



Queensland

# **Health Legislation Amendment Act 2006**

**Act No. 46 of 2006**





## Queensland

# Health Legislation Amendment Act 2006

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Queensland

## **Health Legislation Amendment Act 2006**

### **Act No. 46 of 2006**

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**An Act to amend Acts administered by the Minister for Health**

**[Assented to 10 November 2006]**

**The Parliament of Queensland enacts—****Part 1 Preliminary****1 Short title**

This Act may be cited as the *Health Legislation Amendment Act 2006*.

**2 Commencement**

Parts 2 to 4, 6, 7, 9 to 14, 16, 18 and 19 commence on a day to be fixed by proclamation.

**Part 2 Amendment of Chiropractors Registration Act 2001****3 Act amended in pt 2**

This part amends the *Chiropractors Registration Act 2001*.

**4 Amendment of s 14 (Delegation by board)**

(1) Section 14(2)(a), ‘register, or refuse to register,’—

*omit, insert—*

‘refuse to register’.

(2) Section 14(2)(e), ‘impose, or remove,’—

*omit, insert—*

‘remove’.

**5 Amendment of s 56 (Period)**

Section 56—

*insert—*

‘(3) This section does not apply to a short-term registration.’.

**6 Insertion of new s 67A**

Part 3, division 4, subdivision 1—

*insert—*

**‘67A Non-application of div 4 to short-term registration**

‘This division does not apply to a short-term registration.’.

**7 Insertion of new s 75A**

Part 3, division 5—

*insert—*

**‘75A Non-application of div 5 to short-term registration**

‘This division does not apply to a short-term registration.’.

**8 Amendment of s 95 (When decision takes effect)**

Section 95(3), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**9 Amendment of s 96 (Failure by board to make decision on application)**

Section 96(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**10 Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)**

Section 97(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**11 Replacement of s 99 (Amendment of, or replacing, certificates of general registration)**

Section 99—

*omit, insert—*

**‘99 Amending, replacing, or issuing new, certificate of general registration**

- ‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 94(4)(b), about decisions relating to a change of the conditions of the registration.
- ‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.
- Maximum penalty—10 penalty units.
- ‘(3) On receiving the certificate, the board must—
- (a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or
  - (b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.
- ‘(4) Subsection (5) applies if—
- (a) a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration; or
  - (b) the board is taken, under section 96 or 97, to have decided to remove the conditions of a general registration.
- ‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’.

**12 Insertion of new s 107A**

Part 3, division 8, subdivision 2—

*insert—*

**‘107A Non-application of sdiv 2 to short-term registration**

‘This subdivision does not apply to a short-term registration.’.

**13 Amendment of s 114 (Removal)**

Section 114(4) to (6)—

*omit, insert—*

- ‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.
- ‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’.

**14 Insertion of new s 120AA**

Part 3—

*insert—*

**‘120AA Short-term registration**

- ‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.
- ‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.
- ‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.
- ‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.
- ‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has

previously granted an application by the person for short-term registration.’.

**15 Omission of pt 4, div 2 (Notification of business names and other details)**

Part 4, division 2—

*omit.*

**16 Amendment of s 129 (Information to appear in advertisements)**

Section 129(1)(b), from ‘notified’ to ‘(4)’—

*omit, insert—*

‘of the business (whether or not the name is registered under the *Business Names Act 1962*)’.

**17 Omission of s 234 (Sections 126 and 129 ineffective for 6 months)**

Section 234—

*omit.*

**18 Amendment of sch 4 (Dictionary)**

(1) Schedule 4—

*insert—*

‘***short-term registration*** means a registration on an application mentioned in section 120AA.’.

(2) Schedule 4, definition *renewable registration*, after ‘purpose registration’—

*insert—*

‘, other than a short-term registration’.



## **Part 3**                      **Amendment of Dental Practitioners Registration Act 2001**

### **19 Act amended in pt 3**

This part amends the *Dental Practitioners Registration Act 2001*.

### **20 Amendment of s 14 (Delegation by board)**

(1) Section 14(2)(a), ‘register, or refuse to register,’—

*omit, insert—*

‘refuse to register’.

(2) Section 14(2)(e), ‘impose, or remove,’—

*omit, insert—*

‘remove’.

### **21 Amendment of s 56 (Period)**

Section 56—

*insert—*

‘(3) This section does not apply to a short-term registration.’.

### **22 Insertion of new s 67A**

Part 3, division 4, subdivision 1—

*insert—*

#### **‘67A Non-application of div 4 to short-term registration**

‘This division does not apply to a short-term registration.’.

### **23 Insertion of new s 75A**

Part 3, division 5—

*insert—*

**'75A Non-application of div 5 to short-term registration**

'This division does not apply to a short-term registration.'

**24 Amendment of s 95 (When decision takes effect)**

Section 95(3), from 'the certificate'—

*omit, insert—*

'a new certificate of general registration being issued to the registrant under section 99(5).'

**25 Amendment of s 96 (Failure by board to make decision on application)**

Section 96(4), from 'the certificate'—

*omit, insert—*

'a new certificate of general registration being issued to the registrant under section 99(5).'

**26 Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)**

Section 97(4), from 'the certificate'—

*omit, insert—*

'a new certificate of general registration being issued to the registrant under section 99(5).'

**27 Replacement of s 99 (Amendment of, or replacing, certificates of general registration)**

Section 99—

*omit, insert—*

**'99 Amending, replacing, or issuing new, certificate of general registration**

'(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 94(4)(b), about decisions relating to a change of the conditions of the registration.

‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.

Maximum penalty—10 penalty units.

‘(3) On receiving the certificate, the board must—

- (a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or
- (b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.

‘(4) Subsection (5) applies if—

- (a) a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration; or
- (b) the board is taken, under section 96 or 97, to have decided to remove the conditions of a general registration.

‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’.

## **28 Amendment of s 109 (Period)**

Section 109—

*insert—*

‘(3) This section does not apply to a short-term registration.’.

## **29 Amendment of s 116 (Effect on specialist registration if conditions on general registration are changed or removed)**

(1) Section 116(7)—

*renumber* as section 116(9).

(2) Section 116(4) to (6)—

*omit, insert—*

- ‘(4) Subsections (5) to (7) apply to a decision to change the conditions on the registrant’s general registration.
- ‘(5) The information notice given to the registrant about the decision to change the conditions on the registrant’s general registration must also include a direction to the registrant to return the certificate of specialist registration within 14 days after the effective day.
- ‘(6) The registrant must return the certificate of specialist registration to the board within 14 days after the effective day, unless the registrant has a reasonable excuse.  
Maximum penalty—10 penalty units.
- ‘(7) On receiving the certificate, the board must—
  - (a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or
  - (b) if the board does not consider it practicable to amend the certificate, issue another certificate of specialist registration to the registrant to replace the certificate returned to the board.
- ‘(8) For a decision to remove the conditions from the registrant’s general registration, the board must as soon as practicable after the effective day issue another certificate of specialist registration to the registrant that does not mention the removed conditions.’.

### **30 Amendment of s 119 (Undertaking of special activities relating to the profession)**

- (1) Section 119—

*insert—*

‘(e) practise the profession, under the PSDW scheme, at a dental health service facility operated by the State.’.

- (2) Section 119—

*insert—*

- ‘(2) In this section—

***PSDW scheme*** means the public sector dental workforce scheme established by the Australian Health Ministers' Conference on 28 November 2003.

*Editor's note—*

Details of the scheme may be obtained from the web site on the Internet of the Australian Dental Council at <[www.dentalcouncil.net.au](http://www.dentalcouncil.net.au)>.

**31 Amendment of s 120 (Application of divs 2 and 3)**

Section 120(1), 'subdivisions 2, 6 and 7'—

*omit, insert—*

'sections 43 and 44 and subdivisions 6 and 7'.

**32 Amendment of s 121 (Eligibility)**

Section 121(b)—

*omit, insert—*

'(b) is fit to practise the profession.'

**33 Omission of s 123 (Suitability to be a special purpose registrant)**

Section 123—

*omit.*

**34 Insertion of new s 126A**

Part 3, division 9, subdivision 2—

*insert—*

**'126A Non-application of sdiv 2 to short-term registration**

'This subdivision does not apply to a short-term registration.'

**35 Amendment of s 127 (Application of div 4, sdivs 2 and 3)**

Section 127, 'sections 70(5)(a) and 75(3)'—

*omit, insert—*

'section 75(3)'.

**36 Amendment of s 128 (Matters that may be considered in deciding whether to renew special purpose registrations)**

Section 128, ‘a suitable person to be a special purpose registrant.’ and footnote—

*omit, insert—*

‘fit to practise the profession.’.

**37 Insertion of new s 129A**

After section 129—

*insert—*

**‘129A Condition of practice under supervision**

‘(1) This section applies if, under section 129(1), a person is registered as a special purpose registrant on condition the registrant carry out the registrant’s practice under supervision.

‘(2) The board may ask a person involved in the supervision to give information to the board about the supervised practice.’.

**38 Amendment of s 130 (Period of renewed special purpose registration)**

Section 130—

*insert—*

‘(2) However, if the registrant is registered to undertake the activity mentioned in section 119(1)(e), the period of renewed registration must not result in the registration being in force for more than 3 years from the day of initial registration.’.

**39 Amendment of pt 3, div 9, sdiv 4, hdg (Removal of conditions)**

Part 3, division 9, subdivision 4, heading, ‘Removal of’—

*omit, insert—*

‘Changing or removing’.

**40 Insertion of new s 132A**

Part 3, division 9, subdivision 4—

*insert—*

**‘132A Changing conditions**

- ‘(1) This section applies if the board reasonably believes the conditions imposed on a special purpose registration under this Act need to be changed for the registrant to competently and safely undertake the activity the subject of the registration.
- ‘(2) The board must give the registrant a notice (a *show cause notice*) stating—
  - (a) the board’s proposal to change the conditions; and
  - (b) the ground for the proposed change; and
  - (c) an outline of the facts and circumstances forming the basis for the ground; and
  - (d) an invitation to the registrant to show within a stated period (the *show cause period*) why the conditions should not be changed.
- ‘(3) The show cause period must be a period ending not less than 21 days after the show cause notice is given to the registrant.
- ‘(4) The registrant may make written submissions about the show cause notice to the board in the show cause period.
- ‘(5) The board must consider any submissions made under subsection (4) and decide whether or not to change the conditions in the way stated in the notice.
- ‘(6) The board must give the registrant notice of its decision as soon as practicable after it is made.
- ‘(7) If the board decides to change the conditions, it must as soon as practicable give the registrant an information notice about the decision.
- ‘(8) The change takes effect when the information notice is given to the registrant and does not depend on the certificate of special purpose registration being amended to record the change or a replacement certificate of special purpose registration being issued.’

**41 Amendment of s 133 (Removal)**

Section 133(4) to (6)—

*omit, insert—*

- ‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.
- ‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’

**42 Insertion of new s 139AA**

Part 3—

*insert—*

**‘139AA Short-term registration**

- ‘(1) An application may be made under this part for dental auxiliary, general, specialist or special purpose registration for a period of not more than 5 weeks.
- ‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.
- ‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.
- ‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.
- ‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’

**43 Omission of pt 4, div 2 (Notification of business names and other details)**

Part 4, division 2—

*omit.*



#### 44 **Amendment of s 151 (Information to appear in advertisements)**

Section 151(1)(b), from ‘notified’ to ‘(4)’—

*omit, insert—*

‘of the business (whether or not the name is registered under the *Business Names Act 1962*)’.

#### 45 **Insertion of new s 230A**

Part 9, division 4—

*insert—*

#### **‘230A Provision of certain professional services by interstate practitioners**

- ‘(1) This section applies to an interstate practitioner in relation to the provision of any of the following professional services by the practitioner in Queensland—
- (a) a professional service provided in an emergency;
  - (b) a professional service provided to a patient of the practitioner while the patient is being transported—
    - (i) from a place outside Queensland to a place in Queensland or vice versa; or
    - (ii) from a place in Queensland to another place in Queensland as part of a transportation mentioned in subparagraph (i).
- ‘(2) The interstate practitioner is taken to be the following kind of registrant in relation to the provision of any of the services by the practitioner in Queensland—
- (a) if the practitioner’s registration under the interstate law is equivalent to general registration under this Act—a general registrant;
  - (b) if the practitioner’s registration under the interstate law is equivalent to specialist registration in a specialty—a specialist registrant in the specialty.
- ‘(3) The practitioner’s deemed general or specialist registration under subsection (2) is taken to be subject to any conditions of the practitioner’s relevant registration under an interstate law.

‘(4) In this section—

*interstate law* means a law of another State or New Zealand that provides for the same matter as this Act.

*interstate practitioner* means a person who is not a registrant but is registered under an interstate law.’

#### 46 Insertion of new s 231A

After section 231—

*insert—*

##### ‘231A Protection for persons involved in supervising special purpose registrants

‘(1) This section applies to a person who, honestly and on reasonable grounds, gives information to the board in response to a request made under section 129A(2).<sup>1</sup>

‘(2) The person is not liable, civilly, criminally or under an administrative process, for giving the information.

‘(3) Without limiting subsection (2)—

(a) in a proceeding for defamation the person has a defence of absolute privilege for publishing the information; and

(b) if the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law or practice, the person—

(i) does not contravene the Act, oath, rule of law or practice by giving the information; and

(ii) is not liable to disciplinary action for giving the information.’

#### 47 Omission of ss 258 and 259

Sections 258 and 259—

*omit.*

<sup>1</sup> Section 129A (Condition of practice under supervision)

**48 Amendment of sch 4 (Dictionary)**

(1) Schedule 4, definition *renewable registration*—  
*omit.*

(2) Schedule 4—  
*insert—*

*‘renewable registration* means a dental auxiliary registration, general registration, specialist registration or special purpose registration, other than a short-term registration.

*short-term registration* means a registration on an application mentioned in section 139AA.’

## **Part 4**

# **Amendment of Dental Technicians and Dental Prosthetists Registration Act 2001**

**49 Act amended in pt 4**

This part amends the *Dental Technicians and Dental Prosthetists Registration Act 2001*.

**50 Amendment of s 14 (Delegation by board)**

(1) Section 14(2)(a), ‘register, or refuse to register,’—  
*omit, insert—*

‘refuse to register’.

(2) Section 14(2)(e), ‘impose, or remove,’—  
*omit, insert—*

‘remove’.

**51 Amendment of s 56 (Period)**

Section 56—

*insert—*

‘(3) This section does not apply to a short-term registration.’.

**52 Insertion of new s 67A**

Part 3, division 4, subdivision 1—

*insert—*

**‘67A Non-application of div 4 to short-term registration**

‘This division does not apply to a short-term registration.’.

**53 Insertion of new s 75A**

Part 3, division 5—

*insert—*

**‘75A Non-application of div 5 to short-term registration**

‘This division does not apply to a short-term registration.’.

**54 Amendment of s 96 (When decision takes effect)**

Section 96(3), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 101(5).’.

**55 Amendment of s 97 (Effect on dental prosthetics registration if conditions on dental technician registration are changed or removed)**

(1) Section 97(7)—

*renumber as section 97(9).*

(2) Section 97(4) to (6)—

*omit, insert—*

‘(4) Subsections (5) to (7) apply to a decision to change the conditions on the registrant’s general registration as a dental technician.

- ‘(5) The information notice given to the registrant about the decision to change the conditions on the registrant’s general registration as a dental technician must also include a direction to the registrant to return the certificate of general registration as a dental prosthetist within 14 days after the effective day.
- ‘(6) The registrant must return the certificate to the board within 14 days after the effective day, unless the registrant has a reasonable excuse.
- Maximum penalty—10 penalty units.
- ‘(7) On receiving the certificate, the board must—
- (a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or
  - (b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration as a dental prosthetist to the registrant to replace the certificate returned to the board.
- ‘(8) For a decision to remove the conditions from the registrant’s general registration, the board must as soon as practicable after the effective day issue another certificate of general registration as a dental prosthetist to the registrant that does not mention the removed conditions.’.

**56 Amendment of s 98 (Failure by board to make decision on application)**

Section 98(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 101(5).’.

**57 Amendment of s 99 (Failure by board to make decision on review agreed to under s 91)**

Section 99(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 101(5).’.

**58 Replacement of s 101 (Amendment of, or replacing, certificates of general registration)**

Section 101—

*omit, insert—*

**‘101 Amending, replacing, or issuing new, certificate of general registration**

‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 95(4)(b), about decisions relating to a change of the conditions of the registration.

‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.

Maximum penalty—10 penalty units.

‘(3) On receiving the certificate, the board must—

(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or

(b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.

‘(4) Subsection (5) applies if—

(a) a general registrant receives a notice, under section 95(5), about a decision to remove the conditions of the registration; or

(b) the board is taken, under section 98 or 99, to have decided to remove the conditions of a general registration.

‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’.

**59 Insertion of new s 109A**

Part 3, division 8, subdivision 2—

*insert—*

**‘109A Non-application of sdiv 2 to short-term registration**

‘This subdivision does not apply to a short-term registration.’.

**60 Amendment of s 116 (Removal)**

Section 116(4) to (6)—

*omit, insert—*

- ‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.
- ‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’.

**61 Insertion of new s 124AA**

Part 3—

*insert—*

**‘124AA Short-term registration**

- ‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.
- ‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.
- ‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.
- ‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.
- ‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has

previously granted an application by the person for short-term registration.’.

**62 Omission of pt 4, div 2 (Notification of business names and other details)**

Part 4, division 2—

*omit.*

**63 Amendment of s 133 (Information to appear in advertisements)**

Section 133(1)(b), from ‘notified’ to ‘(4)’—

*omit, insert—*

‘of the business (whether or not the name is registered under the *Business Names Act 1962*)’.

**64 Omission of ss 236 and 237**

Sections 236 and 237—

*omit.*

**65 Amendment of sch 4 (Dictionary)**

(1) Schedule 4—

*insert—*

‘*short-term registration* means a registration on an application mentioned in section 124AA.’.

(2) Schedule 4, definition *renewable registration*, after ‘purpose registration’—

*insert—*

‘, other than a short-term registration’.



## Part 5    **Amendment of Health Services Act 1991**

### 66      **Act amended in pt 5**

This part amends the *Health Services Act 1991*.

### 67      **Amendment of s 51 (Prohibition of smoking)**

(1) Section 51(4), ‘an enclosed’—

*omit, insert—*

‘a prohibited’.

(2) Section 51(5), definition *enclosed place*, ‘**enclosed**’—

*omit, insert—*

‘**prohibited**’.

### 68      **Amendment of s 55 (Functions of investigators)**

Section 55—

*insert—*

‘(2) In this section—

*chief executive* includes a delegate of the chief executive who appointed the investigator under section 52.’.

### 69      **Amendment of s 63 (Functions)**

Section 63, ‘part 7 or’—

*omit, insert—*

‘sections 33 and 57, part 7 and’.

## **Part 6**

# **Amendment of Medical Practitioners Registration Act 2001**

### **70 Act amended in pt 6**

This part amends the *Medical Practitioners Registration Act 2001*.

### **71 Amendment of s 95 (When decision takes effect)**

Section 95(2), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 97(2).’.

### **72 Amendment of s 96 (Failure by board to make decision)**

Section 96(5), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 97(2).’.

### **73 Replacement of s 97 (Amending or replacing certificates of general registration)**

Section 97—

*omit, insert—*

### **‘97 Issuing new certificate of general registration**

‘(1) This section applies if—

- (a) a general registrant receives a notice, under section 94(4)(b), about a decision to remove probationary conditions of the registration; or
- (b) the board is taken, under section 96(2) or (4), to have decided to remove probationary conditions of a general registrant’s registration.

- ‘(2) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed probationary conditions.’.

**74 Amendment of s 105 (When decision takes effect)**

Section 105(3), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 109(5).’.

**75 Amendment of s 106 (Failure by board to make decision on application)**

Section 106(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 109(5).’.

**76 Amendment of s 107 (Failure by board to make decision on review agreed to under s 100)**

Section 107(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 109(5).’.

**77 Replacement of s 109 (Amendment of, or replacing, certificates of general registration)**

Section 109—

*omit, insert—*

**‘109 Amending, replacing, or issuing new, certificate of general registration**

- ‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 104(4)(b), about

decisions relating to a change of the conditions of the registration.

- ‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.

Maximum penalty—10 penalty units.

- ‘(3) On receiving the certificate, the board must—
- (a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or
  - (b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.
- ‘(4) Subsection (5) applies if—
- (a) a general registrant receives a notice, under section 104(5), about a decision to remove the conditions of the registration; or
  - (b) the board is taken, under section 106 or 107, to have decided to remove the conditions of a general registration.
- ‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’.

## 78 Amendment of s 111 (Eligibility)

Section 111(5), ‘may’—

*omit, insert—*

‘must’.

## 79 Amendment of s 128 (Effect on specialist registration if conditions on general registration are changed or removed)

- (1) Section 128(8)—

*renumber* as section 128(10).

(2) Section 128(5) to (7)—

*omit, insert—*

‘(5) Subsections (6) to (8) apply to a decision to change the conditions on the registrant’s general registration.

‘(6) The information notice given to the registrant about the decision to change the conditions on the registrant’s general registration must also include a direction to the registrant to return the certificate of specialist registration within 14 days after the effective day.

‘(7) The registrant must return the certificate of specialist registration to the board within 14 days after the effective day, unless the registrant has a reasonable excuse.

Maximum penalty—10 penalty units.

‘(8) On receiving the certificate, the board must—

(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or

(b) if the board does not consider it practicable to amend the certificate, issue another certificate of specialist registration to the registrant to replace the certificate returned to the board.

‘(9) For a decision to remove the conditions from the registrant’s general registration, the board must as soon as practicable after the effective day issue another certificate of specialist registration to the registrant that does not mention the removed conditions.’.

## **80 Insertion of new pt 3, div 10, sdiv 1AA**

Part 3, division 10, before subdivision 1—

*insert—*

### **‘Subdivision 1AA Preliminary**

#### **‘130A Definitions for div 10**

‘In this division—

***proposed supervisor***, of an applicant for special purpose registration for a special purpose mentioned in sections 132 to 137, means the registrant who will have primary responsibility for the applicant's supervision while the applicant follows the supervised practice plan for the applicant that accompanied the application.

***supervised practice plan***, for an applicant for special purpose registration for a special purpose mentioned in sections 132 to 137, means a plan prepared by the applicant, in consultation with the applicant's proposed supervisor, that—

- (a) is in the approved form; and
- (b) has been signed by the applicant and applicant's proposed supervisor.'.

## **81 Amendment of s 131 (Eligibility)**

Section 131(2)—

*omit, insert—*

- '(2) An applicant for special purpose registration for a special purpose is eligible for special purpose registration for the purpose if—
  - (a) the applicant is fit to practise the profession; and
  - (b) the applicant is qualified for registration under this subdivision; and
  - (c) the applicant is not qualified for general registration under section 44; and
  - (d) for an applicant for special purpose registration for a special purpose mentioned in sections 132 to 137—the board is satisfied about the content of the supervised practice plan for the applicant accompanying the application.
- '(3) However, subsection (2)(c) does not apply if the application is for special purpose registration, under section 134 or 135, to enable the applicant to practise the profession in a specialty.'.

**82 Amendment of s 132 (Postgraduate study or training)**

Section 132(2), from ‘but’ to ‘44’—

*omit.*

**83 Amendment of s 134 (Medical teaching or research, and connected practice)**

Section 134—

*insert—*

‘(3) If the person is applying for special purpose registration to practise the profession in a specialty, in making its decision under subsection (2), the board must have regard to the advice and recommendations of—

(a) any relevant Australian specialist college or institution for the specialty; and

(b) the Australian Medical Council.’.

**84 Amendment of s 135 (Practice in area of need)**

(1) Section 135(3)—

*renumber* as section 135(4).

(2) Section 135(4) to (6)—

*renumber* as section 135(9) to (11).

(3) Section 135(1), ‘(3)’—

*omit, insert—*

‘(4)’.

(4) Section 135—

*insert—*

‘(3) If the person is applying for special purpose registration to practise the profession in a specialty, in making its decision under subsection (2), the board must have regard to the advice and recommendations of—

(a) any relevant Australian specialist college or institution for the specialty; and

- (b) the Australian Medical Council.’.
- (5) Section 135(4), as renumbered, after ‘medical service’—  
*insert—*  
‘(an *area of need decision*)’.
- (6) Section 135—  
*insert—*
- ‘(5) In making an area of need decision, the Minister must have regard to—
- (a) if the decision relates to a medical service provided by medical practitioners practising in particular positions at particular health service facilities—whether there are reasonable prospects of medical practitioners being soon engaged to provide the medical service at the health service facilities; or
  - (b) if the decision relates to a medical service provided by medical practitioners practising at particular health service facilities in a part of Queensland—whether it is reasonably practicable for the medical service to be provided by medical practitioners practising at other health service facilities in that part of Queensland; or
  - (c) if the decision relates to a medical service provided by medical practitioners practising in a part of Queensland—whether it is reasonably practicable for the medical service to be provided by medical practitioners practising in another part of Queensland.
- ‘(6) An area of need decision must include the time for which the decision applies (its *operational time*).
- ‘(7) To remove any doubt, it is declared that—
- (a) an area of need decision may be amended under this section; and
  - (b) an area of need decision may relate to a medical service provided by a stated class of medical practitioners practising in Queensland or a part of Queensland.
- ‘(8) The operational time of an area of need decision may not be more than 4 years.’.



- (7) Section 135(9), as renumbered,—  
*omit, insert—*
- ‘(9) The Minister must give the board notice of each area of need decision.’.
- (8) Section 135(11), as renumbered, ‘(5)’—  
*omit, insert—*  
‘(10)’.

### **85 Amendment of s 139 (Application of divs 2 and 3)**

Section 139—

*insert—*

- ‘(3) In addition to the documents mentioned in section 42(1)(c), as applied by subsection (1), an application for special purpose registration for a special purpose mentioned in sections 132 to 137 must be accompanied by a supervised practice plan for the applicant.’.

### **86 Insertion of new ss 140A and 140B**

After section 140—

*insert—*

#### **‘140A Standard condition—registration under ss 132–137**

- ‘(1) A special purpose registration for a special purpose mentioned in sections 132 to 137 is subject to the condition that the registrant may practise the profession only in accordance with the applicable supervised practice plan that—
- (a) accompanied the application for the special purpose registration; or
  - (b) was approved by the board for the registrant under section 150AB.
- ‘(2) The board may ask a person involved in the supervision, under the plan, of the registrant’s practise of the profession to give information to the board about the supervised practice.

**‘140B Standard condition—registration under ss 132–136**

- ‘(1) A special purpose registration for a special purpose mentioned in section 132, 134 or 135 is subject to the condition that the registrant apply for general registration or specialist registration, or for special purpose registration for a special purpose mentioned in section 138, during 4 continuous years of registration as a special purpose registrant for any special purpose.
- ‘(2) A special purpose registration for a special purpose mentioned in section 133 is subject to the condition that the registrant apply for general registration during 3 continuous years of registration as a special purpose registrant for any special purpose.
- ‘(3) A special purpose registration for a special purpose mentioned in section 136 is subject to the condition that the registrant apply for specialist registration during 2 continuous years of registration as a special purpose registrant for any special purpose.’.

**87 Omission of s 141A (Condition of practice under supervision)**

Section 141A—  
*omit.*

**88 Amendment of s 143 (Provisional special purpose registration of a person)**

Section 143(7)—  
*insert—*  
‘*conditions* means conditions imposed under section 141.’.

**89 Amendment of s 145 (Matters that may be considered in deciding applications for renewal of special purpose registrations)**

Section 145—  
*insert—*

- ‘(2) Also, in deciding whether to renew a special purpose registration for a special purpose mentioned in section 132, 134 or 135, the board must be satisfied the registrant has made reasonable progress towards—
- (a) being qualified for general registration under section 44; or
  - (b) obtaining a qualification in a specialty mentioned in section 111(1)(b)(i); or
  - (c) being qualified for special purpose registration under section 138(2).
- ‘(3) Also, in deciding whether to renew a special purpose registration for a special purpose mentioned in section 133, the board must be satisfied the registrant has made reasonable progress towards being qualified for general registration under section 44.
- ‘(4) Also, in deciding whether to renew a special purpose registration for a special purpose mentioned in section 136, the board must be satisfied the registrant has made reasonable progress towards obtaining a qualification in a specialty mentioned in section 111(1)(b)(i).’

**90 Amendment of s 146 (Imposition of conditions by board)**

- (1) Section 146, heading—  
*omit, insert—*

**‘146 Renewal on conditions’.**

- (2) Section 146(3)—  
*omit.*
- (3) Section 146(2)—  
*renumber* as section 146(3).
- (4) Section 146—  
*insert—*

- ‘(2) Except to the extent the board decides otherwise, any conditions imposed by the board attaching to the registration immediately before its renewal continue to attach to the registration on its renewal.’

**91 Amendment of s 149 (Grounds for cancellation)**

Section 149—

*insert—*

- ‘(2) Subsection (1)(a) applies subject to sections 150AA(4) and 150AC(8).’.

**92 Amendment of s 149A (Changing conditions)**

Section 149A(1), after ‘imposed’—

*insert—*

‘by the board’.

**93 Amendment of s 150 (Removal)**

- (1) Section 150(1), after ‘imposed’—

*insert—*

‘by the board’.

- (2) Section 150(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of special purpose registration being issued to the registrant under section 150A(4).’.

**94 Replacement of s 150A (Amending or replacing certificate of special purpose registration)**

Section 150A—

*omit, insert—*

**‘150A Amending, replacing, or issuing new, certificate of general registration**

- ‘(1) Subsections (2) and (3) apply if a special purpose registrant receives an information notice, under section 149A(7), about a decision to change the conditions of the registration.
- ‘(2) The registrant must return the certificate of special purpose registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.

Maximum penalty—10 penalty units.

- ‘(3) On receiving the certificate, the board must—
- (a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or
  - (b) if the board does not consider it practicable to amend the certificate, issue another certificate of special purpose registration to the registrant to replace the certificate returned to the board.
- ‘(4) If a special purpose registrant receives a notice under section 150(3) about a decision to remove the conditions of the registration, the board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.

## ‘Subdivision 6 Notification of the board

### ‘150AA Notice to the board of temporary or permanent transfer to junior medical officer position

- ‘(1) This section applies if—
- (a) a person is registered, under section 135,<sup>2</sup> to practise the profession in a junior medical officer position with a particular level of seniority at 1 or more particular health service facilities; and
  - (b) the person occupies a junior medical officer position with the particular level of seniority at a health service facility to which the registration applies; and
  - (c) the person intends to transfer, on a temporary or permanent basis, to—
    - (i) a junior medical officer position (the *transfer position*) with a different level of seniority at any health service facility; or

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<sup>2</sup> Section 135 (Practice in area of need)

- (ii) a junior medical officer position (also the *transfer position*) with the same level of seniority at a health service facility to which the registration does not apply.
- ‘(2) The person must give notice of the proposed transfer to the board.
- ‘(3) The notice must—
  - (a) be in the approved form; and
  - (b) be accompanied by—
    - (i) a certification, by the executive director of medical services for the health service facility from or within which the person is transferring, that the person has sufficient practical experience and training in the practice of the profession to undertake the duties and responsibilities of the transfer position in a professional, safe and competent way; and
    - (ii) other documents, identified in the approved form, the board reasonably requires; and
  - (c) be given before the person transfers to the transfer position.
- ‘(4) For section 149(1)(a), if the person gives a notice of the proposed transfer under subsection (2) and transfers to the transfer position, the person is taken to be practising the profession for the activity for which the person is registered under section 135.
- ‘(4A) This section applies subject to section 150AB.
- ‘(5) In this section—

*executive director of medical services*, for the health service facility from which the person is transferring, means—

  - (a) a position at the facility with the title ‘executive director of medical services’ or, if from time to time the title is changed, the changed title; or
  - (b) a position at the facility equivalent to a position mentioned in paragraph (a).

***junior house officer***, for a health service facility other than a public sector health service facility, means a position at the facility—

- (a) with a title equivalent to the title for a junior house officer position at a public sector health service facility; and
- (b) in which the incumbent has duties and responsibilities that are usually the duties and responsibilities of a general registrant practising the profession during the first year after registration.

***junior house officer***, for a public sector health service facility, means a position at the facility—

- (a) with the title ‘junior house officer’ or, if from time to time the title is changed, the changed title; and
- (b) in which the incumbent has duties and responsibilities that are usually the duties and responsibilities of a general registrant practising the profession during the first year after registration.

***junior medical officer*** means one of the following positions at a health service facility, listed in ascending order of seniority—

- (a) junior house officer;
- (b) senior house officer;
- (c) principal house officer.

***principal house officer***, for a health service facility other than a public sector health service facility, means a position at the facility—

- (a) with a title equivalent to the title for a principal house officer position at a public sector health service facility; and
- (b) in which the incumbent has duties and responsibilities that are usually the duties and responsibilities of a registrar, but is not undertaking postgraduate study or training in medicine.

***principal house officer***, for a public sector health service facility, means a position at the facility—

- (a) with the title ‘principal house officer’ or, if from time to time the title is changed, the changed title; and
- (b) in which the incumbent has duties and responsibilities that are usually the duties and responsibilities of a registrar, but is not undertaking postgraduate study or training in medicine.

**registrar** means a medical practitioner—

- (a) occupying the position at a health service facility with the title of ‘registrar’ or, if from time to time the title is changed, the changed title; and
- (b) who is undertaking postgraduate study or training in medicine.

**senior house officer**, for a health service facility other than a public sector health service facility, means a position at the facility—

- (a) with a title equivalent to the title for a senior house officer position at a public sector health service facility; and
- (b) in which the incumbent has duties and responsibilities that are usually the duties and responsibilities of a general registrant practising the profession during the second, or a subsequent, year after registration.

**senior house officer**, for a public sector health service facility, means a position at the facility—

- (a) with the title ‘senior house officer’ or, if from time to time the title is changed, the changed title; and
- (b) in which the incumbent has duties and responsibilities that are usually the duties and responsibilities of a general registrant practising the profession during the second, or a subsequent, year after registration.

### **‘150AB Approval of proposed supervised practice plan**

- ‘(1) This section applies to a person mentioned in section 150AA(1) who wishes to transfer to a position that will require the person to practise the profession in accordance



with a supervised practice plan different to that under which the person is currently practising the profession.

- ‘(2) The person must apply to the board for approval of a proposed supervised practice plan for the person relevant to the position.
- ‘(3) The application must—
  - (a) be in the approved form; and
  - (b) be accompanied by the proposed supervised practice plan for the person relevant to the position.
- ‘(4) The board must consider the application and decide to approve, or refuse to approve, the proposed supervised practice plan.
- ‘(5) If the board decides to approve the proposed supervised practice plan, it must as soon as practicable give the applicant notice of the approval.
- ‘(6) If the board decides to refuse to approve the proposed supervised practice plan, it must as soon as practicable give the applicant an information notice about the decision.
- ‘(7) If the board fails to decide the application within 14 days after its receipt, the failure is taken to be a decision by the board to approve the proposed supervised practice plan.
- ‘(8) The person may not, under section 150AA, give notice of the proposed transfer to the position without first obtaining the approval of the board of a proposed supervised practice plan for the person relevant to the position.
- ‘(9) In this section—

***proposed supervised practice plan***, for the person relevant to the position, means a plan prepared by the person, in consultation with the person’s supervisor, that—

- (a) is in the approved form; and
- (b) has been signed by the person and person’s supervisor.

***supervisor***, of the person, means the registrant who will have primary responsibility for the person’s supervision while the person follows the proposed supervised practice plan for the person relevant to the position.

**‘150AC Notice to the board of supervised training**

- ‘(1) Subsection (2) applies to a person who is registered, under section 135, to practise the profession in a specialty at a health service facility in a part of Queensland.
- ‘(2) If the person will be undertaking supervised training in the practice of the profession in the specialty at a health service facility in another part of Queensland, the person must give notice of the training to the board.
- ‘(3) Subsection (4) applies to a person who is registered as a special purpose registrant for a special purpose mentioned in section 134(1)(b) at a health service facility in a part of Queensland.
- ‘(4) If the person will be undertaking supervised training in relation to the activity at a health service facility in another part of Queensland, the person must give notice of the training to the board.
- ‘(5) Subsection (6) applies to a person who is registered, under section 135, to practise the profession in a senior medical officer position at a health service facility in a part of Queensland.
- ‘(6) If the person will be undertaking supervised training in the practice of the profession in a senior medical officer position at a health service facility in another part of Queensland, the person must give notice of the training to the board.
- ‘(7) A notice given under subsection (2), (4) or (6) must—
  - (a) be in the approved form; and
  - (b) be accompanied by—
    - (i) a certification, by the executive director of medical services for the health service facility for which the person has special purpose registration, that the person has sufficient practical experience and training in the practice of the profession to undertake the supervised training in a professional, safe and competent way; and
    - (ii) other documents, identified in the approved form, the board reasonably requires; and
  - (c) be given before the person starts the training.

‘(8) For section 149(1)(a), if the person gives a notice of the training under subsection (2), (4) or (6), the person is taken while undertaking the training to be practising the profession for the activity for which the person is registered under section 134(1)(b) or 135.

‘(9) In this section—

*executive director of medical services*, for the health service facility for which the person has special purpose registration, means—

- (a) a position at the facility with the title ‘executive director of medical services’ or, if from time to time the title is changed, the changed title; or
- (b) a position at the facility equivalent to a position mentioned in paragraph (a).

*senior medical officer* means—

- (a) for a public sector health service facility—a position at the facility with the title ‘senior medical officer’ or, if from time to time the title is changed, the changed title; or
- (b) for a health service facility other than a public sector health service facility—a position at the facility equivalent to a position mentioned in paragraph (a).’.

**95 Omission of pt 4, div 2 (Notification of business names and other details)**

Part 4, division 2—

*omit.*

**96 Amendment of s 169 (Information to appear in advertisements)**

Section 169(1)(b), from ‘notified’ to ‘(4)’—

*omit, insert—*

‘of the business (whether or not the name is registered under the *Business Names Act 1962*)’.

**97 Amendment of s 272 (Protection for persons involved in supervising registrants)**

Section 272(1)(b), '141A(2)'—

*omit, insert—*

'140A(2)'.

**98 Omission of s 299 (Sections 166 and 169 ineffective for 6 months)**

Section 299—

*omit.*

**99 Insertion of new pt 11, div 4**

After section 302—

*insert—*

**'Division 4 Transitional provision for Health Legislation Amendment Act 2006**

**'303 Existing special purpose registration**

- '(1) This section applies to a person who immediately before the commencement was registered as a special purpose registrant on condition the registrant carry out the registrant's practice under supervision.
- '(2) If, before the commencement, the board has under section 141A(2) of the pre-amended Act asked a person involved in the supervision to give information to the board about the supervised practice and as at the commencement the information has not been given, the person may still give the information despite the repeal of section 141A of the pre-amended Act.
- '(3) Section 141A of the pre-amended Act continues to apply to the registration as if the section had not been repealed.
- '(4) Section 140A does not apply to the registration.
- '(5) In this section—

*commencement* means commencement of this section.

*pre-amended Act* means this Act as in force before the commencement of the *Health Legislation Amendment Act 2006*, section 87.’.

**99A Amendment of sch 1 (Decisions for which information notices must be given)**

Schedule 1—

*insert—*

‘150AB

Deciding to refuse to approve a proposed supervised practice plan’.

**100 Amendment of sch 3 (Dictionary)**

Schedule 3—

*insert—*

‘*health service facility* means—

- (a) a public sector health service facility; or
- (b) a private health facility; or
- (c) the Mater Misericordiae Public Hospitals.

*private health facility* see the *Private Health Facilities Act 1999*, section 8.

*proposed supervisor*, for part 3, division 10, see section 130A.

*public sector health service facility* see the *Health Services Act 1991*, section 2.

*special purpose* see section 131(1).

*supervised practice plan*, for part 3, division 10, see section 130A.’.

## **Part 7**                                      **Amendment of Medical Radiation Technologists Registration Act 2001**

### **101 Act amended in pt 7**

This part amends the *Medical Radiation Technologists Registration Act 2001*.

### **102 Amendment of s 14 (Delegation by board)**

(1) Section 14(2)(a), ‘register, or refuse to register,’—

*omit, insert—*

‘refuse to register’.

(2) Section 14(2)(e), ‘impose, or remove,’—

*omit, insert—*

‘remove’.

### **103 Amendment of s 56 (Period)**

Section 56—

*insert—*

‘(3) This section does not apply to a short-term registration.’.

### **104 Insertion of new s 71A**

Part 3, division 4, subdivision 1—

*insert—*

### **‘71A Non-application of div 4 to short-term registration**

‘This division does not apply to a short-term registration.’.

### **105 Insertion of new s 79A**

Part 3, division 5—

*insert—*

**'79A Non-application of div 5 to short-term registration**

'This division does not apply to a short-term registration.'

**106 Amendment of s 98 (When decision takes effect)**

Section 98(2), from 'the certificate'—

*omit, insert—*

'a new certificate of general registration being issued to the registrant under section 101(5).'

**107 Amendment of s 99 (Failure by board to make decision)**

Section 99(5), from 'the certificate'—

*omit, insert—*

'a new certificate of general registration being issued to the registrant under section 101(5).'

**108 Replacement of s 101 (Amending or replacing certificates of general registration)**

Section 101—

*omit, insert—*

**'101 Amending, replacing, or issuing new, certificate of general registration**

'(1) Subsections (2) and (3) apply if a probationary registrant receives an information notice, under section 97(5)(a) or (b), about a decision to extend probationary conditions or to extend probationary conditions and impose additional conditions.

'(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.

Maximum penalty—10 penalty units.

'(3) On receiving the certificate, the board must—

(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or

- (b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.
- ‘(4) Subsection (5) applies if—
- (a) a probationary registrant receives a notice, under section 97(5)(c), about a decision to remove the probationary conditions of the registration; or
  - (b) the board is taken, under section 99(2) or (4), to have decided to remove probationary conditions from a general registrant’s registration.
- ‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed probationary conditions.
- ‘(6) If additional conditions imposed on a probationary registrant’s general registration end under section 100(2), the board must as soon as practicable after the additional conditions end issue another certificate of general registration to the registrant that does not mention the additional conditions.’.

### **109 Amendment of s 109 (When decision takes effect)**

Section 109(3), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 113(5).’.

### **110 Amendment of s 110 (Failure by board to make decision on application)**

Section 110(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 113(5).’.



**111 Amendment of s 111 (Failure by board to make decision on review agreed to under s 104)**

Section 111(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 113(5).’.

**112 Replacement of s 113 (Amendment of, or replacing, certificates of general registration)**

Section 113—

*omit, insert—*

**‘113 Amending, replacing, or issuing new, certificate of general registration**

‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 108(4)(b), about decisions relating to a change of the conditions of the registration.

‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.

Maximum penalty—10 penalty units.

‘(3) On receiving the certificate, the board must—

(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or

(b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.

‘(4) Subsection (5) applies if—

(a) a general registrant receives a notice, under section 108(5), about a decision to remove the conditions of the registration; or

(b) the board is taken, under section 110 or 111, to have decided to remove the conditions of a general registration.

- ‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’.

### **113 Insertion of new s 122A**

Part 3, division 9, subdivision 2—

*insert—*

#### **‘122A Non-application of sdiv 2 to short-term registration**

‘This subdivision does not apply to a short-term registration.’.

### **114 Amendment of s 129 (Removal)**

Section 129(4) to (6)—

*omit, insert—*

- ‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.
- ‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’.

### **115 Insertion of new s 135A**

Part 3—

*insert—*

#### **‘135A Short-term registration**

- ‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.
- ‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.
- ‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.

- ‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.
- ‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’.

**116 Omission of pt 4, div 2 (Notification of business names and other details)**

Part 4, division 2—

*omit.*

**117 Amendment of s 144 (Information to appear in advertisements)**

Section 144(1)(b), from ‘notified’ to ‘(4)’—

*omit, insert—*

‘of the business (whether or not the name is registered under the *Business Names Act 1962*)’.

**118 Omission of s 234 (Sections 141 and 144 ineffective for 6 months)**

Section 234—

*omit.*

**119 Amendment of sch 3 (Dictionary)**

(1) Schedule 3—

*insert—*

‘*short-term registration* means a registration on an application mentioned in section 135A.’.

(2) Schedule 3, definition *renewable registration*, after ‘purpose registration’—

*insert—*

‘, other than a short-term registration’.

## **Part 8                      Amendment of Mental Health Act 2000**

### **120    Act amended in pt 8**

This part amends the *Mental Health Act 2000*.

### **121    Amendment of s 64 (Application of pt 3)**

Section 64—

*insert—*

- ‘(3) This part also applies to a person who is held in lawful custody, or lawfully detained, without charge under an Act of the State or the Commonwealth prescribed under a regulation.’.

### **122    Amendment of s 69 (Classified patients)**

Section 69(3), after ‘99,’—

*insert—*

‘100C.’.

### **123    Amendment of s 78 (When patient ceases to be classified patient)**

Section 78(2)—

*omit, insert—*

- ‘(2) However, subsection (1) does not apply if the patient—
- (a) is held in lawful custody, or lawfully detained, without charge under an Act of the State or the Commonwealth prescribed under a regulation for section 64(3); or

- (b) is serving a sentence of imprisonment or period of detention under a court order.’.

**124 Amendment of s 90 (When custodian is to take custody of patient)**

- (1) Section 90(1)(a)—

*omit, insert—*

‘(a) who—

- (i) is held in lawful custody, or lawfully detained, without charge under an Act of the State or the Commonwealth prescribed under a regulation for section 64(3); or
- (ii) is serving a sentence of imprisonment or period of detention under a court order; or’.

- (2) Section 90(3) and (4), ‘police officer, correctional officer or detention centre officer’—

*omit, insert—*

‘proper officer’.

- (3) Section 90(5), ‘correctional officer or detention centre officer’—

*omit, insert—*

‘proper officer, other than a police officer.’.

- (4) Section 90—

*insert—*

- ‘(6) In this section—

***proper officer*** means—

- (a) a police officer; or
- (b) a correctional officer; or
- (c) a detention centre officer; or
- (d) another person acting for the State or the Commonwealth who is prescribed under a regulation.’.

**125 Amendment of s 99 (When patient ceases to be classified patient)**

Section 99(1)—

*omit, insert—*

- ‘(1) At the end of the patient’s period of imprisonment or detention under the court order or on the patient’s parole, the patient ceases to be a classified patient unless—
- (a) the patient is awaiting the start or continuation of proceedings for an offence; or
  - (b) the patient is a person to whom part 6A applies.’.

**126 Insertion of new ch 3, pt 6A**

Chapter 3, after part 6—

*insert—*

**‘Part 6A Procedures following end of lawful custody without charge****‘100A Application of pt 6A**

‘This part applies to a person who, while held in lawful custody, or lawfully detained, without charge under an Act of the State or the Commonwealth prescribed under a regulation for section 64(3), becomes a classified patient.

**‘100B Administrator to give notice of end of lawful custody without charge**

‘The administrator of the authorised mental health service must give written notice of the end of the patient’s lawful custody or detention without charge to the director—

- (a) as early as possible before the end of the patient’s lawful custody or detention without charge; or
- (b) if it is not practicable to comply with paragraph (a), immediately after becoming aware of the end of the patient’s lawful custody or detention without charge.

**‘100C When patient ceases to be classified patient**

- ‘(1) At the end of the patient’s lawful custody or detention without charge, the patient ceases to be a classified patient unless—
- (a) the patient is awaiting the start or continuation of proceedings for an offence; or
  - (b) the patient is a person to whom part 6 applies.
- ‘(2) However, the patient may continue to be an involuntary patient under another provision of this Act.

**‘100D Notice of patient ceasing to be classified patient**

‘Within 7 days after a patient ceases, under section 100C, to be a classified patient, the administrator of the patient’s treating health service must give written notice of the ceasing to the following persons—

- (a) the patient;
- (b) the patient’s allied person;
- (c) if an involuntary treatment or forensic order is in force for the patient—the tribunal.’.

**127 Amendment of s 253 (When patient ceases to be classified patient)**

Section 253(2)(a)—

*omit, insert—*

- ‘(a) the patient—
- (i) is held in lawful custody, or lawfully detained, without charge under an Act of the State or the Commonwealth prescribed under a regulation for section 64(3); or
  - (ii) is serving a sentence of imprisonment or period of detention under a court order; or’.

**128 Amendment of s 287 (When person ceases to be classified patient)**

Section 287(2)(a)—

*omit, insert—*

‘(a) the patient—

- (i) is held in lawful custody, or lawfully detained, without charge under an Act of the State or the Commonwealth prescribed under a regulation for section 64(3); or
- (ii) is serving a sentence of imprisonment or period of detention under a court order; or’.

## 129 Amendment of sch 2 (Dictionary)

Schedule 2, definition *person in lawful custody—*

*omit, insert—*

‘***person in lawful custody*** means—

- (a) a person who is held in lawful custody, or lawfully detained, without charge under an Act of the State or the Commonwealth prescribed under a regulation for section 64(3); or
- (b) a person who is detained in lawful custody on a charge of an offence or awaiting sentence on conviction of an offence; or
- (c) a person who is serving a sentence of imprisonment or period of detention under a court order and is not released on parole.’.

## Part 9

## Amendment of Occupational Therapists Registration Act 2001

### 130 Act amended in pt 9

This part amends the *Occupational Therapists Registration Act 2001*.



**131 Amendment of s 14 (Delegation by board)**

- (1) Section 14(2)(a), ‘register, or refuse to register,’—  
*omit, insert—*  
‘refuse to register’.
- (2) Section 14(2)(e), ‘impose, or remove,’—  
*omit, insert—*  
‘remove’.

**132 Amendment of s 56 (Period)**

- Section 56—  
*insert—*
- ‘(3) This section does not apply to a short-term registration.’.

**133 Insertion of new s 67A**

Part 3, division 4, subdivision 1—  
*insert—*

**‘67A Non-application of div 4 to short-term registration**

‘This division does not apply to a short-term registration.’.

**134 Insertion of new s 75A**

Part 3, division 5—  
*insert—*

**‘75A Non-application of div 5 to short-term registration**

‘This division does not apply to a short-term registration.’.

**135 Amendment of s 95 (When decision takes effect)**

Section 95(3), from ‘the certificate’—  
*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**136 Amendment of s 96 (Failure by board to make decision on application)**

Section 96(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**137 Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)**

Section 97(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**138 Replacement of s 99 (Amendment of, or replacing, certificates of general registration)**

Section 99—

*omit, insert—*

**‘99 Amending, replacing, or issuing new, certificate of general registration**

‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 94(4)(b), about decisions relating to a change of the conditions of the registration.

‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.

Maximum penalty—10 penalty units.

‘(3) On receiving the certificate, the board must—

(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or

(b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.

- ‘(4) Subsection (5) applies if—
- (a) a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration; or
  - (b) the board is taken, under section 96 or 97, to have decided to remove the conditions of a general registration.
- ‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’.

### **139 Insertion of new s 107A**

Part 3, division 8, subdivision 2—

*insert—*

#### **‘107A Non-application of sdiv 2 to short-term registration**

‘This subdivision does not apply to a short-term registration.’.

### **140 Amendment of s 114 (Removal)**

Section 114(4) to (6)—

*omit, insert—*

- ‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.
- ‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’.

### **141 Insertion of new s 120A**

Part 3—

*insert—*

**‘120A Short-term registration**

- ‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.
- ‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.
- ‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.
- ‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.
- ‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’.

**142 Omission of pt 4, div 2 (Notification of business names and other details)**

Part 4, division 2—

*omit.*

**143 Amendment of s 129 (Information to appear in advertisements)**

Section 129(1)(b), from ‘notified’ to ‘(4)’—

*omit, insert—*

‘of the business (whether or not the name is registered under the *Business Names Act 1962*)’.

**144 Omission of ss 235 and 236**

Sections 235 and 236—

*omit.*

**145 Amendment of sch 3 (Dictionary)**

- (1) Schedule 3—

*insert—*

‘*short-term registration* means a registration on an application mentioned in section 120A.’.

- (2) Schedule 3, definition *renewable registration*, after ‘purpose registration’—

*insert—*

‘, other than a short-term registration’.

## **Part 10 Amendment of Optometrists Registration Act 2001**

**146 Act amended in pt 10**

This part amends the *Optometrists Registration Act 2001*.

**147 Amendment of s 14 (Delegation by board)**

- (1) Section 14(2)(a), ‘register, or refuse to register,’—

*omit, insert—*

‘refuse to register’.

- (2) Section 14(2)(e), ‘impose, or remove,’—

*omit, insert—*

‘remove’.

**148 Amendment of s 56 (Period)**

Section 56—

*insert—*

- ‘(3) This section does not apply to a short-term registration.’.

**149 Insertion of new s 67A**

Part 3, division 4, subdivision 1—

*insert—*

**‘67A Non-application of div 4 to short-term registration**

‘This division does not apply to a short-term registration.’.

**150 Insertion of new s 75A**

Part 3, division 5—

*insert—*

**‘75A Non-application of div 5 to short-term registration**

‘This division does not apply to a short-term registration.’.

**151 Amendment of s 95 (When decision takes effect)**

Section 95(3), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**152 Amendment of s 96 (Failure by board to make decision on application)**

Section 96(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**153 Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)**

Section 97(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**154 Replacement of s 99 (Amendment of, or replacing, certificates of general registration)**

Section 99—

*omit, insert—*

**‘99 Amending, replacing, or issuing new, certificate of general registration**

- ‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 94(4)(b), about decisions relating to a change of the conditions of the registration.
- ‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.
- Maximum penalty—10 penalty units.
- ‘(3) On receiving the certificate, the board must—
- (a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or
  - (b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.
- ‘(4) Subsection (5) applies if—
- (a) a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration; or
  - (b) the board is taken, under section 96 or 97, to have decided to remove the conditions of a general registration.
- ‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’.

**155 Insertion of new s 107A**

Part 3, division 8, subdivision 2—

*insert—*

**‘107A Non-application of sdiv 2 to short-term registration**

‘This subdivision does not apply to a short-term registration.’.

**156 Amendment of s 114 (Removal)**

Section 114(4) to (6)—

*omit, insert—*

- ‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.
- ‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’.

**157 Insertion of new s 120AA**

Part 3—

*insert—*

**‘120AA Short-term registration**

- ‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.
- ‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.
- ‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.
- ‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.
- ‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’.



**158 Omission of pt 4, div 2 (Notification of business names and other details)**

Part 4, division 2—

*omit.*

**159 Amendment of s 129 (Information to appear in advertisements)**

Section 129(1)(b), from ‘notified’ to ‘(4)’—

*omit, insert—*

‘of the business (whether or not the name is registered under the *Business Names Act 1962*)’.

**160 Omission of ss 229 and 230**

Sections 229 and 230—

*omit.*

**161 Amendment of sch 4 (Dictionary)**

(1) Schedule 4—

*insert—*

‘*short-term registration* means a registration on an application mentioned in section 120AA.’.

(2) Schedule 4, definition *renewable registration*, after ‘purpose registration’—

*insert—*

‘, other than a short-term registration’.

## Part 11                      Amendment of Osteopaths Registration Act 2001

### 162    Act amended in pt 11

This part amends the *Osteopaths Registration Act 2001*.

### 163    Amendment of s 14 (Delegation by board)

(1) Section 14(2)(a), ‘register, or refuse to register,’—

*omit, insert—*

‘refuse to register’.

(2) Section 14(2)(e), ‘impose, or remove,’—

*omit, insert—*

‘remove’.

### 164    Amendment of s 56 (Period)

Section 56—

*insert—*

‘(3) This section does not apply to a short-term registration.’.

### 165    Insertion of new s 67A

Part 3, division 4, subdivision 1—

*insert—*

### ‘67A    Non-application of div 4 to short-term registration

‘This division does not apply to a short-term registration.’.

### 166    Insertion of new s 75A

Part 3, division 5—

*insert—*

### ‘75A    Non-application of div 5 to short-term registration

‘This division does not apply to a short-term registration.’.

**167 Amendment of s 95 (When decision takes effect)**

Section 95(3), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**168 Amendment of s 96 (Failure by board to make decision on application)**

Section 96(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**169 Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)**

Section 97(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**170 Replacement of s 99 (Amendment of, or replacing, certificates of general registration)**

Section 99—

*omit, insert—*

**‘99 Amending, replacing, or issuing new, certificate of general registration**

‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 94(4)(b), about decisions relating to a change of the conditions of the registration.

‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.

Maximum penalty—10 penalty units.

- ‘(3) On receiving the certificate, the board must—
- (a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or
  - (b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.
- ‘(4) Subsection (5) applies if—
- (a) a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration; or
  - (b) the board is taken, under section 96 or 97, to have decided to remove the conditions of a general registration.
- ‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’.

### **171 Insertion of new s 107A**

Part 3, division 8, subdivision 2—

*insert—*

#### **‘107A Non-application of sdiv 2 to short-term registration**

‘This subdivision does not apply to a short-term registration.’.

### **172 Amendment of s 114 (Removal)**

Section 114(4) to (6)—

*omit, insert—*

- ‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.
- ‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’.

**173 Insertion of new s 120A**

Part 3—

*insert—*

**‘120A Short-term registration**

- ‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.
- ‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.
- ‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.
- ‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.
- ‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’.

**174 Omission of pt 4, div 2 (Notification of business names and other details)**

Part 4, division 2—

*omit.*

**175 Amendment of s 129 (Information to appear in advertisements)**

Section 129(1)(b), from ‘notified’ to ‘(4)’—

*omit, insert—*

‘of the business (whether or not the name is registered under the *Business Names Act 1962*)’.

**176 Omission of s 225 (Sections 126 and 129 ineffective for 6 months)**

Section 225—

*omit.*

**177 Amendment of sch 2 (Dictionary)**

(1) Schedule 2—

*insert—*

‘*short-term registration* means a registration on an application mentioned in section 120A.’.

(2) Schedule 2, definition *renewable registration*, after ‘purpose registration’—

*insert—*

‘, other than a short-term registration’.

## **Part 12                      Amendment of Pharmacists Registration Act 2001**

**178 Act amended in pt 12**

This part amends the *Pharmacists Registration Act 2001*.

**179 Amendment of s 15 (Delegation by board)**

(1) Section 15(2)(a), ‘register, or refuse to register,’—

*omit, insert—*

‘refuse to register’.

(2) Section 15(2)(e), ‘impose, or remove,’—

*omit, insert—*

‘remove’.

**180 Amendment of s 60 (Period)**

Section 60—

*insert—*

‘(3) This section does not apply to a short-term registration.’.

**181 Insertion of new s 71A**

Part 3, division 4, subdivision 1—

*insert—***‘71A Non-application of div 4 to short-term registration**

‘This division does not apply to a short-term registration.’.

**182 Insertion of new s 79A**

Part 3, division 5—

*insert—***‘79A Non-application of div 5 to short-term registration**

‘This division does not apply to a short-term registration.’.

**183 Amendment of s 99 (When decision takes effect)**

Section 99(3), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 103(5).’.

**184 Amendment of s 100 (Failure by board to make decision on application)**

Section 100(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 103(5).’.

**185 Amendment of s 101 (Failure by board to make decision on review agreed to under s 94)**

Section 101(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 103(5).’.

**186 Replacement of s 103 (Amendment of, or replacing, certificates of general registration)**

Section 103—

*omit, insert—*

**‘103 Amending, replacing, or issuing new, certificate of general registration**

‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 98(4)(b), about decisions relating to a change of the conditions of the registration.

‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.

Maximum penalty—10 penalty units.

‘(3) On receiving the certificate, the board must—

(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or

(b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.

‘(4) Subsection (5) applies if—

(a) a general registrant receives a notice, under section 98(5), about a decision to remove the conditions of the registration; or

(b) the board is taken, under section 100 or 101, to have decided to remove the conditions of a general registration.



- ‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’.

### **187 Insertion of new s 111A**

Part 3, division 8, subdivision 2—

*insert—*

#### **‘111A Non-application of sdiv 2 to short-term registration**

‘This subdivision does not apply to a short-term registration.’.

### **188 Amendment of s 118 (Removal)**

Section 118(4) to (6)—

*omit, insert—*

- ‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.
- ‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’.

### **189 Insertion of new s 124A**

Part 3—

*insert—*

#### **‘124A Short-term registration**

- ‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.
- ‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.
- ‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.

- ‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.
- ‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’.

### **190 Amendment of s 139A (Definitions)**

Section 139A, definition *own*, after ‘the pharmacy business’—

*insert—*

‘, but does not include having an interest in the pharmacy business arising under a bill of sale, mortgage, or other form of security, for the pharmacy business’.

### **191 Replacement of s 139G (Trustee in bankruptcy and liquidator may own pharmacy business)**

Section 139G—

*omit, insert—*

#### **‘139G Trustee, liquidator, receiver or administrator does not commit offence against s 139B**

- ‘(1) Subsection (2) applies if—
  - (a) a registrant who owns, or is the director of or a shareholder in a corporation that owns, a pharmacy business becomes an insolvent under administration; and
  - (b) the property of the registrant vests in, or comes under the control of, a trustee because of the registrant becoming an insolvent under administration.
- ‘(2) The trustee does not commit an offence against section 139B because of the trusteeship.
- ‘(3) Subsection (4) applies if a corporation that owns a pharmacy business is—
  - (a) in liquidation or receivership; or

(b) under administration.

- ‘(4) The liquidator, receiver or administrator does not commit an offence against section 139B because of being the corporation’s liquidator, receiver or administrator.
- ‘(5) In this section—  
*insolvent under administration* see the Corporations Act, section 9.’.

**192 Amendment of s 139I (Certain arrangements about control of pharmacy business void)**

Section 139I—

*insert—*

- ‘(2) However, subsection (1) does not apply to a bill of sale, mortgage or other form of security to the extent it gives rights to an administrator, receiver, or receiver and manager.’.

**193 Amendment of sch 4 (Dictionary)**

- (1) Schedule 4—

*insert—*

‘*short-term registration* means a registration on an application mentioned in section 124A.’.

- (2) Schedule 4, definition *renewable registration*, after ‘purpose registration’—

*insert—*

‘, other than a short-term registration’.

## **Part 13**                      **Amendment of Physiotherapists Registration Act 2001**

### **194 Act amended in pt 13**

This part amends the *Physiotherapists Registration Act 2001*.

### **195 Amendment of s 14 (Delegation by board)**

(1) Section 14(2)(a), ‘register, or refuse to register,’—

*omit, insert—*

‘refuse to register’.

(2) Section 14(2)(e), ‘impose, or remove,’—

*omit, insert—*

‘remove’.

### **196 Amendment of s 56 (Period)**

Section 56—

*insert—*

‘(3) This section does not apply to a short-term registration.’.

### **197 Insertion of new s 67A**

Part 3, division 4, subdivision 1—

*insert—*

### **‘67A Non-application of div 4 to short-term registration**

‘This division does not apply to a short-term registration.’.

### **198 Insertion of new s 75A**

Part 3, division 5—

*insert—*

**‘75A Non-application of div 5 to short-term registration**

‘This division does not apply to a short-term registration.’.

**199 Amendment of s 95 (When decision takes effect)**

Section 95(3), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**200 Amendment of s 96 (Failure by board to make decision on application)**

Section 96(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**201 Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)**

Section 97(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**202 Replacement of s 99 (Amendment of, or replacing, certificates of general registration)**

Section 99—

*omit, insert—*

**‘99 Amending, replacing, or issuing new, certificate of general registration**

‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 94(4)(b), about decisions relating to a change of the conditions of the registration.

- ‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.

Maximum penalty—10 penalty units.

- ‘(3) On receiving the certificate, the board must—
- (a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or
  - (b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.
- ‘(4) Subsection (5) applies if—
- (a) a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration; or
  - (b) the board is taken, under section 96 or 97, to have decided to remove the conditions of a general registration.
- ‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’.

### **203 Insertion of new s 107A**

Part 3, division 8, subdivision 2—

*insert—*

#### **‘107A Non-application of sdiv 2 to short-term registration**

‘This subdivision does not apply to a short-term registration.’.

### **204 Amendment of s 114 (Removal)**

Section 114(4) to (6)—

*omit, insert—*

- ‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.
- ‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’.

## **205 Insertion of new s 120A**

Part 3—

*insert—*

### **‘120A Short-term registration**

- ‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.
- ‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.
- ‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.
- ‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.
- ‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’.

## **206 Omission of pt 4, div 2 (Notification of business names and other details)**

Part 4, division 2—

*omit.*

## **207 Amendment of s 129 (Information to appear in advertisements)**

Section 129(1)(b), from ‘notified’ to ‘(4)’—

*omit, insert—*

‘of the business (whether or not the name is registered under the *Business Names Act 1962*)’.

**208 Omission of s 235 (Sections 126 and 129 ineffective for 6 months)**

Section 235—

*omit.*

**209 Amendment of sch 4 (Dictionary)**

(1) Schedule 4—

*insert—*

‘*short-term registration* means a registration on an application mentioned in section 120A.’

(2) Schedule 4, definition *renewable registration*, after ‘purpose registration’—

*insert—*

‘, other than a short-term registration’.

**Part 14 Amendment of Podiatrists Registration Act 2001**

**210 Act amended in pt 14**

This part amends the *Podiatrists Registration Act 2001*.

**211 Amendment of s 14 (Delegation by board)**

(1) Section 14(2)(a), ‘register, or refuse to register,’—

*omit, insert—*

‘refuse to register’.

(2) Section 14(2)(e), ‘impose, or remove,’—



*omit, insert—*

‘remove’.

**212 Amendment of s 56 (Period)**

Section 56—

*insert—*

‘(3) This section does not apply to a short-term registration.’.

**213 Insertion of new s 67A**

Part 3, division 4, subdivision 1—

*insert—*

**‘67A Non-application of div 4 to short-term registration**

‘This division does not apply to a short-term registration.’.

**214 Insertion of new s 75A**

Part 3, division 5—

*insert—*

**‘75A Non-application of div 5 to short-term registration**

‘This division does not apply to a short-term registration.’.

**215 Amendment of s 95 (When decision takes effect)**

Section 95(3), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**216 Amendment of s 96 (Failure by board to make decision on application)**

Section 96(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**217 Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)**

Section 97(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**218 Replacement of s 99 (Amendment of, or replacing, certificates of general registration)**

Section 99—

*omit, insert—*

**‘99 Amending, replacing, or issuing new, certificate of general registration**

‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 94(4)(b), about decisions relating to a change of the conditions of the registration.

‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.

Maximum penalty—10 penalty units.

‘(3) On receiving the certificate, the board must—

(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or

(b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.

‘(4) Subsection (5) applies if—

(a) a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration; or

- (b) the board is taken, under section 96 or 97, to have decided to remove the conditions of a general registration.
- ‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’.

## **219 Insertion of new s 107A**

Part 3, division 8, subdivision 2—

*insert—*

### **‘107A Non-application of sdiv 2 to short-term registration**

‘This subdivision does not apply to a short-term registration.’.

## **220 Amendment of s 114 (Removal)**

Section 114(4) to (6)—

*omit, insert—*

- ‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.
- ‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’.

## **221 Insertion of new s 120A**

Part 3—

*insert—*

### **‘120A Short-term registration**

- ‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.
- ‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.

- ‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.
- ‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.
- ‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’.

**222 Omission of pt 4, div 2 (Notification of business names and other details)**

Part 4, division 2—

*omit.*

**223 Amendment of s 129 (Information to appear in advertisements)**

Section 129(1)(b), from ‘notified’ to ‘(4)’—

*omit, insert—*

‘of the business (whether or not the name is registered under the *Business Names Act 1962*)’.

**224 Omission of ss 232 and 233**

Sections 232 and 233—

*omit.*

**225 Amendment of sch 4 (Dictionary)**

(1) Schedule 4—

*insert—*

‘*short-term registration* means a registration on an application mentioned in section 120A.’.

(2) Schedule 4, definition *renewable registration*, after ‘purpose registration’—

*insert—*

‘, other than a short-term registration’.

## **Part 15                      Amendment of Private Health Facilities Act 1999**

### **226      Act amended in pt 15**

This part amends the *Private Health Facilities Act 1999*.

### **227      Amendment of s 147 (Confidentiality of information)**

(1) Section 147(6), ‘The’—

*omit, insert—*

‘For subsection (4)(g), the’.

(2) Section 147(7)(a), after ‘else’—

*insert—*

‘, unless allowed to do so—

(i) under an agreement mentioned in subsection (4)(c); or

(ii) by the written consent of the chief executive’.

### **228      Amendment of s 148 (Delegations)**

Section 148(2)(c)—

*omit.*

## Part 16                      Amendment of Psychologists Registration Act 2001

### 229    Act amended in pt 16

This part amends the *Psychologists Registration Act 2001*.

### 230    Amendment of s 14 (Delegation by board)

(1) Section 14(2)(a), ‘register, or refuse to register,’—

*omit, insert—*

‘refuse to register’.

(2) Section 14(2)(e), ‘impose, or remove,’—

*omit, insert—*

‘remove’.

### 231    Amendment of s 56 (Period)

Section 56—

*insert—*

‘(3) This section does not apply to a short-term registration.’.

### 232    Insertion of new s 73A

Part 3, division 4, subdivision 1—

*insert—*

### ‘73A    Non-application of div 4 to short-term registration

‘This division does not apply to a short-term registration.’.

### 233    Insertion of new s 81A

Part 3, division 5—

*insert—*

### ‘81A    Non-application of div 5 to short-term registration

‘This division does not apply to a short-term registration.’.

**234 Amendment of s 99 (When decision takes effect)**

Section 99(2), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 102(5).’.

**235 Amendment of s 100 (Failure by board to make decision on application)**

Section 100(5), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 102(5).’.

**236 Replacement of s 102 (Amendment of, or replacing, certificates of general registration)**

Section 102—

*omit, insert—*

**‘102 Amending, replacing, or issuing new, certificate of general registration**

‘(1) Subsections (2) and (3) apply if a probationary registrant receives an information notice, under section 98(5)(a) or (b), about a decision to extend probationary conditions or to extend probationary conditions and impose additional conditions.

‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.

Maximum penalty—10 penalty units.

‘(3) On receiving the certificate, the board must—

(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or

(b) if the board does not consider it practicable to amend the certificate, issue another certificate of general

registration to the registrant to replace the certificate returned to the board.

- ‘(4) Subsection (5) applies if—
- (a) a probationary registrant receives a notice, under section 98(5)(c), about a decision to remove the probationary conditions of the registration; or
  - (b) the board is taken, under section 100(2) or (4), to have decided to remove probationary conditions from a general registrant’s registration.
- ‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed probationary conditions.
- ‘(6) If additional conditions imposed on a probationary registrant’s general registration end under section 101(2), the board must as soon as practicable after the additional conditions end issue another certificate of general registration to the registrant that does not mention the additional conditions.’.

**237 Amendment of s 110 (When decision takes effect)**

Section 110(3), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 114(5).’.

**238 Amendment of s 111 (Failure by board to make decision on application)**

Section 111(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 114(5).’.

**239 Amendment of s 112 (Failure by board to make decision on review agreed to under s 105)**

Section 112(4), from ‘the certificate’—



*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 114(5).’.

**240 Replacement of s 114 (Amendment of, or replacing, certificates of general registration)**

Section 114—

*omit, insert—*

**‘114 Amending, replacing, or issuing new, certificate of general registration**

- ‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 109(4)(b), about decisions relating to a change of the conditions of the registration.
- ‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.
- Maximum penalty—10 penalty units.
- ‘(3) On receiving the certificate, the board must—
- (a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or
  - (b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.
- ‘(4) Subsection (5) applies if—
- (a) a general registrant receives a notice, under section 109(5), about a decision to remove the conditions of the registration; or
  - (b) the board is taken, under section 111 or 112, to have decided to remove the conditions of a general registration.
- ‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of

general registration to the registrant that does not mention the removed conditions.’.

## **241 Insertion of new s 123A**

Part 3, division 9, subdivision 2—

*insert—*

### **‘123A Non-application of sdiv 2 to short-term registration**

‘This subdivision does not apply to a short-term registration.’.

## **242 Amendment of s 130 (Removal)**

Section 130(4) to (6)—

*omit, insert—*

- ‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.
- ‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’.

## **243 Insertion of new s 136A**

Part 3—

*insert—*

### **‘136A Short-term registration**

- ‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.
- ‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.
- ‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.

- ‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.
- ‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’.

**244 Omission of pt 4, div 2 (Notification of business names and other details)**

Part 4, division 2—

*omit.*

**245 Amendment of s 145 (Information to appear in advertisements)**

Section 145(1)(b), from ‘notified’ to ‘(4)’—

*omit, insert—*

‘of the business (whether or not the name is registered under the *Business Names Act 1962*)’.

**246 Omission of ss 251 and 252**

Sections 251 and 252—

*omit.*

**247 Amendment of sch 3 (Dictionary)**

- (1) Schedule 3—

*insert—*

‘***short-term registration*** means a registration on an application mentioned in section 136A.’.

- (2) Schedule 3, definition *renewable registration*, after ‘purpose registration’—

*insert—*

‘, other than a short-term registration’.

## Part 17                      **Amendment of Radiation Safety Act 1999**

### 248    **Act amended in pt 17**

This part amends the *Radiation Safety Act 1999*.

### 249    **Amendment of s 4 (Main object of Act and its achievement)**

- (1) Section 4(1), from ‘from’ to ‘to’—  
*omit, insert—*  
‘and the environment from the harmful effects of’.
- (2) Section 4(2)(e), after ‘are’—  
*insert—*  
‘, or the environment is,’.

### 250    **Amendment of s 52 (Different types of approval to acquire a radiation source)**

- (1) Section 52(b), after ‘substance’—  
*insert—*  
‘or prescribed sealed radioactive substance’.
- (2) Section 52—  
*insert—*  
‘(2) In this section—  
***prescribed sealed radioactive substance*** means a short-lived, low-activity sealed radioactive substance, usually used in carrying out a diagnostic or therapeutic procedure involving the irradiation of another person, prescribed under a regulation.’.

### 251    **Amendment of s 140 (Prohibition notices)**

Section 140(1) and (3)(a), after ‘person’—

*insert—*

‘or immediate risks to the environment’.

**252 Amendment of s 210 (Limited exemption for radiation source)**

Section 210(2), after ‘person’—

*insert—*

‘or adverse effects on the environment’.

**Part 18 Amendment of Speech Pathologists Registration Act 2001**

**253 Act amended in pt 18**

This part amends the *Speech Pathologists Registration Act 2001*.

**254 Amendment of s 14 (Delegation by board)**

(1) Section 14(2)(a), ‘register, or refuse to register,’—

*omit, insert—*

‘refuse to register’.

(2) Section 14(2)(e), ‘impose, or remove,’—

*omit, insert—*

‘remove’.

**255 Amendment of s 56 (Period)**

Section 56—

*insert—*

‘(3) This section does not apply to a short-term registration.’.

**256 Insertion of new s 67A**

Part 3, division 4, subdivision 1—

*insert—*

**‘67A Non-application of div 4 to short-term registration**

‘This division does not apply to a short-term registration.’.

**257 Insertion of new s 75A**

Part 3, division 5—

*insert—*

**‘75A Non-application of div 5 to short-term registration**

‘This division does not apply to a short-term registration.’.

**258 Amendment of s 95 (When decision takes effect)**

Section 95(3), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**259 Amendment of s 96 (Failure by board to make decision on application)**

Section 96(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**260 Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)**

Section 97(4), from ‘the certificate’—

*omit, insert—*

‘a new certificate of general registration being issued to the registrant under section 99(5).’.

**261 Replacement of s 99 (Amendment of, or replacing, certificates of general registration)**

Section 99—

*omit, insert—***‘99 Amending, replacing, or issuing new, certificate of general registration**

- ‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 94(4)(b), about decisions relating to a change of the conditions of the registration.
- ‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.
- Maximum penalty—10 penalty units.
- ‘(3) On receiving the certificate, the board must—
- (a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or
  - (b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.
- ‘(4) Subsection (5) applies if—
- (a) a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration; or
  - (b) the board is taken, under section 96 or 97, to have decided to remove the conditions of a general registration.
- ‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’.

**262 Insertion of new s 107A**

Part 3, division 8, subdivision 2—

*insert—*

**‘107A Non-application of sdiv 2 to short-term registration**

‘This subdivision does not apply to a short-term registration.’.

**263 Amendment of s 114 (Removal)**

Section 114(4) to (6)—

*omit, insert—*

- ‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.
- ‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’.

**264 Insertion of new s 120A**

Part 3—

*insert—*

**‘120A Short-term registration**

- ‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.
- ‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.
- ‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.
- ‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.
- ‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’.



**265 Omission of pt 4, div 2 (Notification of business names and other details)**

Part 4, division 2—

*omit.*

**266 Amendment of s 129 (Information to appear in advertisements)**

Section 129(1)(b), from ‘notified’ to ‘(4)’—

*omit, insert—*

‘of the business (whether or not the name is registered under the *Business Names Act 1962*)’.

**267 Omission of ss 232 and 233**

Sections 232 and 233—

*omit.*

**268 Amendment of sch 3 (Dictionary)**

(1) Schedule 3—

*insert—*

‘*short-term registration* means a registration on an application mentioned in section 120A.’

(2) Schedule 3, definition *renewable registration*, after ‘purpose registration’—

*insert—*

‘, other than a short-term registration’.

## **Part 19**                      **Amendment of Tobacco and Other Smoking Products Act 1998**

### **269 Act amended in pt 19**

This part amends the *Tobacco and Other Smoking Products Act 1998*.

### **270 Amendment of s 20 (Supplier must display a prohibition sign)**

- (1) Section 20, heading, ‘a prohibition sign’—

*omit, insert—*

‘particular signs’.

- (2) Section 20(1), after ‘sign’—

*insert—*

‘and a quit smoking sign’.

### **271 Amendment of s 21 (Person in charge of tobacco product vending machine must attach or display a prohibition sign)**

- (1) Section 21, heading, ‘or display a prohibition sign’—

*omit, insert—*

‘particular signs’.

- (2) Section 21, from ‘to’ to ‘near’—

*omit, insert—*

‘and a quit smoking sign to, or near’.

### **272 Omission of pt 2, div 6, hdg (Supply of things resembling tobacco products)**

Part 2, division 6, heading—

*omit.*

**273 Relocation and renumbering of s 24 (Supply of food or toys resembling tobacco products)**

Section 24—

*relocate and renumber* in part 2D, as section 26ZS.**274 Renumbering of pt 2, div 7 (Defence to charges for offences if age material)**

Part 2, division 7—

*renumber* as part 2, division 6.**275 Renumbering of s 26 (Defence to charge if age material)**

Section 26—

*renumber* as section 24.**276 Renumbering of s 26AA (Definitions for pt 2A)**

Section 26AA—

*renumber* as section 25.**277 Insertion of new s 26**

Part 2A, division 1—

*insert*—**‘26 Application of div 1**

‘This division does not apply to a tobacco product vending machine.’.

**278 Amendment of s 26B (Location of display of smoking products)**

Section 26B(4)—

*omit*.

**279 Amendment of s 26CA (One smoking product display only per retail outlet)**

Section 26CA(4)—

*omit, insert—*

- ‘(4) Cigars in a humidified room are taken not to be a display, or part of a display, of smoking products if customers are not able to see into the room.’.

**280 Amendment of s 26CB (Size of smoking product display)**

Section 26CB—

*insert—*

- ‘(4) The area of the surface of a display of smoking products does not include the area of a price ticket, price board or other indicator of price, mentioned in section 26H(1)(a) and (b) (*price indicator*), unless the price indicator is within the perimeter of the display.’.

**281 Amendment of s 26D (Manner of display of immediate package of smoking product)**

- (1) Section 26D(1)(c)(ii)—

*omit, insert—*

‘(ii) includes a representation of the warning message and corresponding graphic with which the package is required to be labelled under the *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004* (Cwlth).’.

- (2) Section 26D(5), definition *stack dispenser*, from ‘, but’ to ‘machine’—

*omit.*

**282 Amendment of s 26F (Display of health warning on humidified container and humidified room)**

- (1) Section 26F(1), ‘same warning message and explanatory message as the warning message and explanatory message’

*omit, insert—*

‘warning message, graphic and explanatory message’.

- (2) Section 26F(2), after ‘warning message’—

*insert—*

‘, graphic’.

**283 Amendment of s 26H (Display of retail prices of smoking product)**

- (1) Section 26H(2), after ‘products’—

*insert—*

‘, or of the prices of smoking products,’.

- (2) Section 26H(2), as amended—

*renumber* as section 26H(3).

- (3) Section 26H—

*insert—*

- ‘(2) If a smoking product is not displayed at a retail outlet but is available or usually available for sale at the outlet, the retail price of the smoking product may be displayed in the ways stated in subsection (1)(a) and (b).’.

**284 Amendment of s 26HA (Certain business names allowed)**

Section 26HA—

*insert—*

- ‘(2) However, a supplier is taken to advertise or display a smoking product if the supplier advertises or displays a business name that includes anything about the price of smoking products.

*Example of a business name for subsection (2)—*

Discount Cigs and Tobacco’.

**285 Replacement of pt 2A, div 2 (Quit smoking signs)**

Part 2A, division 2—

*omit, insert—*

## **‘Division 2            Tobacco product vending machines**

### **‘26IA Advertising or display to be as provided under this division**

‘A person in charge of a tobacco product vending machine must not advertise or display a tobacco product in or on the machine other than as allowed under this division.

Maximum penalty—140 penalty units.

### **‘26IB Size of tobacco product display**

- ‘(1) The area of the surface of a display of tobacco products in a tobacco product vending machine may be not more than 1m<sup>2</sup>.
- ‘(2) The area of the surface of a display of tobacco products in a tobacco product vending machine is taken to include the whole of the area within the perimeter of the display.
- ‘(3) The area of the surface of the display of tobacco products in a tobacco product vending machine does not include the area of a price ticket or other indicator of price, mentioned in section 26ID(1) (*price indicator*), unless the price indicator is within the perimeter of the display.

### **‘26IC Manner of display of tobacco product**

‘A tobacco product vending machine may display tobacco products in 1 only of the following ways for each product line—

- (a) the display of a single immediate package of the product line in the form in which the package is available, or usually available, for sale from the machine;
- (b) a single representation of the immediate package of the product line in the form in which the package is available, or usually available, for sale from the machine that—
  - (i) is no larger than the actual size of the package, with the same appearance as the package; and

- (ii) includes a representation of the warning message and corresponding graphic with which the package is required to be labelled under the *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004* (Cwlth).

#### **‘26ID Display of retail prices of tobacco product**

- ‘(1) A display of tobacco products in a tobacco product vending machine may include the retail price of the products only if the price is displayed by a price ticket, or other indicator of price for each product line, as prescribed under a regulation.
- ‘(2) If a tobacco product is not displayed in a tobacco product vending machine but is available or usually available for sale in the tobacco product vending machine, the retail price of the tobacco product may be displayed in the way stated in subsection (1).
- ‘(3) A display of tobacco products, or of the prices of tobacco products, must not include anything else about the price of a tobacco product including, for example, a thing that states the price is discounted.

#### **‘26IE Certain business names allowed**

- ‘(1) A person in charge of a tobacco product vending machine does not advertise or display a tobacco product merely by using a business name that includes a reference to a tobacco product.
- ‘(2) However, a person in charge of a tobacco product vending machine is taken to advertise or display a tobacco product if the person advertises or displays a business name that includes anything about the price of tobacco products.

*Example of a business name for subsection (2)—*

Discount Cigs and Tobacco’.

**286 Amendment of s 26Q (Definitions for pt 2B)**

Section 26Q, definitions *common area*, *community titles scheme*, *lot* and *multi-unit residential accommodation*—  
*omit.*

**287 Amendment of s 26R (Person must not smoke in enclosed place)**

Section 26R—

*insert—*

‘(4) In this section—

*common area*, of multi-unit residential accommodation, means an area accessible to all, or a specified class of, residents of, or persons employed at, the accommodation.

*Example—*

a TV room or cooking facilities shared by all, or a specified class of, residents

*multi-unit residential accommodation* means hotel accommodation, motels, hostels, boarding houses, nursing homes, residential accommodation comprising lots in a community titles scheme and other similar accommodation.

*residential premises* means premises used, or intended to be used, as a place of residence or mainly as a place of residence and does not include multi-unit residential accommodation.’.

**288 Amendment of s 26U (Person smoking must stop when directed)**

(1) Section 26U(1), ‘26R’—

*omit, insert—*

‘26R(1)’.

(2) Section 26U(2)—

*omit, insert—*

‘(2) If a person (the *first person*) does not comply with a direction to stop the contravention and the first person is at a place where food or drink is provided, a person (the *second person*)



conducting an on-site food service must not provide food or drink to the first person while the first person continues to contravene section 26R(1).

Maximum penalty—140 penalty units.

- ‘(3) However, for subsection (2), it is a defence for the second person to prove that the second person was not aware, and could not have reasonably been expected to be aware, that the contravention was happening.’.

### 289 Amendment of s 26V (Offence by occupier)

Section 26V(1), ‘26R’—

*omit, insert—*

‘26R(1)’.

### 290 Replacement of s 26W (Meaning of outdoor eating or drinking place)

Section 26W—

*omit, insert—*

#### ‘26W Meaning of outdoor eating or drinking place

- ‘(1) A place is an *outdoor eating or drinking place* if—
- (a) the place is not an enclosed place or residential premises; and
  - (b) persons at the place may consume food or drink provided from an on-site food service; and
  - (c) any of the following apply—
    - (i) a person would reasonably expect the place has been provided for the purpose of consuming food or drink provided from an on-site food service;

*Examples—*

- an area on a footpath outside a cafe or takeaway food store containing tables and chairs
- an outdoor area at a shopping centre, surrounded by food outlets, apparently provided for patrons to use while consuming food or drink purchased from the outlets

(ii) the place is bounded by a fence;

*Examples—*

- a fenced sporting ground at which persons may consume food or drink purchased at the ground
- an area of a park, temporarily fenced off, at which a cultural festival is being conducted and where persons may eat food or drink purchased at the festival

(iii) the place is licensed premises.

‘(2) However, a place is an outdoor eating and drinking place only while—

- (a) food or drink is being provided from an on-site food service; or
- (b) food or drink provided from an on-site food service is being consumed at the place.

‘(3) Food or drink is taken to be provided from an on-site food service whether it is—

- (a) served to a person in the outdoor eating or drinking place by or for the person conducting the on-site food service; or
- (b) taken by a person from the on-site food service for consumption in the outdoor eating or drinking place.

‘(4) If an area that would otherwise be within an outdoor eating or drinking place is clearly designated as an area where no food or drink may be consumed, the area is taken not to be part of the outdoor eating or drinking place.

‘(5) In this section—

*provide*, food or drink, includes distribute, give or sell the food or drink.

*residential premises—*

- (a) means premises used, or intended to be used, as a place of residence or mainly as a place of residence; and
- (b) does not include hotels, motels, hostels, boarding houses, nursing homes, residential accommodation comprising lots in a community titles scheme and other similar accommodation.’

**291 Amendment of s 26Y (Person smoking must stop when directed)**

Section 26Y(2)—

*omit, insert—*

- ‘(2) If a person (the *first person*) does not comply with a direction to stop the contravention, a person (the *second person*) conducting an on-site food service must not provide food or drink to the first person while the first person continues to contravene section 26X(1).

Maximum penalty—140 penalty units.

- ‘(3) However, for subsection (2), it is a defence for the second person to prove that the second person was not aware, and could not have reasonably been expected to be aware, that the contravention was happening.’

**292 Amendment of s 26ZA (Designating an outdoor smoking area)**

- (1) Section 26ZA(2), (4) and (5), before ‘outdoor area’—

*insert—*

‘licensed’.

- (2) Section 26ZA(2), before ‘smoking is allowed’—

*insert—*

‘drinking and’.

- (3) Section 26ZA(6), after ‘outdoor area’—

*insert—*

‘of the premises’.

- (4) Section 26ZA—

*insert—*

- ‘(9) There may not be a designated outdoor smoking area at the premises if any part of the licensed outdoor area of the premises has been designated under section 26W(4) as an area where no food or drink may be consumed.’

**293 Amendment of s 26ZB (Obligations of licensee of premises with designated outdoor smoking area)**

- (1) Section 26ZB(4)(d), ‘officer’—

*omit, insert—*

‘person’.

- (2) Section 26ZB(5), ‘in an’—

*omit, insert—*

‘anywhere in the licensed’.

**294 Amendment of s 26ZJ (Person must not smoke near building entrance)**

- (1) Section 26ZJ, heading, ‘building entrance’—

*omit, insert—*

‘an entrance to an enclosed place’.

- (2) Section 26ZJ(1), ‘the entrance to a building’—

*omit, insert—*

‘an entrance to an enclosed place’.

- (3) Section 26ZJ(2)—

*insert—*

‘(e) a vehicle or part of a vehicle.’.

- (4) Section 26ZJ(4), ‘of the building’—

*omit.*

- (5) Section 26ZJ(5)—

*omit, insert—*

- ‘(5) Subsection (1) applies to an entrance only while either of the following types of access to the enclosed place is available by the entrance—

(a) public access;

(b) the access usually available by the entrance to enable the place to be used in a way it is ordinarily used.’.

- (6) Section 26ZJ(6), definition *general access*—

*omit.*

(7) Section 26ZJ(6)—

*insert—*

*‘residential premises* means premises used, or intended to be used, as a place of residence or mainly as a place of residence and does not include multi-unit residential accommodation.’.

**295 Amendment of s 26ZK (Person must not smoke near children’s playground equipment)**

Section 26ZK—

*insert—*

‘(3) In this section—

*residential premises* see section 26ZJ(6).’.

**296 Replacement of pt 2D, hdg (Cannabis utensils)**

Part 2D, heading—

*omit, insert—*

**‘Part 2D Prohibited products’.**

**297 Insertion of new s 26ZR**

Part 2D—

*insert—*

**‘26ZR Supply of smokeless tobacco products**

‘A person must not, without lawful authority or excuse, supply a smokeless tobacco product to another person.

Maximum penalty—140 penalty units.’.

**298 Amendment of s 40A (Power to direct person to stop smoking)**

Section 40A(1), ‘section 26R.’—

*omit, insert—*

‘section 26R(1), 26X(1), 26ZE(1), 26ZH(1), 26ZI(1), 26ZJ(1) or 26ZK(1).<sup>3</sup>’.

**299 Amendment of s 51 (Evidence of thing labelled as smoking product)**

(1) Section 51, heading—

*omit, insert—*

**‘51 Evidence that a thing is labelled as a particular product’.**

(2) Section 51—

*insert—*

‘(1A) Evidence that a thing is labelled as a smokeless tobacco product, or labelled in a way a reasonable person would take to be labelled as a smokeless tobacco product, is evidence the thing is or contains a smokeless tobacco product.’.

**300 Amendment of schedule (Dictionary)**

(1) Schedule, definitions *common area*, *lot*, *multi-unit residential accommodation* and *residential premises*—

*omit.*

(2) Schedule—

*insert—*

*‘community titles scheme* has the meaning given by the *Body Corporate and Community Management Act 1997*, section 10.

*food service* means a business, or an enterprise of a commercial, charitable or community nature, that sells food or drink.

*lot* see the *Body Corporate and Community Management Act 1997*, schedule 6.

3 Section 26R (Person must not smoke in enclosed place), 26X (Person must not smoke at outdoor eating or drinking place), 26ZE (Person must not smoke at major sports facility), 26ZH (Person must not smoke at a patrolled beach), 26ZI (Person must not smoke at a prescribed outdoor swimming area), 26ZJ (Person must not smoke near an entrance to an enclosed place) or 26ZK (Person must not smoke near children’s playground equipment)

***on-site food service***, in relation to a place, means a food service at, or adjacent to, the place.

***quit smoking sign*** means a sign designed to encourage a person who smokes to stop smoking.’.

- (3) Schedule—

*insert*—

‘***smokeless tobacco product*** means tobacco, or something containing tobacco, prepared for consumption other than by being smoked.

*Examples*—

snuff, chewing tobacco’.

- (4) Schedule, definitions *humidified container*, *humidified room* and *smoking product*, ‘26AA’—

*omit, insert*—

‘25’.

- (5) Schedule, definition *package*—

*insert*—

‘(e) for cigarette papers—a package containing cigarette papers packed by the manufacturer, or importer, of the papers.’.

- (6) Schedule, definition *tobacco product*, after ‘loose tobacco’—

*insert*—

‘but does not include a smokeless tobacco product’.

## Part 20

## Amendment of Transplantation and Anatomy Act 1979

### 301 Act amended in pt 20

This part amends the *Transplantation and Anatomy Act 1979*.

**302 Amendment of s 4 (Interpretation)**

Section 4(1)—

*insert—*

*‘dental practitioner* means a general registrant or provisional general registrant under the *Dental Practitioners Registration Act 2001*.’.

**303 Insertion of new pt 2 div 6**

Part 2—

*insert—*

**‘Division 6 Donations for approved research****‘21A Definitions for div 6**

‘In this division—

*human research ethics committee* means a committee formed in accordance with the requirements stated in the National Statement.

*National Statement* means the National Statement on Ethical Conduct in Research Involving Humans, issued by the NHMRC in 1999, as in force from time to time.

*Editor’s note—*

A copy of the National Statement is available on the web site of the NHMRC on the internet at <[www.nhmrc.gov.au/publications](http://www.nhmrc.gov.au/publications)>.

*NHMRC* means the National Health and Medical Research Council established under the *National Health and Medical Research Council Act 1992* (Cwlth).

**‘21B Authorised donations**

‘The removal of tissue from a person’s body is authorised if—

(a) it is—

(i) the removal, by a medical practitioner, of skeletal muscle tissue, oral tissue or perioral tissue; or



- (ii) the removal, by a dental practitioner, of oral tissue or perioral tissue; and
- (b) it is done for the purpose of research approved by a human research ethics committee; and
- (c) consent is given to the removal in accordance with the requirements stated in the National Statement; and
- (d) the person is an adult.’.

**304 Amendment of s 35 (Effect of authority under this part)**

- (1) Section 35, after ‘school of anatomy,’—

*insert—*

‘for its loan by a school of anatomy to another school of anatomy,’.

- (2) Section 35, ‘the school’—

*omit, insert—*

‘a school’.

**305 Amendment of s 42A (Person who owns a prescribed tissue bank may charge amount to recover certain costs)**

Section 42A(6), definition *processing*, after ‘at’—

*insert—*

‘or for’.

**306 Insertion of new s 42B**

After section 42A—

*insert—*

**‘42B Recovery of particular costs by school of anatomy**

- ‘(1) A school of anatomy may charge an amount to recover the reasonable costs associated with the loan of the body of a deceased person to another school of anatomy, including costs associated with receiving, embalming, storing, maintaining or disposing of the body or a part of the body.

- ‘(2) A person does not commit an offence against section 40(1) only by paying an amount charged under subsection (1).
- ‘(3) A person does not commit an offence against section 42(1) only by charging an amount under subsection (1).’.

**307 Amendment of s 48 (Offences in relation to removal of tissue)**

Section 48(1)(a), after ‘the tissue’—

*insert—*

‘or as authorised under part 2, division 6’.

**308 Amendment of s 49 (Disclosure of information)**

Section 49(2)(c), after ‘medical practitioner’—

*insert—*

‘or dental practitioner’.

**309 Amendment of s 52 (Regulations)**

Section 52(2)(k), ‘10 penalty units’—

*omit, insert—*

‘20 penalty units’.