

Community Affairs Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

HEALTH AND AGEING PORTFOLIO

30 April 2010

Question no: 3

OUTCOME 12: Health Workforce Capacity

Topic: HEALTH PRACTITIONER REGULATION (CONSEQUENTIAL AMENDMENTS) BILL

Hansard Page: CA 32

Senator Moore asked:

“It may well help the committee if you could give us something on notice which clearly sets out the relationship between bill C and bills A and B.”

Answer:

The National Registration and Accreditation Scheme for health professions (the Scheme) is being established via State and Territory laws, using an ‘applied law’ model. This model is used for matters that are generally within the States’ legislative powers, and not the Commonwealth’s legislative powers. This model will result in a finalised National Law being enacted by Queensland, as the host State, with other States and Territories entering the scheme as ‘participating jurisdictions’, by enacting legislation to adopt and apply the National Law as a law of their jurisdiction.

The first tranche of legislation, the *Health Practitioner Regulation (Administrative Arrangements) National Law Act 2008 (Qld)*, known as ‘Act A’, encompasses the Intergovernmental Agreement signed by First Ministers on 26 March 2008 and establishes the structure and functions of the Scheme, including the new national agency, the Australian Health Practitioner Regulation Agency (AHPRA), the Australian Health Workforce Ministerial Council (Ministerial Council) and the National Boards. Act A remains in force until the National Law takes effect in participating jurisdictions on 1 July 2010.

The second tranche of legislation, formerly referred to as ‘Bill B’, the *Health Practitioner Regulation National Law Act 2009 (Qld)*, will become the National Law in participating jurisdictions and details the substantive provisions for registration and accreditation. The National Law will replace Act A when it takes effect on 1 July 2010.

The third tranche of legislation involves the States and Territories passing legislation to apply the National Law and to include jurisdiction specific consequential and transitional provisions (referred to as ‘Bill Cs’). The Commonwealth will need to make some consequential amendments to Commonwealth laws, to ensure effective interfaces between various Commonwealth agencies and the Scheme. The Commonwealth will not need to apply the National Law.

A diagram showing the relationship of Bills in the applied law model used to establish the Scheme is at [Attachment A](#).

National Registration and Accreditation Scheme: Legislation framework

Attachment A

