

Health Practitioner Regulation National Law and Other Legislation Amendment (Postponement) Regulation 2018

Explanatory notes for SL 2018 No. 129

made under the

*Health Practitioner Regulation National Law and Other
Legislation Amendment Act 2017*

General Outline

Short title

*Health Practitioner Regulation National Law and Other Legislation Amendment
(Postponement) Regulation 2018*

Authorising law

Section 15DA of the *Acts Interpretation Act 1954*

Section 2 of the *Health Practitioner Regulation National Law and Other Legislation
Amendment Act 2017*

Policy objectives and the reasons for them

The objective of the *Health Practitioner Regulation National Law and Other Legislation
Amendment (Postponement) Regulation 2018* (Postponement Regulation) is to postpone the
automatic commencement of the uncommenced provisions of the *Health Practitioner
Regulation National Law and Other Legislation Amendment Act 2017* (the Amendment Act)
by one year.

Section 15DA of the *Acts Interpretation Act 1954* provides that if a law has not commenced
within one year of its assent, it automatically commences on the next day. However, a
regulation may extend the automatic commencement date for up to two years after the assent
date.

The Amendment Act was passed by the Legislative Assembly on 6 September 2017 and
received assent on 13 September 2017. This means that ordinarily, the uncommenced
provisions would automatically commence on 14 September 2018.

Most of the provisions of the Amendment Act have commenced, either on assent, 28 days after assent, or by proclamation commencing provisions on 1 March 2018 and 1 August 2018. The uncommenced provisions of the Amendment Act include provisions:

- for the registration of paramedics
- that rely on the making of the Health Practitioner Regulation National Law Regulation 2018 (National Law Regulation 2018), including:
 - specifying national boards in a regulation
 - amendments to recognise nursing and midwifery as separate health professions
 - amendments about the application of the *Australian Information Commissioner Act 2010* (Cwlth) to the Health Practitioner Regulation National Law.

The uncommenced provisions of the Amendment Act cannot commence until after the National Law Regulation 2018 has been made by the Council of Australian Government (COAG) Health Council, which is expected to occur later in 2018. The commencement date for the registration of paramedics, referred to as participation day, will be specified in the National Law Regulation 2018 when it is made by COAG Health Council.

Achievement of policy objectives

In accordance with section 15DA of the *Acts Interpretation Act 1954*, the Postponement Regulation will postpone automatic commencement of the uncommenced provisions of the Amendment Act by one year.

Consistency with policy objectives of authorising law

The Postponement Regulation is consistent with the objectives of the *Acts Interpretation Act 1954* and the Amendment Act.

Inconsistency with policy objectives of other legislation

No inconsistencies with the policy objectives of other legislation have been identified.

Alternative ways of achieving policy objectives

The Postponement Regulation is the only effective means of achieving the policy objective.

Benefits and costs of implementation

There are no costs arising from the Postponement Regulation.

Consistency with fundamental legislative principles

The Postponement Regulation is consistent with fundamental legislative principles in section 4 of the *Legislative Standards Act 1992*.

Consultation

The Postponement Regulation was assessed by Queensland Health, in accordance with *The Queensland Government Guide to Better Regulation*, as being excluded from regulatory impact assessment on the basis that it is machinery in nature. Therefore, consultation with the Queensland Productivity Commission was not required.

Notes on provisions

Short Title

Clause 1 provides the short title.

Postponed commencement of uncommenced provisions

Clause 2 provides that the period before automatic commencement of the uncommenced provisions of the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017* under the *Acts Interpretation Act 1954* is extended until the end of 13 September 2019.

Expiry

Clause 3 provides that the regulation expires on 15 September 2019.