

Health Practitioner Regulation National Law (WA) Amendment Bill 2017

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Western Australia

LEGISLATIVE ASSEMBLY

**Health Practitioner Regulation National Law
(WA) Amendment Bill 2017**

A Bill for

An Act to amend the *Health Practitioner Regulation National Law (WA) Act 2010* and to make consequential amendments to other Acts.

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *Health Practitioner Regulation National Law (WA) Amendment Act 2017*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent (*assent day*);
- (b) Part 2, other than sections 9(3)-(6), 10-22, 25, 27-35, 36(b)-(d), 38, 39, 40(1) and (3), 41(1) and (3), 42(1), 43-47, 49, 51-54, 55(a), 56-70, 71(1), 72-87 and 89-96 —
 - (i) if the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017* (Queensland) section 3 comes into operation on or before assent day — on the day after assent day; or
 - (ii) otherwise — on the day on which the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017* (Queensland) section 3 comes into operation;
- (c) section 38 — on the 28th day after the day on which section 3 (of this Act) comes into operation;
- (d) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

1 (b) delete “CrimTrac” and insert:

2

3 the ACC

4

5 **6. Part 4 Division 1 deleted**

6 Delete Part 4 Division 1.

7 **Division 2 — Health Practitioner Regulation National Law**
8 **amended**

9 **7. Provisions amended**

10 This Division amends the Health Practitioner Regulation
11 National Law set out in the Schedule to the *Health Practitioner*
12 *Regulation National Law (WA) Act 2010*.

13 **8. Section 3 amended**

14 In section 3(3)(c) delete “and are of an appropriate quality.” and
15 insert:

16

17 consistent with best practice principles.

18

19 **9. Section 5 amended**

20 (1) In section 5 delete the definitions of:

21 *CrimTrac*

22 *Ministerial Council*

23 (2) In section 5 insert in alphabetical order:

24

25 *ACC* means the Australian Crime Commission established
26 under section 7 of the *Australian Crime Commission*
27 *Act 2002* (Commonwealth);

1 **Ministerial Council** means the COAG Health Council, or a
2 successor of the Council by whatever name called,
3 constituted by Ministers of the governments of the
4 participating jurisdictions and the Commonwealth with
5 portfolio responsibility for health;
6

7 (3) In section 5 insert in alphabetical order:

8
9 **prohibition order** means —

- 10 (a) a decision by a responsible tribunal of this
11 jurisdiction under section 196(4)(b); or
12 (b) a decision by a responsible tribunal of another
13 participating jurisdiction under section 196(4)(b) as
14 it applies in the other jurisdiction; or
15 (c) a prohibition order under section 149C(5) of the
16 *Health Practitioner Regulation National Law* (New
17 South Wales); or
18 (d) a decision under section 107(4)(b) of the *Health*
19 *Ombudsman Act 2013* (Queensland);
20

21 (4) In section 5 delete the definition of **National Board** and insert:

22
23 **National Board** means a National Health Practitioner Board
24 continued or established by regulations made under
25 section 31;
26

27 (5) In section 5 in the definition of **accreditation committee** delete
28 “the health profession” and insert:

29
30 a health profession
31

- 1 (6) In section 5 in the definition of *health profession*:
- 2 (a) delete paragraph (g) and insert:
- 3
- 4 (g) midwifery;
- 5 (ga) nursing;
- 6
- 7 (b) after paragraph (j) insert:
- 8
- 9 (ja) paramedicine;
- 10
- 11 **10. Section 7 amended**
- 12 In section 7(1), (2) and (3) delete “established by this Law” and
- 13 insert:
- 14
- 15 established by or under this Law
- 16
- 17 **11. Section 14 amended**
- 18 In section 14(1) delete “practising the profession” and insert:
- 19
- 20 practising a profession
- 21
- 22 **12. Section 15 amended**
- 23 In section 15 delete “the health profession” and insert:
- 24
- 25 a health profession
- 26

1 **13. Section 26 amended**

2 In section 26(1)(a) delete “the health profession” and insert:

3

4 a health profession

5

6 **14. Section 31 replaced**

7 Delete section 31 and insert:

8

9 **31. Regulations must provide for National Boards**

10 (1) The regulations must provide for a National Health
11 Practitioner Board for each health profession.

12 (2) The regulations may —

13 (a) continue an existing Board for a health profession;
14 or

15 (b) establish a Board for a health profession or for 2 or
16 more health professions; or

17 (c) dissolve a Board for a health profession (the
18 *dissolved Board*) if another Board is established for
19 that health profession (the *replacement Board*).

20 (3) The regulations may provide for anything for which it is
21 necessary or convenient to make provision to allow,
22 facilitate or provide for the following —

23 (a) the continuation, establishment or dissolution of a
24 Board under subsection (2);

25 (b) the completion of a matter started by an existing
26 Board before the commencement;

27 (c) the effect of anything done by an existing Board
28 before the commencement;

29 (d) the transfer of matters from a dissolved Board to a
30 replacement Board.

- 1 (4) Before a regulation is made under subsection (2)(b) or (c),
2 the Ministers comprising the Ministerial Council must
3 undertake public consultation on the proposed regulation.
- 4 (5) However, failure to comply with subsection (4) does not
5 affect the validity of the regulation.
- 6 (6) In this section —
7 *existing Board* means a National Health Practitioner Board
8 in existence immediately before the commencement.

9 **31A. Status of National Boards**

- 10 (1) A National Board —
11 (a) is a body corporate with perpetual succession; and
12 (b) has a common seal; and
13 (c) may sue and be sued in its corporate name.
- 14 (2) A National Board represents the State.
15

16 **15. Section 33 amended**

- 17 (1) In section 33(5):
18 (a) in paragraph (b) delete “jurisdiction.” and insert:
19
20 jurisdiction; and
21
22 (b) after paragraph (b) insert:
23
24 (c) if the National Board is established for 2 or more
25 health professions — at least one member of each
26 health profession for which the Board is established.
27

1 (2) After section 33(9) insert:
2

3 (9A) The regulations may prescribe matters relating to the
4 composition of practitioner members for a National Board
5 established for 2 or more health professions.
6

7 **16. Section 34 amended**

8 (1) Delete section 34(2) and insert:
9

10 (2) A person is eligible to be appointed as a practitioner
11 member only if the person is a registered health practitioner
12 in a health profession for which the Board is established.
13

14 (2) Delete section 34(3) and insert:
15

16 (3) A person is eligible to be appointed as a community member
17 only if the person is not, and has not at any time been, a
18 health practitioner in a health profession for which the
19 Board is established.
20

21 (3) Delete section 34(4)(a) and insert:
22

23 (a) in the case of appointment as a practitioner
24 member — the person has, whether before or after
25 the commencement of this Law, as a result of the
26 person's misconduct, impairment or incompetence,
27 ceased to be registered as a health practitioner in a
28 health profession for which the Board is
29 established; or
30

1 **17. Section 38 amended**

2 In section 38(1):

3 (a) delete “the health profession” and insert:

4

5 a health profession

6

7 (b) in paragraph (b) delete “by the Board,” and insert:

8

9 in a health profession for which the Board is established,

10

11 **18. Section 39 amended**

12 In section 39 delete the Example and insert:

13

14 Examples:

15 1. A National Board may develop guidelines about the
16 advertising of regulated health services by health
17 practitioners registered by the Board or other persons for
18 the purposes of section 133.

19 2. To assist a health practitioner in providing practice
20 information under section 132, a National Board may
21 develop guidelines about the information that must be
22 provided to the Board.

23

24 **19. Section 41 amended**

25 In section 41 delete “by the Board” and insert:

26

27 in a health profession for which the Board is established

28

1 **20. Section 49 amended**

2 In section 49(1) and (5) delete “the health profession” and insert:

3

4 a health profession

5

6 **21. Section 51 amended**

7 In section 51(2) delete “the health profession” and insert:

8

9 a health profession

10

11 **22. Section 56 amended**

12 Delete section 56(2)(a) and insert:

13

14 (a) starts —

15 (i) when the Board makes the decision; or

16 (ii) on the later day stated by the Board, not
17 more than 90 days after the day the Board
18 makes the decision;

19 and

20

21 **23. Section 65 amended**

22 After section 65(1) insert:

23

24 (1A) Subsection (1B) applies if —

25 (a) an individual is registered in a health profession for
26 which divisions are included in the National
27 Register kept for the profession; and

28 (b) the individual holds general or limited registration
29 in a division.

- 1 (1B) Despite subsection (1)(a) and (b), the individual is eligible
2 for limited registration in another division of the profession
3 if the individual —
4 (a) is not qualified for general registration under the
5 other division; and
6 (b) is qualified under this Division for limited
7 registration under the other division.
8

9 **24. Section 71 replaced**

10 Delete section 71 and insert:
11

12 **71. Limited registration not to be held for more than one**
13 **purpose**

- 14 (1) Subsection (2) applies to a health profession for which a
15 division is not included in the National Register kept for the
16 profession.
17 (2) An individual registered in the health profession may not
18 hold limited registration in the same health profession for
19 more than one purpose under this Division at the same time.
20 (3) Subsection (4) applies to a health profession for which
21 divisions are included in the National Register kept for the
22 profession.
23 (4) An individual registered in the health profession may not
24 hold limited registration in the same division of the
25 profession for more than one purpose under this Division at
26 the same time.
27

28 **25. Section 77 amended**

29 In section 77(1) delete “the health profession” and insert:
30

31 a health profession
32

1 **26. Section 79 amended**

2 Delete section 79(2)(a) and insert:

3

4 (a) the ACC;

5

6 **27. Section 83 amended**

7 In section 83(1) delete “the health profession” and insert:

8

9 a health profession

10

11 **28. Section 88 amended**

12 In section 88(1)(a) delete “the health profession” and insert:

13

14 a health profession

15

16 **29. Section 92 amended**

17 In section 92(2) delete “that registered the person” and insert:

18

19 established for the person’s health profession

20

21 **30. Section 94 amended**

22 In section 94(1) delete “by the Board” and insert:

23

24 in a health profession for which the Board is established

25

1 **31. Section 95 amended**

2 In section 95(1) delete “Nursing and Midwifery Board of Australia”
3 and insert:

4
5 National Board for the nursing profession
6

7 **32. Section 96 amended**

8 In section 96(1) delete “Nursing and Midwifery Board of Australia”
9 and insert:

10
11 National Board for the midwifery profession
12

13 **33. Section 97 amended**

14 In section 97(1) delete “by the Board” and insert:

15
16 in a health profession for which the Board is established
17

18 **34. Section 98 amended**

19 In section 98(1) delete “by the Board” and insert:

20
21 in a health profession for which the Board is established
22

23 **35. Section 107 amended**

24 In section 107(1) delete “that registered the practitioner” and
25 insert:

26
27 established for the practitioner’s health profession
28

1 **36. Section 113 amended**

2 In section 113(3) in the Table:

3 (a) in the row for Medical delete “medical practitioner” and
4 insert:

5
6 medical practitioner, physician
7

8 (b) after the row for Medical Radiation Practice insert:
9

Midwifery	midwife, midwife practitioner
Nursing	nurse, registered nurse, nurse practitioner, enrolled nurse

10

11 (c) delete the row for Nursing and Midwifery;

12 (d) after the row for Osteopathy insert:
13

Paramedicine	paramedic
--------------	-----------

14

15 **37. Section 118 amended**

16 In section 118(2)(b) after “another person” insert:
17

18 who is not a specialist health practitioner
19

1 **38. Section 123A inserted**

2 After section 123 insert:

3

4 **123A. Restricted birthing practices**

5 (1) In this section —

6 *midwife* means a person who is registered under this Law in
7 the midwifery profession;

8 *restricted birthing practice* means undertaking the care of a
9 woman by managing the 3 stages of labour, or any part of
10 those stages.

11 (2) A person must not carry out a restricted birthing practice
12 unless the person —

13 (a) is a medical practitioner; or

14 (b) is a midwife; or

15 (c) is a student who carries out the restricted birthing
16 practice in the course of activities undertaken as
17 part of —

18 (i) an approved programme of study for the
19 medical or midwifery profession; or

20 (ii) clinical training in the medical or midwifery
21 profession;

22 or

23 (d) is acting under the supervision of a medical
24 practitioner or midwife and in accordance with any
25 requirements set out in a code or guideline
26 approved, under section 39, by the National Board
27 established for the relevant profession; or

28 (e) is providing emergency assistance to a woman who
29 is in labour.

30 Penalty for this subsection: a fine of \$30 000.

31

1 **39. Section 124 amended**

2 In section 124(1)(a) and (b) delete “the health profession” and
3 insert:

4
5 a health profession
6

7 **40. Section 125 amended**

8 (1) In section 125(1) delete “that registered the practitioner or
9 student —” and insert:

10
11 established for the practitioner’s or student’s health profession —
12

13 (2) In section 125(2)(b) delete “the condition,” and insert:

14
15 the condition or at a later time,
16

17 (3) Delete section 125(6) and insert:

18
19 (6) If the National Board’s decision results in the registration or
20 endorsement being subject to a condition, or an undertaking
21 is still in place, the Board may decide a review period for
22 the condition or undertaking.

23 (6A) As soon as practicable after making the decision under
24 subsection (5), the National Board must give written notice
25 to the registered health practitioner or student of —

26 (a) the decision; and

27 (b) if the Board has decided a review period for a
28 condition or undertaking — details of the review
29 period.
30

1 **41. Section 126 amended**

2 (1) In section 126(1) delete “by the Board.” and insert:

3

4 in a health profession for which the Board is established.

5

6 (2) In section 126(3)(b) delete “condition, that this subdivision” and
7 insert:

8

9 condition or at a later time, that this Subdivision

10

11 (3) Delete section 126(6) and insert:

12

13 (6) If the National Board’s decision results in the registration
14 being subject to a condition, the Board may decide a review
15 period for the condition.

16 (6A) As soon as practicable after making the decision under
17 subsection (5), the National Board must give written notice
18 to the registered health practitioner or student of —

19 (a) the decision; and

20 (b) if the Board has decided a review period for a
21 condition — details of the review period.

22

23 **42. Section 127 amended**

24 (1) In section 127(1)(a) and (b) delete “by the Board” and insert:

25

26 in a health profession for which the Board is established

27

28 (2) In section 127(3)(b) delete “subdivision” and insert:

29

30 Subdivision

31

1 **43. Section 127A inserted**

2 At the end of Part 7 Division 11 Subdivision 2 insert:

3

4 **127A. When matters under this Subdivision may be decided by**
5 **review body of a co-regulatory jurisdiction**

- 6 (1) This section applies if —
- 7 (a) a condition has been imposed on a registered health
8 practitioner’s or student’s registration or
9 endorsement, or an undertaking has been given by
10 the practitioner or student; and
- 11 (b) a change or removal of the condition, or change or
12 revocation of the undertaking, would usually be
13 decided under this Subdivision; and
- 14 (c) the National Board that imposed the condition, or to
15 which the undertaking was given, considers the
16 change or removal, or change or revocation, should
17 be decided by a review body of a co-regulatory
18 jurisdiction.
- 19 (2) The National Board may —
- 20 (a) decide that any change or removal, or change or
21 revocation, may be decided by the review body of a
22 co-regulatory jurisdiction; and
- 23 (b) give any relevant documents or information held by
24 the Board to the review body.
- 25 (3) If a review body of a co-regulatory jurisdiction is to decide a
26 matter instead of the Board, the review body must decide
27 the matter under the laws of that jurisdiction.
- 28 (4) In this section —
- 29 *review body* means an entity declared by an Act or
30 regulation of a co-regulatory jurisdiction to be a review
31 body for this section.

1 **44. Section 129 amended**

2 In section 129(2) delete “by the Board” and insert:

3

4 in a health profession for which the Board is established

5

6 **45. Section 130 amended**

7 In section 130(1) delete “that registered the practitioner or student”
8 and insert:

9

10 established for the practitioner’s or student’s health profession

11

12 **46. Section 131 amended**

13 In section 131(1) delete “that registered the practitioner” and
14 insert:

15

16 established for the practitioner’s health profession

17

18 **47. Section 132 replaced**

19 Delete section 132 and insert:

20

21 **132. National Board may ask registered health practitioner**
22 **for practice information**

23 (1) A National Board may, at any time by written notice given
24 to a health practitioner registered in a health profession for
25 which the Board is established, ask the practitioner to give
26 the Board a written notice containing practice information
27 for the practitioner.

28 (2) The registered health practitioner must not, without
29 reasonable excuse, fail to comply with the notice from the
30 Board.

- 1 (3) A contravention of subsection (2) by a registered health
2 practitioner does not constitute an offence but may
3 constitute behaviour for which health, conduct or
4 performance action may be taken.
- 5 (4) In this section —
- 6 *practice information*, for a registered health practitioner
7 practising in the health profession for which the practitioner
8 is registered, means each of the following if it applies to the
9 practitioner —
- 10 (a) if the practitioner is self-employed and shares
11 premises with other registered health practitioners
12 with whom the practitioner shares the cost of the
13 premises —
- 14 (i) that the practitioner is self-employed; and
15 (ii) the address of each of the premises at which
16 the practitioner practises; and
17 (iii) if the practitioner practises under a business
18 name or names, each business name; and
19 (iv) the names of the other registered health
20 practitioners with whom the practitioner
21 shares premises;
- 22 (b) if the practitioner is self-employed and
23 paragraph (a) does not apply — that the practitioner
24 is self-employed, the address of each of the
25 premises at which the practitioner practises and, if
26 the practitioner practises under a business name or
27 names, each business name;
- 28 (c) if the practitioner is engaged by one or more entities
29 under a contract of employment, contract for
30 services or any other arrangement or agreement —
31 the name, address and contact details of each entity;
- 32 (d) if the practitioner is providing services for or on
33 behalf of one or more entities, whether in an
34 honorary capacity, as a volunteer or otherwise, and
35 whether or not the practitioner receives payment
36 from an entity for the services — the name, address
37 and contact details of each entity;

1 Example for paragraph (d):
2 A physiotherapist practises physiotherapy as a volunteer
3 at a sporting club or charity under an arrangement with
4 that entity.
5 (e) if the practitioner practises under a name or names
6 that are not the same as the name under which the
7 practitioner is registered under this Law — the other
8 name or names;
9 *premises at which the practitioner practises* does not
10 include the residential premises of a patient of the
11 practitioner.
12

13 **48. Section 135 amended**

14 Delete section 135(1)(a) and insert:

15
16 (a) the ACC;
17

18 **49. Section 137 amended**

19 In section 137(1) delete “that registered the practitioner,” and
20 insert:

21
22 established for the practitioner’s health profession,
23

24 **50. Section 141 amended**

25 After section 141(4)(c) insert:

26
27 (ca) the first health practitioner forms the reasonable
28 belief in the course of providing health services to
29 the second health practitioner; or
30

1 **51. Section 143 amended**

2 In section 143(3)(a) delete “that registered the student” and insert:

3

4 established for the student’s health profession

5

6 **52. Section 148 amended**

7 In section 148(1) delete “that registered the health practitioner or
8 student.” and insert:

9

10 established for the practitioner’s or student’s health profession.

11

12 **53. Section 149 amended**

13 (1) In section 149(1)(a) delete “by the Board; and” and insert:

14

15 in a health profession for which the Board is established; and

16

17 (2) In section 149(3):

18 (a) delete “by the Board” and insert:

19

20 in a health profession for which the Board is established

21

22 (b) delete “by another National Board,” and insert:

23

24 in a health profession for which another National Board is
25 established,

26

1 **54. Section 150 amended**

2 In section 150(5) and (7) delete “that registered the practitioner”
3 and insert:

4
5 established for the practitioner’s health profession
6

7 **55. Section 151 amended**

8 In section 151(1):

9 (a) in paragraph (c) delete “by the Board” and insert:

10
11 in a health profession for which the Board is established
12

13 (b) delete paragraph (e) and insert:

14
15 (e) the subject matter of the notification —

16 (i) is being dealt with, or has already been
17 dealt with, by another entity; or

18 (ii) has been referred by the Board to another
19 entity to be dealt with by that entity;

20 or

21 (f) the health practitioner to whom the notification
22 relates has taken appropriate steps to remedy the
23 matter the subject of the notification and the Board
24 reasonably believes no further action is required in
25 relation to the notification.
26

27 **56. Section 155 amended**

28 In section 155 in the definition of *immediate action*:

29 (a) in paragraph (c) delete “registration.” and insert:

30
31 registration; or

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(b) after paragraph (c) insert:

(d) if immediate action has previously been taken suspending a health practitioner’s or student’s registration — the revocation of the suspension and the imposition of a condition on the registration; or

(e) if immediate action has previously been taken imposing a condition on a health practitioner’s or student’s registration — the suspension of the registration instead of the condition.

57. Section 156 amended

In section 156(1):

(a) delete “by the Board” and insert:

in a health profession for which the Board is established

(b) in paragraph (d) delete “jurisdiction.” and insert:

jurisdiction; or

(c) after paragraph (d) insert:

(e) the National Board reasonably believes the action is otherwise in the public interest.

Example of when action may be taken in the public interest:

A registered health practitioner is charged with a serious criminal offence, unrelated to the practitioner’s practice, for which immediate action is required to be taken to maintain public confidence in the provision of services by health practitioners.

1 **58. Section 159A inserted**

2 At the end of Part 8 Division 7 insert:

3

4 **159A. Board may give information to notifier about immediate**
5 **action**

6 (1) This section applies if a notification about a registered
7 health practitioner or student results in immediate action by
8 a National Board under this Division in relation to the
9 practitioner or student.

10 (2) After deciding to take the immediate action, the National
11 Board may inform the notifier who made the notification of
12 the decision and the reasons for the decision.
13

14 **59. Section 160 amended**

15 In section 160(1) delete “by the Board” and insert:

16

17 in a health profession for which the Board is established
18

19 **60. Section 167A inserted**

20 At the end of Part 8 Division 8 Subdivision 3 insert:

21

22 **167A. Board may give information to notifier about result of**
23 **investigation**

24 (1) This section applies if a notification about a registered
25 health practitioner or student results in a decision by a
26 National Board under section 167 in relation to the
27 practitioner or student.

28 (2) After making the decision, the National Board may inform
29 the notifier who made the notification of the decision and
30 the reasons for the decision.
31

1 **61. Section 171 amended**

2 Delete section 171(2)(b) and insert:

3

4 (b) for a performance assessment, a registered health
5 practitioner who —

6 (i) is a member of the same health profession
7 as the registered health practitioner or
8 student undergoing assessment; but

9 (ii) is not a member of the National Board
10 established for that profession.
11

12 **62. Section 177A inserted**

13 At the end of Part 8 Division 9 insert:

14

15 **177A. Board may give information to notifier about decision**
16 **following assessor's report**

17 (1) This section applies if a notification about a registered
18 health practitioner or student results in a decision by a
19 National Board under section 177 in relation to the
20 practitioner or student.

21 (2) After making the decision, the National Board may inform
22 the notifier who made the notification of the decision and
23 the reasons for the decision.
24

25 **63. Section 178 amended**

26 In section 178(1)(a)(i) and (ii) delete “by the Board” and insert:

27

28 in a health profession for which the Board is established
29

1 **64. Section 180 replaced**

2 Delete section 180 and insert:

3

4 **180. Notice to be given to health practitioner or student and**
5 **notifier**

6 (1) As soon as practicable after making a decision under
7 section 178(2) or 179(2), if section 179 does not apply, the
8 National Board must give written notice of the decision
9 to —

- 10 (a) the registered health practitioner or student; and
11 (b) if the decision was the result of a notification, the
12 notifier.

13 (2) A notice under subsection (1)(b) may also include the
14 reasons for the decision.
15

16 **65. Section 181 amended**

17 (1) After section 181(1) insert:

18

19 (1A) Also, a National Board must establish a health panel if the
20 suspension of a practitioner's or student's registration is to
21 be reconsidered under section 191(4A) or 191A(2)(c).
22

23 (2) Delete section 181(2) and insert:

24

25 (2) A health panel must consist of the following members
26 chosen from a list referred to in section 183 —

- 27 (a) at least one member who is a registered health
28 practitioner in the same health profession as the
29 registered health practitioner or student the subject
30 of the hearing;

- 1 (b) at least one member who is a medical practitioner
2 with expertise relevant to the matter the subject of
3 the hearing;
4 (c) at least one member who is not, and has not been, a
5 registered health practitioner in the same health
6 profession as the registered health practitioner or
7 student the subject of the hearing.
8

9 (3) Delete section 181(4) and (5) and insert:
10

11 (4) No more than half of the members of the panel may be
12 registered health practitioners in the same health profession
13 as the registered health practitioner or student the subject of
14 the hearing.

15 (5) However, for subsection (4), if the subject of the hearing is a
16 registered health practitioner who is a medical practitioner, a
17 member of the panel referred to in subsection (2)(b) is not to
18 be considered to be registered in the same health profession
19 as the registered health practitioner the subject of the
20 hearing.
21

22 **66. Section 182 amended**

23 Delete section 182(4) and insert:
24

25 (4) At least half, but no more than two-thirds, of the members
26 of the panel must be persons who are —

27 (a) registered health practitioners in the same health
28 profession as the registered health practitioner the
29 subject of the hearing; and

30 (b) chosen from a list approved under section 183.
31

1 **67. Section 184 amended**

2 After section 184(2) insert:

3

4 (3) For a panel established under section 181(1A), the panel —

5 (a) may decide the hearing may be decided entirely on
6 the basis of documents, without parties, their
7 representatives or witnesses appearing at the
8 hearing; and

9 (b) if the hearing is to be decided entirely on the basis
10 of documents — must give written notice of the
11 decision to the registered health practitioner or
12 student the subject of the hearing.

13 (4) The health practitioner or student may within 14 days after
14 receiving the notice under subsection (3)(b) give a written
15 notice to the panel —

16 (a) requesting a hearing; and

17 (b) undertaking to be available to attend the hearing
18 within 28 days after giving the notice.

19 (5) If the health practitioner or student gives a notice under
20 subsection (4), the panel must give the health practitioner or
21 student notice under subsection (1) stating a day for the
22 hearing that is not more than 28 days after the practitioner's
23 or student's notice was given.

24 (6) Subsection (1) does not apply if —

25 (a) the panel makes a decision under subsection (3);
26 and

27 (b) the health practitioner or student does not give
28 notice under subsection (4).
29

1 **68. Section 191 amended**

2 After section 191(4) insert:

3

- 4 (4A) If a panel suspends a health practitioner's or student's
5 registration, the panel must decide a date (the
6 *reconsideration date*) by which the suspension must be
7 reconsidered by a panel established under section 181(1A).
8

9 **69. Sections 191A and 191B inserted**

10 After section 191 insert:

11

12 **191A. Decision of panel after reconsideration of suspension**

- 13 (1) This section applies if the suspension of a health
14 practitioner's or student's registration is reconsidered by a
15 panel established under section 181(1A).
16 (2) The panel may —
17 (a) revoke the suspension; or
18 (b) revoke the suspension, impose conditions under
19 section 191(3)(a) and decide a review period for the
20 conditions under section 191(4); or
21 (c) not revoke the suspension and decide a new
22 reconsideration date.

23 **191B. Change of reconsideration date for suspension of**
24 **registration**

- 25 (1) This section applies if the suspension of a health
26 practitioner's or student's registration is to be reconsidered
27 by a panel established under section 181(1A) on a
28 reconsideration date.
29 (2) The panel may decide an earlier reconsideration date if —
30 (a) the health practitioner or student advises the panel
31 of a material change in the practitioner's or

- 1 student's circumstances and requests an earlier
2 reconsideration date because of the change; and
- 3 (b) the panel is reasonably satisfied an earlier
4 reconsideration date is necessary because of the
5 change in circumstances.
- 6 (3) For subsection (2), the panel must give the practitioner or
7 student written notice of —
- 8 (a) if the panel decides an earlier reconsideration
9 date — the earlier date; or
- 10 (b) if the panel decides to refuse the request for an
11 earlier reconsideration date — the panel's decision
12 and the reasons for the decision.
- 13 (4) The panel may decide a later reconsideration date if the
14 panel is reasonably satisfied it is necessary to enable the
15 panel to reconsider the suspension.
- 16 Examples of when the panel may be reasonably satisfied a later
17 reconsideration date may be decided:
- 18 (a) the health practitioner or student is required for a
19 hearing and cannot attend because of illness;
- 20 (b) the panel requires extra time to consider further
21 evidence supplied by the health practitioner or
22 student;
- 23 (c) extra time is required to appoint a panel member for
24 a panel member who is ill.
- 25 (5) For subsection (4), the panel must give the health
26 practitioner or student written notice of the later
27 reconsideration date and the reasons for the decision.
- 28 (6) The suspension of the health practitioner's or student's
29 registration remains in force until the panel makes a
30 decision to revoke the suspension.
31

1 **70. Section 192 amended**

2 (1) In section 192(1) delete “section 191,” and insert:

3

4 section 191 or 191A,

5

6 (2) Delete section 192(4) and insert:

7

8 (4) A notice under subsection (2)(b) may also include the
9 reasons for the decision.

10

11 **71. Section 196 amended**

12 (1) In section 196(1)(b)(v) delete “that registered the practitioner” and
13 insert:

14

15 established for the practitioner’s health profession

16

17 (2) Delete section 196(4)(b) and insert:

18

19 (b) prohibit the person, either permanently or for a
20 stated period, from —

21 (i) providing any health service or a specified
22 health service; or

23 (ii) using any title or a specified title.

24

25 **72. Section 196A inserted**

26 After section 196 insert:

27

28 **196A. Offences relating to prohibition orders**

29 (1) A person must not contravene a prohibition order.

30 Penalty for this subsection: a fine of \$30 000.

- 1 (2) A person who is subject to a prohibition order (the
2 ***prohibited person***) must, before providing a health service,
3 give written notice of the order to the following persons —
4 (a) the person to whom the prohibited person intends to
5 provide the health service or, if that person is under
6 16 years of age or under guardianship — a parent or
7 guardian of the person;
8 (b) if the health service is to be provided by the
9 prohibited person as an employee — the person’s
10 employer;
11 (c) if the health service is to be provided by the
12 prohibited person under a contract for services or
13 any other arrangement with an entity — that entity;
14 (d) if the health service is to be provided by the
15 prohibited person as a volunteer for or on behalf of
16 an entity — that entity.

17 Penalty for this subsection: a fine of \$5 000.

- 18 (3) A person must not advertise a health service to be provided
19 by a prohibited person unless the advertisement states that
20 the prohibited person is subject to a prohibition order.

21 Penalty for this subsection:

- 22 (a) in the case of an individual — a fine of \$5 000;
23 or
24 (b) in the case of a body corporate — a fine of
25 \$10 000.
26

27 **73. Section 199 amended**

28 After section 199(1)(j) insert:

- 29
30 (ja) a decision by a health panel not to revoke a
31 suspension;
32

1 **74. Section 206 amended**

2 (1) Delete section 206(1)(b) and insert:

3

4 (b) the National Board has been given practice
5 information under section 132 or becomes aware of
6 practice information it should have been given
7 under that section.

8

9 (2) Delete section 206(2) and insert:

10

11 (2) The National Board, as soon as practicable after making the
12 decision or receiving the notice —

13 (a) if the practice information given to the Board, or of
14 which the Board becomes aware, is information
15 referred to in section 132(4)(a) and includes the
16 names of other registered health practitioners —
17 may give written notice to each of those
18 practitioners of the decision to take health, conduct
19 or performance action against the registered health
20 practitioner; or

21 (b) if the practice information given to the Board, or of
22 which the Board becomes aware, is information
23 referred to in section 132(4)(c) or (d) and includes
24 the name of an entity — must give written notice to
25 the entity of the decision to take health, conduct or
26 performance action against the registered health
27 practitioner.

28

29 Note: The heading to amended section 206 is to read:

30 **National Board to give notice to registered health practitioner's**
31 **employer and other entities**

1 **75. Part 10 Division 1A inserted**

2 At the beginning of Part 10 insert:

3

4 **Division 1A — Australian Information Commissioner**

5 **212A. Application of Commonwealth AIC Act**

6 (1) The AIC Act applies as a law of a participating jurisdiction
7 for the purposes of the national registration and
8 accreditation scheme.

9 (2) For the purposes of subsection (1), the AIC Act applies —

10 (a) as if a reference to the Office of the Australian
11 Information Commissioner were a reference to the
12 Office of the National Health Practitioner Privacy
13 Commissioner; and

14 (b) as if a reference to the Information Commissioner
15 were a reference to the National Health Practitioner
16 Privacy Commissioner; and

17 (c) with any other modifications made by the
18 regulations.

19 (3) Without limiting subsection (2)(c), the regulations may —

20 (a) provide that the AIC Act applies under
21 subsection (1) as if a provision of the AIC Act
22 specified in the regulations were omitted; or

23 (b) provide that the AIC Act applies under
24 subsection (1) as if an amendment to the AIC Act
25 made by a law of the Commonwealth, and specified
26 in the regulations, had not taken effect; or

27 (c) confer jurisdiction on a tribunal or court of a
28 participating jurisdiction.

29 (4) In this section —

30 *AIC Act* means the *Australian Information Commissioner*
31 *Act 2010* (Commonwealth), as in force from time to time.

32

1 **76. Section 213 amended**

2 (1) Delete section 213(2) and insert:

3

4 (2) For the purposes of subsection (1), the Privacy Act
5 applies —

6 (a) as if a reference to the Commissioner were a
7 reference to the National Health Practitioner
8 Privacy Commissioner; and

9 (b) with any other modifications made by the
10 regulations.

11

12 (2) In section 213(3) delete “subsection (2)(c),” and insert:

13

14 subsection (2)(b),

15

16 **77. Section 215 amended**

17 (1) Delete section 215(2) and insert:

18

19 (2) For the purposes of subsection (1), the FOI Act applies —

20 (a) as if a reference to the Office of the Australian
21 Information Commissioner were a reference to the
22 Office of the National Health Practitioner Privacy
23 Commissioner; and

24 (b) as if a reference to the Information Commissioner
25 were a reference to the National Health Practitioner
26 Privacy Commissioner; and

27 (c) with any other modifications made by the
28 regulations.

29

30 (2) In section 215(3) delete “subsection (2),” and insert:

31

32 subsection (2)(c),

33

1 **78. Section 217 amended**

2 In section 217(2) delete “by the Board,” and insert:

3

4 in a health profession for which the Board is established,

5

6 **79. Section 222 replaced**

7 Delete section 222 and insert:

8

9 **222. Public national registers**

- 10 (1) A public national register, with the name listed in column 1
11 of the following Table, is to be kept for each health
12 profession.
- 13 (2) A public national register for a health profession is to
14 include the names of all health practitioners (other than
15 specialist health practitioners) currently registered in the
16 profession.
- 17 (3) If divisions are listed beside the public national register in
18 column 2 of the Table, the register is to be kept in a way that
19 ensures it includes those divisions.
- 20 (4) In addition, a public national register for a health profession
21 is to include —
- 22 (a) the names of all health practitioners (other than
23 specialist health practitioners) whose registration
24 has been cancelled by an adjudication body; and
- 25 (b) the names of all persons (other than specialist health
26 practitioners or persons who were previously
27 specialist health practitioners) subject to a
28 prohibition order.
- 29 (5) A public national register required to be kept under this
30 section is to be kept by the National Board prescribed by the
31 regulations for the register, in conjunction with the National
32 Agency.

1

Table — Public national registers

Name of public national register	Divisions of public national register
Register of Aboriginal and Torres Strait Islander Health Practitioners	
Register of Chinese Medicine Practitioners	Acupuncturists, Chinese herbal medicine practitioners, Chinese herbal dispensers
Register of Chiropractors	
Register of Dental Practitioners	Dentists, Dental therapists, Dental hygienists, Dental prosthetists, Oral health therapists
Register of Medical Practitioners	
Register of Medical Radiation Practitioners	Diagnostic radiographers, Nuclear medicine technologists, Radiation therapists
Register of Midwives	
Register of Nurses	Registered nurses (Division 1), Enrolled nurses (Division 2)
Register of Occupational Therapists	
Register of Optometrists	
Register of Osteopaths	
Register of Pharmacists	
Register of Physiotherapists	

Name of public national register	Divisions of public national register
Register of Podiatrists	
Register of Psychologists	

1

2 **80. Section 222 amended**

3 In section 222 in the Table after the row for Register of
4 Osteopaths insert:

5

Register of Paramedics	
------------------------	--

6

7 **81. Section 223 amended**

8 In section 223:

9 (a) in paragraph (a) delete “by the Board; and” and insert:

10

11 in a health profession for which the Board is established; and

12

13 (b) delete paragraph (b) and insert:

14

15 (b) a public national register that includes the names of
16 all —

17 (i) specialist health practitioners whose
18 registration has been cancelled by an
19 adjudication body; and

20 (ii) persons who are subject to a prohibition
21 order.

22

1 **82. Section 226 amended**

2 (1) In section 226(1) and (2) delete “its National Register or
3 Specialists Register” and insert:

4
5 a National Register or Specialists Register in which the practitioner’s
6 name is included

7
8 (2) In section 226(3) delete “the National Register or Specialists
9 Register” and insert:

10
11 a National Register or Specialists Register in which the practitioner’s
12 name is included

13
14 **83. Section 227 replaced**

15 Delete section 227 and insert:

16
17 **227. Register about former registered health practitioners**

18 A register kept by a National Board under section 222 or
19 223(b) must include the following —

20 (a) for each health practitioner whose registration was
21 cancelled by an adjudication body —

22 (i) the fact the practitioner’s registration was
23 cancelled by an adjudication body; and

24 (ii) the grounds on which the practitioner’s
25 registration was cancelled; and

26 (iii) if the adjudication body’s hearing was open
27 to the public, details of the conduct that
28 formed the basis of the adjudication;

29 (b) for each person subject to a prohibition order, a
30 copy of the order.

31

1 **84. Section 232 amended**

2 In section 232(1)(b) delete “by the Board.” and insert:

3

4 in a health profession for which the Board is established.

5

6 **85. Section 233 amended**

7 In section 233(1)(a) delete “the health profession” and insert:

8

9 a health profession

10

11 **86. Section 235 amended**

12 In section 235(2)(a) delete “Practitioners” and insert:

13

14 Practitioner

15

16 **87. Section 284 amended**

17 In section 284(5):

18 (a) in the definition of *National Board* delete “Nursing and
19 Midwifery Board of Australia;” and insert:

20

21 National Board for midwifery;

22

23 (b) in the definition of *private midwifery* delete “nursing and”.

1 **88. Part 13 Division 1 inserted**

2 After section 305 insert:

3

4 **Part 13 — Transitional and other provisions for *Health***
5 ***Practitioner Regulation National Law (WA) Amendment Act 2017***

6 **Division 1 — Paramedicine Board and registration of paramedics**

7 **306. Definitions**

8 In this Division —

9 *Ambulance Service of New South Wales*, for the issue of a
10 Diploma of Paramedical Science, includes another entity
11 prescribed by regulation for issuing the diploma;

12 *Diploma of Paramedical Science* see section 312(5);

13 *Paramedicine Board* means —

- 14 (a) the Paramedicine Board of Australia established
15 under section 307; or
16 (b) the Board continued in force on the participation
17 day by a regulation made under section 31; or
18 (c) if, after the participation day, the Paramedicine
19 Board is dissolved and replaced by another Board
20 established for the health profession of
21 paramedicine by a regulation made under
22 section 31 — the other Board;

23 *participation day* means a day prescribed by regulation after
24 which an individual may be registered in paramedicine
25 under this Law;

26 *relevant day* means the day that is 3 years after the
27 participation day.

28 **307. Establishment of Paramedicine Board**

- 29 (1) The Paramedicine Board of Australia is established as a
30 National Health Practitioner Board for the health profession
31 of paramedicine.

- 1 (2) The Board —
- 2 (a) is a body corporate with perpetual succession; and
- 3 (b) has a common seal; and
- 4 (c) may sue and be sued in its corporate name.
- 5 (3) The Board represents the State.
- 6 (4) This section applies until the Board is continued in force by
- 7 a regulation made under section 31.
- 8 **308. Powers and functions of Paramedicine Board**
- 9 (1) Sections 32, 33, 34, 37, 40, 234 and Schedule 4 apply to the
- 10 Paramedicine Board until the participation day.
- 11 (2) However, for section 34, the Ministerial Council may, until
- 12 the participation day, appoint as practitioner members
- 13 persons who the Council is satisfied have skills and
- 14 experience in paramedicine relevant to the Board's
- 15 functions.
- 16 (3) The Paramedicine Board may perform the following
- 17 functions until the participation day —
- 18 (a) develop and recommend one or more registration
- 19 standards to the Ministerial Council under
- 20 section 38 for its approval under section 12;
- 21 (b) develop and approve codes and guidelines under
- 22 section 39;
- 23 (c) decide the day after which individuals may apply
- 24 for registration in paramedicine;
- 25 (d) do anything under Part 6 in relation to accreditation
- 26 for paramedicine;
- 27 (e) do anything under Part 7 to register individuals in
- 28 paramedicine;
- 29 (f) anything else the Board may do under this Division.

- 1 **309. Paramedicine Board taken to be a National Board for**
2 **stated matters**
- 3 The Paramedicine Board is taken to be a National Board for
4 the following provisions of this Law until the participation
5 day —
- 6 (a) Part 2;
7 (b) Part 4;
8 (c) Part 9;
9 (d) Part 10, except for Division 3;
10 (e) section 236.
- 11 **310. CAA accredited programmes of study**
- 12 (1) The Paramedicine Board may, until the relevant day,
13 approve, or refuse to approve, a CAA accredited programme
14 of study as providing a qualification for the purposes of
15 registration in paramedicine.
- 16 (2) An approval of a programme of study under
17 subsection (1) —
- 18 (a) may be granted subject to the conditions the Board
19 considers necessary or desirable in the
20 circumstances; and
- 21 (b) does not take effect until the programme is included
22 in the list published under subsection (3).
- 23 (3) A programme of study approved by the Board under
24 subsection (1) must —
- 25 (a) be published in a list on the National Agency’s
26 website; and
- 27 (b) include, for each programme of study, the name of
28 the education provider that provides the
29 programme.
- 30 (4) A programme of study approved under this section is taken
31 to be an approved programme of study for this Law.
- 32 (5) This section applies despite section 49(1).

- 1 (6) In this section —
- 2 **CAA accredited programme of study** means a programme
- 3 of study accredited by the Council of Ambulance
- 4 Authorities Inc. and published on the Council’s website —
- 5 (a) immediately before the commencement; or
- 6 (b) between the commencement and the participation
- 7 day.
- 8 **311. Qualifications for general registration in paramedicine**
- 9 **for a limited period**
- 10 (1) For the purposes of section 52(1)(a), an individual who
- 11 applies for registration in paramedicine before the relevant
- 12 day is qualified for general registration in paramedicine if
- 13 the individual —
- 14 (a) holds a qualification or has completed training in
- 15 paramedicine, whether in a participating jurisdiction
- 16 or elsewhere, that the Paramedicine Board considers
- 17 is adequate for the purposes of practising the
- 18 profession; or
- 19 (b) holds a qualification or has completed training in
- 20 paramedicine, whether in a participating jurisdiction
- 21 or elsewhere, and has completed any further study,
- 22 training or supervised practice in the profession
- 23 required by the Paramedicine Board for the
- 24 purposes of this section; or
- 25 (c) has practised paramedicine during the 10 years
- 26 before the participation day for a consecutive period
- 27 of 5 years or for any periods which together amount
- 28 to 5 years and satisfies the Paramedicine Board that
- 29 the individual is competent to practise
- 30 paramedicine.
- 31 (2) This section applies despite section 53.

- 1 **312. Accepted qualification for general registration in**
2 **paramedicine**
- 3 (1) This section applies to an individual who holds a Diploma
4 of Paramedical Science issued by the Ambulance Service of
5 New South Wales.
- 6 (2) The individual is qualified for general registration in
7 paramedicine for the purposes of section 52(1)(a).
- 8 (3) This section applies despite section 53.
- 9 (4) Nothing in this section makes a Diploma of Paramedical
10 Science issued by the Ambulance Service of New South
11 Wales an approved qualification for section 53(b).
- 12 (5) In this section —
- 13 ***Diploma of Paramedical Science*** means any of the
14 following —
- 15 (a) a Diploma of Paramedical Science;
- 16 (b) a Diploma of Paramedical Science (Ambulance) or
17 an Advanced Diploma of Paramedical Science
18 (Ambulance);
- 19 (c) a Diploma in Paramedical Science (Pre-Hospital
20 Care) or an Advanced Diploma Paramedical
21 Sciences (Pre-Hospital Care);
- 22 (d) a qualification —
- 23 (i) that has replaced the diploma mentioned in
24 paragraph (a) and is prescribed by
25 regulation; and
- 26 (ii) issued by the Ambulance Service of New
27 South Wales.
- 28 **313. Provisions that apply to student registration for Diploma**
29 **of Paramedical Science**
- 30 A Diploma of Paramedical Science issued by the
31 Ambulance Service of New South Wales is taken to be an
32 approved programme of study for Part 7 Division 7
33 Subdivisions 1 and 3.

- 1 **314. Applications for registration in paramedicine and period**
2 **of registration**
- 3 (1) An individual may apply to the Paramedicine Board for
4 registration in paramedicine —
5 (a) before the participation day; and
6 (b) after the day decided by the Board under
7 section 308(3)(c).
- 8 (2) Subsection (3) applies if an individual applies for
9 registration in paramedicine under subsection (1) and the
10 Board grants the application under Part 7.
- 11 (3) Despite section 56, the registration period —
12 (a) does not start until the participation day; and
13 (b) may be a period of not more than 2 years decided
14 by the Board.
- 15 **315. Applications for registration in paramedicine made but**
16 **not decided before participation day**
- 17 (1) This section applies if —
18 (a) before the participation day an individual applies to
19 the Paramedicine Board for registration in
20 paramedicine; and
21 (b) the application is not decided by the Board by the
22 participation day; and
23 (c) while the application for registration is being
24 decided, the individual takes or uses a title, or does
25 anything else, relating to paramedicine, that would
26 contravene section 113 or 116.
- 27 (2) The individual does not commit an offence against
28 section 113 or 116 while the application is being decided.
- 29 Note:
30 See section 85 for when an application not decided by a
31 National Board is taken to be a decision to refuse the
32 application.

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316. Period after participation day during which an individual does not commit an offence under sections 113 and 116

- (1) This section applies if an individual eligible for registration in paramedicine —
- (a) has not applied to the Paramedicine Board for registration in paramedicine before the participation day; and
 - (b) takes or uses a title, or does anything else, relating to paramedicine, that would contravene section 113 or 116.

Note:

An individual may be qualified for general registration in paramedicine under section 311 or 312.

- (2) The individual does not commit an offence against section 113 or 116 during the period of 90 days after the participation day.

317. Application of sections 113 and 116 to individual temporarily practising paramedicine in another jurisdiction

- (1) This section applies to an individual who —
- (a) usually practises paramedicine in a participating jurisdiction that has yet to enact a law that substantially corresponds with the provisions of this law about paramedicine; and
 - (b) temporarily takes or uses a title or does anything else, relating to paramedicine in another jurisdiction, that would contravene section 113 or 116; and
 - (c) complies with any regulation made under this Law about temporarily taking or using a title or doing anything else, relating to paramedicine in another jurisdiction.
- (2) The individual does not commit an offence against section 113 or 116.

- 1 (3) In this section —
2 *another jurisdiction* means a participating jurisdiction in
3 which the provisions of this Law about paramedicine apply.
4

5 **89. Part 13 Division 2 inserted**

6 After section 317 insert:
7

8 **Division 2 — Other transitional provisions**

9 **321. Offences relating to prohibition orders made before**
10 **commencement**

11 Section 196A also applies to a prohibition order made
12 before the commencement.
13

14 **90. Sections 318 to 320 inserted**

15 At the beginning of Part 13 Division 2 insert:
16

17 **318. Deciding review period for decision on application made**
18 **under section 125 before commencement**

- 19 (1) This section applies if —
20 (a) before the commencement, a registered health
21 practitioner or student applied to a National Board
22 under section 125 to change or remove a condition
23 or change or revoke an undertaking; and
24 (b) immediately before the commencement, the
25 application had not been decided by the Board; and
26 (c) after the commencement, the Board's decision
27 results in a registration or endorsement being
28 subject to a condition, or an undertaking is still in
29 place.
30 (2) The National Board may decide a review period for the
31 condition or undertaking under section 125(6) and give the

1 registered health practitioner or student notice under
2 section 125(6A).

3 **319. Deciding review period for decision after notice given**
4 **under section 126 before commencement**

- 5 (1) This section applies if —
- 6 (a) before the commencement, a National Board had
7 given notice to a registered health practitioner or
8 student under section 126 about changing a
9 condition on the practitioner's or student's
10 registration; and
 - 11 (b) immediately before the commencement the Board
12 had not made a decision in relation to the matter;
13 and
 - 14 (c) after the commencement, the Board's decision
15 results in the practitioner's or student's registration
16 being subject to a condition.
- 17 (2) The National Board may decide a review period for the
18 condition under section 126(6) and give the registered health
19 practitioner or student notice under section 126(6A).

20 **320. Membership of continued National Boards**

- 21 (1) This section applies if —
- 22 (a) a person holds office as a member of a National
23 Board immediately before the commencement; and
 - 24 (b) the Board is continued in force after the
25 commencement (the *continued Board*) by a
26 regulation made under section 31.
- 27 (2) The person continues to hold office as a member of the
28 continued Board after the commencement —
- 29 (a) on the terms and conditions that applied to the
30 person's appointment before commencement; and
 - 31 (b) until the office of the member becomes vacant
32 under this Law.

- 1 (3) Also, a person who is Chairperson of a National Board
2 immediately before the commencement continues to hold
3 office as Chairperson of the continued Board after the
4 commencement.
- 5 (4) Subsection (5) applies if the process for appointing a person
6 as a member of a National Board is started but not
7 completed before the commencement.
- 8 (5) The process may continue after the commencement and the
9 person may be appointed as a member of the continued
10 Board.
11

12 **91. Sections 322 and 323 inserted**

13 After section 321 insert:
14

15 **322. Register to include prohibition orders made before**
16 **commencement**

- 17 (1) For sections 222(4)(b) and 223(b), a National Board may
18 also record in the register the names of persons subject to a
19 prohibition order made before the commencement.
- 20 (2) Also, for section 227(b), a National Board may also include
21 in the register copies of prohibition orders made before the
22 commencement.

23 **323. Public national registers**

- 24 (1) This section applies to a register kept for a health profession
25 under section 222 or 223 immediately before the
26 commencement.
- 27 (2) The register becomes, on the commencement, the register
28 that must be kept for the health profession under section 222
29 or 223.
30

1 **92. Schedule 2 clause 4 amended**

2 Delete Schedule 2 clause 4(2)(b) and insert:

3

- 4 (b) the member, as a result of the member's
5 misconduct, impairment or incompetence —
- 6 (i) ceases to be a registered health practitioner;
7 or
- 8 (ii) if the member is registered in more than one
9 health profession — ceases to be registered
10 in either or any of the health professions;
- 11 or
- 12

13 **93. Schedule 4 clause 2 amended**

14 (1) In Schedule 4 clause 2 delete “Subject to” and insert:

15

16 (1) Subject to

17

18 (2) At the end of clause 2 insert:

19

20 (2) However, a member's term of office ends if the National
21 Board to which the member was appointed is dissolved by a
22 regulation made under section 31.

23

24 **94. Schedule 4 clause 4 amended**

25 Delete Schedule 4 clause 4(2)(b) and insert:

26

- 27 (b) the member, as a result of the member's
28 misconduct, impairment or incompetence —
- 29 (i) ceases to be a registered health practitioner;
30 or

- 1 (ii) if the member is registered in more than one
2 health profession — ceases to be registered
3 in either or any of the health professions;
4 or
5

6 **95. Schedule 4 clause 10 amended**

7 In Schedule 4 clause 10 delete “the health profession” and insert:

8

9 a health profession
10

11 **96. Schedule 4 clause 11 amended**

12 In Schedule 4 clause 11(a) and (b) delete “the health profession”
13 and insert:

14

15 a health profession
16

17 **97. Various penalties amended**

18 (1) In the provisions listed in the Table delete “Penalty:” and insert:

19

20 Penalty for this subsection:
21

22

Table

s. 113(1) and (2)	s. 115(1) and (2)
s. 116(1) and (2)	s. 117(3)
s. 118(1) and (2)	s. 119(3)
s. 121(1)	s. 122(1)

s. 123(1)	s. 133(1)
s. 136(1)	s. 216(1)

1 (2) In the provisions listed in the Table delete “Penalty:” and insert:
2

3 Penalty for this subclause:
4

5 **Table**

Sch. 5 cl. 2(1) and (2)	Sch. 5 cl. 10(1) and (2)
Sch. 5 cl. 20	Sch. 5 cl. 21(1)
Sch. 5 cl. 22(1)	Sch. 5 cl. 23
Sch. 6 cl. 2(1) and (2)	Sch. 6 cl. 10(1) and (2)
Sch. 6 cl. 20	Sch. 6 cl. 21(1)
Sch. 6 cl. 22(1)	Sch. 6 cl. 23

1 **Part 3 — Consequential amendments to other Acts**

2 **98. *Blood Donation (Limitation of Liability) Act 1985* amended**

3 (1) This section amends the *Blood Donation (Limitation of*
4 *Liability) Act 1985*.

5 (2) In section 11(1)(e) delete “and midwifery”.

6 **99. *Children and Community Services Act 2004* amended**

7 (1) This section amends the *Children and Community Services*
8 *Act 2004*.

9 (2) In section 124A in the definition of *midwife* delete “whose
10 name is entered on the Register of Midwives kept under that
11 Law;” and insert:

12
13 in the midwifery profession;

14
15 (3) In section 124A in the definition of *nurse* delete “and
16 midwifery profession whose name is entered on the Register of
17 Nurses kept under that Law;” and insert:

18
19 profession;

20
21 **100. *Civil Liability Act 2002* amended**

22 (1) This section amends the *Civil Liability Act 2002*.

23 (2) In section 5PA in the definition of *health professional*:

24 (a) delete paragraph (a)(vii) and insert:

25
26 (vii) midwifery;

27 (viiia) nursing;

28

1 (b) after paragraph (a)(x) insert:

2

3 (xa) paramedicine;

4

5 **101. *Constitution Acts Amendment Act 1899* amended**

6 (1) This section amends the *Constitution Acts Amendment Act 1899*.

7 (2) In Schedule V Part 3 delete the items for:

8 The Aboriginal and Torres Strait Islander Health Practice Board of
9 Australia

10 The Chinese Medicine Board of Australia

11 The Chiropractic Board of Australia

12 The Dental Board of Australia

13 The Medical Board of Australia

14 The Medical Radiation Practice Board of Australia

15 The Nursing and Midwifery Board of Australia

16 The Occupational Therapy Board of Australia

17 The Optometry Board of Australia

18 The Osteopathy Board of Australia

19 The Pharmacy Board of Australia

20 The Physiotherapy Board of Australia

21 The Podiatry Board of Australia

22 The Psychology Board of Australia

23 (3) In Schedule V Part 3 after the item relating to the Health
24 Education Council of Western Australia insert:

25

26 Any National Health Practitioner Board established under the *Health*
27 *Practitioner Regulation National Law (Western Australia)*.

28

s. 102

1 **102. *Corruption, Crime and Misconduct Act 2003* amended**

2 (1) This section amends the *Corruption, Crime and Misconduct*
3 *Act 2003*.

4 (2) In section 54(1) in the definition of **registered nurse** delete “and
5 midwifery”.

6 **103. *Court Security and Custodial Services Act 1999* amended**

7 (1) This section amends the *Court Security and Custodial Services*
8 *Act 1999*.

9 (2) In section 3 in the definition of **nurse** delete “and midwifery”.

10 **104. *Criminal Investigation (Identifying People) Act 2002***
11 **amended**

12 (1) This section amends the *Criminal Investigation (Identifying*
13 *People) Act 2002*.

14 (2) In section 52 in the definition of **nurse** delete “and midwifery”.

15 **105. *Criminal Investigation Act 2006* amended**

16 (1) This section amends the *Criminal Investigation Act 2006*.

17 (2) In section 73 in the definition of **midwife** delete “whose name is
18 entered on the Register of Midwives kept under that Law;” and
19 insert:

20
21 in the midwifery profession;

22
23 (3) In section 73 in the definition of **nurse** delete “and midwifery”.

24 **106. *Declared Places (Mentally Impaired Accused) Act 2015***
25 **amended**

26 (1) This section amends the *Declared Places (Mentally Impaired*
27 *Accused) Act 2015*.

- 1 (2) In section 25 in the definition of *nurse* delete the passage that
2 begins with “*Australia*) —” and continues to the end of the
3 definition and insert:
4

5 *Australia*) in the nursing profession —

- 6 (a) whose registration under that Law is endorsed
7 as nurse practitioner; or
8 (b) whose name is entered on Division 1 of the
9 Register of Nurses kept under that Law as a
10 registered nurse;
11

12 **107. *Firearms Act 1973* amended**

- 13 (1) This section amends the *Firearms Act 1973*.
14 (2) In section 23B(3) in the definition of *registered nurse* delete
15 “and midwifery”.

16 **108. *Health (Miscellaneous Provisions) Act 1911* amended**

- 17 (1) This section amends the *Health (Miscellaneous Provisions)*
18 *Act 1911*.
19 (2) In section 3(1) in the definition of *midwife* delete “whose name
20 is entered on the Register of Midwives kept under that Law;”
21 and insert:
22
23 in the midwifery profession;
24
25 (3) In section 3(1) in the definition of *nurse* delete “and midwifery
26 profession whose name is entered on the Register of Nurses
27 kept under that Law;” and insert:
28

29 profession;
30

s. 109

- 1 (4) In section 3(1) in the definition of *nurse practitioner* delete
2 “whose name is entered on the Register of Nurses kept under
3 that Law as being qualified to practice as a” and insert:
4
5 in the nursing profession whose registration under that Law is
6 endorsed as
7

8 **109. *Health and Disability Services (Complaints) Act 1995***
9 **amended**

- 10 (1) This section amends the *Health and Disability Services*
11 *(Complaints) Act 1995*.
12 (2) In section 3(1) delete the definition of *registration board* and
13 insert:
14
15 *registration board* means a National Health
16 Practitioner Board established under the *Health*
17 *Practitioner Regulation National Law (Western*
18 *Australia)*;
19
20 (3) Delete Schedule 1.

21 **110. *Mandatory Testing (Infectious Diseases) Act 2014*** amended

- 22 (1) This section amends the *Mandatory Testing (Infectious*
23 *Diseases) Act 2014*.
24 (2) In section 4 in the definition of *nurse* delete “and midwifery
25 profession whose name is entered on the Register of Nurses
26 kept under that Law;” and insert:
27
28 profession;
29

1 **111. *Mental Health Act 2014* amended**

2 (1) This section amends the *Mental Health Act 2014*.

3 (2) In section 4 in the definition of *nurse* delete “and midwifery”.

4 **112. *Oaths, Affidavits and Statutory Declarations Act 2005***
5 **amended**

6 (1) This section amends the *Oaths, Affidavits and Statutory*
7 *Declarations Act 2005*.

8 (2) In Schedule 2 after item 25 insert:

9

25A. A person registered under the *Health* Midwife
Practitioner Regulation National Law (Western
Australia) in the midwifery profession.

10

11 (3) In Schedule 2 item 27 delete “and midwifery”.

12 (4) In Schedule 2 after item 28 insert:

13

28A. A person registered under the *Health* Paramedic
Practitioner Regulation National Law (Western
Australia) in the paramedicine profession.

14

15 **113. *Prostitution Act 2000* amended**

16 (1) This section amends the *Prostitution Act 2000*.

17 (2) In section 29(7) in the definition of *registered nurse* delete “and
18 midwifery”.

19 **114. *Public Health Act 2016* amended**

20 (1) This section amends the *Public Health Act 2016*.

s. 115

- 1 (2) In section 4(1) in the definition of *midwife* delete “whose name
2 is entered on the Register of Midwives kept under that Law;”
3 and insert:
4
5 in the midwifery profession;
6
7 (3) In section 4(1) in the definition of *nurse* delete “and midwifery
8 profession whose name is entered on the Register of Nurses
9 kept under that Law;” and insert:
10
11 profession;
12
13 (4) In section 4(1) in the definition of *nurse practitioner* delete
14 “whose name is entered on the Register of Nurses kept under
15 that Law as being qualified to practice as a” and insert:
16
17 in the nursing profession whose registration under that Law is
18 endorsed as
19

20 **115. *Radiation Safety Act 1975* amended**

- 21 (1) This section amends the *Radiation Safety Act 1975*.
22 (2) In section 26(2a):
23 (a) delete “a person registered under the *Health Practitioner*
24 *Regulation National Law (Western Australia)* whose
25 name is entered on the Register of Nurses kept under
26 that Law as being qualified to practise as”;
27 (b) delete “section 39 of that Act” and insert:
28
29 the *Health Practitioner Regulation National Law*
30 (*Western Australia*) section 39
31

1 (3) After section 26(2a) insert:

2

3 (2B) In subsection (2a) —

4 *nurse practitioner* means a person registered under the
5 *Health Practitioner Regulation National Law (Western*
6 *Australia)* in the nursing profession whose registration
7 under that Law is endorsed as nurse practitioner.
8

9 **116. Rail Safety National Law (WA) Act 2015 amended**

10 (1) This section amends the *Rail Safety National Law (WA)*
11 *Act 2015*.

12 (2) In section 9(1) in the definition of *registered nurse* delete “and
13 midwifery”.

14 (3) In the Schedule section 248(3) in the definition of *person to*
15 *whom this section applies* paragraph (b) delete “and midwifery
16 profession as a nurse” and insert:

17

18 profession
19

20 **117. Road Traffic Act 1974 amended**

21 (1) This section amends the *Road Traffic Act 1974*.

22 (2) In section 65 in the definition of *nurse practitioner* delete
23 “whose name is entered on the Register of Nurses kept under
24 that Law as being qualified to practice as a” and insert:

25

26 in the nursing profession whose registration under that Law is
27 endorsed as
28

s. 117

1 (3) In section 65 in the definition of *registered nurse* delete “and
2 midwifery”.

3

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