



MESSAGE No. 101

Mr Speaker

The Legislative Council acquaints the Legislative Assembly that it has agreed to the *Health Practitioner Regulation National Law (WA) Bill 2010* subject to the amendments contained in the Schedule annexed; in which amendments the Legislative Council desires the concurrence of the Legislative Assembly.

A handwritten signature in blue ink, appearing to be "Barry House", is written over a light blue rectangular background.

Hon Barry House
President of the Legislative Council

Legislative Council Chamber
Perth, 19 August 2010

Schedule indicating the amendments made by the Legislative Council in the Health Practitioner Regulation National Law (WA) Bill 2010

No. 1

Page 3, line 5 — To delete “Schedule — ” and insert —

Schedule, as modified to give effect to subsections (5), (6) and (7) —

No. 2

Page 3, after line 28 — To insert —

- (5) In the Schedule section 3(3)(c) delete “and are of an appropriate quality.” and insert:

consistent with best practice principles.

- (6) In the Schedule section 113(3) in the Table delete “medical practitioner” and insert:

medical practitioner, physician

- (7) In the Schedule after section 141(4)(c) insert:

- (da) the first health practitioner forms the reasonable belief in the course of providing health services to the second health practitioner or student; or

No. 3

Page 4, line 19 — To delete “The” and insert —

- (1) Except as provided in subsection (2), the

No. 4

Page 4, after line 27 — To insert —

- (2) Sections 41 and 42 of the *Interpretation Act 1984* apply to regulations made under the *Health Practitioner Regulation National Law (Western Australia)*.

No. 5

Page 51, line 2 to page 52, line 20 — To delete the clause.

No. 6

Page 51, after line 1 — To insert —

127. Section 23 amended

- (1) In section 23(2)(a) delete “a pharmaceutical chemist” and insert:

a pharmacist

- (2) After section 23(3) insert:

- (4A) If the CEO gives a dentist, medical practitioner, nurse practitioner or pharmacist a notice pursuant to any regulations made under section 64(2)(ha), the CEO may give a copy of the notice to the National Board as defined in the *Health Practitioner Regulation National Law (Western Australia)* section 5 for the person’s health profession.
- (4B) Subject to this Act, a person who is a member of a prescribed class of endorsed health practitioner is authorised in the lawful practice of his or her profession to do any one or more of the following things in relation to a medicine as is prescribed in relation to the prescribed class —
- (a) possess;
 - (b) use;
 - (c) supply;
 - (d) sell;
 - (e) prescribe.
- (4C) The authorisation given by subsection (4B) is subject to —
- (a) such conditions and restrictions as may be prescribed; and
 - (b) any notice given by the CEO pursuant to any regulations made under section 64(2)(ha).
- (4D) If the CEO gives an endorsed health practitioner a notice pursuant to any regulations made under section 64(2)(ha), the CEO may give a copy of the notice to the National Board as defined in the *Health Practitioner Regulation National Law (Western Australia)* section 5 that endorsed the registration of the health practitioner.
- (4E) Subsection (4B) does not authorise a person to sell any poison in an open shop unless the person is licensed under this Act to do so.

No. 7

Page 55, lines 14 to 18 — To delete the lines and insert —

- (a) in paragraph (ha) delete “section 23(2) in relation to drugs of addiction or specified drugs or both;” and insert:

section 23(2) or (4B) in relation to a poison or medicine;

No. 8

Page 233, after line 7 — To insert —

- (3) Despite section 7(1)(d) of the *Health Practitioner Regulation National Law (WA) Act 2010*, sections 41 and 42 of the *Interpretation Act 1984* apply to regulations made under subsection (1).

No. 9

Page 233, lines 8 to 10 — To delete the lines.

No. 10

Page 233, lines 14 to 17 — To delete the lines.

No. 11

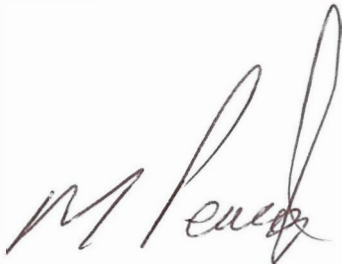
Page 233, line 19 to page 234, line 4 — To delete the lines and insert —

Note: Clause 246 of the *Health Practitioner Regulation National Law* does not form part of the *Health Practitioner Regulation National Law* in Western Australia.

No. 12

Page 234, lines 6 to 15 — To delete the lines and insert —

Note: Clause 247 of the *Health Practitioner Regulation National Law* does not form part of the *Health Practitioner Regulation National Law* in Western Australia.



Clerk of the Legislative Council