

**HEALTH PRACTITIONER REGULATION NATIONAL LAW (WA) AMENDMENT BILL 2017**

*Second Reading*

Resumed from 14 September 2017.

**HON NICK GOIRAN (South Metropolitan)** [4.03 pm]: I rise on behalf of the opposition to speak on the Health Practitioner Regulation National Law (WA) Amendment Bill 2017. The progress of this bill is illustrative of the government's performance in its first year of office. I remind members that the bill was introduced and read a first time in the other place on 16 August last year. On 5 September last year, the government had the other place declare the bill urgent, agree to the second reading, consider the bill in detail and adopt amendments. The next day the bill was read a third time. That same day, 6 September last year, the bill was speedily introduced into this place, the Legislative Council of Western Australia. Relevantly, the government argued that same day that the bill, and I quote, "does not need to be referred to the uniform legislation committee". That was on 6 September 2017. This is the same bill that the government started in the other place on 16 August 2017.

When the government next decided to bring on this bill for debate, on 14 September 2017, I moved, without notice, that the Health Practitioner Regulation National Law (WA) Amendment Bill 2017 be referred to the Standing Committee on Uniform Legislation and Statutes Review pursuant to standing order 126. On that day the government agreed to support the referral of the bill to committee, but continued to argue, and I quote, "the referral to the committee is not necessary". As is our practice, the bill was then discharged from the notice paper and referred to the Standing Committee on Uniform Legislation and Statutes Review, which under the chairmanship of my learned friend, Hon Michael Mischin, tabled the 109<sup>th</sup> report on 31 October last year, being the next sitting day after the 45-day period mandated by standing order 126. That was 31 October 2017. Remember this is the bill that the government had declared urgent in the other place; this is the bill that the government did not want to go to the uniform legislation committee. The uniform legislation committee does its work in a timely and efficient fashion and the bill came back to this place on 31 October 2017. What has happened since then? The bill has languished on the notice paper ever since, with the government bringing on the matter for debate now in 2018. It could have been brought on after the committee handed down its report; but, no, the government decided to go have a snooze in November, December, January, and February. Now that it is March, it has developed just enough energy to bring this bill on for debate. That is the chronology of the passage of this bill so far. That is the chronology of the passage of a bill that the government considered urgent. I think that the history of this bill is illustrative of this government's performance in its first year in office.

Having dealt with the history of the bill, I turn now to the policy of the bill before considering the findings and recommendations made by the Standing Committee on Uniform Legislation and Statutes Review. By my count, this bill seeks to do at least six things, including establish the Paramedicine Board of Australia, separate nursing and midwifery, restrict care in the three stages of labour to a registered midwife or medical practitioner, improve the complaints procedure, make some technical improvements for efficiency and effectiveness, and make some regulation amendments to change the structure of national boards. However, as the saying goes, the devil is in the detail.

As those members who have had the opportunity to peruse and consider the report by the Standing Committee on Uniform Legislation and Statutes Review have seen, there are some significant concerns with the current legislation. Indeed, I note that the committee has identified deficiencies that derogate from Western Australian parliamentary sovereignty and question the adequacy of the process for authentic parliamentary scrutiny. Amendments have been made to the national regulation without any scrutiny by the Western Australian Parliament, and, for my part, I consider that unacceptable. That current process only serves to undermine Western Australian parliamentary sovereignty. Our Parliament must ensure that amendments to the national regulation are in the best interests of our state and that it disallows those that are not. I note that the committee has also proposed that the Minister for Health advise the Legislative Council on the progress of the new health practitioner national regulation and any proposed date for tabling. I look forward to finding that out from the government in due course.

I advise that the opposition will support the second reading of the bill, but insists that the government amends the bill to address the deficiencies in the act that derogate from the Western Australian Parliament's sovereignty. I note that the government has foreshadowed amendments to the bill to do exactly that. It is most regrettable that the government delayed the bill being referred to the Standing Committee on Uniform Legislation and Statutes Review and has since allowed the bill to languish on the notice paper. Now that the government has belatedly brought on the bill for debate and conceded the need for amendments, it can be assured of the opposition's assistance in facilitating the passage of the bill. If nothing else, the passage of this bill has demonstrated the importance and effectiveness of our bicameral parliamentary system in Western Australia to ensure that the legislation we enact is indeed fit for its intended purpose.

**HON RICK MAZZA (Agricultural)** [4.10 pm]: I rise to make a few comments on the Health Practitioner Regulation National Law (WA) Amendment Bill 2017. The bill and explanatory memorandum are quite hefty for a bill that predominantly requires the registration of paramedics and distinguishes between the professions of nursing and midwifery. Like Hon Nick Goiran, I found it a bit curious that the last paragraph of the second reading speech states that the bill did not need to be referred to the Standing Committee on Uniform Legislation and Statutes Review. However, the government quite quickly agreed that it did. Some useful work has been done in that report, particularly around how the bill affects the sovereignty of Western Australia. Like quite a number of these uniform-type legislations, it is disjointed. Queensland, as the host state, deals with this legislation. Regulations are then gazetted in Victoria. We are bound by those regulations, but there is no mechanism for Western Australia to scrutinise or disallow those regulations. I believe that with the amendments proposed by the government, that problem will be fixed.

I refer to the requirements to become a registered paramedic. I think most people, particularly in Western Australia, would expect that if a paramedic were needed to assist someone, they would have a level of expertise and skill in dealing with whatever the issue might be. I think it is very important that paramedics have been brought onto the medical practitioners register to ensure that they meet the high standards expected by people in Western Australia should an emergency occur. I believe that the coroner recommended that nurses and midwives be registered separately and this bill will take care of that matter as well.

Looking through this bill, I think that most matters have been covered by this committee report. As I said, the government will move that amendment to make sure that Western Australia has some scrutiny and maintains sovereignty of the legislation as it comes through. The Shooters, Fishers and Farmers Party indicates that we will support the bill.

**HON COLIN TINCKNELL (South West)** [4.13 pm]: I inform the house that Pauline Hanson's One Nation will also support the Health Practitioner Regulation National Law (WA) Amendment Bill 2017. The amendments aim to protect the general public and provide good governance. The registration of paramedics will bring them into line with many other health professionals who are required to be registered. This will provide extra protection to the general public by requiring set standards for the skills needed for someone to be registered as a paramedic. I support the separation of midwifery and nursing registrations. The separation will lead to better clarity around the qualifications required to perform certain nursing tasks and may decrease adverse health outcomes.

I support the bill as a means to regulate the industry better through strengthening the complaints management process, which will generally better protect the public from practitioners who may abuse the system. One Nation will support the bill.

Debate interrupted, pursuant to standing orders.

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*Sitting suspended from 4.15 to 4.30 pm*