



Western Australia

Health Practitioner Regulation National Law (WA) Amendment Act 2018

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Health Practitioner Regulation National Law (WA) Amendment Act 2018

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Western Australia

Health Practitioner Regulation National Law (WA) Amendment Act 2018

No. 4 of 2018

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.

[Assented to 19 April 2018]

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This is the *Health Practitioner Regulation National Law (WA) Amendment Act 2018*.

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 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.

**Part 2 — *Health Practitioner National Law (WA)*
Act 2010 amended**

**Division 1 — Local application provisions of the *Health
Practitioner Regulation National Law (WA) Act 2010* amended**

3. Provisions amended

(1) In this section —

local application provisions means the provisions of the *Health Practitioner Regulation National Law (WA) Act 2010* other than the Health Practitioner Regulation National Law set out in the Schedule to that Act.

(2) This Division amends the local application provisions of the *Health Practitioner Regulation National Law (WA) Act 2010*.

4. Section 4 amended

(1) In section 4(1) delete “Schedule, as modified to give effect to subsections (5), (6) and (7) —” and insert:

Schedule —

(2) Delete section 4(5) to (7).

5. Section 10 amended

In section 10(2)(b):

(a) delete “CrimTrac,” and insert:

the ACC,

(b) delete “CrimTrac” and insert:

the ACC

6. Part 4 Division 1 deleted

Delete Part 4 Division 1.

Division 2 — Health Practitioner Regulation National Law amended

7. Provisions amended

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

8. Section 3 amended

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

consistent with best practice principles.

9. Section 5 amended

(1) In section 5 delete the definitions of:

CrimTrac

Ministerial Council

(2) In section 5 insert in alphabetical order:

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

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

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

prohibition order means —

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

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

National Board means a National Health Practitioner Board continued or established by regulations made under section 31;

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

a health profession

(6) In section 5 in the definition of *health profession*:

(a) delete paragraph (g) and insert:

(g) midwifery;

(ga) nursing;

(b) after paragraph (j) insert:

(ja) paramedicine;

10. Section 7 amended

In section 7(1), (2) and (3) delete “established by this Law” and insert:

established by or under this Law

11. Section 14 amended

In section 14(1) delete “practising the profession” and insert:

practising a profession

12. Section 15 amended

In section 15 delete “the health profession” and insert:

a health profession

13. Section 26 amended

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

a health profession

14. Section 31 replaced

Delete section 31 and insert:

31. Regulations must provide for National Boards

- (1) The regulations must provide for a National Health Practitioner Board for each health profession.
- (2) The regulations may —
 - (a) continue an existing Board for a health profession; or
 - (b) establish a Board for a health profession or for 2 or more health professions; or
 - (c) dissolve a Board for a health profession (the *dissolved Board*) if another Board is established for that health profession (the *replacement Board*).
- (3) The regulations may provide for anything for which it is necessary or convenient to make provision to allow, facilitate or provide for the following —
 - (a) the continuation, establishment or dissolution of a Board under subsection (2);
 - (b) the completion of a matter started by an existing Board before the commencement;
 - (c) the effect of anything done by an existing Board before the commencement;
 - (d) the transfer of matters from a dissolved Board to a replacement Board.

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

31A. Status of National Boards

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

15. Section 33 amended

- (1) In section 33(5):
 - (a) in paragraph (b) delete “jurisdiction.” and insert:

jurisdiction; and
 - (b) after paragraph (b) insert:
 - (c) if the National Board is established for 2 or more health professions — at least one member of each health profession for which the Board is established.

(2) After section 33(9) insert:

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

16. Section 34 amended

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

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

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

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

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

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

17. Section 38 amended

In section 38(1):

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

a health profession

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

in a health profession for which the Board is established,

18. Section 39 amended

In section 39 delete the Example and insert:

Examples:

1. A National Board may develop guidelines about the advertising of regulated health services by health practitioners registered by the Board or other persons for the purposes of section 133.
2. To assist a health practitioner in providing practice information under section 132, a National Board may develop guidelines about the information that must be provided to the Board.

19. Section 41 amended

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

in a health profession for which the Board is established

20. Section 49 amended

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

a health profession

21. Section 51 amended

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

a health profession

22. Section 56 amended

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

(a) starts —

- (i) when the Board makes the decision; or
- (ii) on the later day stated by the Board, not more than 90 days after the day the Board makes the decision;

and

23. Section 65 amended

After section 65(1) insert:

(1A) Subsection (1B) applies if —

- (a) an individual is registered in a health profession for which divisions are included in the National Register kept for the profession; and
- (b) the individual holds general or limited registration in a division.

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

24. Section 71 replaced

Delete section 71 and insert:

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

- (1) Subsection (2) applies to a health profession for which a division is not included in the National Register kept for the profession.
- (2) An individual registered in the health profession may not hold limited registration in the same health profession for more than one purpose under this Division at the same time.
- (3) Subsection (4) applies to a health profession for which divisions are included in the National Register kept for the profession.
- (4) An individual registered in the health profession may not hold limited registration in the same division of the profession for more than one purpose under this Division at the same time.

25. Section 77 amended

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

a health profession

26. Section 79 amended

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

(a) the ACC;

27. Section 83 amended

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

a health profession

28. Section 88 amended

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

a health profession

29. Section 92 amended

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

established for the person’s health profession

30. Section 94 amended

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

in a health profession for which the Board is established

31. Section 95 amended

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

National Board for the nursing profession

32. Section 96 amended

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

National Board for the midwifery profession

33. Section 97 amended

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

in a health profession for which the Board is established

34. Section 98 amended

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

in a health profession for which the Board is established

35. Section 107 amended

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

established for the practitioner’s health profession

36. Section 113 amended

In section 113(3) in the Table:

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

medical practitioner, physician

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

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

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

- (d) after the row for Osteopathy insert:

Paramedicine	paramedic
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37. Section 118 amended

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

who is not a specialist health practitioner

38. Section 123A inserted

After section 123 insert:

123A. Restricted birthing practices

(1) In this section —

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

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

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

- (a) is a medical practitioner; or
- (b) is a midwife; or
- (c) is a student who carries out the restricted birthing practice in the course of activities undertaken as part of —
 - (i) an approved programme of study for the medical or midwifery profession; or
 - (ii) clinical training in the medical or midwifery profession;

or

- (d) is acting under the supervision of a medical practitioner or midwife and in accordance with any requirements set out in a code or guideline approved, under section 39, by the National Board established for the relevant profession; or
- (e) is providing emergency assistance to a woman who is in labour.

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

39. Section 124 amended

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

a health profession

40. Section 125 amended

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

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

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

the condition or at a later time,

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

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

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

- (a) the decision; and
- (b) if the Board has decided a review period for a condition or undertaking — details of the review period.

41. Section 126 amended

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

in a health profession for which the Board is established.

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

condition or at a later time, that this Subdivision

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

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

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

- (a) the decision; and
- (b) if the Board has decided a review period for a condition — details of the review period.

42. Section 127 amended

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

in a health profession for which the Board is established

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

Subdivision

43. Section 127A inserted

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

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

- (1) This section applies if —
 - (a) a condition has been imposed on a registered health practitioner's or student's registration or endorsement, or an undertaking has been given by the practitioner or student; and
 - (b) a change or removal of the condition, or change or revocation of the undertaking, would usually be decided under this Subdivision; and
 - (c) the National Board that imposed the condition, or to which the undertaking was given, considers the change or removal, or change or revocation, should be decided by a review body of a co-regulatory jurisdiction.
- (2) The National Board may —
 - (a) decide that any change or removal, or change or revocation, may be decided by the review body of a co-regulatory jurisdiction; and
 - (b) give any relevant documents or information held by the Board to the review body.
- (3) If a review body of a co-regulatory jurisdiction is to decide a matter instead of the Board, the review body must decide the matter under the laws of that jurisdiction.
- (4) In this section —

review body means an entity declared by an Act or regulation of a co-regulatory jurisdiction to be a review body for this section.

44. Section 129 amended

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

in a health profession for which the Board is established

45. Section 130 amended

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

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

46. Section 131 amended

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

established for the practitioner’s health profession

47. Section 132 replaced

Delete section 132 and insert:

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

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

- (2) The registered health practitioner must not, without reasonable excuse, fail to comply with the notice from the Board.
- (3) A contravention of subsection (2) by a registered health practitioner does not constitute an offence but may constitute behaviour for which health, conduct or performance action may be taken.
- (4) In this section —
- practice information*, for a registered health practitioner practising in the health profession for which the practitioner is registered, means each of the following if it applies to the practitioner —
- (a) if the practitioner is self-employed and shares premises with other registered health practitioners with whom the practitioner shares the cost of the premises —
 - (i) that the practitioner is self-employed; and
 - (ii) the address of each of the premises at which the practitioner practises; and
 - (iii) if the practitioner practises under a business name or names, each business name; and
 - (iv) the names of the other registered health practitioners with whom the practitioner shares premises;
 - (b) if the practitioner is self-employed and paragraph (a) does not apply — that the practitioner is self-employed, the address of each of the premises at which the practitioner practises and, if the practitioner practises under a business name or names, each business name;
 - (c) if the practitioner is engaged by one or more entities under a contract of employment, contract for services or any other arrangement or agreement — the name, address and contact details of each entity;
 - (d) if the practitioner is providing services for or on behalf of one or more entities, whether in an

honorary capacity, as a volunteer or otherwise, and whether or not the practitioner receives payment from an entity for the services — the name, address and contact details of each entity;

Example for paragraph (d):

A physiotherapist practises physiotherapy as a volunteer at a sporting club or charity under an arrangement with that entity.

- (e) if the practitioner practises under a name or names that are not the same as the name under which the practitioner is registered under this Law — the other name or names;

premises at which the practitioner practises does not include the residential premises of a patient of the practitioner.

48. Section 135 amended

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

- (a) the ACC;

49. Section 137 amended

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

established for the practitioner’s health profession,

50. Section 141 amended

After section 141(4)(c) insert:

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

51. Section 143 amended

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

established for the student’s health profession

52. Section 148 amended

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

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

53. Section 149 amended

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

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

- (2) In section 149(3):

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

in a health profession for which the Board is established

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

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

54. Section 150 amended

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

established for the practitioner’s health profession

55. Section 151 amended

In section 151(1):

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

in a health profession for which the Board is established

(b) delete paragraph (e) and insert:

(e) the subject matter of the notification —

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

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

or

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

56. Section 155 amended

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

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

registration; or

- (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.

58. Section 159A inserted

At the end of Part 8 Division 7 insert:

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

- (1) This section applies if a notification about a registered health practitioner or student results in immediate action by a National Board under this Division in relation to the practitioner or student.
- (2) After deciding to take the immediate action, the National Board may inform the notifier who made the notification of the decision and the reasons for the decision.

59. Section 160 amended

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

in a health profession for which the Board is established

60. Section 167A inserted

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

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

- (1) This section applies if a notification about a registered health practitioner or student results in a decision by a

National Board under section 167 in relation to the practitioner or student.

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

61. Section 171 amended

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

- (b) for a performance assessment, a registered health practitioner who —
 - (i) is a member of the same health profession as the registered health practitioner or student undergoing assessment; but
 - (ii) is not a member of the National Board established for that profession.

62. Section 177A inserted

At the end of Part 8 Division 9 insert:

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

- (1) This section applies if a notification about a registered health practitioner or student results in a decision by a National Board under section 177 in relation to the practitioner or student.
- (2) After making the decision, the National Board may inform the notifier who made the notification of the decision and the reasons for the decision.

63. Section 178 amended

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

in a health profession for which the Board is established

64. Section 180 replaced

Delete section 180 and insert:

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

- (1) As soon as practicable after making a decision under section 178(2) or 179(2), if section 179 does not apply, the National Board must give written notice of the decision to —
 - (a) the registered health practitioner or student; and
 - (b) if the decision was the result of a notification, the notifier.
- (2) A notice under subsection (1)(b) may also include the reasons for the decision.

65. Section 181 amended

- (1) After section 181(1) insert:
 - (1A) Also, a National Board must establish a health panel if the suspension of a practitioner’s or student’s registration is to be reconsidered under section 191(4A) or 191A(2)(c).
- (2) Delete section 181(2) and insert:

- (2) A health panel must consist of the following members chosen from a list referred to in section 183 —
- (a) at least one member who is a registered health practitioner in the same health profession as the registered health practitioner or student the subject of the hearing;
 - (b) at least one member who is a medical practitioner with expertise relevant to the matter the subject of the hearing;
 - (c) at least one member who is not, and has not been, a registered health practitioner in the same health profession as the registered health practitioner or student the subject of the hearing.
- (3) Delete section 181(4) and (5) and insert:
- (4) No more than half of the members of the panel may be registered health practitioners in the same health profession as the registered health practitioner or student the subject of the hearing.
 - (5) However, for subsection (4), if the subject of the hearing is a registered health practitioner who is a medical practitioner, a member of the panel referred to in subsection (2)(b) is not to be considered to be registered in the same health profession as the registered health practitioner the subject of the hearing.

66. Section 182 amended

Delete section 182(4) and insert:

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

- (a) registered health practitioners in the same health profession as the registered health practitioner the subject of the hearing; and
- (b) chosen from a list approved under section 183.

67. Section 184 amended

After section 184(2) insert:

- (3) For a panel established under section 181(1A), the panel —
 - (a) may decide the hearing may be decided entirely on the basis of documents, without parties, their representatives or witnesses appearing at the hearing; and
 - (b) if the hearing is to be decided entirely on the basis of documents — must give written notice of the decision to the registered health practitioner or student the subject of the hearing.
- (4) The health practitioner or student may within 14 days after receiving the notice under subsection (3)(b) give a written notice to the panel —
 - (a) requesting a hearing; and
 - (b) undertaking to be available to attend the hearing within 28 days after giving the notice.
- (5) If the health practitioner or student gives a notice under subsection (4), the panel must give the health practitioner or student notice under subsection (1) stating a day for the hearing that is not more than 28 days after the practitioner's or student's notice was given.
- (6) Subsection (1) does not apply if —
 - (a) the panel makes a decision under subsection (3); and
 - (b) the health practitioner or student does not give notice under subsection (4).

68. Section 191 amended

After section 191(4) insert:

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

69. Sections 191A and 191B inserted

After section 191 insert:

191A. Decision of panel after reconsideration of suspension

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

191B. Change of reconsideration date for suspension of registration

- (1) This section applies if the suspension of a health practitioner's or student's registration is to be reconsidered by a panel established under section 181(1A) on a reconsideration date.
- (2) The panel may decide an earlier reconsideration date if —

- (a) the health practitioner or student advises the panel of a material change in the practitioner's or student's circumstances and requests an earlier reconsideration date because of the change; and
 - (b) the panel is reasonably satisfied an earlier reconsideration date is necessary because of the change in circumstances.
- (3) For subsection (2), the panel must give the practitioner or student written notice of —
- (a) if the panel decides an earlier reconsideration date — the earlier date; or
 - (b) if the panel decides to refuse the request for an earlier reconsideration date — the panel's decision and the reasons for the decision.
- (4) The panel may decide a later reconsideration date if the panel is reasonably satisfied it is necessary to enable the panel to reconsider the suspension.

Examples of when the panel may be reasonably satisfied a later reconsideration date may be decided:

- (a) the health practitioner or student is required for a hearing and cannot attend because of illness;
 - (b) the panel requires extra time to consider further evidence supplied by the health practitioner or student;
 - (c) extra time is required to appoint a panel member for a panel member who is ill.
- (5) For subsection (4), the panel must give the health practitioner or student written notice of the later reconsideration date and the reasons for the decision.
- (6) The suspension of the health practitioner's or student's registration remains in force until the panel makes a decision to revoke the suspension.

70. Section 192 amended

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

section 191 or 191A,

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

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

71. Section 196 amended

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

established for the practitioner’s health profession

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

- (b) prohibit the person, either permanently or for a stated period, from —
- (i) providing any health service or a specified health service; or
 - (ii) using any title or a specified title.

72. Section 196A inserted

After section 196 insert:

196A. Offences relating to prohibition orders

- (1) A person must not contravene a prohibition order.
Penalty for this subsection: a fine of \$30 000.

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

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

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

Penalty for this subsection:

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

73. Section 199 amended

After section 199(1)(j) insert:

- (ja) a decision by a health panel not to revoke a suspension;

74. Section 206 amended

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

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

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

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

- (a) if the practice information given to the Board, or of which the Board becomes aware, is information referred to in section 132(4)(a) and includes the names of other registered health practitioners — may give written notice to each of those practitioners of the decision to take health, conduct or performance action against the registered health practitioner; or
- (b) if the practice information given to the Board, or of which the Board becomes aware, is information referred to in section 132(4)(c) or (d) and includes the name of an entity — must give written notice to the entity of the decision to take health, conduct or performance action against the registered health practitioner.

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

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

75. Part 10 Division 1A inserted

At the beginning of Part 10 insert:

Division 1A — Australian Information Commissioner

212A. Application of Commonwealth AIC Act

- (1) The AIC Act applies as a law of a participating jurisdiction for the purposes of the national registration and accreditation scheme.
- (2) For the purposes of subsection (1), the AIC Act applies —
 - (a) as if a reference to the Office of the Australian Information Commissioner were a reference to the Office of the National Health Practitioner Privacy Commissioner; and
 - (b) as if a reference to the Information Commissioner were a reference to the National Health Practitioner Privacy Commissioner; and
 - (c) with any other modifications made by the regulations.
- (3) Without limiting subsection (2)(c), the regulations may —
 - (a) provide that the AIC Act applies under subsection (1) as if a provision of the AIC Act specified in the regulations were omitted; or
 - (b) provide that the AIC Act applies under subsection (1) as if an amendment to the AIC Act made by a law of the Commonwealth, and specified in the regulations, had not taken effect; or
 - (c) confer jurisdiction on a tribunal or court of a participating jurisdiction.

- (4) In this section —

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

76. Section 213 amended

- (1) Delete section 213(2) and insert:
 - (2) For the purposes of subsection (1), the Privacy Act applies —
 - (a) as if a reference to the Commissioner were a reference to the National Health Practitioner Privacy Commissioner; and
 - (b) with any other modifications made by the regulations.

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

subsection (2)(b),

77. Section 215 amended

- (1) Delete section 215(2) and insert:
 - (2) For the purposes of subsection (1), the FOI Act applies —
 - (a) as if a reference to the Office of the Australian Information Commissioner were a reference to the Office of the National Health Practitioner Privacy Commissioner; and
 - (b) as if a reference to the Information Commissioner were a reference to the National Health Practitioner Privacy Commissioner; and
 - (c) with any other modifications made by the regulations.

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

subsection (2)(c),

78. Section 217 amended

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

in a health profession for which the Board is established,

79. Section 222 replaced

Delete section 222 and insert:

222. Public national registers

- (1) A public national register, with the name listed in column 1 of the following Table, is to be kept for each health profession.
- (2) A public national register for a health profession is to include the names of all health practitioners (other than specialist health practitioners) currently registered in the profession.
- (3) If divisions are listed beside the public national register in column 2 of the Table, the register is to be kept in a way that ensures it includes those divisions.
- (4) In addition, a public national register for a health profession is to include —
 - (a) the names of all health practitioners (other than specialist health practitioners) whose registration has been cancelled by an adjudication body; and
 - (b) the names of all persons (other than specialist health practitioners or persons who were previously specialist health practitioners) subject to a prohibition order.
- (5) A public national register required to be kept under this section is to be kept by the National Board prescribed by the

regulations for the register, in conjunction with the National Agency.

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	

80. Section 222 amended

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

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

81. Section 223 amended

In section 223:

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

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

(b) delete paragraph (b) and insert:

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

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

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

82. Section 226 amended

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

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

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

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

83. Section 227 replaced

Delete section 227 and insert:

227. Register about former registered health practitioners

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

- (a) for each health practitioner whose registration was cancelled by an adjudication body —
 - (i) the fact the practitioner’s registration was cancelled by an adjudication body; and
 - (ii) the grounds on which the practitioner’s registration was cancelled; and
 - (iii) if the adjudication body’s hearing was open to the public, details of the conduct that formed the basis of the adjudication;
- (b) for each person subject to a prohibition order, a copy of the order.

84. Section 232 amended

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

in a health profession for which the Board is established.

85. Section 233 amended

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

a health profession

86. Section 235 amended

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

Practitioner

87. Section 245 amended

After section 245(4) insert:

- (5) The amendment of the *Health Practitioner Regulation National Law (WA) Regulations 2010* by the *Health Practitioner Regulation National Law (WA) Amendment Act 2018* does not prevent the national regulations from being amended or repealed under this section.

88. Section 284 amended

In section 284(5):

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

National Board for midwifery;

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

89. Part 13 Division 1 inserted

After section 305 insert:

Part 13 — Transitional and other provisions for *Health Practitioner Regulation National Law (WA) Amendment Act 2018*

Division 1 — Paramedicine Board and registration of paramedics

306. Definitions

In this Division —

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

Diploma of Paramedical Science see section 312(5);

Paramedicine Board means —

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

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

relevant day means the day that is 3 years after the participation day.

307. Establishment of Paramedicine Board

- (1) The Paramedicine Board of Australia is established as a National Health Practitioner Board for the health profession of paramedicine.
- (2) The Board —
 - (a) is a body corporate with perpetual succession; and
 - (b) has a common seal; and
 - (c) may sue and be sued in its corporate name.
- (3) The Board represents the State.
- (4) This section applies until the Board is continued in force by a regulation made under section 31.

308. Powers and functions of Paramedicine Board

- (1) Sections 32, 33, 34, 37, 40, 234 and Schedule 4 apply to the Paramedicine Board until the participation day.
- (2) However, for section 34, the Ministerial Council may, until the participation day, appoint as practitioner members persons who the Council is satisfied have skills and experience in paramedicine relevant to the Board's functions.
- (3) The Paramedicine Board may perform the following functions until the participation day —
 - (a) develop and recommend one or more registration standards to the Ministerial Council under section 38 for its approval under section 12;
 - (b) develop and approve codes and guidelines under section 39;

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

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

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

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

310. CAA accredited programmes of study

- (1) The Paramedicine Board may, until the relevant day, approve, or refuse to approve, a CAA accredited programme of study as providing a qualification for the purposes of registration in paramedicine.
- (2) An approval of a programme of study under subsection (1) —
 - (a) may be granted subject to the conditions the Board considers necessary or desirable in the circumstances; and
 - (b) does not take effect until the programme is included in the list published under subsection (3).
- (3) A programme of study approved by the Board under subsection (1) must —

- (a) be published in a list on the National Agency's website; and
 - (b) include, for each programme of study, the name of the education provider that provides the programme.
- (4) A programme of study approved under this section is taken to be an approved programme of study for this Law.
- (5) This section applies despite section 49(1).
- (6) In this section —
- CAA accredited programme of study** means a programme of study accredited by the Council of Ambulance Authorities Inc. and published on the Council's website —
- (a) immediately before the commencement; or
 - (b) between the commencement and the participation day.

311. Qualifications for general registration in paramedicine for a limited period

- (1) For the purposes of section 52(1)(a), an individual who applies for registration in paramedicine before the relevant day is qualified for general registration in paramedicine if the individual —
- (a) holds a qualification or has completed training in paramedicine, whether in a participating jurisdiction or elsewhere, that the Paramedicine Board considers is adequate for the purposes of practising the profession; or
 - (b) holds a qualification or has completed training in paramedicine, whether in a participating jurisdiction or elsewhere, and has completed any further study, training or supervised practice in the profession required by the Paramedicine Board for the purposes of this section; or
 - (c) has practised paramedicine during the 10 years before the participation day for a consecutive period

of 5 years or for any periods which together amount to 5 years and satisfies the Paramedicine Board that the individual is competent to practise paramedicine.

- (2) This section applies despite section 53.

312. Accepted qualification for general registration in paramedicine

- (1) This section applies to an individual who holds a Diploma of Paramedical Science issued by the Ambulance Service of New South Wales.
- (2) The individual is qualified for general registration in paramedicine for the purposes of section 52(1)(a).
- (3) This section applies despite section 53.
- (4) Nothing in this section makes a Diploma of Paramedical Science issued by the Ambulance Service of New South Wales an approved qualification for section 53(b).
- (5) In this section —

Diploma of Paramedical Science means any of the following —

- (a) a Diploma of Paramedical Science;
- (b) a Diploma of Paramedical Science (Ambulance) or an Advanced Diploma of Paramedical Science (Ambulance);
- (c) a Diploma in Paramedical Science (Pre-Hospital Care) or an Advanced Diploma Paramedical Sciences (Pre-Hospital Care);
- (d) a qualification —
- (i) that has replaced the diploma mentioned in paragraph (a) and is prescribed by regulation; and
 - (ii) issued by the Ambulance Service of New South Wales.

313. Provisions that apply to student registration for Diploma of Paramedical Science

A Diploma of Paramedical Science issued by the Ambulance Service of New South Wales is taken to be an approved programme of study for Part 7 Division 7 Subdivisions 1 and 3.

314. Applications for registration in paramedicine and period of registration

- (1) An individual may apply to the Paramedicine Board for registration in paramedicine —
 - (a) before the participation day; and
 - (b) after the day decided by the Board under section 308(3)(c).
- (2) Subsection (3) applies if an individual applies for registration in paramedicine under subsection (1) and the Board grants the application under Part 7.
- (3) Despite section 56, the registration period —
 - (a) does not start until the participation day; and
 - (b) may be a period of not more than 2 years decided by the Board.

315. Applications for registration in paramedicine made but not decided before participation day

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

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

Note:

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

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.

(3) In this section —

another jurisdiction means a participating jurisdiction in which the provisions of this Law about paramedicine apply.

90. Part 13 Division 2 inserted

After section 317 insert:

Division 2 — Other transitional provisions

321. Offences relating to prohibition orders made before commencement

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

91. Sections 318 to 320 inserted

At the beginning of Part 13 Division 2 insert:

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

(1) This section applies if —

(a) before the commencement, a registered health practitioner or student applied to a National Board

under section 125 to change or remove a condition or change or revoke an undertaking; and

- (b) immediately before the commencement, the application had not been decided by the Board; and
- (c) after the commencement, the Board's decision results in a registration or endorsement being subject to a condition, or an undertaking is still in place.

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

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

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

320. Membership of continued National Boards

- (1) This section applies if —
 - (a) a person holds office as a member of a National Board immediately before the commencement; and

- (b) the Board is continued in force after the commencement (the *continued Board*) by a regulation made under section 31.
- (2) The person continues to hold office as a member of the continued Board after the commencement —
 - (a) on the terms and conditions that applied to the person's appointment before commencement; and
 - (b) until the office of the member becomes vacant under this Law.
- (3) Also, a person who is Chairperson of a National Board immediately before the commencement continues to hold office as Chairperson of the continued Board after the commencement.
- (4) Subsection (5) applies if the process for appointing a person as a member of a National Board is started but not completed before the commencement.
- (5) The process may continue after the commencement and the person may be appointed as a member of the continued Board.

92. Sections 322 and 323 inserted

After section 321 insert:

322. Register to include prohibition orders made before commencement

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

323. Public national registers

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

93. Schedule 2 clause 4 amended

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

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

94. Schedule 4 clause 2 amended

- (1) In Schedule 4 clause 2 delete “Subject to” and insert:
 - (1) Subject to
- (2) At the end of clause 2 insert:
 - (2) However, a member's term of office ends if the National Board to which the member was appointed is dissolved by a regulation made under section 31.

95. Schedule 4 clause 4 amended

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

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

96. Schedule 4 clause 10 amended

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

a health profession

97. Schedule 4 clause 11 amended

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

a health profession

98. Various penalties amended

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

Penalty for this subsection:

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

Penalty for this subclause:

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)

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

99. Regulations amended

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

100. Regulation 4 amended

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

on 6 December 2017

Part 4 — Consequential amendments to other Acts

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

- (1) This section amends the *Blood Donation (Limitation of Liability) Act 1985*.
- (2) In section 11(1)(e) delete “and midwifery”.

102. *Children and Community Services Act 2004* amended

- (1) This section amends the *Children and Community Services Act 2004*.
- (2) In section 124A in the definition of *midwife* delete “whose name is entered on the Register of Midwives kept under that Law;” and insert:

in the midwifery profession;

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

profession;

103. *Civil Liability Act 2002* amended

- (1) This section amends the *Civil Liability Act 2002*.
- (2) In section 5PA in the definition of *health professional*:
 - (a) delete paragraph (a)(vii) and insert:

(vii) midwifery;

(viiia) nursing;

s. 104

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

(xa) paramedicine;

(3) In section 5AB in the definition of ***medical qualifications***:

(a) in paragraph (a) delete “the medical” and insert:

a health

(b) in paragraph (c) delete “officer or other paramedic;” and insert:

officer;

104. Constitution Acts Amendment Act 1899 amended

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

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

The Aboriginal and Torres Strait Islander Health Practice Board of Australia

The Chinese Medicine Board of Australia

The Chiropractic Board of Australia

The Dental Board of Australia

The Medical Board of Australia

The Medical Radiation Practice Board of Australia

The Nursing and Midwifery Board of Australia

The Occupational Therapy Board of Australia

The Optometry Board of Australia

The Osteopathy Board of Australia

The Pharmacy Board of Australia

The Physiotherapy Board of Australia

The Podiatry Board of Australia
The Psychology Board of Australia

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

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

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

- (1) This section amends the *Corruption, Crime and Misconduct Act 2003*.
- (2) In section 54(1) in the definition of *registered nurse* delete “and midwifery”.

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

- (1) This section amends the *Court Security and Custodial Services Act 1999*.
- (2) In section 3 in the definition of *nurse* delete “and midwifery”.

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

- (1) This section amends the *Criminal Investigation (Identifying People) Act 2002*.
- (2) In section 52 in the definition of *nurse* delete “and midwifery”.

108. *Criminal Investigation Act 2006* amended

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

s. 109

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

in the midwifery profession;

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

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

- (1) This section amends the *Declared Places (Mentally Impaired Accused) Act 2015*.
- (2) In section 25 in the definition of *nurse* delete the passage that begins with “*Australia*) —” and continues to the end of the definition and insert:

Australia) in the nursing profession —

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

110. *Firearms Act 1973* amended

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

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

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

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

in the midwifery profession;

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

profession;

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

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

**112. *Health and Disability Services (Complaints) Act 1995*
amended**

- (1) This section amends the *Health and Disability Services (Complaints) Act 1995*.
- (2) In section 3(1) delete the definition of *registration board* and insert:

registration board means a National Health Practitioner Board established under the *Health Practitioner Regulation National Law (Western Australia)*;

s. 113

- (3) Delete Schedule 1.

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

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

profession;

114. *Mental Health Act 2014* amended

- (1) This section amends the *Mental Health Act 2014*.
- (2) In section 4 in the definition of *nurse* delete “and midwifery”.

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

- (1) This section amends the *Oaths, Affidavits and Statutory Declarations Act 2005*.
- (2) In Schedule 2 after item 25 insert:

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

- (3) In Schedule 2 item 27 delete “and midwifery”.
- (4) In Schedule 2 after item 28 insert:

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

116. *Prostitution Act 2000* amended

- (1) This section amends the *Prostitution Act 2000*.
- (2) In section 29(7) in the definition of *registered nurse* delete “and midwifery”.

117. *Public Health Act 2016* amended

- (1) This section amends the *Public Health Act 2016*.
- (2) In section 4(1) in the definition of *midwife* delete “whose name is entered on the Register of Midwives kept under that Law;” and insert:

in the midwifery profession;

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

profession;

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

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

118. *Radiation Safety Act 1975* amended

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

s. 119

- (2) In section 26(2a):
- (a) delete “a person registered under the *Health Practitioner Regulation National Law (Western Australia)* whose name is entered on the Register of Nurses kept under that Law as being qualified to practise as”;
 - (b) delete “section 39 of that Act” and insert:

the *Health Practitioner Regulation National Law (Western Australia)* section 39

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

- (2B) In subsection (2a) —
- nurse practitioner** means a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the nursing profession whose registration under that Law is endorsed as nurse practitioner.

119. Rail Safety National Law (WA) Act 2015 amended

- (1) This section amends the *Rail Safety National Law (WA) Act 2015*.
- (2) In section 9(1) in the definition of **registered nurse** delete “and midwifery”.
- (3) In the Schedule section 248(3) in the definition of **person to whom this section applies** paragraph (b) delete “and midwifery profession as a nurse” and insert:

profession

120. *Road Traffic Act 1974* amended

- (1) This section amends the *Road Traffic Act 1974*.
- (2) In section 65 in the definition of *nurse practitioner* delete “whose name is entered on the Register of Nurses kept under that Law as being qualified to practice as a” and insert:

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

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

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