



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

Our Ref: 60-04403

Hon Michael Mischin MLC
Chairman
Standing Committee on Uniform Legislation and Statutes Review
Legislative Council Committee Office
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Mr Mischin

Thank you for your letter of 19 September 2017 regarding the *Health Practitioner Regulation National Law (WA) Amendment Bill 2017* (Amendment Bill).

The Amendment Bill does not amend sections 245, 246 or 247 in the Schedule to the *Health Practitioner Regulation National Law (WA) Act 2010* (WA Act).

The Legislative Council in the Parliament of Western Australia made amendments in the committee stage following the release of Report 52 by the Uniform Legislation and Statutes Review Committee (Committee) in 2010 to the Bill before the House. Amendments were made to sections 245, 246 and 247 in the Schedule of the Bill to provide that regulations made by the Australian Health Workforce Ministerial Council (COAG Health Council) would be subject to sections 41 and 42 of the *Interpretation Act 1984* (WA) and disallowable by the Parliament of Western Australia. Section 7 of Part 2 of the Bill was also amended.

The *Health Practitioner Regulation National Law (WA) Regulations 2010* (WA Regulations) were made under section 245 of the WA Act in full compliance with the process provided by sections 41 and 42 of the Interpretation Act. Copies of the required documents were forwarded to the Joint Standing Committee on Delegated Legislation (JSCDL) for consideration.

Under regulations 3 and 4(1) of the WA Regulations, the *Health Practitioner Regulation National Law Regulation* (National Regulation) made by the COAG Health Council on 17 June 2010 and published by the Victorian Government Printer on 22 June 2010, was applied as a regulation in Western Australia as in force from time to time. Section 245(1) and clause 24(1) and (2) of Schedule 7 to the WA Law were relied upon to make regulations in those terms.

As you are aware, sections 41 and 42 of the Interpretation Act only apply to regulations made under section 245 of the WA Act.

The Tranche 1 amendments contained in the Amendment Bill will move several provisions into the National Regulations. The provisions relate to the consolidation of National Boards which was recommended in the Independent Review of the National Registration and Accreditation Scheme for Health Professions (recommendations 2 to 6).

Due to the concerns raised by the Committee and the JSCDL, the Department of Health (DOH) has worked with jurisdictions in order to resolve the application of the National Regulations to WA.

The DOH has received agreement from the other jurisdictions that following the passage of the Amendment Bill in WA, a complete new set of National Regulations will be made by the COAG Health Council. The new set of National Regulations will be disallowable in Western Australia. Copies of the National Regulations will be tabled in the Parliament of Western Australia and the JSCDL will receive all associated documentation in accordance with Premier's Circular Number 2014/01.

I would like to thank the Committee for its early consideration of the Amendment Bill. I have instructed the DOH to continue to respond to requests for information to meet the Committee's timeframes.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simone McGurk' with a stylized flourish at the end.

HON SIMONE MCGURK MLA
ACTING MINISTER FOR HEALTH

26 SEP 2017