

WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 125
Issue No. 4

WEDNESDAY, 11 AUGUST 2010


HEALTH PRACTITIONER REGULATION NATIONAL LAW (WA) BILL 2010 [125-2]

[c1]When in committee on the *Health Practitioner Regulation National Law (WA) Bill 2010*:

Clause 4

Minister for Transport: To move -

12/4 Page 3, line 5 — To delete “Schedule — ” and insert —

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

Minister for Transport: To move -

13/4 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

Clause 7

Committee Recommendation:

1/7 Page 4, line 19 — To delete “The” and insert —

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

Committee Recommendation:

2/7 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)*.

Clause 127

Minister for Transport:

8/127 Page 51, line 2 to page 52, line 20 — To oppose the clause.

New Clause 127

Minister for Transport: To move —

9/127 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.

Clause 134

Minister for Transport: To move —

10/134 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;

Schedule, Part 1, Clause 3

Hon Giz Watson: To move -

14/S Page 71, lines 18 and 19 — To delete “and are of an appropriate quality” and insert —

consistent with best practice

Schedule, Part 7, Clause 77

Hon Giz Watson: To move -

15/S Page 125, after line 27 — To insert —

- (4a) It is unlawful for a National Board to discriminate against an applicant on the ground of a spent conviction of the applicant. Section 22 *Spent Convictions Act 1988* applies.

Schedule, Part 8, Clause 140

Hon Giz Watson: To move -

16/S Page 171, line 7 — To insert before “drugs” —

other

Schedule, Part 8, Clause 141

Hon Giz Watson: To move -

17/S Page 173, line 4 — To insert —

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

Schedule, Part 11, Clause 245

Committee Recommendation:

4/S 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).

Committee Recommendation:

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

Committee Recommendation:

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

Schedule, Part 11, Clause 246**Committee Recommendation:**

7/S 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.

Schedule, Part 11, Clause 247**Committee Recommendation:**

8/S 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.

New Clause 11A

Minister for Transport: To move —

11/NC11 Page 6, after line 16 — To insert —

11A. Procedure with respect to national law regulations

- (1) If regulations are made under the *Health Practitioner Regulation National Law (Western Australia)* section 245, the regulations —
 - (a) must be published in the *Gazette* within 21 days after the day on which the regulations are published by the Victorian Government Printer under section 245(3) of that Law; and
 - (b) must be laid before each House of Parliament within 6 sitting days of such House next following publication of the regulations in the *Gazette*.
- (2) If either House of Parliament passes a resolution disallowing any regulation laid before it under subsection (1)(b), the Minister is to notify the Ministerial Council of the resolution.

New Clause 13A

Committee Recommendation:

3/NC13A Page 6, after line 21 — To insert —

13A. Tabling of review under COAG Agreement

The Minister is to cause a copy of the report of the review conducted under the COAG Agreement clause 14.1 to be laid before each House of Parliament as soon as practicable, and in any event not later than 6 months after the Ministerial Council receives the report.