



Queensland

Health and Other Legislation Amendment Regulation (No. 1) 2012

Explanatory Notes for SL 2012 No. 82

made under the

Cooperatives Act 1997

Guide, Hearing and Assistance Dogs Act 2009

Medical Radiation Technologists Registration Act 2001

Occupational Therapists Registration Act 2001

Public Sector Ethics Act 1994

Queensland Civil and Administrative Tribunal Act 2009

Statutory Bodies Financial Arrangements Act 1982

Transport Operations (Road Use Management) Act 1995

General outline

Short title

Health and Other Legislation Amendment Regulation (No. 1) 2012.

Authorising law

The regulation is made under the following provisions:

- Section 468 of the *Cooperatives Act 1997*
- Section 118 of the *Guide, Hearing and Assistance Dogs Act 2009*
- Section 231 of the *Medical Radiation Technologists Registration Act 2001*
- Section 215 of the *Occupational Therapists Registration Act 2001*

- Section 25 of the *Public Sector Ethics Act 1994*
- Section 242 of the *Queensland Civil and Administrative Tribunal Act 2009*
- Section 78 of the *Statutory Bodies Financial Arrangements Act 1982*
- Section 171 of the *Transport Operations (Road Use Management) Act 1995*

Policy objectives and the reasons for them

The regulation supports the objectives of the Health Practitioner Regulation National Law (the National Law), which is scheduled to the *Health Practitioner Regulation National Law Act 2009* (Qld). The National Law provides for the national registration of medical radiation practitioners and occupational therapists under the National Registration and Accreditation Scheme for Health Professions (the National Scheme) from 1 July 2012.

On 26 March 2008, the Council of Australian Governments (COAG) signed the 'Intergovernmental Agreement for a National Registration and Accreditation Scheme for the Health Professions', which provides for a single national registration and accreditation scheme for health professions to replace individual state and territory based schemes.

On 1 July 2010, the following ten professions transitioned from state registration to national registration: chiropractic, dental (dentists, dental prosthetists, dental therapists, dental hygienists), medical, nursing and midwifery, pharmacy, physiotherapy, psychology, optometry, osteopathy and podiatry.

In accordance with the National Law, the medical radiation practice and occupational therapy professions will join the National Scheme on 1 July 2012. In Queensland, medical radiation practitioners are currently registered under the *Medical Radiation Technology Registration Act 2001* and occupational therapists are currently registered under the *Occupational Therapists Registration Act 2001*. These Acts will be repealed on 1 July 2012.

The National Law provides that a medical radiation practitioner or occupational therapist that holds state registration immediately before 1 July 2012 is deemed to hold national registration from that date. However, the current registration period prescribed for medical radiation practitioners and occupational therapists expires on 30 June 2012. This creates some

doubt as to whether affected practitioners can properly be taken to be registered under the National Law from 1 July 2012, as the practitioners' registration would commence and expire simultaneously. Therefore, amendments are required to the *Medical Radiation Technologists Regulation 2002* and the *Occupational Therapists Registration Regulation 2001* to remove this doubt.

In addition, a number of consequential amendments are required to Queensland regulations that refer to legislation, bodies and matters affected by the transition of medical radiation practitioners and occupational therapists to the National Scheme. The regulation also corrects a minor oversight that occurred in 2010, by making a consequential amendment to update the reference to a renamed Act.

Achievement of policy objectives

To achieve the policy objectives the regulation:

- amends the *Occupational Therapists Registration Regulation 2001* and *Medical Radiation Technologist Registration Regulation 2002* to extend the registration period for the 2011-2012 financial year by one day, to 1 July 2012;
- amends various regulations that refer to legislation, bodies and matters affected by the repeal of the *Occupational Therapists Registration Act 2001* and *Medical Radiation Technologist Registration Act 2001*. These amendments primarily change the reference to the legislation under which the medical radiation practice and occupational therapy professions are registered following their transition to the National Scheme or remove references to the state registration boards or Acts which will be abolished or repealed on 1 July 2012; and
- amends a reference in the *Queensland Civil and Administrative Tribunal Regulation 2009* to the *Pharmacists Registration Act 2001* which was renamed in 2010 as the *Pharmacy Business Ownership Act 2001*.

Consistency with policy objectives of authorising law

The regulation is consistent with the objectives of the *Health Practitioner Regulation National Law Act 2009*, in that it supports the transition of the

medical radiation practice and occupational therapy professions to the National Scheme.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the main objectives of other legislation.

Alternative ways of achieving policy objectives

The regulation is the only means of meeting the policy objectives and is consistent with the approach taken in 2010 when the first tranche of 10 professions transitioned, on 1 July 2010, from state based registration to the National Scheme.

Benefits and costs of implementation

None of the amendments are expected to impose significant financial or other costs on the registrants, registration boards or other bodies to which they apply.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles.

Consultation

The following key stakeholder agencies were consulted in relation to the Regulation and support the amendments:

- Australian Health Practitioner Regulation Agency
- Department of Communities, Child Safety and Disability Services
- Department of Justice and Attorney-General
- Department of the Premier and Cabinet
- Department of Transport and Main Roads
- Office of Health Practitioner Registration Boards
- Queensland Treasury and Trade

Notes on provisions

Part 1 Preliminary

Short title

Clause 1 sets out the short title of the regulation.

Commencement

Clause 2 provides for the commencement of the regulation. The amendments to extend the registration periods for medical radiation practitioners and occupational therapists are required to commence by 30 June 2012 and will therefore commence on gazettal. The remaining amendments will commence on 1 July 2012, to coincide with the repeal of the *Medical Radiation Technologists Registration Act 2001* and the *Occupational Therapists Registration Act 2001* on that date.

Part 2 Amendment of Cooperatives Regulation 1997

Regulation amended

Clause 3 specifies that Part 2 of the regulation amends the *Cooperatives Regulation 1997*.

Amendment of sch 5 (Undesirable matter for names)

Clause 4 amends Schedule 5, item 12 to omit the references to the *Medical Radiation Technologists Registration Act 2001* and the *Occupational Therapists Registration Act 2001*. The amendment reflects the capturing of medical radiation practitioners and occupational therapists under the Health Practitioner Regulation National Law, which is already prescribed in the Schedule, from 1 July 2012.

Part 3 **Amendment of Guide, Hearing and Assistance Dogs Regulation 2009**

Regulation amended

Clause 5 specifies that Part 3 of the regulation amends the *Guide, Hearing and Assistance Dogs Regulation 2009*.

Amendment of schedule (Dictionary)

Clause 6 amends the definition of 'registered health practitioner' in the Schedule (Dictionary) to remove the reference to the *Occupational Therapists Registration Act 2001*. The occupational therapy profession is instead listed in clause (a) of the definition as a profession recognised to practise, other than as a student, under the Health Practitioner Regulation National Law.

Part 4 **Amendment of Medical Radiation Technologists Registration Regulation 2002**

Regulation amended

Clause 7 specifies that Part 4 of the regulation amends the *Medical Radiation Technologists Registration Regulation 2002*.

Amendment of s 5 (Period of registration--Act, s 56)

Clause 8 amends section 5 to extend the registration period for Queensland medical radiation practitioners for the 2011-2012 financial year by one day, from 30 June 2012 to the end of 1 July 2012. This amendment provides clarification of the registration status of medical radiation practitioners on 1 July 2012, the date of their transition to the National Scheme, and removes any doubt that a medical radiation practitioner is registered on the transition date.

Part 5 **Amendment of Occupational Therapists Registration Regulation 2001**

Regulation amended

Clause 9 specifies that Part 5 of the regulation amends the *Occupational Therapists Registration Regulation 2001*.

Amendment of s 4 (Period of registration--Act, s 56)

Clause 10 amends section 4 to extend the registration period for Queensland occupational therapists for the 2011-2012 financial year by one day, from 30 June 2012 to the end of 1 July 2012. This amendment provides clarification of the registration status of occupational therapists on 1 July 2012, the date of their transition to the National Scheme, and removes any doubt that an occupational therapist is registered on the transition date.

Part 6 **Amendment of Public Sector Ethics Regulation 2010**

Regulation amended

Clause 11 specifies that Part 6 of the regulation amends the *Public Sector Ethics Regulation 2010*.

Amendment of schedule (Entities prescribed as public service agencies)

Clause 12 amends the Schedule to omit the references to the Medical Radiation Technologists Board of Queensland and the Occupational Therapists Board of Queensland, as these boards will be abolished on 1 July 2012.

Part 7 **Amendment of Queensland Civil and Administrative Tribunal Regulation 2009**

Regulation amended

Clause 13 specifies that Part 7 of the regulation amends the *Queensland Civil and Administrative Tribunal Regulation 2009*.

Amendment of sch 1 (Enabling Acts and provisions)

Clause 14 amends Schedule 1, Part 1 to omit the references to the *Medical Radiation Technologists Registration Act 2001*, the *Medical Radiation Technologists Registration Regulation 2002* and the *Occupational Therapists Registration Act 2001*.

This clause also removes the reference to the *Pharmacists Registration Act 2001* and replaces it with the *Pharmacy Business Ownership Act 2001*, to reflect the amended title of that Act which took effect through the *Health Legislation (Health Practitioner Regulation National Law) Amendment Act 2010*.

Part 8 **Amendment of Statutory Bodies Financial Arrangements Regulation 2007**

Regulation amended

Clause 15 specifies that Part 8 of the regulation amends the *Statutory Bodies Financial Arrangements Regulation 2007*.

Amendment of sch 4 (Statutory bodies allocated category 2 investment power)

Clause 16 amends Schedule 4 to omit the references to the *Medical Radiation Technologists Registration Act 2001* and the *Occupational*

Therapists Registration Act 2001 in column 1 and the corresponding registration board in column 2, to reflect the repeal of these Acts and the subsequent abolishment of the corresponding registration board.

Part 9 Amendment of Traffic Regulation 1962

Regulation amended

Clause 17 specifies that Part 9 of the regulation amends the *Traffic Regulation 1962*.

Amendment of s 60 (Eligibility for disability parking)

Clause 18 amends the definition of 'occupational therapist' in section 60 to replace the current meaning, which refers to a person who is registered under the *Occupational Therapists Registration Act 2001*, with a new meaning which provides for a person who is registered under the Health Practitioner Regulation National Law to practise, other than as a student, in the occupational therapy profession.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is Queensland Health.