the *National Health Act 1953* of the Commonwealth” from the definition of *health service establishment*;

- (c) by inserting the following definition after the definition of *health service establishment*:

hospital services – see section 3A;

*No. 13 of 1997

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Part 8 – Health Act 1997 Amended

- (d) by inserting the following definitions after the definition of *Medicare principles*:

National Health Data Dictionary means the document published, whether in paper or electronic format, by the Australian Institute of Health and Welfare established under the *Australian Institute of Health and Welfare Act 1987* of the Commonwealth, as a reference of standardised accepted terms and protocols for data collection in the health sector, as amended or substituted from time to time;

non-admitted patient means a person in receipt of non-admitted patient services;

non-admitted patient services means non-admitted patient services as defined in the National Health Data Dictionary;

18. Section 3A inserted

After section 3 of the Principal Act, the following section is inserted:

3A. Meaning of *hospital services*

- (1) In this section –

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Act No. 23 of 2022

Part 8 – Health Act 1997 Amended

s. 18

hospital patient means –

- (a) an admitted patient; or
 - (b) a non-admitted patient.
- (2) For the purposes of this Act, ***hospital services*** means the provision of any one or more of the following services to a hospital patient:
- (a) medical services;
 - (b) diagnostic services;
 - (c) nursing services;
 - (d) paramedical services;
 - (e) non-admitted patient services;
 - (f) dental services;
 - (g) accommodation.

PART 9 – POISONS ACT 1971 AMENDED

19. Principal Act

In this Part, the *Poisons Act 1971** is referred to as the Principal Act.

20. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by omitting the definitions of *paramedic*, *pharmaceutical chemist* and *pharmacy trainee* and substituting the following definition:

pharmacist means a person registered under the Health Practitioner Regulation National Law (Tasmania) in the pharmacy profession but does not include a person who is a provisionally registered pharmacist, or who holds student or non-practising registration in that profession;

- (b) by inserting the following definition after the definition of *prohibited substance*:

provisionally registered pharmacist means a person who holds provisional registration under the Health Practitioner Regulation

*No. 81 of 1971

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Part 9 – Poisons Act 1971 Amended

s. 21

National Law (Tasmania) in the
pharmacy profession;

- (c) by omitting “authorize” from paragraph (f) of the definition of *sell* and substituting “authorise”;
- (d) by omitting “authorized” from paragraph (a) of the definition of *wholesale dealing* and substituting “authorised”.

21. Section 10 amended (Suspension or cancellation of licence)

Section 10(1)(c) of the Principal Act is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

22. Section 16 amended (Licences)

Section 16 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(c) “authorize” and substituting “authorise”;
- (b) by omitting from subsection (3)(c) “authorize” and substituting “authorise”.

23. Section 18 amended (Offences)

Section 18 of the Principal Act is amended as follows:

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Part 9 – Poisons Act 1971 Amended

- (a) by omitting from subsection (1)(b) “authorized” and substituting “authorised”;
- (b) by omitting from subsection (1)(c) “authorized” and substituting “authorised”;
- (c) by omitting from subsection (1)(d) “authorized” and substituting “authorised”;
- (d) by omitting from subsection (3)(b) “pharmaceutical chemist” and substituting “pharmacist”;
- (e) by omitting from subsection (4) “authorize” and substituting “authorise”.

24. Section 25A amended (Authorisation of registered nurses and midwives by Minister)

Section 25A of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “authorize” and substituting “authorise”;
- (b) by omitting from subsection (1) “authorization” and substituting “authorisation”;
- (c) by omitting from subsection (2) “authorization” three times occurring and substituting “authorisation”.

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Part 9 – Poisons Act 1971 Amended

s. 25

25. Section 26 amended (Sale and supply of potent substances and hazardous and medicinal poisons)

Section 26 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1A) “pharmaceutical chemist” and substituting “pharmacist”;
- (b) by omitting from subsection (3) “authorizes” and substituting “authorises”;
- (c) by omitting from subsection (3) “authorizing” and substituting “authorising”.

26. Section 27 amended (Licences to sell certain substances)

Section 27 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “pharmaceutical chemist” first occurring and substituting “pharmacist”;
- (b) by omitting from subsection (1)(a) “pharmaceutical chemist” and substituting “pharmacist”;
- (c) by omitting from subsection (3)(d) “authorizes” and substituting “authorises”;

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Part 9 – Poisons Act 1971 Amended

(d) by omitting from subsection (5)(b) “authorized” and substituting “authorised”;

(e) by omitting from subsection (5)(d) “pharmaceutical chemist” and substituting “pharmacist”.

27. Section 34 amended (Owner, &c., of hazardous poisons not to leave them about unlabelled)

Section 34(2) of the Principal Act is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

28. Section 36 amended (Offences relating to certain restricted substances)

Section 36 of the Principal Act is amended as follows:

(a) by omitting from subsection (1A) “pharmaceutical chemist” and substituting “pharmacist”;

(b) by omitting from subsection (2)(a) “pharmaceutical chemist” and substituting “pharmacist”;

(c) by omitting from subsection (2)(b) “authorized” and substituting “authorised”.

29. Section 38 amended (Limitation of application of certain provisions of Division 1 of this Part)

Section 38 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “pharmaceutical chemist” and substituting “pharmacist”;
- (b) by omitting from subsection (1)(ac) “pharmaceutical chemist” and substituting “pharmacist”;
- (c) by omitting from subsection (1)(b) “pharmaceutical chemist” and substituting “pharmacist”;
- (d) by omitting from subsection (1)(ba) “pharmaceutical chemist” and substituting “pharmacist”;
- (e) by omitting from subsection (1)(c) “authorization” and substituting “authorisation”;
- (f) by omitting from subsection (3)(a)(i) “pharmaceutical chemist” and substituting “pharmacist”;
- (g) by omitting from subsection (3)(a)(ii) “pharmacy trainee” and substituting “provisionally registered pharmacist”;
- (h) by omitting from subsection (3)(a)(ii) “pharmaceutical chemist” and substituting “pharmacist”;

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s. 30

Part 9 – Poisons Act 1971 Amended

- (i) by omitting from subsection (3)(b) “pharmaceutical chemist” and substituting “pharmacist”.

30. Section 38A amended (Interpretation)

Section 38A of the Principal Act is amended by omitting “pharmaceutical chemist” from paragraph (a) of the definition of *dispenser* and substituting “pharmacist”.

31. Section 38G amended (Prescribers to check monitored medicines database before issuing prescription for monitored medicine)

Section 38G of the Principal Act is amended as follows:

- (a) by renumbering the text of the section as subsection (1);
- (b) by omitting “Before” and substituting “Subject to subsection (2), before”;
- (c) by inserting the following subsection after subsection (1):
 - (2) The regulations may prescribe circumstances in which a prescriber need not comply with subsection (1).

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Part 9 – Poisons Act 1971 Amended

s. 32

32. Section 38H amended (Dispensers to check monitored medicines database before dispensing monitored medicine)

Section 38H of the Principal Act is amended as follows:

- (a) by renumbering the text of the section as subsection (1);
- (b) by omitting “Before” and substituting “Subject to subsection (2), before”;
- (c) by inserting the following subsection after subsection (1):
 - (2) The regulations may prescribe circumstances in which a dispenser need not comply with subsection (1).

33. Section 42 amended (Power to prohibit the sale, &c., of a new drug)

Section 42(2) of the Principal Act is amended by omitting “authorize” and substituting “authorise”.

34. Section 45 amended (Restriction of importation)

Section 45(3) of the Principal Act is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

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s. 35

Part 9 – Poisons Act 1971 Amended

35. Section 47 amended (Sale and supply of narcotic substances, prohibited plants, and prohibited substances)

Section 47 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(c) “pharmaceutical chemist” and substituting “pharmacist”;
- (b) by omitting from subsection (1)(d) “authorization” and substituting “authorisation”;
- (c) by omitting from subsection (1)(e) “authorization” and substituting “authorisation”;
- (d) by omitting from subsection (10) “authorized” first occurring and substituting “authorised”;
- (e) by omitting from subsection (10)(a) “authorization” and substituting “authorisation”;
- (f) by omitting from subsection (10)(b) “authorization” and substituting “authorisation”;
- (g) by omitting from subsection (10)(c) “authorized” and substituting “authorised”.

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Part 9 – Poisons Act 1971 Amended

s. 36

36. Section 48 amended (Possession of narcotic substances, &c.)

Section 48 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “pharmaceutical chemist” and substituting “pharmacist”;
- (b) by omitting from subsection (1)(b) “authorization” and substituting “authorisation”;
- (c) by omitting from subsection (1)(c) “authorization” and substituting “authorisation”;
- (d) by omitting from subsection (2)(b) “pharmaceutical chemist” and substituting “pharmacist”;
- (e) by omitting from subsection (2)(ba) “authorization” and substituting “authorisation”.

37. Section 49 amended (Prohibition of possession of prohibited plants except under licence)

Section 49(1) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (d) “authorizing” and substituting “authorising”;

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s. 38

Part 9 – Poisons Act 1971 Amended

- (b) by omitting from paragraph (e)(i) “authorized” and substituting “authorised”.

38. Section 59 amended (Regulations relating to narcotics and narcotic substances)

Section 59 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(i) “authorizing” and substituting “authorising”;
- (b) by omitting from subsection (2)(a) “authorizing pharmaceutical chemists” and substituting “authorising pharmacists”;
- (c) by omitting from subsection (2)(b) “authorizing” and substituting “authorising”;
- (d) by omitting from subsection (2)(b) “pharmaceutical chemists” and substituting “pharmacists”;
- (e) by omitting from subsection (2)(c) “authorizing” and substituting “authorising”.

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Part 9 – Poisons Act 1971 Amended

s. 39

39. Section 59C amended (Offence to make available drugs of dependence, &c.)

Section 59C of the Principal Act is amended by inserting after subsection (6) the following subsection:

- (7) This section does not apply in respect of the making available of a notifiable restricted substance, a specified substance or a narcotic substance if the substance is made available –
- (a) by a medical practitioner, dentist, authorised health professional or authorised nurse practitioner, or class of medical practitioners, dentists, authorised health professionals or authorised nurse practitioners; and
 - (b) in circumstances; and
 - (c) subject to conditions –

that are prescribed in the regulations.

40. Section 59E amended (Authority for making drugs available to certain patients)

Section 59E of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:

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s. 40

Part 9 – Poisons Act 1971 Amended

(1) The Secretary may, on an application made under this section in respect of any person (in this section referred to as *the patient*), authorise a medical practitioner, dentist, authorised health professional or authorised nurse practitioner to make available –

- (a) a narcotic substance or a specified substance; or
- (b) more than one narcotic substance; or
- (c) more than one specified substance; or
- (d) a combination of one or more narcotic substances and one or more specified substances –

for the use of the patient.

- (b) by omitting from subsection (4)(a) “the narcotic substance or specified substance” and substituting “each substance to be made available”;
- (c) by omitting from subsection (4)(b) “of the substance” and substituting “, including an amount up to a maximum amount of each substance,”;

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Part 9 – Poisons Act 1971 Amended

s. 41

(d) by omitting paragraph (d) from subsection (4) and substituting the following paragraph:

(d) other substances, if any, which must not be made available in conjunction with a substance specified in paragraph (a); and

(e) by omitting from subsection (4)(e) “the substance” and substituting “if any, the substance or substances specified in paragraph (a)”;

(f) by inserting in subsection (8) “terms or” after “the”.

41. Section 83A amended (Possession of pipe, &c.)

Section 83A(2) of the Principal Act is amended by omitting “authorized” twice occurring and substituting “authorised”.

42. Section 90 amended (Powers of inspectors with respect to licensed premises, &c.)

Section 90(1) of the Principal Act is amended as follows:

(a) by omitting from paragraph (a) “authorizing” and substituting “authorising”;

(b) by omitting from paragraph (c) “authorizing” and substituting “authorising”;

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Part 9 – Poisons Act 1971 Amended

(c) by omitting from paragraph (c) “authorized” and substituting “authorised”;

(d) by omitting from paragraph (d) “authorizing” and substituting “authorising”;

(e) by omitting from paragraph (e) “authorized” and substituting “authorised”.

43. Section 90C amended (Personal searches)

Section 90C of the Principal Act is amended as follows:

(a) by omitting from subsection (4) “authorized” and substituting “authorised”;

(b) by omitting from subsection (5) “authorized” and substituting “authorised”;

(c) by omitting from subsection (6) “authorized” twice occurring and substituting “authorised”.

44. Section 93 amended (Regulations)

Section 93(2) of the Principal Act is amended as follows:

(a) by omitting “authorized” first occurring and substituting “authorised”;

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Part 9 – Poisons Act 1971 Amended

s. 44

- (b) by omitting from paragraph (k) “authorized” and substituting “authorised”;
- (c) by omitting from paragraph (l) “pharmaceutical chemist” and substituting “pharmacist”;
- (d) by omitting from paragraph (m) “authorizing” and substituting “authorising”;
- (e) by omitting from paragraph (m) “pharmaceutical chemists” and substituting “pharmacists”;
- (f) by omitting from paragraph (ma) “authorizing” and substituting “authorising”.

PART 10 – POISONS REGULATIONS 2018 AMENDED

45. Principal Regulations

In this Part, the *Poisons Regulations 2018** are referred to as the Principal Regulations.

46. Regulation 3 amended (Interpretation)

Regulation 3(1) of the Principal Regulations is amended as follows:

- (a) by omitting “pharmaceutical chemist” three times occurring from paragraph (a) of the definition of *authorised officer* and substituting “pharmacist”;
- (b) by omitting “pharmaceutical chemist” from paragraph (b) of the definition of *authorised officer* and substituting “pharmacist”;
- (c) by omitting “pharmaceutical chemist” from paragraph (c) of the definition of *authorised officer* and substituting “pharmacist”;
- (d) by omitting “pharmaceutical chemist” from paragraph (a) of the definition of *chemist* and substituting “pharmacist”;
- (e) by omitting “pharmaceutical chemist” from the definition of *dispensary* and substituting “pharmacist”;

*S.R. 2018, No. 79

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Part 10 – Poisons Regulations 2018 Amended

s. 47

(f) by omitting “pharmaceutical chemist” from paragraph (c) of the definition of *health professional* and substituting “pharmacist”;

(g) by omitting “pharmaceutical chemist” from the definition of *pharmacy* and substituting “pharmacist”.

47. Regulation 5 amended (Manufacturing chemists and wholesale chemists)

Regulation 5(2) of the Principal Regulations is amended by omitting “pharmaceutical chemist” from paragraph (a) of the definition of *qualified person* and substituting “pharmacist”.

48. Regulation 11 amended (Licences to manufacture, &c., narcotic substances for scientific purposes)

Regulation 11(1)(e) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

49. Regulation 15 amended (Inquiries, &c., before supplying narcotic substance to patient)

Regulation 15(3) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

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Part 10 – Poisons Regulations 2018 Amended

50. Regulation 16 amended (Supply of narcotic substances)

Regulation 16 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (2) “pharmaceutical chemist” twice occurring and substituting “pharmacist”;
- (b) by omitting from subregulation (3) “pharmaceutical chemist” and substituting “pharmacist”;
- (c) by omitting from subregulation (6) “pharmaceutical chemist” and substituting “pharmacist”;
- (d) by omitting from subregulation (10) “pharmaceutical chemist” and substituting “pharmacist”;
- (e) by omitting from subregulation (11) “pharmaceutical chemist” and substituting “pharmacist”.

51. Regulation 18 amended (Narcotic substances register to be kept by certain persons)

Regulation 18 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1)(d) “pharmaceutical chemist” and substituting “pharmacist”;

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- (b) by omitting from subregulation (3) “pharmaceutical chemist” twice occurring and substituting “pharmacist”.

52. Regulation 23 amended (Emergency prescribing and dispensing of narcotic substances)

Regulation 23 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “pharmaceutical chemist” and substituting “pharmacist”;
- (b) by omitting from subregulation (1)(b) “chemist” and substituting “pharmacist”;
- (c) by omitting from subregulation (2) “pharmaceutical chemist” and substituting “pharmacist”;
- (d) by omitting from subregulation (2) “chemist” second occurring and substituting “pharmacist”;
- (e) by omitting from subregulation (2)(b) “chemist” and substituting “pharmacist”.

53. Regulation 27 amended (Dispensing of narcotic substances (S8))

Regulation 27 of the Principal Regulations is amended as follows:

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- (a) by omitting from subregulation (7)(a) “registered pharmaceutical chemist” and substituting “pharmacist”;
- (b) by omitting from subregulation (7)(b) “registered pharmaceutical chemist” and substituting “pharmacist”;
- (c) by omitting from subregulation (13)(b) “pharmaceutical chemist” and substituting “pharmacist”;
- (d) by omitting from subregulation (15) “pharmaceutical chemist” and substituting “pharmacist”;
- (e) by omitting from subregulation (18) “registered pharmaceutical chemist” and substituting “pharmacist”;
- (f) by omitting from subregulation (20) “registered pharmaceutical chemist” and substituting “pharmacist”;
- (g) by omitting from subregulation (20) “pharmaceutical chemist” second occurring and substituting “pharmacist”;
- (h) by omitting from subregulation (20) “pharmaceutical chemist” third occurring and substituting “pharmacist”.

54. Regulation 31 amended (Supply of narcotic substances in medical institution)

Regulation 31(1) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

55. Regulation 35 amended (Minister may grant nurse’s authority in certain circumstances)

Regulation 35(3) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

56. Regulation 47 amended (Emergency prescribing and dispensing of restricted substances)

Regulation 47 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “pharmaceutical chemist” and substituting “pharmacist”;
- (b) by omitting from subregulation (1)(b) “chemist” and substituting “pharmacist”;
- (c) by omitting from subregulation (2) “chemist” first occurring and substituting “pharmacist”;
- (d) by omitting from subregulation (2)(b) “chemist” and substituting “pharmacist”.

57. Regulation 48 amended (Continued dispensing without prescription in specified circumstances)

Regulation 48(1) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

58. Regulation 51 amended (Dispensing prescriptions for restricted substances (S4))

Regulation 51 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (7) “pharmaceutical chemist” twice occurring and substituting “pharmacist”;
- (b) by omitting from subregulation (8) “pharmaceutical chemist” twice occurring and substituting “pharmacist”;
- (c) by omitting from subregulation (9)(a)(ii) “pharmaceutical chemist” and substituting “pharmacist”;
- (d) by omitting from subregulation (11) “pharmaceutical chemist” first occurring and substituting “pharmacist”;
- (e) by omitting from subregulation (11)(a)(ii) “pharmaceutical chemist” and substituting “pharmacist”;
- (f) by omitting from subregulation (12) “pharmaceutical chemist” and substituting “pharmacist”.

59. Regulation 53 amended (Emergency supply of restricted substances other than specified psychotropic substances)

Regulation 53 of the Principal Regulations is amended as follows:

- (a) by omitting “pharmaceutical chemist” first occurring and substituting “pharmacist”;
- (b) by omitting from paragraph (a) “pharmaceutical chemist” and substituting “pharmacist”;
- (c) by omitting from paragraph (b)(ii)(A) “pharmaceutical chemist” and substituting “pharmacist”;
- (d) by omitting from paragraph (b)(ii)(B) “pharmaceutical chemist” and substituting “pharmacist”;
- (e) by omitting from paragraph (d) “pharmaceutical chemist” first occurring and substituting “pharmacist”;
- (f) by omitting from paragraph (d) “pharmaceutical chemist” second occurring and substituting “pharmacist”;
- (g) by omitting from paragraph (d)(ii) “pharmaceutical chemist” and substituting “pharmacist”.

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60. Regulation 54 amended (Supply of restricted substance in medical institution)

Regulation 54 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “pharmaceutical chemist” and substituting “pharmacist”;
- (b) by omitting from subregulation (1)(b) “chemist” and substituting “pharmacist”;
- (c) by omitting from subregulation (1)(c) “chemist” and substituting “pharmacist”;
- (d) by omitting from subregulation (1)(d) “chemist” and substituting “pharmacist”;
- (e) by omitting from subregulation (3) “pharmaceutical chemist” and substituting “pharmacist”;
- (f) by omitting from subregulation (3)(b) “chemist” and substituting “pharmacist”.

61. Regulation 54A amended (Administration of certain vaccines)

Regulation 54A of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “pharmaceutical chemist or pharmacy trainee” and substituting “pharmacist or provisionally registered pharmacist”;

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- (b) by omitting from subregulation (2)(b)(i) “pharmaceutical chemist, or pharmacy trainee” and substituting “pharmacist, or provisionally registered pharmacist”;
- (c) by omitting from subregulation (2)(b)(ii) “pharmaceutical chemists, or pharmacy trainees” and substituting “pharmacists, or provisionally registered pharmacists”;
- (d) by omitting from subregulation (2)(d)(i) “pharmaceutical chemist or pharmacy trainee” and substituting “pharmacist or provisionally registered pharmacist”;
- (e) by omitting from subregulation (2)(d)(ii) “pharmaceutical chemist or pharmacy trainee” and substituting “pharmacist or provisionally registered pharmacist”;
- (f) by omitting from subregulation (2)(d)(ii) “pharmaceutical chemist” second occurring and substituting “pharmacist”.

62. Regulation 55 amended (Information about drugs)

Regulation 55 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “pharmaceutical chemist” and substituting “pharmacist”;
- (b) by omitting from subregulation (2)(a) “pharmaceutical chemist” twice occurring and substituting “pharmacist”;

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- (c) by omitting from subregulation (2)(b) “pharmaceutical chemist” and substituting “pharmacist”.

63. Regulation 58 amended (Supply of potent substances by pharmacists)

Regulation 58 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (2) “pharmaceutical chemist” first occurring and substituting “pharmacist”;
- (b) by omitting from subregulation (2)(b) “pharmaceutical chemist” first occurring and substituting “pharmacist”;
- (c) by omitting from subregulation (2)(b) “pharmaceutical chemist or pharmacy trainee” and substituting “pharmacist or provisionally registered pharmacist”;
- (d) by omitting from subregulation (2)(b) “pharmaceutical chemist” third occurring and substituting “pharmacist”;
- (e) by omitting from subregulation (3) “pharmaceutical chemist” and substituting “pharmacist”;
- (f) by omitting from subregulation (4) “pharmaceutical chemist” and substituting “pharmacist”;

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- (g) by omitting from subregulation (5) “pharmaceutical chemist” and substituting “pharmacist”;
- (h) by omitting from subregulation (6)(b)(ii) “pharmaceutical chemist or a pharmacy trainee” and substituting “pharmacist or provisionally registered pharmacist”;
- (i) by omitting from subregulation (7) “pharmaceutical chemist” and substituting “pharmacist”;
- (j) by omitting from subregulation (8) “pharmaceutical chemist” and substituting “pharmacist”.

64. Regulation 61 amended (Obtaining potent substances through misrepresentation)

Regulation 61(b) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

65. Regulation 63 amended (Supply of restricted substances to patients)

Regulation 63(2)(b) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

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66. Regulation 82 amended (Prescribed persons for section 38(1)(i) of Act)

Regulation 82(1) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (d)(i) “pharmaceutical chemist” and substituting “pharmacist”;
- (b) by omitting from paragraph (e) “pharmaceutical chemist or pharmacy trainee” and substituting “pharmacist or provisionally registered pharmacist”;
- (c) by omitting from paragraph (f) “pharmaceutical chemist” first occurring and substituting “pharmacist”;
- (d) by omitting from paragraph (f) “pharmaceutical chemist or pharmacy trainee” and substituting “pharmacist or provisionally registered pharmacist”.

67. Regulation 87 amended (Prescription, &c., of certain substances prohibited, unless authorised by Secretary)

Regulation 87(3)(b) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

68. Regulation 93 amended (Wholesale dealing)

Regulation 93 of the Principal Regulations is amended as follows:

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- (a) by omitting from subregulation (2)(c) “pharmaceutical chemist” and substituting “pharmacist”;
- (b) by omitting from subregulation (3)(d) “pharmaceutical chemist” and substituting “pharmacist”;
- (c) by omitting from subregulation (4)(d) “pharmaceutical chemist” and substituting “pharmacist”.

69. Regulation 95C amended (Prescribed dispenser)

Regulation 95C(f) of the Principal Regulations is amended by omitting “pharmacy trainee” and substituting “provisionally registered pharmacist”.

70. Regulation 96 amended (Interpretation)

Regulation 96 of the Principal Regulations is amended by omitting the definition of *pharmaceutical chemist*.

71. Regulation 97 amended (Drugs and Therapeutics Committee)

Regulation 97(3) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

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Part 10 – Poisons Regulations 2018 Amended

72. Regulation 110 amended (Special provisions as to containers for narcotic substances)

Regulation 110(3)(b) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

73. Regulation 114 amended (Labelling of dispensed medicines)

Regulation 114(1) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) “pharmaceutical chemist” and substituting “pharmacist”;
- (b) by omitting from paragraph (b) “pharmaceutical chemist” and substituting “pharmacist”.

74. Regulation 124 amended (Reporting of acquisition and disposal of relevant substances)

Regulation 124(1) of the Principal Regulations is amended by omitting “pharmaceutical chemist” from paragraph (a) of the definition of *specified person* and substituting “pharmacist”.

75. Regulation 127 amended (Administration of certain substances by disability service workers)

Regulation 127(2)(d) of the Principal Regulations is amended by omitting

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“pharmaceutical chemist” and substituting
“pharmacist”.

76. Regulation 129 amended (Administration of certain substances by school staff)

Regulation 129(2)(d) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

77. Regulation 130 amended (Administration of certain substances by TasTAFE employees)

Regulation 130(2)(d) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

78. Regulation 131 amended (Administration of certain substances by child carers, &c.)

Regulation 131 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (2)(d) “pharmaceutical chemist” and substituting “pharmacist”;
- (b) by omitting from subregulation (4)(d) “pharmaceutical chemist” and substituting “pharmacist”.

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Part 10 – Poisons Regulations 2018 Amended

79. Regulation 132 amended (Administration of certain substances by foster-parents)

Regulation 132(d) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

80. Regulation 133 amended (Administration of certain substances by aged-care workers in residential care services)

Regulation 133(2)(d) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

81. Regulation 134 amended (Administration of certain substances by aged-care workers in community care services)

Regulation 134(2)(d) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

82. Regulation 135 amended (Administration of certain substances by carers)

Regulation 135(1)(d) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

83. Regulation 136 amended (Administration of certain substances to detainees)

Regulation 136(c) of the Principal Regulations is amended by omitting “pharmaceutical chemist” and substituting “pharmacist”.

84. Regulation 138 amended (Possession of pseudoephedrine)

Regulation 138(2) of the Principal Regulations is amended as follows:

- (a) by omitting from paragraph (a) “pharmaceutical chemist” and substituting “pharmacist”;
- (b) by omitting from paragraph (e) “pharmaceutical chemist” and substituting “pharmacist”;
- (c) by omitting from paragraph (g) “pharmaceutical chemist” and substituting “pharmacist”.

85. Schedule 1 amended (Requirements in relation to Narcotic Substances Register)

Schedule 1 to the Principal Regulations is amended by omitting

- X Lost, stolen, destroyed under supervision, taken by inspector or sold to another pharmaceutical chemist. (Give details in remarks column of register).

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Part 10 – Poisons Regulations 2018 Amended

from Part 2 and substituting:

- X Lost, stolen, destroyed under supervision,
taken by inspector or sold to another
pharmacist. (Give details in remarks
column of register).

PART 11 – PUBLIC HEALTH ACT 1997 AMENDED

86. Principal Act

In this Part, the *Public Health Act 1997** is referred to as the Principal Act.

87. Section 10 substituted

Section 10 of the Principal Act is repealed and the following section is substituted:

10. Environmental health officers and medical officers of health – appointment by Director

- (1) The Director may appoint, for the purposes of this Act, persons employed by any Agency, who hold approved qualifications, as –
 - (a) environmental health officers; or
 - (b) medical officers of health.
- (2) A person appointed under subsection (1) as an environmental health officer or a medical officer of health holds office in conjunction with his or her employment by an Agency.
- (3) If a person was appointed or purportedly appointed under this section, on a day before Part 11 of the *Health Legislation (Miscellaneous Amendments) Act 2022*

*No. 86 of 1997

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Part 11 – Public Health Act 1997 Amended

commenced, as an environmental health officer or a medical officer of health (a *relevant officer*) –

- (a) the person is to be taken to have been, and to always have been, validly appointed as a relevant officer for the period –
 - (i) beginning on and from the day on which the person was purportedly so appointed; and
 - (ii) ending on the day on which, if the person had been validly appointed, the person ceased to be so appointed; and
 - (b) the performance of a function or exercise of a power in good faith, or purported performance of a function or exercise of a power in good faith, by such a relevant officer is not invalid solely on the basis that his or her appointment as a relevant officer has been validated under this subsection.
- (4) Despite subsection (3), all appointments under this section that were in force immediately before Part 11 of the *Health Legislation (Miscellaneous Amendments) Act 2022* commenced are revoked on the day on which that Part commenced.

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Part 11 – Public Health Act 1997 Amended

s. 88

88. Section 151 amended (Removal and destruction)

Section 151(2) of the Principal Act is amended by omitting “The removal and destruction of any articles, goods or substances must be carried out” and substituting “A person, public authority or Agency who is subject to a requirement under subsection (1) is to carry out the requirement”.

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s. 89

Part 12 – Public Trustee Act 1930 Amended

PART 12 – PUBLIC TRUSTEE ACT 1930 AMENDED

89. Principal Act

In this Part, the *Public Trustee Act 1930** is referred to as the Principal Act.

90. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by omitting the definition of *pharmacist*.

*No. 61 of 1930

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Part 13 – Workers Rehabilitation and Compensation Act 1988 Amended

s. 91

**PART 13 – WORKERS REHABILITATION AND
COMPENSATION ACT 1988 AMENDED**

91. Principal Act

In this Part, the *Workers Rehabilitation and Compensation Act 1988** is referred to as the Principal Act.

92. Section 74 amended (Interpretation of Division 2 of Part VI)

Section 74 of the Principal Act is amended by omitting the definition of *pharmacist*.

*No. 4 of 1988

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Part 14 – Legislation rescinded

PART 14 – LEGISLATION RESCINDED

93. Legislation rescinded

The legislation specified in Schedule 1 is rescinded.

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Part 15 – Concluding Provision

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PART 15 – CONCLUDING PROVISION

94. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

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sch. 1

SCHEDULE 1 – LEGISLATION RESCINDED

Section 93

Ambulance Service (Paramedic) Regulations 2014 (No. 81 of
2014)

*[Second reading presentation speech made in:–
House of Assembly on 16 August 2022
Legislative Council on 6 September 2022]*