

Proclamation – Health Practitioner Regulation National Law and Other Legislation Amendment Act 2019

Explanatory notes for SL 2019 No. 99

made under the

Health Practitioner Regulation National Law and Other Legislation Amendment Act 2019

General Outline

Short title

Proclamation for the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2019*.

Authorising law

Section 2 of the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2019*.

Policy objectives and the reasons for them

The objective of the proclamation is to commence stated provisions of the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2019* (Amendment Act) on 1 July 2019. The Amendment Act was passed by the Legislative Assembly on 26 February 2019 and received assent on 7 March 2019.

The provisions of the Amendment Act to be commenced by the proclamation deal with penalties for the following offences under the Health Practitioner Regulation National Law:

- improper use of protected titles (sections 113 and 115);
- making false or misleading claims about a person's registration (sections 116 to 119);
- contravening restrictions on the performance of restricted dental acts (section 121), the prescription of optical appliances (section 122) and the performance of spinal manipulation (section 123); and
- contravening a prohibition order (section 196A).

The provisions double the maximum fines and introduce an imprisonment term of up to three years for these offences. The provisions to be commenced also classify the offences as indictable offences, specify how proceedings for the offences may be taken and make minor amendments to requirements for seizing and returning evidence during investigations.

Achievement of policy objectives

The policy objective will be achieved by fixing a date of 1 July 2019 for the commencement of part 2, other than sections 4 and 5, and part 3, other than sections 17, 18 and 19, of the Amendment Act.

Consistency with policy objectives of authorising law

The proclamation is consistent with the policy objectives of the Amendment Act.

Inconsistency with policy objectives of other legislation

No inconsistencies with the policy objectives of other legislation have been identified.

Alternative ways of achieving policy objectives

The proclamation is the only effective means of achieving the policy objective.

Benefits and costs of implementation

There are no costs arising from the proclamation.

Consistency with fundamental legislative principles

The proclamation is consistent with fundamental legislative principles.

Consultation

The Australian Health Practitioner Regulation Agency, Health Ombudsman and all States, Territory and the Commonwealth Governments were consulted about the commencement date of 1 July 2019.

The proclamation was assessed by Queensland Health, in accordance with the *Queensland Government Guide to Better Regulation*, as being excluded from regulatory impact assessment under exclusion category 'g' on the basis that the proclamation is of a machinery nature. Therefore, consultation with the Queensland Productivity Commission was not required.