

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

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Western Australia

LEGISLATIVE ASSEMBLY

*(As amended in Committee)*

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

The Parliament of Western Australia enacts as follows:

**s. 1**

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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), 72-88 and 90-97 —
  - (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 28<sup>th</sup> 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 student; 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

1  
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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

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

10

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

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

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

22

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

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**

<b>Name of public national register</b>	<b>Divisions of public national register</b>
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  
Osteopaths insert:

4

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

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

11

12

13

(b) delete paragraph (b) and insert:

14

15

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

16

17

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

18

19

20

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

21

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 245 amended**

17 After section 245(4) insert:

18

19 (5) The amendment of the *Health Practitioner Regulation*  
20 *National Law (WA) Regulations 2010* by the *Health*  
21 *Practitioner Regulation National Law (WA) Amendment*  
22 *Act 2017* does not prevent the national regulations from  
23 being amended or repealed under this section.

24



1 **88. Section 284 amended**

2 In section 284(5):

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

5

6 National Board for midwifery;

7

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

9 **89. Part 13 Division 1 inserted**

10 After section 305 insert:

11

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

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

15 **306. Definitions**

16 In this Division —

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

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

21 *Paramedicine Board means* —

22 (a) the Paramedicine Board of Australia established  
23 under section 307; or

24 (b) the Board continued in force on the participation  
25 day by a regulation made under section 31; or

26 (c) if, after the participation day, the Paramedicine  
27 Board is dissolved and replaced by another Board  
28 established for the health profession of  
29 paramedicine by a regulation made under  
30 section 31 — the other Board;

1 *participation day* means a day prescribed by regulation after  
2 which an individual may be registered in paramedicine  
3 under this Law;

4 *relevant day* means the day that is 3 years after the  
5 participation day.

6 **307. Establishment of Paramedicine Board**

7 (1) The Paramedicine Board of Australia is established as a  
8 National Health Practitioner Board for the health profession  
9 of paramedicine.

10 (2) The 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 (3) The Board represents the State.

15 (4) This section applies until the Board is continued in force by  
16 a regulation made under section 31.

17 **308. Powers and functions of Paramedicine Board**

18 (1) Sections 32, 33, 34, 37, 40, 234 and Schedule 4 apply to the  
19 Paramedicine Board until the participation day.

20 (2) However, for section 34, the Ministerial Council may, until  
21 the participation day, appoint as practitioner members  
22 persons who the Council is satisfied have skills and  
23 experience in paramedicine relevant to the Board's  
24 functions.

25 (3) The Paramedicine Board may perform the following  
26 functions until the participation day —

27 (a) develop and recommend one or more registration  
28 standards to the Ministerial Council under  
29 section 38 for its approval under section 12;

30 (b) develop and approve codes and guidelines under  
31 section 39;

- 1 (c) decide the day after which individuals may apply  
2 for registration in paramedicine;  
3 (d) do anything under Part 6 in relation to accreditation  
4 for paramedicine;  
5 (e) do anything under Part 7 to register individuals in  
6 paramedicine;  
7 (f) anything else the Board may do under this Division.

8 **309. Paramedicine Board taken to be a National Board for**  
9 **stated matters**

10 The Paramedicine Board is taken to be a National Board for  
11 the following provisions of this Law until the participation  
12 day —

- 13 (a) Part 2;  
14 (b) Part 4;  
15 (c) Part 9;  
16 (d) Part 10, except for Division 3;  
17 (e) section 236.

18 **310. CAA accredited programmes of study**

- 19 (1) The Paramedicine Board may, until the relevant day,  
20 approve, or refuse to approve, a CAA accredited programme  
21 of study as providing a qualification for the purposes of  
22 registration in paramedicine.
- 23 (2) An approval of a programme of study under  
24 subsection (1) —
- 25 (a) may be granted subject to the conditions the Board  
26 considers necessary or desirable in the  
27 circumstances; and  
28 (b) does not take effect until the programme is included  
29 in the list published under subsection (3).
- 30 (3) A programme of study approved by the Board under  
31 subsection (1) must —
- 32 (a) be published in a list on the National Agency's  
33 website; and

- 1 (b) include, for each programme of study, the name of  
2 the education provider that provides the  
3 programme.
- 4 (4) A programme of study approved under this section is taken  
5 to be an approved programme of study for this Law.
- 6 (5) This section applies despite section 49(1).
- 7 (6) In this section —
- 8 **CAA accredited programme of study** means a programme  
9 of study accredited by the Council of Ambulance  
10 Authorities Inc. and published on the Council’s website —
- 11 (a) immediately before the commencement; or  
12 (b) between the commencement and the participation  
13 day.
- 14 **311. Qualifications for general registration in paramedicine**  
15 **for a limited period**
- 16 (1) For the purposes of section 52(1)(a), an individual who  
17 applies for registration in paramedicine before the relevant  
18 day is qualified for general registration in paramedicine if  
19 the individual —
- 20 (a) holds a qualification or has completed training in  
21 paramedicine, whether in a participating jurisdiction  
22 or elsewhere, that the Paramedicine Board considers  
23 is adequate for the purposes of practising the  
24 profession; or
- 25 (b) holds a qualification or has completed training in  
26 paramedicine, whether in a participating jurisdiction  
27 or elsewhere, and has completed any further study,  
28 training or supervised practice in the profession  
29 required by the Paramedicine Board for the  
30 purposes of this section; or
- 31 (c) has practised paramedicine during the 10 years  
32 before the participation day for a consecutive period  
33 of 5 years or for any periods which together amount  
34 to 5 years and satisfies the Paramedicine Board that



- 1           **313. Provisions that apply to student registration for Diploma**  
2           **of Paramedical Science**
- 3           A Diploma of Paramedical Science issued by the  
4           Ambulance Service of New South Wales is taken to be an  
5           approved programme of study for Part 7 Division 7  
6           Subdivisions 1 and 3.
- 7           **314. Applications for registration in paramedicine and period**  
8           **of registration**
- 9           (1) An individual may apply to the Paramedicine Board for  
10           registration in paramedicine —  
11                 (a) before the participation day; and  
12                 (b) after the day decided by the Board under  
13                     section 308(3)(c).
- 14           (2) Subsection (3) applies if an individual applies for  
15           registration in paramedicine under subsection (1) and the  
16           Board grants the application under Part 7.
- 17           (3) Despite section 56, the registration period —  
18                 (a) does not start until the participation day; and  
19                 (b) may be a period of not more than 2 years decided  
20                     by the Board.
- 21           **315. Applications for registration in paramedicine made but**  
22           **not decided before participation day**
- 23           (1) This section applies if —  
24                 (a) before the participation day an individual applies to  
25                     the Paramedicine Board for registration in  
26                     paramedicine; and  
27                 (b) the application is not decided by the Board by the  
28                     participation day; and  
29                 (c) while the application for registration is being  
30                     decided, the individual takes or uses a title, or does  
31                     anything else, relating to paramedicine, that would  
32                     contravene section 113 or 116.

- 1 (2) The individual does not commit an offence against  
2 section 113 or 116 while the application is being decided.

3 Note:

4 See section 85 for when an application not decided by a  
5 National Board is taken to be a decision to refuse the  
6 application.

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

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

18 Note:

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

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

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

- 27 (1) This section applies to an individual who —  
28 (a) usually practises paramedicine in a participating  
29 jurisdiction that has yet to enact a law that  
30 substantially corresponds with the provisions of this  
31 law about paramedicine; and  
32 (b) temporarily takes or uses a title or does anything  
33 else, relating to paramedicine in another  
34 jurisdiction, that would contravene section 113  
35 or 116; and

- 1 (c) complies with any regulation made under this Law  
2 about temporarily taking or using a title or doing  
3 anything else, relating to paramedicine in another  
4 jurisdiction.
- 5 (2) The individual does not commit an offence against  
6 section 113 or 116.
- 7 (3) In this section —  
8 *another jurisdiction* means a participating jurisdiction in  
9 which the provisions of this Law about paramedicine apply.  
10

11 **90. Part 13 Division 2 inserted**

12 After section 317 insert:  
13

14 **Division 2 — Other transitional provisions**

15 **321. Offences relating to prohibition orders made before**  
16 **commencement**

17 Section 196A also applies to a prohibition order made  
18 before the commencement.  
19

20 **91. Sections 318 to 320 inserted**

21 At the beginning of Part 13 Division 2 insert:  
22

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

- 25 (1) This section applies if —  
26 (a) before the commencement, a registered health  
27 practitioner or student applied to a National Board  
28 under section 125 to change or remove a condition  
29 or change or revoke an undertaking; and  
30 (b) immediately before the commencement, the  
31 application had not been decided by the Board; and



1 (c) after the commencement, the Board's decision  
2 results in a registration or endorsement being  
3 subject to a condition, or an undertaking is still in  
4 place.

5 (2) The National Board may decide a review period for the  
6 condition or undertaking under section 125(6) and give the  
7 registered health practitioner or student notice under  
8 section 125(6A).

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

11 (1) This section applies if —

12 (a) before the commencement, a National Board had  
13 given notice to a registered health practitioner or  
14 student under section 126 about changing a  
15 condition on the practitioner's or student's  
16 registration; and

17 (b) immediately before the commencement the Board  
18 had not made a decision in relation to the matter;  
19 and

20 (c) after the commencement, the Board's decision  
21 results in the practitioner's or student's registration  
22 being subject to a condition.

23 (2) The National Board may decide a review period for the  
24 condition under section 126(6) and give the registered health  
25 practitioner or student notice under section 126(6A).

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

27 (1) This section applies if —

28 (a) a person holds office as a member of a National  
29 Board immediately before the commencement; and

30 (b) the Board is continued in force after the  
31 commencement (the *continued Board*) by a  
32 regulation made under section 31.

- 1 (2) The person continues to hold office as a member of the  
2 continued Board after the commencement —  
3 (a) on the terms and conditions that applied to the  
4 person's appointment before commencement; and  
5 (b) until the office of the member becomes vacant  
6 under this Law.
- 7 (3) Also, a person who is Chairperson of a National Board  
8 immediately before the commencement continues to hold  
9 office as Chairperson of the continued Board after the  
10 commencement.
- 11 (4) Subsection (5) applies if the process for appointing a person  
12 as a member of a National Board is started but not  
13 completed before the commencement.
- 14 (5) The process may continue after the commencement and the  
15 person may be appointed as a member of the continued  
16 Board.  
17

18 **92. Sections 322 and 323 inserted**

19 After section 321 insert:  
20

21 **322. Register to include prohibition orders made before**  
22 **commencement**

- 23 (1) For sections 222(4)(b) and 223(b), a National Board may  
24 also record in the register the names of persons subject to a  
25 prohibition order made before the commencement.
- 26 (2) Also, for section 227(b), a National Board may also include  
27 in the register copies of prohibition orders made before the  
28 commencement.

29 **323. Public national registers**

- 30 (1) This section applies to a register kept for a health profession  
31 under section 222 or 223 immediately before the  
32 commencement.

- 1           (2) The register becomes, on the commencement, the register  
2           that must be kept for the health profession under section 222  
3           or 223.  
4

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

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

- 7  
8           (b) the member, as a result of the member's  
9           misconduct, impairment or incompetence —  
10           (i) ceases to be a registered health practitioner;  
11           or  
12           (ii) if the member is registered in more than one  
13           health profession — ceases to be registered  
14           in either or any of the health professions;  
15           or  
16

17 **94. Schedule 4 clause 2 amended**

18 (1) In Schedule 4 clause 2 delete "Subject to" and insert:

19  
20 (1) Subject to  
21

22 (2) At the end of clause 2 insert:  
23

24 (2) However, a member's term of office ends if the National  
25 Board to which the member was appointed is dissolved by a  
26 regulation made under section 31.  
27

1 **95. Schedule 4 clause 4 amended**

2 Delete Schedule 4 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 **96. Schedule 4 clause 10 amended**

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

15

16 a health profession

17

18 **97. Schedule 4 clause 11 amended**

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

21

22 a health profession

23

24 **98. Various penalties amended**

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

26

27 Penalty for this subsection:

28

1

**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)

2

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

3

4

Penalty for this subclause:

5

6

**Table**

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

**s. 99**

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1 **Part 3 — *Health Practitioner Regulation National Law***  
2 ***(WA) Regulations 2010* amended**

3 **99. Regulations amended**

4 This Part amends the *Health Practitioner Regulation National*  
5 *Law (WA) Regulations 2010*.

6 **100. Regulation 4 amended**

7 In regulation 4(1) delete “from time to time” and insert:

8

9 on 6 December 2017

10

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1       **Part 4 — Consequential amendments to other Acts**

2       **101.     *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       **102.     *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       **103.     *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                       (via) nursing;

28

**s. 104**

---

- 1 (b) after paragraph (a)(x) insert:  
2  
3 (xa) paramedicine;  
4  
5 (3) In section 5AB in the definition of *medical qualifications*:  
6 (a) in paragraph (a) delete “the medical” and insert:  
7  
8 a health  
9  
10 (b) in paragraph (c) delete “officer or other paramedic;” and  
11 insert:  
12  
13 officer;  
14

15 **104. *Constitution Acts Amendment Act 1899* amended**

- 16 (1) This section amends the *Constitution Acts Amendment Act 1899*.  
17 (2) In Schedule V Part 3 delete the items for:  
18 The Aboriginal and Torres Strait Islander Health Practice Board of  
19 Australia  
20 The Chinese Medicine Board of Australia  
21 The Chiropractic Board of Australia  
22 The Dental Board of Australia  
23 The Medical Board of Australia  
24 The Medical Radiation Practice Board of Australia  
25 The Nursing and Midwifery Board of Australia  
26 The Occupational Therapy Board of Australia  
27 The Optometry Board of Australia  
28 The Osteopathy Board of Australia  
29 The Pharmacy Board of Australia  
30 The Physiotherapy Board of Australia



1 The Podiatry Board of Australia

2 The Psychology Board of Australia

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

5

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

8

9 **105. *Corruption, Crime and Misconduct Act 2003* amended**

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

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

14 **106. *Court Security and Custodial Services Act 1999* amended**

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

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

18 **107. *Criminal Investigation (Identifying People) Act 2002***  
19 **amended**

20 (1) This section amends the *Criminal Investigation (Identifying*  
21 *People) Act 2002*.

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

23 **108. *Criminal Investigation Act 2006* amended**

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

**s. 109**

---

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

4  
5 in the midwifery profession;

6  
7 (3) In section 73 in the definition of *nurse* delete “and midwifery”.

8 **109. *Declared Places (Mentally Impaired Accused) Act 2015***  
9 **amended**

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

12 (2) In section 25 in the definition of *nurse* delete the passage that  
13 begins with “*Australia* —” and continues to the end of the  
14 definition and insert:

15  
16 *Australia*) in the nursing profession —

17 (a) whose registration under that Law is endorsed  
18 as nurse practitioner; or

19 (b) whose name is entered on Division 1 of the  
20 Register of Nurses kept under that Law as a  
21 registered nurse;

22  
23 **110. *Firearms Act 1973* amended**

24 (1) This section amends the *Firearms Act 1973*.

25 (2) In section 23B(3) in the definition of *registered nurse* delete  
26 “and midwifery”.

27 **111. *Health (Miscellaneous Provisions) Act 1911* amended**

28 (1) This section amends the *Health (Miscellaneous Provisions)*  
29 *Act 1911*.

- 1 (2) In section 3(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 3(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 3(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 **112. *Health and Disability Services (Complaints) Act 1995***  
21 **amended**

- 22 (1) This section amends the *Health and Disability Services*  
23 *(Complaints) Act 1995*.
- 24 (2) In section 3(1) delete the definition of *registration board* and  
25 insert:  
26  
27 *registration board* means a National Health  
28 Practitioner Board established under the *Health*  
29 *Practitioner Regulation National Law (Western*  
30 *Australia)*;  
31
- 32 (3) Delete Schedule 1.

**s. 113**

---

1 **113. *Mandatory Testing (Infectious Diseases) Act 2014* amended**

2 (1) This section amends the *Mandatory Testing (Infectious*  
3 *Diseases) Act 2014*.

4 (2) In section 4 in the definition of *nurse* delete “and midwifery  
5 profession whose name is entered on the Register of Nurses  
6 kept under that Law;” and insert:

7

8 profession;

9

10 **114. *Mental Health Act 2014* amended**

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

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

13 **115. *Oaths, Affidavits and Statutory Declarations Act 2005***  
14 **amended**

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

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

18

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

19

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

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

22

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

23

1 **116. *Prostitution Act 2000* amended**

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

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

5 **117. *Public Health Act 2016* amended**

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

7 (2) In section 4(1) in the definition of *midwife* delete “whose name  
8 is entered on the Register of Midwives kept under that Law;”  
9 and insert:

10  
11 in the midwifery profession;

12  
13 (3) In section 4(1) in the definition of *nurse* delete “and midwifery  
14 profession whose name is entered on the Register of Nurses  
15 kept under that Law;” and insert:

16  
17 profession;

18  
19 (4) In section 4(1) in the definition of *nurse practitioner* delete  
20 “whose name is entered on the Register of Nurses kept under  
21 that Law as being qualified to practice as a” and insert:

22  
23 in the nursing profession whose registration under that Law is  
24 endorsed as

25  
26 **118. *Radiation Safety Act 1975* amended**

27 (1) This section amends the *Radiation Safety Act 1975*.

**s. 119**

---

- 1 (2) In section 26(2a):  
2 (a) delete “a person registered under the *Health Practitioner*  
3 *Regulation National Law (Western Australia)* whose  
4 name is entered on the Register of Nurses kept under  
5 that Law as being qualified to practise as”;  
6 (b) delete “section 39 of that Act” and insert:  
7  
8 the *Health Practitioner Regulation National Law*  
9 *(Western Australia)* section 39  
10  
11 (3) After section 26(2a) insert:  
12  
13 (2B) In subsection (2a) —  
14 **nurse practitioner** means a person registered under the  
15 *Health Practitioner Regulation National Law (Western*  
16 *Australia)* in the nursing profession whose registration  
17 under that Law is endorsed as nurse practitioner.  
18  
19 **119. Rail Safety National Law (WA) Act 2015 amended**  
20 (1) This section amends the *Rail Safety National Law (WA)*  
21 *Act 2015*.  
22 (2) In section 9(1) in the definition of **registered nurse** delete “and  
23 midwifery”.  
24 (3) In the Schedule section 248(3) in the definition of **person to**  
25 **whom this section applies** paragraph (b) delete “and midwifery  
26 profession as a nurse” and insert:  
27  
28 profession  
29

1 **120. *Road Traffic Act 1974* amended**

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

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

6

7 in the nursing profession whose registration under that Law is  
8 endorsed as

9

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

12

---