

Proclamation – Health Practitioner Regulation National Law and Other Legislation Amendment Act 2025

Explanatory notes for SL 2025 No. 139

made under the

Health Practitioner Regulation National Law and Other Legislation Amendment Act 2025

General Outline

Short title

Proclamation commencing specified provisions of the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2025* that are not in force.

Authorising law

Section 2 of the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2025*.

Policy objectives and the reasons for them

The objective of the Proclamation is to commence specified provisions of the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2025* (Amendment Act) on 1 December 2025. The Amendment Act was passed by the Legislative Assembly on 3 April 2025 and received Royal Assent on 9 April 2025.

The Amendment Act amends the Health Practitioner Regulation National Law (National Law), which is set out in the schedule to the *Health Practitioner Regulation National Law Act 2009* (Qld), to give effect to nationally agreed reforms to the National Registration and Accreditation Scheme (National Scheme) for health professions.

In 2013, Queensland amended the *Health Practitioner Regulation National Law Act 2009* to modify the application of the National Law in Queensland, to adopt a co-regulatory model. Queensland's co-regulatory model means that, in Queensland, the Office of the Health Ombudsman has primary responsibility for managing complaints about a health practitioner's conduct or performance but may refer appropriate matters to national regulators to deal with under the National Law.

To accommodate these co-regulatory arrangements, the Amendment Act also amends the *Health Ombudsman Act 2013* and modifies how certain amendments to the National Law will operate in Queensland. The modifications are made through amendments to the local application provisions of the National Law in part 4 of the *Health Practitioner Regulation National Law Act 2009*.

Section 2 of the Amendment Act provides for stated provisions of the Amendment Act to commence on a day to be fixed by proclamation. The Proclamation will commence provisions of the Amendment Act to strengthen the current protections for notifiers (also known as ‘complainants’ in Queensland and New South Wales) under the National Law. These provisions will:

- make it an offence to threaten, intimidate, dismiss, refuse to employ, or subject a person to other detriment or reprisal because they intend to or have made a notification or provided assistance to persons performing functions under the National Law;
- make it an offence to enter into a non-disclosure agreement unless the agreement clearly sets out, in writing, that it does not limit a person from making a notification or providing assistance to regulators and others performing functions under the National Law; and
- void non-disclosure agreements to the extent they seek to prevent or limit a notifier from making a notification or providing assistance to persons performing functions under the National Law.

Commencement of the new offences related to reprisals will address gaps in notifier protections identified in several reviews, including the *Royal Commission into Institutional Responses to Child Sexual Abuse* and the National Health Practitioner Ombudsman’s *Review of confidentiality safeguards for people making notifications about health practitioners*.

Pursuant to section 15DA of the *Acts Interpretation Act 1954* the remaining provisions of the Amendment Act will commence automatically on 10 April 2026, unless a regulation extends the period before commencement.

Achievement of policy objectives

The policy objective is achieved by fixing 1 December 2025 for the commencement of certain provisions of the Amendment Act that are not yet in force.

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 inconsistency with the policy objectives of other legislation has 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

Commencement of the Amendment Act in stages takes into account the operational needs of impacted external stakeholders, providing them with appropriate lead time to support implementation.

The amendments that will be commenced by the Proclamation can be met through existing budgets and will strengthen protections for people making good faith complaints about registered health practitioners, thus allowing regulators to better ensure public safety.

Consistency with fundamental legislative principles

As outlined in the Explanatory Notes to the Amendment Act, the Amendment Act is consistent with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*. The Proclamation does not engage any additional fundamental legislative principles.

Consultation

A wide range of stakeholders were consulted in the development of the Amendment Act. This is outlined in detail in the Explanatory Notes to the Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2024.

The timeframes for commencing provisions of the Amendment Act were determined in consultation with departments with responsibility for health in all States, Territories and the Australian Government.

The Office of the Health Ombudsman and the Australian Health Practitioner Regulation Agency, who will be involved in implementing the amendments that this Proclamation commences, support the commencement date in the Proclamation.

The Office of Best Practice Regulation was notified about the Proclamation, as required by *The Queensland Government Better Regulation Policy*. The Proclamation was assessed by Queensland Health, in accordance with *The Queensland Government Better Regulation Policy*, as being excluded from further regulatory impact assessment on the basis that it is machinery in nature.