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**The Hon Roger Cook MLA  
Deputy Premier  
Minister for Health; Mental Health**

Our Ref: 60-04403

Hon Michael Mischin MLC  
Chair  
Uniform Legislation and Statutes Review  
Legislative Council Committee Office  
18-32 Parliament Place  
WEST PERTH WA 6005

Dear Mr Mischin

Thank you for your letter of 10 October 2017 and email of 11 October 2017 regarding the *Health Practitioner Regulation National Law (WA) Amendment Bill 2017* (Bill).

In response to your queries I provide the following information:

**Clause 2 – Commencement provision**

Query

- o Why the commencement date or dates were not stipulated for all of Parts 2 and 3 of the Bill.

Response

A number of the clauses in Parts 2 and 3 of the Bill can only come into effect across all jurisdictions after WA has passed the Bill currently in Parliament. Additionally, the COAG Health Council sitting as the Australian Health Workforce Ministerial Council (Ministerial Council) is required to make a new set of National Regulations. Several of the clauses in the Bill relate to the national boards and the paramedicine health profession and paramedics joining the National Registration and Accreditation Scheme (National Scheme).

Query

- How soon after the passage of the Bill through both Houses of Parliament you expect all provisions in the Bill to be proclaimed?

Response

It is anticipated that all of the provisions in the Bill will be proclaimed in or around September 2018. This is to ensure that the Paramedicine Board of Australia has undertaken the necessary administrative functions to enable paramedics to be registered. The administrative functions include the development of registration standards, codes and guidelines.

Query

- The Committee would appreciate it if you would confirm whether the Committee understanding of the legislative framework and the regulation making process as outlined above is correct. If it is not, it would appreciate your assistance to understand the correct position.

Response

I am advised that your understanding is correct.

Query

- The Committee would appreciate your advising how the making and gazetting of a "*complete new set of National Regulations*" will address the current problem arising as a result of regulations 3 and 4(1) of the WA National Regulations as set out in paragraph 1.4 above; that is, the incorporation by reference into the law of Western Australia of a "*complete new set of regulations*" and of any future amendments to them.

Response

The new set of National Regulations will be tabled in the WA Parliament and any amendments to the National Regulations will also be tabled. Copies of the new National Regulations and amendments will be forwarded to the Joint Standing Committee on Delegated Legislation for consideration and disallowance.

As part of the process of drafting and the making of a new set of National Regulations the WA National Regulations will be repealed. Only one set of National Regulations will be operational across jurisdictions. Therefore, the current application of the National Regulations by the WA National Regulations will not occur.

The Department of Health in WA will forward a copy of the new set of National Regulations to the Joint Standing Committee on Delegated Legislation for consideration and disallowance. Amendments to the National Regulations will also be forwarded.

Query

- In relation to 1.5 and 1.6 of your letter, I advise as follows:

Response

The amendments to the National Regulations dated 26 September, 2011, 14 June 2013 and 1 June 2015 were tabled as part of the PQ 4321 in the Legislative Council (tabled paper no 4575).

**Email of 11 October 2017 from the Advisory Office on behalf of the Committee with additional questions**

Query

- It is my understanding that the Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017 (Queensland) (Queensland Act) was assented to on 13 September 2017. As discussed, could you please confirm that section 3 of the Queensland Act has come into operation?

Response

Yes. The *Acts Interpretation Act 1954* (Qld) provides in section 15A that an Act commences on the date of assent except so far as the Act otherwise expressly provides.

Query

- As a result of section 3 of the Queensland Act having come into operation, sections 3, 4, 5, 6, 7, 8, 9(1) and (2), 23, 24, 26, 36(a), 37, 40(2), 41(2), 42(2), 48, 50, 55(6), 71(2) and 88 of the *Health Practitioners Regulation National Law (WA) Amendment Bill 2017* will come into operation on the day after assent of the Bill. Could you please confirm if my understanding is correct or advise otherwise.

Response

I am advised that your understanding is correct. Once the *Health Practitioner Regulation National Law (WA) Amendment Bill 2017* has been enacted by the WA Parliament, sections 3 -8, 9(1) and (2), 23, 24, 26, 36(a), 37, 40(2), 41(2), 42(2), 48, 50, 55(b), 71(2), 88, 97-117 will, under s. 2(b)(i), come into operation on the day after the WA Act receives the Royal Assent.

I trust this response answers the above queries to your satisfaction.

Yours sincerely



**HON ROGER COOK MLA**  
DEPUTY PREMIER  
MINISTER FOR HEALTH; MENTAL HEALTH