

# Health Practitioner Regulation National Law and Other Legislation Amendment (Postponement) Regulation 2023

Explanatory notes for SL 2023 No. 145

made under the

*Health Practitioner Regulation National Law and Other  
Legislation Amendment Act 2022*

## General Outline

### Short title

*Health Practitioner Regulation National Law and Other Legislation Amendment  
(Postponement) Regulation 2023*

### Authorising law

Section 15DA of the *Acts Interpretation Act 1954*

Section 2 of the *Health Practitioner Regulation National Law and Other Legislation  
Amendment Act 2022*

### Policy objectives and the reasons for them

The *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2022* (Amendment Act) was passed on 13 October 2022 and received Royal Assent on 21 October 2022.

It amends the Health Practitioner Regulation National Law (National Law), which is set out in the schedule to the *Health Practitioner Regulation National Law Act 2009*, to give effect to nationally agreed reforms to the National Registration and Accreditation Scheme for the health professions. To accommodate Queensland's co-regulatory arrangements, the Amendment Act also amends the *Health Ombudsman Act 2013* and makes minor modifications to how certain amendments to the National Law will operate in Queensland. The modifications are made through amendments to the local application provisions of the National Law in part 4 of the Health Practitioner Regulation National Law Act.

As host of the National Law, Queensland is responsible for progressing nationally agreed amendments through the Queensland Parliament. These amendments then apply automatically in some States and Territories, but certain States require their own legislation to bring effect to the amendments.

Section 2 of the Amendment Act provides for a number of provisions to commence on a date to be fixed by proclamation. This was done to:

- provide time for regulators to update their administrative systems and guidance materials;
- allow for further stakeholder education and preparation; and
- for reforms where national consistency is critical, allow time for jurisdictions to pass their own corresponding or adopting legislation to apply the amendments, as is required in certain States.

Some of the provisions set out in section 2 commenced by proclamation on 15 May 2023.

Section 15DA(2) of the *Acts Interpretation Act 1954* provides that provisions of an Act that have not commenced within one year of the assent day automatically commence on the next day. However, a regulation may extend the period before automatic commencement to not more than two years of the assent date.

The objective of the Postponement Regulation is to postpone the uncommenced provisions of the Amendment Act for up to one additional year. Extending the period before automatic commencement is necessary to allow time for other jurisdictions to give effect to the amendments, allowing them to commence nationally at the same time. Once all jurisdictions have passed their necessary legislation, it is intended to commence the postponed provisions via a second proclamation.

## **Achievement of policy objectives**

The Regulation extends the period before automatic commencement of the Amendment Act until the end of 20 October 2024.

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

The Regulation is consistent with the policy objectives of the Amendment Act, the National Law, and the Acts Interpretation 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 Regulation is the only effective means of postponing the uncommenced provisions of the Amendment Act, as otherwise commencement under section 15DA of the Acts Interpretation Act will automatically occur.

## **Benefits and costs of implementation**

Extending the period before automatic commencement of the Amendment Act will allow the laws in all jurisdictions to be uniform and consistent.

There are no costs associated with the implementation of this Postponement Regulation.

## **Consistency with fundamental legislative principles**

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

## **Consultation**

The decision to postpone commencement of the remaining provisions of the Amendment Act was made in consultation with the Queensland Office of the Health Ombudsman, the Australian Health Practitioner Regulation Agency, and departments with responsibility for health in all States, Territories and the Australian Government.

Queensland Health has assessed the amendments in accordance with the Queensland Government Better Regulation Policy as being machinery in nature and not requiring further regulatory impact analysis.

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