

# Proclamation—Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017

Explanatory notes for SL 2018 No. 175

made under the

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

## General Outline

### Short title

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

### Authorising law

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 proclamation is to commence the remaining provisions of the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017* (the Amendment Act) on 1 December 2018 and 1 April 2019. The Amendment Act was passed by the Legislative Assembly on 6 September 2017 and received assent on 13 September 2017.

The *Health Practitioner Regulation National Law and Other Legislation Amendment (Postponement) Regulation 2018* (Queensland SL129) was made in August 2018 to postpone the automatic commencement of the uncommenced provisions of the Amendment Act until the end of 13 September 2019.

The provisions being commenced by the proclamation on 1 December 2018 amend the Health Practitioner Regulation National Law (National Law) to:

- require national registration of paramedics under the National Law;
- give the Council of Australian Governments (COAG) Health Council power to change the structure of National Boards by specifying National Boards in a regulation;
- recognise nursing and midwifery as separate health professions; and
- apply the *Australian Information Commissioner Act 2010* (Cwlth) to the National Law.

Consequential amendments to the *Ambulance Service Act 1991* (Qld) and other Queensland legislation in schedule 1, part 2 of the Amendment Act will also commence on 1 December 2018.

The proclamation commences sections 78(1) and (3) of the Amendment Act on 1 April 2019 and section 78(2) on 1 December 2018. Section 78 amends section 117 of the *Health Ombudsman Act 2013* (Qld), relating to panels of assessors for matters heard by the Queensland Civil and Administrative Tribunal (QCAT). A person from the panel of assessors for the relevant profession is appointed as an assessor to sit with QCAT in disciplinary hearings and advise QCAT on questions of fact.

The Health Ombudsman Act sets out the process for appointing panels of assessors, including a requirement for public advertising for nominations. After considering the nominations, the appointments are subject to formal Cabinet and Governor in Council processes.

A nursing and midwifery panel of assessors currently exists under section 117 of the Health Ombudsman Act and has members appointed. Section 78(1) of the Amendment Act is a consequential amendment that creates a separate nursing panel of assessors and a midwifery panel of assessors to recognise the separation of the professions of nursing and midwifery under the National Law. The nomination and appointment process for these panels will be completed by 1 April 2019.

Section 78(2) of the Amendment Act creates a paramedics panel of assessors. This is a consequential amendment that recognises paramedics will be registered under the National Law from 1 December 2018. Section 78(2) will commence on 1 December 2018 to enable appointments to be made to the paramedics panel of assessors. It is not expected that members of the paramedics panel of assessors will be required for any QCAT proceedings until mid to late-2019, as any complaints about registered paramedics would need to flow through the usual complaints process before reaching QCAT.

Section 78(3) renumbers provisions of section 117 and will commence on 1 April 2019, at the same time as section 78(1).

## **Achievement of policy objectives**

The policy objective will be achieved by fixing the dates of 1 December 2018 and 1 April 2019 for the commencement of the provisions of the Amendment Act that are not yet in force.

## **Consistency with policy objectives of authorising law**

The proclamation is consistent with the policy objectives of 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 proclamation is the only effective means of achieving the policy objective.

## **Benefits and costs of implementation**

There are no costs arising from the proclamation.

## **Consistency with fundamental legislative principles**

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

## **Consultation**

The Australian Health Practitioner Regulation Agency supports the proposed commencement date.

The proclamation 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.