



Queensland

Health Legislation (Health Practitioner Regulation National Law) Amendment Act 2010

Act No. 14 of 2010



Queensland

Health Legislation (Health Practitioner Regulation National Law) Amendment Act 2010

Contents

		Page
Part 1	Preliminary	
1	Short title	12
2	Commencement	12
Part 2	Amendment of Ambulance Service Act 1991	
3	Act amended	12
4	Amendment of s 36L (Definitions for div 5)	12
5	Amendment of s 36M (Disclosure of information—RCA team member or relevant person)	13
6	Insertion of new s 36NA	14
	36NA Information about excluded notifiable conduct	14
7	Amendment of sch (Dictionary)	14
Part 3	Amendment of Dental Technicians and Dental Prosthetists Registration Act 2001	
8	Act amended	15
9	Amendment of long title	15
10	Amendment of s 1 (Short title)	15
11	Amendment of s 7 (Objects of Act)	15
12	Amendment of s 124 (Notification of certain events to interstate regulatory authorities and other entities)	16
13	Insertion of new pt 10, div 4	17
	Division 4 Transitional provisions for Health Legislation (Health Practitioner Regulation National Law) Amendment Act 2010	
	241 Definitions for div 4	17
	242 Membership of board	17
	243 Change of name does not affect legal personality	18

Contents

	244	References to Dental Technicians and Dental Prosthetists Board	18
Part 4		Amendment of Health Practitioner Regulation National Law Act 2009	
14		Act amended	18
15		Insertion of new s 9A	18
	9A	Transitional regulation-making power	19
16		Amendment of schedule (Health Practitioner Regulation National Law)	19
Part 5		Amendment of Health Practitioners (Professional Standards) Act 1999	
17		Act amended	20
18		Amendment of long title	20
19		Amendment of s 4 (The legislative scheme)	20
20		Amendment of s 5 (Relationship with Health Quality and Complaints Commission Act)	20
21		Replacement of pt 1, div 2, hdg (Objects)	21
22		Amendment of s 6 (Objects of Act)	21
23		Amendment of s 7 (How objects are to be primarily achieved) . .	21
24		Amendment of s 12 (Delegation of certain powers)	21
25		Omission of pt 2, div 3, sdiv 1A (Preliminary)	22
26		Amendment of s 18 (Restrictions on membership of panel)	22
27		Amendment of s 23 (Appointment of secretary)	22
28		Amendment of s 25 (Functions of secretary)	22
29		Omission of pt 2, div 4, sdiv 1 (Constitution of tribunal)	23
30		Renumbering of pt 2, div 4, sdiv 2 (Functions of tribunal)	23
31		Renumbering of pt 2, div 4, sdiv 3 (Assessors)	23
32		Amendment of s 39 (Panels of assessors)	23
33		Amendment of s 40A (Temporary appointment of panel of assessors)	23
34		Amendment of s 41 (Disqualification from membership of panel of assessors)	24
35		Amendment of s 42 (Procedure for recommending members of panels of assessors)	24
36		Amendment of s 45 (Vacation of office)	25
37		Amendment of s 73 (Who may be appointed as investigator) . . .	25
38		Replacement of s 76 (Failure to return identity card)	25
	76	Failure to return identify card	25

39	Amendment of s 98 (Dealing with forfeited things etc.)	25
40	Amendment of s 213 (Allocation of matters and constitution of the tribunal)	26
41	Amendment of s 217 (Compulsory conference)	26
42	Amendment of s 219 (Procedure for hearing by tribunal)	27
43	Amendment of s 263 (Records to be kept and made publicly available)	27
44	Amendment of s 337 (Decisions that may be reviewed)	28
45	Amendment of s 358 (Who may be appointed as inspector)	28
46	Amendment of s 361 (Failure to return identity card)	28
47	Amendment of s 367B (Appointments and authority)	29
48	Amendment of s 367C (Signatures)	29
49	Amendment of s 367D (Evidentiary provisions)	29
50	Amendment of s 375 (Inspection of code etc.)	29
51	Omission of pt 12, div 2A (Provisions about certain registrants)	30
52	Amendment of s 382 (Board member, executive officer or executive officer (medical) may give chief executive certain information)	30
53	Amendment of s 386A (Protection of officials from liability)	30
54	Amendment of s 392 (Confidentiality)	30
55	Insertion of new s 392A	33
	392A Disclosure to protect health or safety of patients or other persons	33
56	Insertion of new pt 12A	33
	Part 12A Provisions about particular proceedings relating to NRAS registrants	
	Division 1 Preliminary	
	398A Explanation of pt 12A	33
	398B Definitions for pt 12A	34
	Division 2 Jurisdiction of tribunal	
	398C Jurisdiction of tribunal conferred by National Law (Queensland)	35
	398D Jurisdiction of tribunal conferred by this part	36
	398E Exercising jurisdiction concurrently	37
	Division 3 Applying for review of tribunal review decision, and decisions tribunal may make	
	398F NRAS registrant may apply for review	37
	398G How application is made	38

Contents

398H	Powers of tribunal on review.	38
Division 4	Procedures etc. applying to all NRAS disciplinary proceedings	
Subdivision 1	Preliminary	
398I	Application of div 4.	39
398J	Definition for div 4.	39
Subdivision 2	Constitution of tribunal	
398K	Constitution of the tribunal	40
Subdivision 3	Assessors	
398L	Tribunal to be assisted by assessors	40
398M	Choosing assessors generally	40
398N	Particular persons not eligible to be assessors in an NRAS disciplinary proceeding	41
398O	Requirement about gender balance	41
398P	Choosing assessors if specialist and technical issues involved	42
398Q	Function of assessors in compulsory conference	42
398R	Functions and powers of assessors in hearing	43
398S	Member may have regard to assessor’s views.	44
398T	Procedure if member or assessor unable to take part in hearing	44
Subdivision 4	Hearings	
398U	Advice to be given by tribunal in a hearing.	45
398V	Particular hearings to be held in private.	45
398W	Tribunal may excuse NRAS registrant from attendance	46
398X	Tribunal may exclude witnesses from hearing	46
Subdivision 5	Interim orders and evidence etc.	
398Y	Interim orders	46
398Z	Evidence and findings etc. in other proceedings may be received or adopted.	47
Division 5	Additional procedures	
398ZA	Notice of hearing of proceeding for matter referred by national board	47
398ZB	Notice of proceeding for review of reviewable decisions	49
398ZC	Particular procedures for proceeding for review of reviewable decisions.	49

	398ZD	Notice of proceeding for review of tribunal review decisions	49
	398ZE	Particular procedures for proceedings for review of tribunal review decisions	50
	Division 6	Provisions about decisions	
	398ZF	Notice of final decision of tribunal.	50
	398ZG	Implementation of particular decisions.	51
	Division 7	Appeals to Court of Appeal from decisions of tribunal	
	398ZH	Purpose of div 7	51
	398ZI	NRAS registrant or national board may appeal to Court of Appeal	52
	398ZJ	Appellant to give notice of appeal to particular persons	53
	398ZK	Court's decision may be tribunal review decision.	53
	Division 8	General matters	
	398ZL	Panel of assessors	53
	398ZM	Payment of assessors	54
57		Insertion of new pt 13, div 5	54
	Division 5	Provisions for Health Legislation (Health Practitioner Regulation National Law) Amendment Act 2010	
	405L	Definitions for div 5	55
	405M	Existing professional panels of assessors	56
	405N	Existing complaints and related proceedings and appeals	56
	405O	Existing non-complaint disciplinary matters and related proceedings and appeals.	58
	405P	Existing QCAT proceedings and existing appeals	61
	405Q	Investigators	62
	405R	Inspectors.	63
	405S	Copy of particular records to be given to national board	64
	405T	Particular registrants to give particular notices to national board.	65
	405U	Protection of officials from liability	66
	405V	Penalties to be paid to national board	66
58		Amendment of schedule (Dictionary)	67

Contents

Part 6	Amendment of Health Services Act 1991	
59	Act amended	71
60	Amendment of s 2 (Definitions)	71
61	Amendment of s 33 (Disclosure etc. of information)	72
62	Insertion of new s 33A	73
	33A Information about excluded notifiable conduct	73
63	Amendment of s 38S (Disclosure of information—RCA team member or relevant person)	73
64	Insertion of new s 38TA	74
	38TA Information about excluded notifiable conduct	74
Part 7	Amendment of Medical Radiation Technologists Registration Act 2001	
65	Act amended	75
66	Amendment of s 72 (Meaning of recency of practice requirements)	75
67	Insertion of new s 72A	75
	72A Meaning of continuing professional development requirements	75
68	Amendment of s 74 (Procedural requirements for applications)	75
69	Amendment of s 76 (Inquiries into applications)	76
70	Amendment of s 77 (Decision)	76
71	Amendment of s 78 (Recency of practice requirements are not satisfied)	76
72	Amendment of s 82 (Procedural requirements for applications)	77
73	Amendment of s 85 (When recency of practice conditions take effect)	77
74	Amendment of s 123 (Application of div 4, sdivs 2 and 3)	77
75	Amendment of sch 1 (Decisions for which information notices must be given)	77
76	Amendment of sch 3 (Dictionary)	77
Part 8	Amendment of Nursing Act 1992	
77	Act Amended	78
78	Amendment of s 4 (Definitions)	78
79	Insertion of new pt 9, div 7	78
	Division 7 Transitional provisions for the Health Legislation (Health Practitioner Regulation National Law) Amendment Act 2010	
160	Definitions for div 7	79

	161	Automatic expiry of registration or enrolment instead of cancellation by council	79
	162	Disclosure of protected documents and protected information to the National Agency	80
	163	Disclosure of protected documents and protected information to the Nursing and Midwifery Board	80
	164	Disclosure of protected documents and protected information to the department	80
Part 9		Amendment of Pharmacists Registration Act 2001	
80		Act amended	81
81		Amendment of long title	81
82		Amendment of s 1 (Short title)	81
83		Omission of ss 4, 5 and 7.	81
84		Replacement of s 8 (Objects of Act).	81
	8	Objects of Act.	81
85		Amendment of s 9 (Definitions)	82
86		Omission of pts 2 and 3	82
87		Replacement of pt 4, hdg (Obligations of registrants and other persons)	82
88		Omission of pt 4, divs 1 to 6.	82
89		Omission pt 4, div 6A, hdg (Ownership of pharmacy business)	83
90		Amendment of s 139A (Definitions)	83
91		Amendment of s 139B (Restriction on who may own pharmacy business)	83
92		Amendment of s 139C (Registrant whose registration is suspended or cancelled may own pharmacy business for limited period)	84
93		Amendment of s 139D (Person who stops being registrant's spouse may continue as director or shareholder for limited period)	84
94		Amendment of s 139E (Executor, administrator or trustee of registrant's estate may own pharmacy business for limited period)	85
95		Amendment of s 139G (Trustee, liquidator, receiver or administrator does not commit offence against s 139B).	85
96		Amendment of s 139H (Restriction on number of pharmacy businesses in which a person may have beneficial interest)	85
97		Omission of pt 4, div 7, hdg (Other provisions)	86
98		Omission of s 140 (Payment, or acceptance of payment, for referrals prohibited)	86

Contents

99	Amendment of s 141 (Pharmacy business to be carried on under supervision of registrant)	86
100	Insertion of new ss 141A and 141B	86
	141A Notification of change of ownership of a pharmacy business	86
	141B Notification of change of ownership particulars of a pharmacy business	87
101	Renumbering of pts 4 and 5	87
102	Replacement of s 145 (Appointments)	88
	145 Appointment and qualifications	88
103	Amendment of s 146 (Appointment conditions)	88
104	Amendment of s 147 (Identity cards)	88
105	Amendment of s 148 (Failure to return identity card)	88
106	Amendment of s 167 (Dealing with forfeited things etc.)	89
107	Amendment of s 176 (Compensation)	89
108	Omission of pt 6, hdg (Reviews by QCAT)	89
109	Replacement of s 181 (Who may apply for a review)	89
	181 Review of decision by QCAT	89
110	Omission of s 182 (Particular matters relating to powers of QCAT)	89
111	Renumbering of pt 7 (Legal proceedings)	90
112	Replacement of ss 187 and 188	90
	187 Appointments and authority	90
	188 Signatures	90
113	Amendment of s 189 (Evidentiary provisions)	90
114	Replacement of s 190 (Indictable and summary offences)	91
	190 Summary offences	91
115	Omission of ss 191 and 192	91
116	Omission of s 195 (Penalties to be paid to board)	91
117	Replacement of pts 8 to 10	91
	Part 5 Miscellaneous	
	198 Protecting officials from liability	91
	199 Approval of forms	92
	200 Delegation by chief executive	92
	201 Disclosure of documents or information to the Pharmacy Board of Australia	92
	202 Regulation-making power	93

	Part 6	Transitional provisions for the Health Legislation (Health Practitioner Regulation National Law) Amendment Act 2010	
	203	Definitions	93
	204	Records relating to pharmacy businesses	94
	205	Offences	94
	206	Inspectors appointed under pre-amended Act	94
118		Insertion of new s 208A	94
	208A	Disclosure of documents or information relating to ownership of pharmacy businesses	95
119		Replacement of schs 1 and 4	95
	Schedule	Dictionary	
Part 10		Amendment of Queensland Institute of Medical Research Act 1945	
120		Act amended	97
121		Amendment of s 9 (Council may carry out agreements)	97
122		Amendment of s 10 (Director and Deputy Director of Institute) . .	98
Part 11		Repeal and amendment of other Acts	
Division 1		Repeals	
123		Repeals	98
Division 2		Amendment of other Acts	
124		Acts amended in schedule	99
Schedule		Acts amended	100
		Acts Interpretation Act 1954	100
		Ambulance Service Act 1991	100
		Births, Deaths and Marriages Registration Act 2003	102
		Chemical Usage (Agricultural and Veterinary) Control Act 1988 .	102
		Child Protection Act 1999	103
		Commission for Children and Young People and Child Guardian Act 2000	104
		Coroners Act 2003	104
		Corrective Services Act 2006	105
		Criminal Law Amendment Act 1945	105
		Dangerous Prisoners (Sexual Offenders) Act 2003	106
		Dental Technicians and Dental Prosthetists Registration Act 2001	106
		Disability Services Act 2006	119
		Disaster Management Act 2003	119

Contents

Drugs Misuse Act 1986	121
Education (General Provisions) Act 2006.	121
Explosives Act 1999.	121
Guardianship and Administration Act 2000	122
Health Act 1937	122
Health Practitioners (Professional Standards) Act 1999	124
Health Practitioner Registration Boards (Administration) Act 1999	125
Health Practitioners (Special Events Exemption) Act 1998	125
Health Quality and Complaints Commission Act 2006.	126
Health Services Act 1991	130
Industrial Relations Act 1999	131
Jury Act 1995	132
Law Reform Act 1995.	132
Liquor Act 1992	132
Mental Health Act 2000	133
Medical Radiation Technologists Registration Act 2001.	134
Occupational Therapists Registration Act 2001	135
Personal Injuries Proceedings Act 2002.	137
Police Powers and Responsibilities Act 2000.	138
Police Service Administration Act 1990	138
Prostitution Act 1999	139
Public Health Act 2005	140
Public Safety Preservation Act 1986	141
Public Service Act 2008	142
Radiation Safety Act 1999	143
Speech Pathologists Registration Act 2001	144
Transplantation and Anatomy Act 1979	145
Transport Operations (Road Use Management) Act 1995.	147
Victims of Crime Assistance Act 2009	148
Weapons Act 1990.	149
Worker’s Compensation and Rehabilitation Act 2003	150



Queensland

Health Legislation (Health Practitioner Regulation National Law) Amendment Act 2010

Act No. 14 of 2010

An Act to provide for the implementation of a national law to establish a national registration and accreditation scheme for health practitioners and to amend the Queensland Institute of Medical Research Act 1945, and the Acts mentioned in the schedule, for particular purposes

[Assented to 21 April 2010]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Health Legislation (Health Practitioner Regulation National Law) Amendment Act 2010*.

2 Commencement

This Act, other than the following provisions, commences on 1 July 2010—

- (a) section 118; and
- (b) parts 8 and 10.

Part 2 Amendment of Ambulance Service Act 1991

3 Act amended

This part and the schedule amend the *Ambulance Service Act 1991*.

4 Amendment of s 36L (Definitions for div 5)

Section 36L—

insert—

‘excluded notifiable conduct, for a registered health practitioner, means the practitioner has—

-
- (a) practised the practitioner's profession while intoxicated by alcohol or drugs; or
 - (b) practised the practitioner's profession in a way that constitutes a significant departure from accepted professional standards but not in a way that placed the public at risk of substantial harm; or
 - (c) engaged in sexual misconduct in connection with the practice of the practitioner's profession.

impairment see the Health Practitioner Regulation National Law (Queensland), section 5.

National Agency see the Health Practitioner Regulation National Law (Queensland), section 5.

public risk notifiable conduct, for a registered health practitioner, means the practitioner has—

- (a) placed the public at risk of substantial harm in the practitioner's practice of the profession because the practitioner has an impairment; or
- (b) placed the public at risk of substantial harm because the practitioner has practised the profession in a way that constitutes a significant departure from accepted professional standards.

registered health practitioner means an individual who—

- (a) is registered under the Health Practitioner Regulation National Law to practise a health profession, other than as a student; or
- (b) holds non-practising registration under the Health Practitioner Regulation National Law in a health profession.'.

5 Amendment of s 36M (Disclosure of information—RCA team member or relevant person)

Section 36M(1)—

insert—

[s 6]

‘(d) if the person is a registered health practitioner—notifying the National Agency about information in relation to a reasonable belief of the person that another registered health practitioner has behaved in a way that constitutes public risk notifiable conduct.’.

6 Insertion of new s 36NA

After section 36N—

insert—

‘36NA Information about excluded notifiable conduct

- ‘(1) This section applies for the purpose of the Health Practitioner Regulation National Law (Queensland), section 141(4)(d).
- ‘(2) An RCA team is an approved body under this Act.
- ‘(3) Subsection (4) applies if—
- (a) a person is or was a member of an RCA team; and
 - (b) the person is a registered health practitioner; and
 - (c) the person forms a reasonable belief that another registered health practitioner has behaved in a way that constitutes excluded notifiable conduct; and
 - (d) the information that forms the basis of the reasonable belief was acquired while the person was exercising functions as a member of the RCA team.
- ‘(4) The person must not disclose the information that forms the basis of the reasonable belief.’.

7 Amendment of sch (Dictionary)

Schedule—

insert—

‘*excluded notifiable conduct*, for part 4A, division 5, see section 36L.

impairment, for part 4A, division 5, see section 36L.

National Agency, for part 4A, division 5, see section 36L.

public risk notifiable conduct, for part 4A, division 5, see section 36L.

registered health practitioner, for part 4A, division 5, see section 36L.’.

Part 3

Amendment of Dental Technicians and Dental Prosthetists Registration Act 2001

8 Act amended

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

9 Amendment of long title

Long title, ‘and dental prosthetists,’—
omit.

10 Amendment of s 1 (Short title)

Section 1, ‘*and Dental Prosthetists*’—
omit.

11 Amendment of s 7 (Objects of Act)

- (1) Section 7, ‘professions’—
omit, insert—
‘profession’.

[s 12]

- (2) Section 7(2)(a), ‘and Dental Prosthetists’—
omit.

12 Amendment of s 124 (Notification of certain events to interstate regulatory authorities and other entities)

- (1) Section 124(2), after ‘event to’—
insert—
‘the National Agency and’.
- (2) Section 124(3)(b), ‘State’—
omit.
- (3) Section 124(3)(g), ‘the Health Insurance Commission’—
omit, insert—
‘Medicare Australia’.
- (4) Section 124(6), definition *state regulatory authorities*—
omit.
- (5) Section 124(6)—
insert—
‘**National Agency** see Health Practitioner Regulation National Law (Queensland), section 5.
regulatory authorities means boards established under the health practitioner registration Acts.’.

13 Insertion of new pt 10, div 4

Part 10—

insert—

**‘Division 4 Transitional provisions for Health
Legislation (Health Practitioner
Regulation National Law)
Amendment Act 2010**

‘241 Definitions for div 4

‘In this division—

commencement means commencement of this section.

pre-amended Act means this Act as in force from time to time before the commencement.

‘242 Membership of board

‘(1) From the commencement, the board consists of the existing members.

‘(2) If an existing member was nominated under the pre-amended Act, section 16(b), the existing member holds office as a member until 1 July 2010 unless his or her membership ends earlier under this Act.

‘(3) This section has effect despite sections 15 to 18 and 20.

‘(4) In this section—

existing member means a person who, immediately before the commencement, held office as a member of the former board.

former board means the Dental Technicians and Dental Prosthetists Board of Queensland under the pre-amended Act.

[s 14]

‘243 Change of name does not affect legal personality

- ‘(1) The change of name of the board from the ‘Dental Technicians and Dental Prosthetists Board of Queensland’ to the ‘Dental Technicians Board of Queensland’ does not—
- (a) affect the board’s legal personality or identity; or
 - (b) affect a right, entitlement, benefit or liability of the board or anyone else; or
 - (c) make legal proceedings by or against the board defective.
- ‘(2) In addition, but without limiting subsection (1), a legal proceeding that could have been started or continued by or against the board under its former name may be started or continued by or against it under its new name.

‘244 References to Dental Technicians and Dental Prosthetists Board

‘A reference in an Act or document to the Dental Technicians and Dental Prosthetists Board of Queensland may, if the context permits, be taken as a reference to the Dental Technicians Board of Queensland.’.

Part 4 Amendment of Health Practitioner Regulation National Law Act 2009

14 Act amended

This part amends the *Health Practitioner Regulation National Law Act 2009*.

15 Insertion of new s 9A

After section 9—

insert—

‘9A Transitional regulation-making power

- ‘(1) A regulation (a *transitional regulation*) may make provision about a matter for which—
- (a) it is necessary to make provision to allow or facilitate the change from the operation of a law of the State relating to health practitioners to the operation of the Health Practitioner Regulation National Law; and
 - (b) this Act does not make provision or sufficient provision.

Example for paragraph (a)—

A transitional regulation may provide for a National Board for a health profession to continue and decide an application under the *Right to Information Act 2009* that was made to an abolished local registration authority.

- ‘(2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences.
- ‘(3) A transitional regulation must declare it is a transitional regulation.
- ‘(4) This section and any transitional regulation expires on 30 June 2013.’.

16 Amendment of schedule (Health Practitioner Regulation National Law)

Schedule, section 150(5), ‘, conciliation or other action’—

omit, insert—

‘or other action, other than conciliation,’.

insert—

‘, other than part 12A.’

21 Replacement of pt 1, div 2, hdg (Objects)

Part 1, division 2, heading—

omit, insert—

‘Division 2 Main objects of this Act’.

22 Amendment of s 6 (Objects of Act)

(1) Section 6, heading, ‘Objects’—

omit, insert—

‘Main objects’.

(2) Section 6, after ‘The’—

insert—

‘main’.

23 Amendment of s 7 (How objects are to be primarily achieved)

(1) Section 7, heading, ‘objects’—

omit, insert—

‘main objects of this Act’.

(2) Section 7, ‘objects’—

omit, insert—

‘main objects of this Act’.

24 Amendment of s 12 (Delegation of certain powers)

(1) Section 12(2), ‘, other than the medical board,’—

omit.

[s 25]

- (2) Section 12(3)—
omit.
- (3) Section 12(4), second definition *appropriately qualified*—
omit.
- (4) Section 12(4)—
renumber as section 12(3).

25 Omission of pt 2, div 3, sdiv 1A (Preliminary)

Part 2, division 3, subdivision 1A—
omit.

26 Amendment of s 18 (Restrictions on membership of panel)

Section 18(1A)—
omit.

27 Amendment of s 23 (Appointment of secretary)

- (1) Section 23(2)(a), after ‘board’—
insert—
‘or national board’.
- (2) Section 23(2)(c), ‘office (medical)’—
omit, insert—
‘National Agency’.

28 Amendment of s 25 (Functions of secretary)

Section 25(g), ‘or executive officer (medical)’—
omit.

29 Omission of pt 2, div 4, sdiv 1 (Constitution of tribunal)

Part 2, division 4, subdivision 1—

omit.

30 Renumbering of pt 2, div 4, sdiv 2 (Functions of tribunal)

Part 2, division 4, subdivision 2—

renumber as part 2, division 4, subdivision 1.

31 Renumbering of pt 2, div 4, sdiv 3 (Assessors)

Part 2, division 4, subdivision 3—

renumber as part 2, division 4, subdivision 2.

32 Amendment of s 39 (Panels of assessors)

Section 39(b)(i) to (xiii)—

omit, insert—

- ‘(i) a dental technicians panel of assessors;
- (ii) a medical radiation technologists panel of assessors;
- (iii) an occupational therapists panel of assessors;
- (iv) a speech pathologists panel of assessors.’.

33 Amendment of s 40A (Temporary appointment of panel of assessors)

Section 40A(1)(a) and (b), after ‘secretary or’—

insert—

‘principal’.

[s 34]

34 Amendment of s 41 (Disqualification from membership of panel of assessors)

(1) Section 41(a)(iii), from ‘under’—

omit, insert—

‘under—

(A) the law of another State or a foreign country that corresponds to a health practitioner registration Act; or

(B) the National Law or a law of a foreign country that corresponds to the National Law; or’.

(2) Section 41(b)(iii), after ‘another State’—

insert—

‘, other than under the National Law,’.

(3) Section 41—

insert—

‘(2) In this section—

board includes a national board.

registrant includes an NRAS registrant.

registrant’s board, in relation to an NRAS registrant, means the NRAS registrant’s board.

registration, in relation to an NRAS registrant, means registration under the National Law.’.

35 Amendment of s 42 (Procedure for recommending members of panels of assessors)

(1) Section 42(1)(b), ‘section 41(a)’—

omit, insert—

‘section 41(1)(a)’.

(2) Section 42(2)(e), ‘section 41(b)’—

omit, insert—

‘section 41(1)(b)’.

36 Amendment of s 45 (Vacation of office)

Section 45(2)(b), example, after ‘this Act’—

insert—

‘or the National Law’.

37 Amendment of s 73 (Who may be appointed as investigator)

Section 73(b) and (c)—

omit, insert—

‘(b) the executive officer;

(c) if the executive officer agrees—a member of the office’s staff the board considers has the necessary expertise or experience to be an investigator;’.

38 Replacement of s 76 (Failure to return identity card)

Section 76—

omit, insert—

‘76 Failure to return identify card

‘A person who ceases to be an investigator must give the person’s identity card to the executive officer within 7 days after the person ceases to be an investigator, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.’.

39 Amendment of s 98 (Dealing with forfeited things etc.)

(1) Section 98(1), from ‘by’—

omit, insert—

[s 40]

‘by the executive officer as the executive officer considers appropriate.’

- (2) Section 98(2), ‘or executive officer (medical)’—
omit.

40 Amendment of s 213 (Allocation of matters and constitution of the tribunal)

- (1) Section 213(2), ‘a’—
omit, insert—
‘1’.

- (2) Section 213(3)—
omit.

41 Amendment of s 217 (Compulsory conference)

- (1) Section 217(1), ‘holds’—
omit, insert—
‘directs the parties to a disciplinary proceeding to attend’.

- (2) Section 217—
insert—

‘(3) At the end of the compulsory conference, the person presiding over the conference must advise the parties to the proceeding of their rights to object to an assessor who took part in the conference assisting the tribunal in a hearing of the proceeding.

‘(4) A party may object to an assessor who took part in the compulsory conference assisting the tribunal in a hearing of the proceeding.

‘(5) An objection under subsection (4), must be filed in the QCAT registry—

- (a) within 2 business days after the compulsory conference ends; or

- (b) if the hearing of the proceeding is to start before the end of the period mentioned in paragraph (a), before the start of the hearing.
- ‘(6) An assessor who took part in the compulsory conference—
- (a) may disqualify himself or herself from assisting the tribunal in a hearing of the proceeding, whether or not an objection is filed; and
 - (b) must not assist the tribunal in a hearing of the proceeding if a party objects to the person assisting the tribunal in a hearing of the proceeding.’.

42 Amendment of s 219 (Procedure for hearing by tribunal)

Section 219(a)(iii)—

omit.

43 Amendment of s 263 (Records to be kept and made publicly available)

- (1) Section 263(1)(a), ‘, other than the medical board’—

omit.

- (2) Section 263(1)(b)—

omit.

- (3) Section 263(1)(c) and (d)—

renumber as section 263(1)(b) and (c).

- (4) Section 263(3), from ‘subsection (1)’—

omit, insert—

‘subsection (1) to the executive officer within 7 days after notice of the decision is given to the registrant to whom the disciplinary proceedings related.’.

- (5) Section 263(4) and (6), ‘or executive officer (medical)’—

omit.

[s 44]

(6) Section 263(6)(a), ‘or office (medical)’—
omit.

(7) Section 263(7)(a), ‘or executive officer (medical)’—
omit.

44 Amendment of s 337 (Decisions that may be reviewed)

(1) Section 337(e), ‘section 336’—
omit, insert—
‘section 331’.

(2) Section 337(f), ‘section 353(2)’—
omit, insert—
‘section 353(1)’.

45 Amendment of s 358 (Who may be appointed as inspector)

Section 358(1)(b) and (c)—
omit, insert—

‘(b) the executive officer;

(c) if the executive officer agrees—a member of the office’s staff the board considers has the necessary expertise or experience to be an inspector;’.

46 Amendment of s 361 (Failure to return identity card)

Section 361(a) to (c)—
omit, insert—

‘(a) if the person is the secretary—to the chief executive within 7 days after the person ceases to be the secretary, unless the person has a reasonable excuse; or

- (b) otherwise—to the executive officer within 7 days after the person ceases to be an inspector, unless the person has a reasonable excuse.’.

47 Amendment of s 367B (Appointments and authority)

- (1) Section 367B(2), definition *relevant person*, paragraph (g)—
omit.
- (2) Section 367B(2), definition *relevant person*, paragraphs (h) to (k)—
renumber as paragraphs (g) to (j).

48 Amendment of s 367C (Signatures)

- Section 367C, from ‘officer,’ to ‘(medical) is’—
omit, insert—
‘officer or a member of the staff of the office is’.

49 Amendment of s 367D (Evidentiary provisions)

- Section 367D(1), ‘or executive officer (medical)’—
omit.

50 Amendment of s 375 (Inspection of code etc.)

- (1) Section 375(1)—
omit.
- (2) Section 375(2), ‘, other than the medical board,’—
omit.
- (3) Section 375(2) and (3)—
renumber as section 375(1) and (2).

[s 51]

51 Omission of pt 12, div 2A (Provisions about certain registrants)

Part 12, division 2A—

omit.

52 Amendment of s 382 (Board member, executive officer or executive officer (medical) may give chief executive certain information)

(1) Section 382, heading, from ‘, executive’ to ‘(medical)’—

omit, insert—

‘or executive officer’.

(2) Section 382(1), ‘or executive officer (medical)’—

omit.

(3) Section 382(2), from ‘, executive’ to ‘(medical)’—

omit, insert—

‘or executive officer’.

53 Amendment of s 386A (Protection of officials from liability)

(1) Section 386A(2)(f)—

omit.

(2) Section 386A(3), definition *official*, paragraph (g), ‘or executive officer (medical)’—

omit.

54 Amendment of s 392 (Confidentiality)

(1) Section 392—

insert—

‘(1A) However, this section applies to an NRAS relevant person only in relation to information that is not protected

information within the meaning of the National Law (Queensland), section 214.

Note—

See the National Law (Queensland), part 10, division 2 for maintaining confidentiality of protected information within the meaning of section 214 of that Law.’.

- (2) Section 392(3)(a), ‘or a health’ to ‘registration Act’—
omit, insert—
‘, a health practitioner registration Act or the National Law’.
- (3) Section 392(3)(b), after ‘disciplinary body’—
insert—
‘or an NRAS disciplinary body’.
- (4) Section 392(3)(c)—
omit.
- (5) Section 392(3)(e), ‘this Act or another Act’—
insert—
‘an Act or the National Law’.
- (6) Section 392(3)(i), from ‘disciplinary’ to ‘the tribunal’—
omit, insert—
‘tribunal proceedings under part 9 or 12A’.
- (7) Section 392(3)(j), after ‘a board’s’—
insert—
‘or national board’s’.
- (8) Section 392(3)(k), ‘paragraph (l)’—
omit, insert—
‘paragraph (k)’.
- (9) Section 392(3)(d) to (l)—
renumber as section 392(3)(c) to (k).
- (10) Section 392(4), from ‘subsection (3)(j)’ to ‘registrant’—

[s 54]

omit, insert—

‘subsection (3)(k) about a matter concerning a registrant or NRAS registrant’.

- (11) Section 392(5), definition *relevant person*, paragraph (a), after board—

insert—

‘or former board’.

- (12) Section 392(5), definition *relevant person*, paragraph (j)—

omit, insert—

‘(j) the former executive officer (medical) or a member of the staff of the former office (medical); or’.

- (13) Section 392(5)—

insert—

‘**assessor** includes a person chosen, under part 12A, division 4, subdivision 3, by the principal registrar from a panel of assessors mentioned in section 398ZL to assist the tribunal in proceedings under part 12A.

former executive officer (medical) means the executive officer appointed under the repealed *Medical Board (Administration) Act 2006* before its repeal.

former office (medical) means the Office of the Medical Board of Queensland that was established under the repealed *Medical Board (Administration) Act 2006* before its repeal.

NRAS relevant person means a relevant person carrying out functions under part 12A.

panel of assessors includes a professional panel of assessors mentioned in section 398ZL.

registrant’s board, in relation to an NRAS registrant, means the NRAS registrant’s board.’.

55 Insertion of new s 392A

After section 392—

insert—

‘392A Disclosure to protect health or safety of patients or other persons

- ‘(1) This section applies if a board reasonably believes that—
- (a) a registered health practitioner poses, or may pose, a risk to public health; or
 - (b) the health or safety of a patient or a class of patients is or may be at risk because of a registered health practitioner’s practice as a health practitioner.
- ‘(2) The board may give written notice of the risk and any relevant information about the registered health practitioner to an entity of the Commonwealth or of a State that the board considers may be required to take action in relation to the risk.’.

56 Insertion of new pt 12A

After section 398—

insert—

‘Part 12A Provisions about particular proceedings relating to NRAS registrants

‘Division 1 Preliminary

‘398A Explanation of pt 12A

- ‘(1) This part provides for particular matters about particular tribunal proceedings relating to an NRAS registrant.

[s 56]

‘(2) The National Law (Queensland) provides for proceedings relating to an NRAS registrant to be brought before the tribunal.

Note—

See the National Law (Queensland), sections 193 and 199.

‘(3) Section 398D also provides for proceedings relating to an NRAS registrant to be brought before the tribunal.

‘(4) This part also provides for particular matters about appeals to the Court of Appeal against decisions of the tribunal in proceedings mentioned in subsection (2) or (3).

‘398B Definitions for pt 12A

‘In this part—

assessor means a person chosen, under division 4, subdivision 3, by the principal registrar from a panel of assessors to assist the tribunal.

health, conduct or performance action has the meaning it has under the National Law (Queensland).

notification means notification under the National Law.

notifier means a person who makes a notification to the National Agency under the National Law.

NRAS disciplinary matter means—

- (a) a matter referred to the tribunal under the National Law (Queensland), section 193; or
- (b) a review of a reviewable decision under the National Law (Queensland), part 8, division 13; or
- (c) a review of a tribunal review decision under division 3.

NRAS disciplinary proceeding means a proceeding before the tribunal for an NRAS disciplinary matter.

panel of assessors means a panel of assessors mentioned in section 398ZL.

professional panel of assessors means a panel of assessors mentioned in section 398ZL(2).

reviewable decision means a decision mentioned in the National Law (Queensland), section 199(1) that is made under part 8 of that Law.

tribunal review decision see section 398D(1).

‘Division 2 Jurisdiction of tribunal

‘398C Jurisdiction of tribunal conferred by National Law (Queensland)

- ‘(1) Under the National Law (Queensland), the tribunal is given jurisdiction—
- (a) to hear matters referred by a national board under the National Law (Queensland), section 193; and
 - (b) to review reviewable decisions under the National Law (Queensland), section 199.

Notes—

1 The National Law (Queensland), section 199 refers to appeals against decisions mentioned in it. However, references to appeals in the National Law (Queensland) are taken to be references to reviews. See the *Health Practitioner Regulation National Law Act 2009*, section 9.

2 The National Law (Queensland), section 199 also confers jurisdiction on the tribunal to review other decisions.

- ‘(2) For the QCAT Act, this part is taken to be an enabling Act that confers the jurisdiction mentioned in subsection (1) on the tribunal.
- ‘(3) Subsection (2) applies even though it is the National Law (Queensland) that confers the jurisdiction on the tribunal and, on that basis, is also an enabling Act for the QCAT Act.

[s 56]

‘398D Jurisdiction of tribunal conferred by this part

- ‘(1) The tribunal has jurisdiction to review, in its original jurisdiction, each of the following decisions (each a *tribunal review decision*) of the tribunal—
- (a) a decision under the National Law (Queensland), section 196(1)(b)(iv) that an NRAS registered health practitioner has an impairment within the meaning of that Law;
 - (b) a decision under the National Law (Queensland), section 196(2)(b) to impose a condition on an NRAS registered health practitioner’s registration under that Law;
 - (c) a decision under the National Law (Queensland), section 197(1)(a) that an NRAS student has an impairment within the meaning of that Law;
 - (d) a decision under the National Law (Queensland), section 197(2)(a) to impose a condition on an NRAS student’s registration under that Law;
 - (e) a decision under the National Law (Queensland), section 202 to confirm, amend or substitute a reviewable decision;
 - (f) a decision under division 3 if the decision is of a type mentioned in paragraph (a) to (e).
- ‘(2) The tribunal also has jurisdiction to review, in its original jurisdiction, a decision that is a tribunal review decision under section 398ZK(1).
- ‘(3) If the tribunal makes a decision mentioned in subsection (1) in relation to an NRAS registrant, the tribunal must state a period, not more than 3 years from the day the decision takes effect, within which the registrant may not apply for a review of the decision under division 3.

Note—

See section 398ZK(2) in relation to the period within which the registrant may not apply, under division 3, for a review of a decision mentioned in subsection (2).

‘398E Exercising jurisdiction concurrently

- ‘(1) The tribunal may start or continue an NRAS disciplinary proceeding relating to an NRAS registrant despite a proceeding before any court or another tribunal, unless a court or tribunal with the necessary jurisdiction orders otherwise.
- ‘(2) The tribunal may deal with more than 1 NRAS disciplinary matter relating to the same NRAS registrant in the same NRAS disciplinary proceeding.
- ‘(3) If, during an NRAS disciplinary proceeding, it appears to the tribunal that another NRAS disciplinary matter relating to the NRAS registrant exists in addition to the matter the subject of the proceeding, the tribunal may deal with it in the same proceeding.
- ‘(4) If the tribunal decides to deal with an additional NRAS disciplinary matter under subsection (3), the tribunal—
 - (a) if the NRAS registrant agrees—may continue with the NRAS disciplinary proceeding or adjourn the proceeding for a particular period; or
 - (b) otherwise—must adjourn the NRAS disciplinary proceeding for the period it considers fair in the circumstances before continuing with the proceeding.

**‘Division 3 Applying for review of tribunal
review decision, and decisions
tribunal may make**

‘398F NRAS registrant may apply for review

- ‘(1) The NRAS registrant to whom a tribunal review decision relates may have the decision reviewed by the tribunal.
- ‘(2) However, the NRAS registrant may not have the decision reviewed by the tribunal—
 - (a) during the following period—

[s 56]

- (i) for a decision mentioned in section 398D(1)—the period stated by the tribunal under section 398D(3); or
 - (ii) for a decision the Court of Appeal decides is a tribunal review decision under section 398ZK(1)—the period stated in the Court of Appeal’s decision under section 398ZK(2); or
- (b) while an appeal to the Court of Appeal against the decision is pending.

‘398G How application is made

‘An application for the review of a tribunal review decision must—

- (a) be made as provided under the QCAT Act; and
- (b) state—
 - (i) that the NRAS registrant believes the decision is no longer appropriate; and
 - (ii) the reasons for the NRAS registrant’s belief.

‘398H Powers of tribunal on review

‘(1) After reviewing a tribunal review decision, the tribunal must decide—

- (a) to confirm the tribunal review decision; or
- (b) to set aside the tribunal review decision; or
- (c) to change the tribunal review decision in the way the tribunal considers appropriate; or
- (d) to set aside the tribunal review decision and replace it with another decision.

‘(2) For subsection (1)(c) or (d), the tribunal may only make a decision it could have made—

- (a) at the time the tribunal review decision was made; or

- (b) for a tribunal review decision the Court of Appeal decides is a tribunal review decision under section 398ZK(1)—at the time the tribunal’s decision the subject of the appeal before the court was made.

‘Division 4 Procedures etc. applying to all NRAS disciplinary proceedings

‘Subdivision 1 Preliminary

‘398I Application of div 4

‘This division applies to an NRAS disciplinary proceeding.

‘398J Definition for div 4

‘In this division—

relevant decision-making provision means—

- (a) for a proceeding for a matter about an NRAS registered health practitioner referred by a national board under the National Law (Queensland), section 193—the National Law (Queensland), section 196; or
- (b) for a proceeding for a matter about an NRAS student referred by a national board under the National Law (Queensland), section 193—the National Law (Queensland), section 197; or
- (c) for a proceeding for the review of a reviewable decision—the National Law (Queensland), section 202; or
- (d) for a proceeding for the review of a tribunal review decision—section 398H.

[s 56]

‘Subdivision 2 Constitution of tribunal

‘398K Constitution of the tribunal

‘The tribunal must be constituted by 1 judicial member.

‘Subdivision 3 Assessors

‘398L Tribunal to be assisted by assessors

- ‘(1) In conducting a hearing of an NRAS disciplinary proceeding relating to an NRAS registrant, the tribunal must be assisted by—
- (a) 1 assessor chosen by the principal registrar from the public panel of assessors; and
 - (b) 2 assessors chosen by the principal registrar from—
 - (i) the professional panel of assessors for the NRAS registrant’s profession; or
 - (ii) if the NRAS registrant is registered in more than 1 profession—the panel of assessors for the profession to which the NRAS disciplinary matter the subject of the proceeding relates.
- ‘(2) Despite subsection (1), the tribunal may conduct a hearing of an NRAS disciplinary proceeding without the assistance of assessors if the tribunal is satisfied it is necessary because of the urgency of the matter.

‘398M Choosing assessors generally

- ‘(1) As soon as practicable after the relevant document for an NRAS disciplinary proceeding is filed in the QCAT registry, the principal registrar must choose assessors to assist the tribunal in a hearing of the proceeding.
- ‘(2) In this section—

relevant document, for an NRAS disciplinary proceeding, means—

- (a) for a proceeding for a matter referred by a national board under the National Law (Queensland), section 193—the document referring the matter to the tribunal; or
- (b) for a proceeding for the review of a reviewable decision—the application for the review; or
- (c) for a proceeding for the review of a tribunal review decision—the application for the review.

‘398N Particular persons not eligible to be assessors in an NRAS disciplinary proceeding

- ‘(1) A person is not eligible to be an assessor for a hearing of an NRAS disciplinary proceeding if the person was a member of a national panel that made a decision relating to the NRAS disciplinary matter being heard, including, for example, a decision under the National Law (Queensland), section 190 requiring the national board that established the panel to refer the matter to the tribunal.
- ‘(2) Before choosing an assessor to assist the tribunal in a hearing of an NRAS disciplinary proceeding, the principal registrar must be satisfied the assessor does not have a personal or professional connection with the NRAS registrant to whom the proceeding relates that may prejudice the way in which the assessor performs the assessor’s functions in the hearing.

‘398O Requirement about gender balance

- ‘(1) This section applies if—
 - (a) an NRAS disciplinary proceeding before the tribunal relates to a notification to a national board made by a user of a service provided by an NRAS registrant, or an entity acting on behalf of a user of a service provided by an NRAS registrant; and

[s 56]

(b) the constituting member is not the same gender as the user.

‘(2) However, this section does not apply if the notification is a complaint accepted by a former board under section 50(2) before the commencement of this section.

Note—

Under the National Law (Queensland), sections 288 and 289, complaints made to a former board under this Act before the commencement are taken to be notifications made to a national board.

‘(3) In choosing assessors to assist the tribunal in the hearing of the NRAS disciplinary proceeding, the principal registrar must ensure at least 1 of the assessors is the same gender as the user.

‘398P Choosing assessors if specialist and technical issues involved

‘(1) A national board that refers a matter to the tribunal under the National Law (Queensland), section 193 must, at the time of the referral—

(a) advise the principal registrar whether the matter is likely to raise issues of a specialist or technical nature; and

(b) if the matter is likely to raise issues of a specialist or technical nature, advise the principal registrar of the desirable professional background or skills of the assessors to be chosen from the professional panel of assessors.

‘(2) The principal registrar must have regard to the national board’s advice under subsection (1) when choosing the assessors to assist the tribunal in the hearing of the NRAS disciplinary proceeding for the matter.

‘398Q Function of assessors in compulsory conference

‘(1) This section applies if the tribunal directs the parties to an NRAS disciplinary proceeding to attend a compulsory conference under the QCAT Act.

-
- ‘(2) The assessors who are to assist the tribunal in a hearing of the proceeding may take part in the compulsory conference if the tribunal considers it is necessary or desirable for them to take part in the conference.
- ‘(3) At the end of the compulsory conference, the person presiding over the conference must advise the parties to the proceeding of their rights to object to an assessor who took part in the conference assisting the tribunal in a hearing of the proceeding.
- ‘(4) A party may object to an assessor who took part in the compulsory conference assisting the tribunal in a hearing of the proceeding.
- ‘(5) An objection under subsection (4), must be filed in the QCAT registry—
- (a) within 2 business days after the compulsory conference ends; or
 - (b) if the hearing of the proceeding is to start before the end of the period mentioned in paragraph (a), before the start of the hearing.
- ‘(6) An assessor who took part in the compulsory conference—
- (a) may disqualify himself or herself from assisting the tribunal in a hearing of the proceeding, whether or not an objection is filed; and
 - (b) must not assist the tribunal in a hearing of the proceeding if a party objects to the person assisting the tribunal in a hearing of the proceeding.

‘398R Functions and powers of assessors in hearing

- ‘(1) The function of an assessor in a hearing of an NRAS disciplinary proceeding is to advise the tribunal about questions of fact arising during the hearing of the proceeding.
- ‘(2) To enable an assessor to perform the assessor’s function, the assessor may, during the hearing—
- (a) ask questions of a witness before the tribunal; and

[s 56]

- (b) discuss any question of fact with a lawyer or other person appearing for a party at the hearing.

‘398S Member may have regard to assessor’s views

‘In deciding a question of fact before the tribunal in an NRAS disciplinary proceeding, the constituting member may have regard to the views of an assessor assisting the tribunal in the hearing of the proceeding as the member considers appropriate.

‘398T Procedure if member or assessor unable to take part in hearing

- ‘(1) This section applies if the tribunal has started to hear an NRAS disciplinary proceeding relating to an NRAS registrant but has not made its final decision and—
 - (a) the constituting member (the *first member*) ceases to be qualified to be a tribunal member or, for any other reason, is unable to take further part in the hearing; or
 - (b) an assessor assisting the tribunal in the hearing is, for any reason, unable to take further part in the hearing.
- ‘(2) If a new member is appointed, the assessors who assisted the first member may be chosen to assist the new member in the hearing.
- ‘(3) If an assessor is unable to take further part in a hearing of the NRAS disciplinary proceeding, the principal registrar must choose another assessor in the assessor’s place.
- ‘(4) The other assessor must be chosen from the same panel of assessors from which the previous assessor was chosen.

‘Subdivision 4 Hearings

‘398U Advice to be given by tribunal in a hearing

‘When conducting a hearing of an NRAS disciplinary proceeding, the tribunal must, if asked to do so by a party—

- (a) tell the party—
 - (i) the facts and circumstances forming the basis for the tribunal taking action under the relevant decision-making provision in relation to the NRAS registrant; and
 - (ii) what possible action the tribunal may take under the relevant decision-making provision; and
- (b) explain to the party any aspect of the tribunal’s procedures, or decisions or rulings, relating to the hearing.

‘398V Particular hearings to be held in private

‘(1) A hearing of an NRAS disciplinary proceeding for a impairment matter is not open to the public unless—

- (a) the tribunal reasonably believes it is in the public interest for it to be open to the public; or
- (b) the NRAS registrant asks for it to be open to the public.

‘(2) In this section—

impairment matter means—

- (a) a matter referred to the tribunal by a national board under the National Law (Queensland), section 193, if the referral is made on the ground that the NRAS registrant to whom it relates has or may have an impairment within the meaning of that Law; or
- (b) the review of a reviewable decision, if the decision is or appears to be made only on the ground that the NRAS registrant has or may have an impairment within the meaning of the National Law (Queensland); or

[s 56]

- (c) the review of a tribunal review decision, if the decision being reviewed is the tribunal's final decision in a proceeding for—
 - (i) a matter mentioned in paragraph (a); or
 - (ii) a review mentioned in paragraph (b).

'398W Tribunal may excuse NRAS registrant from attendance

'The tribunal may excuse an NRAS registrant from attending all or part of a hearing of an NRAS disciplinary proceeding relating to the registrant.

'398X Tribunal may exclude witnesses from hearing

- '(1) This section applies if a notifier or other witness is to give evidence to the tribunal in a hearing of an NRAS disciplinary proceeding.
- '(2) The tribunal may direct that the notifier or other witness be excluded from a part or all of the hearing until the notifier or witness gives evidence, if the tribunal reasonably believes the attendance of the notifier or witness before giving evidence would seriously prejudice the fairness of the hearing.

'Subdivision 5 Interim orders and evidence etc.

'398Y Interim orders

- '(1) This section applies if—
 - (a) the tribunal is hearing an NRAS disciplinary proceeding relating to an NRAS registrant; and
 - (b) the tribunal reasonably believes it is necessary to make an order (an *interim order*) exercising any power conferred on the tribunal under the relevant decision-making provision, pending its final decision.

-
- ‘(2) The tribunal may make the interim order.
 - ‘(3) The interim order must be the least onerous order the tribunal considers necessary in the circumstances.
 - ‘(4) For the interim order, the tribunal may direct the NRAS registrant’s board to include details of the order in the board’s register.
 - ‘(5) To remove any doubt, it is declared that the National Law (Queensland), sections 204 and 205 apply in relation to the interim order and the tribunal’s directions.

‘398Z Evidence and findings etc. in other proceedings may be received or adopted

‘In conducting an NRAS disciplinary proceeding, the tribunal may—

- (a) receive in evidence a transcript, or part of a transcript, of evidence taken in a proceeding before a disciplinary body or a court, tribunal or other entity constituted under the law of the State, the Commonwealth, another State or a foreign country, and draw conclusions of fact from the evidence that it considers appropriate; or
- (b) adopt, as it considers appropriate, decisions, findings, judgments, or reasons for judgment, of a disciplinary body, court, tribunal or other entity that may be relevant to the hearing.

‘Division 5 Additional procedures

‘398ZA Notice of hearing of proceeding for matter referred by national board

- ‘(1) This section applies if the tribunal intends to conduct a hearing of an NRAS disciplinary proceeding for a matter about an NRAS registrant referred to the tribunal under the National Law (Queensland), section 193.

[s 56]

- ‘(2) The principal registrar must give written notice (a *hearing notice*) of the tribunal’s intention to the following persons—
- (a) the NRAS registrant;
 - (b) the NRAS registrant’s board;
 - (c) the notifier, if the NRAS disciplinary proceedings relate to a notification;
 - (d) the commission.
- ‘(3) The hearing notice must state the following—
- (a) the ground for the tribunal making a decision under—
 - (i) for an NRAS registered health practitioner—the National Law (Queensland), section 196(1)(b); or
 - (ii) for an NRAS student—the National Law (Queensland), section 197(1)(a);
 - (b) the facts and circumstances forming the basis for the ground;
 - (c) the time and place of the hearing;
 - (d) that the NRAS registrant must attend the hearing in person unless excused by the tribunal;
 - (e) that a party may appear in person, or may have a lawyer or another person appear at the hearing on the party’s behalf;
 - (f) that the notifier, if any, may attend the hearing and be accompanied by a lawyer or another person, unless the tribunal directs that the notifier must not attend before giving evidence.
- ‘(4) The time for the hearing, as stated in the hearing notice, must be at least 14 days after the NRAS registrant receives the notice.

‘398ZB Notice of proceeding for review of reviewable decisions

- ‘(1) The principal registrar must, within 14 days after an NRAS registrant applies for a review of a reviewable decision, give written notice of the review to the commission.
- ‘(2) A notice given under subsection (1) must—
 - (a) state that an application for review of the reviewable decision has been made; and
 - (b) be accompanied by a copy of the application.

‘398ZC Particular procedures for proceeding for review of reviewable decisions

‘If an NRAS registrant applies for the review of a reviewable decision made under the National Law (Queensland), part 8, division 7 in relation to the NRAS registrant’s registration under that Law—

- (a) the tribunal must not grant a stay of the decision; and
- (b) the tribunal must finalise the review as quickly as possible.

‘398ZD Notice of proceeding for review of tribunal review decisions

- ‘(1) The principal registrar must, within 14 days after an NRAS registrant applies for a review of a tribunal review decision, give written notice of the review to the commission and the NRAS registrant’s board.
- ‘(2) A notice given under subsection (1) must—
 - (a) state that an application for review of the tribunal review decision has been made; and
 - (b) be accompanied by a copy of the application.

[s 56]

‘398ZE Particular procedures for proceedings for review of tribunal review decisions

- ‘(1) In conducting a review of a tribunal review decision, the tribunal may have regard to—
- (a) any evidence or other material considered by the tribunal in making the tribunal review decision; and
 - (b) any decisions, including the reasons for the decisions, made by the tribunal in making the tribunal review decision.
- ‘(2) Subsection (1) does not limit the matters to which the tribunal may have regard.

‘Division 6 Provisions about decisions

‘398ZF Notice of final decision of tribunal

- ‘(1) As soon as practicable after the tribunal makes its final decision in an NRAS disciplinary proceeding about an NRAS registrant, the principal registrar must give written notice of the decision to—
- (a) the parties to the proceeding; and
 - (b) the notifier, if the proceeding relates to a notification; and
 - (c) the commission.
- ‘(2) The notice must state the following—
- (a) the tribunal’s decision;
 - (b) the reasons for the decision, including the reasons for any health, conduct or performance action taken;
 - (c) the tribunal’s decisions on material questions of fact arising during the NRAS disciplinary proceeding;
 - (d) by reference or otherwise, any evidence or other material on which the tribunal’s decisions about material questions of fact were based;

-
- (e) the right the party has to appeal to the Court of Appeal against the decision under the QCAT Act;
 - (f) how to appeal;
 - (g) for a decision under the National Law (Queensland), section 196(2) or 197(2)—that the decision, or details of the decision, may, under the National Law (Queensland), section 225, be recorded in the NRAS registrant’s board’s register.
- ‘(3) The decision takes effect on the day the tribunal makes its decision or, if the tribunal’s decision is to take effect on a later day, on the later day.
- ‘(4) If the NRAS registrant or the registrant’s representative is not present when the tribunal makes its decision, the decision takes effect on the later of—
- (a) the day the notice is given to the registrant; or
 - (b) the day of effect stated in the notice.

‘398ZG Implementation of particular decisions

‘To remove any doubt, it is declared that the National Law (Queensland), sections 204 and 205 apply in relation to a decision of the tribunal in a review of a tribunal review decision.

‘Division 7 Appeals to Court of Appeal from decisions of tribunal

‘398ZH Purpose of div 7

‘This division provides for—

- (a) the decisions of the tribunal in an NRAS disciplinary proceeding that may be appealed against to the Court of

[s 56]

Appeal under the QCAT Act, chapter 2, part 8, division 2; and

- (b) particular matters in relation to the appeals.

'398ZI NRAS registrant or national board may appeal to Court of Appeal

- '(1) The NRAS registrant the subject of an appealable decision, or the registrant's board, may appeal to the Court of Appeal against the decision under the QCAT Act, chapter 2, part 8, division 2.
- '(2) However, an appeal under subsection (1) on a question of fact, or question of mixed law and fact, may be made only with the leave of the Court of Appeal.
- '(3) To remove any doubt, the QCAT Act, section 149 does not apply in relation to a decision of the tribunal in an NRAS disciplinary proceeding.
- '(4) In this section—
- appealable decision*** means—
- (a) a decision under the National Law (Queensland), section 196(1)(b) about an NRAS registered health practitioner; or
 - (b) a decision to take action under the National Law (Queensland), section 196(2) against an NRAS registered health practitioner; or
 - (c) a decision under the National Law (Queensland), section 197(1)(a) about an NRAS student; or
 - (d) a decision to take action under the National Law (Queensland), section 197(2) against an NRAS student; or
 - (e) a decision under section 398H; or
 - (f) a final decision in a proceeding for the review of a reviewable decision; or

-
- (g) a decision about costs in an NRAS disciplinary proceeding.

‘398ZJ Appellant to give notice of appeal to particular persons

- ‘(1) Within 14 days after appealing to the Court of Appeal against an appealable decision, the appellant must give a copy of the notice of appeal—
- (a) if the appellant is an NRAS registrant—to the NRAS registrant’s board and the commission; or
 - (b) if the appellant is an NRAS registrant’s board—to the NRAS registrant and the commission.
- ‘(2) If an NRAS registrant or a national board is given a copy of the notice under subsection (1), the registrant or board is the respondent for the appeal.

‘398ZK Court’s decision may be tribunal review decision

- ‘(1) In deciding an appeal against an appealable decision, the Court of Appeal may decide that its decision is a tribunal review decision under section 398D.
- ‘(2) If the court decides that its decision is a tribunal review decision, it must state a period in which the decision is not reviewable under division 3.

‘Division 8 General matters

‘398ZL Panel of assessors

- ‘(1) The public panel of assessors is also to be available for NRAS disciplinary proceedings.
- ‘(2) There is to be, for NRAS disciplinary proceedings, the following professional panel of assessors—
- (a) a chiropractors panel of assessors;

[s 57]

- (b) a dentists or dental auxiliaries panel of assessors;
 - (c) a dental prosthetists panel of assessors;
 - (d) a medical practitioners panel of assessors;
 - (e) a nursing and midwifery panel of assessors;
 - (f) an optometrists panel of assessors;
 - (g) an osteopaths panel of assessors;
 - (h) a pharmacists panel of assessors;
 - (i) a physiotherapists panel of assessors;
 - (j) a podiatrists panel of assessors;
 - (k) a psychologists panel of assessors.
- ‘(3) Sections 40 to 45 apply in relation to the appointment of members of a professional panel of assessors mentioned in subsection (2) subject to the following—
- (a) a reference in the sections to professional conduct review panels has no application in relation to the appointment of the members;
 - (b) a reference in the sections to the board for a profession is taken to be a reference to the national board for the profession;
 - (c) the reference in sections 40A(1)(a) and 42(4)(a) to advice received from a board under section 19(1) or 33(1) is taken to be a reference to advice received from a national board under section 398P(1).

‘398ZM Payment of assessors

‘An assessor assisting the tribunal in a hearing of an NRAS disciplinary proceeding is entitled to be paid the remuneration and allowances decided by the Governor in Council.’

57 Insertion of new pt 13, div 5

Part 13—

insert—

**‘Division 5 Provisions for Health Legislation
(Health Practitioner Regulation
National Law) Amendment Act 2010**

‘405L Definitions for div 5

‘In this division—

amending Act means the *Health Legislation (Health Practitioner Regulation National Law) Amendment Act 2010*.

commencement means the commencement of this section.

former board, in relation to the nursing and midwifery profession, includes the Queensland Nursing Council established under the repealed *Nursing Act 1992* before its repeal.

NRAS health profession means a profession mentioned in the National Law (Queensland), section 5, definition *health profession*, paragraph (c) to (e), (g), or (i) to (n).

repealed health practitioner registration Act means any of the following Acts as in force before the commencement—

- the repealed *Chiropractors Registration Act 2001*
- the repealed *Dental Practitioners Registration Act 2001*
- the repealed *Medical Practitioners Registration Act 2001*
- the repealed *Nursing Act 1992*
- the repealed *Optometrists Registration Act 2001*
- the repealed *Osteopaths Registration Act 2001*
- the *Pharmacy Business Ownership Act 2001*
- the repealed *Physiotherapists Registration Act 2001*
- the repealed *Podiatrists Registration Act 2001*
- the repealed *Psychologists Registration Act 2001*.

[s 57]

‘405M Existing professional panels of assessors

- ‘(1) An existing professional panel of assessors is, at the commencement, taken to be a professional panel of assessors of the same name under section 398ZL.
- ‘(2) Without limiting subsection (1), a person who was a member of an existing professional panel of assessors immediately before the commencement—
- (a) is, at the commencement, taken to be a member of a professional panel of assessors of the same name under section 398ZL; and
 - (b) holds the office—
 - (i) on the same terms and conditions that applied to the person under this Act as in force immediately before the commencement; and
 - (ii) until the day the person’s term of appointment under this Act as in force immediately before the commencement would have ended or the earlier day the person otherwise vacates the office under this Act.
- ‘(3) In this section—
- existing panel of assessors* means—
- (a) a professional panel of assessors under section 39(b)(i), (ii), (iv), (v), (vii), (viii), (ix), (x), (xi) or (xii) of this Act as in force immediately before the commencement; or
 - (b) a professional panel of assessors under the *Nursing Act 1992*, section 92 as in force immediately before the commencement.

‘405N Existing complaints and related proceedings and appeals

- ‘(1) This section provides for the application of the National Law (Queensland), section 289 to the following—
- (a) an existing complaint;

-
- (b) any proceedings or appeal relating to an existing complaint.
- ‘(2) The National Law (Queensland), section 289 applies to a this Act existing complaint, and any proceedings or appeal relating to a this Act existing complaint, as if the reference in subsection (2)(b) of that section to the application of an Act of a participating jurisdiction as if that Act had not been repealed included, for the complaint, a reference to the application of this Act as if it had not been amended by the amending Act.
- ‘(3) For applying the National Law (Queensland), section 289 to a complaint made to a former board—
- (a) the board does not complete dealing with the complaint until—
- (i) the time for exercising any review rights or appeal rights in relation to the complaint has passed without any rights being exercised; or
- (ii) any review or appeal in relation to the complaint has ended; and
- (b) for a this Act existing complaint—this Act must be read as if sections 12(1) and 13 do not apply to a national board dealing with the complaint under the National Law (Queensland), section 289; and
- (c) for a Nursing Act existing complaint—the repealed *Nursing Act 1992* must be read as if sections 42A and 43(2) of that Act do not apply to a national board dealing with the complaint under the National Law (Queensland), section 289.
- ‘(4) Also, to remove any doubt, it is declared that the QCAT Act continues to apply in relation to—
- (a) any proceeding by the tribunal under National Law (Queensland), section 289 as applied by this section; and
- (b) any appeal against the tribunal’s decision in the proceeding.

[s 57]

‘(5) The fee that, before the commencement, would have been payable under the QCAT Act in relation to a proceeding or appeal mentioned in subsection (4) continues to be payable in relation to the proceeding or appeal.

‘(6) In this section—

complaint means—

- (a) a complaint under this Act as in force before the commencement; or
- (b) a complaint under the repealed *Nursing Act 1992* as in force before its repeal.

existing complaint means a complaint about a person registered in an NRAS health profession by a former board that the former board had started but had not completed dealing with immediately before the commencement.

former board, in relation to the dental prosthetics profession, includes the Dental Technicians Board of Queensland established under the *Dental Technicians Registration Act 2001*.

Nursing Act existing complaint means a complaint under the repealed *Nursing Act 1992* as in force before its repeal that is an existing complaint.

this Act existing complaint means a complaint under this Act as in force before the commencement that is an existing complaint.

‘4050 Existing non-complaint disciplinary matters and related proceedings and appeals

‘(1) This section provides for the application of the National Law (Queensland), section 289 to the following—

- (a) an existing non-complaint disciplinary matter;
- (b) any proceedings or appeal relating to an existing non-complaint disciplinary matter.

‘(2) The National Law (Queensland), section 289 applies to an existing non-complaint disciplinary matter, and any

proceedings or appeal relating to an existing non-complaint disciplinary matter, as if—

- (a) subsection (1) of that section provided that it also applied to an existing non-complaint disciplinary matter; and
 - (b) the reference in subsection (2)(b) of that section to the application of an Act of a participating jurisdiction as if that Act had not been repealed included, for a this Act existing non-complaint disciplinary matter, a reference to the application of this Act as if it had not been amended by the amending Act.
- ‘(3) For applying the National Law (Queensland), section 289 to a non-complaint disciplinary matter before a former board—
- (a) the board does not complete dealing with the matter until—
 - (i) the time for exercising any review rights or appeal rights in relation to the matter has passed without any rights being exercised; or
 - (ii) any review or appeal in relation to the matter has ended; and
 - (b) for a this Act existing non-complaint disciplinary matter—this Act must be read as if sections 12(1) and 13 do not apply to a national board dealing with the matter under the National Law (Queensland), section 289; and
 - (c) for a Nursing Act existing non-complaint disciplinary matter—the repealed *Nursing Act 1992* must be read as if sections 42A and 43(2) of that Act do not apply to a national board dealing with the matter under the National Law (Queensland), section 289.
- ‘(4) Also, to remove any doubt, it is declared that the QCAT Act continues to apply in relation to—
- (a) any proceeding by the tribunal under National Law (Queensland), section 289 as applied by this section; and

[s 57]

(b) any appeal against the tribunal's decision in the proceeding.

(5) The fee that, before the commencement, would have been payable under the QCAT Act in relation to a proceeding or appeal mentioned in subsection (4) continues to be payable in relation to the proceeding or appeal.

(6) In this section—

existing non-complaint disciplinary matter means a non-complaint disciplinary matter about a person registered in an NRAS health profession by a former board that the board had started but had not completed dealing with at the commencement.

former board, in relation to the dental prosthetics profession, includes the Dental Technicians Board of Queensland established under the *Dental Technicians Registration Act 2001*.

non-complaint disciplinary matter means—

(a) a disciplinary matter under this Act as in force before the commencement started other than on the basis of a complaint; or

(b) a disciplinary matter under the repealed *Nursing Act 1992* as in force before its repeal started other than on the basis of a complaint.

Nursing Act existing non-complaint disciplinary matter means a disciplinary matter under the repealed *Nursing Act 1992* as in force before its repeal that—

(a) is started other than on the basis of a complaint; and

(b) is an existing non-complaint disciplinary matter.

this Act existing non-complaint disciplinary matter means a disciplinary matter under this Act as in force before the commencement that—

(a) is started other than on the basis of a complaint; and

(b) is an existing non-complaint disciplinary matter.

‘405P Existing QCAT proceedings and existing appeals

- ‘(1) The tribunal must hear, or continue to hear, and decide an existing QCAT proceeding under the relevant Act as if the Act had not been repealed or amended by the amending Act.
- ‘(2) If there is an existing appeal before an appeal entity, the entity must hear, or continue to hear, and decide the appeal under the relevant Act as if the Act had not been repealed or amended by the amending Act.
- ‘(3) If a former board was a party to an existing QCAT proceeding or existing appeal, the national board for the profession for which the former board was established takes the former board’s place in the proceeding or appeal.
- ‘(4) The National Law (Queensland), sections 204 and 205 apply in relation to a decision of the tribunal made in an existing QCAT proceeding.
- ‘(5) In this section—

appeal entity means the appeal tribunal under the QCAT Act or the Court of Appeal.

disciplinary proceeding means a disciplinary proceeding under this Act as in force before the commencement, or the repealed *Nursing Act 1992*, relating to an NRAS registrant.

existing appeal means an appeal under the QCAT Act against a decision of the tribunal in a disciplinary proceeding or registration proceeding that has been started before an appeal entity but not been finally dealt with at the commencement.

existing QCAT proceeding means a disciplinary proceeding or registration proceeding that has been started before the tribunal but has not been finally dealt with at the commencement.

registration proceeding means a proceeding for—

- (a) a review of a decision under a repealed health practitioner registration Act, other than the *Pharmacy Business Ownership Act 2001* as in force before the commencement; or

[s 57]

- (b) a review of a decision under the *Dental Technicians Act 2001* as in force before the commencement, if the decision relates to the registration, including an application for registration, of a person in the dental prosthetics profession under that Act.
- (c) a review of a decision under the *Pharmacy Business Ownership Act 2001* as in force before the commencement, if the decision relates to the registration, including an application for registration, of a person in the pharmacy profession under that Act.

relevant Act means—

- (a) for an existing QCAT proceeding—the Act conferring jurisdiction on the tribunal to deal with the matter the subject of the proceeding; or
- (b) for an existing appeal—the Act conferring jurisdiction on the tribunal to deal with the matter the subject of decision that is appealed.

‘405Q Investigators

- ‘(1) This section applies in relation to a person appointed by a former board as an investigator under this Act.
- ‘(2) The person’s appointment ends at the commencement.
- ‘(3) The person must return the person’s identity card to the chief executive within 7 days after the commencement.

Maximum penalty—10 penalty units.

- ‘(4) If the person has made a requirement of another person under this Act and the requirement has not been complied with at the commencement, the requirement is taken to have been withdrawn at the commencement.
- ‘(5) If the person has a document or other thing that was obtained in the person’s capacity as an investigator, the person must—
 - (a) for a document or thing obtained in the course of an investigation of a complaint or non-complaint disciplinary matter being dealt with by a national board

under the National Law (Queensland), section 289—give the document or thing to the national board;
or

(b) for another document or thing—return the document or thing to the person from whom it was obtained.

‘(6) A document or other thing given to a national board under subsection (5)(a) is taken to have been obtained by an investigator appointed by the national board.

‘(7) However, if the person is appointed by a national board dealing with an existing matter as an investigator for an investigation relating to the matter—

(a) subsections (4), (5)(a) and (6) do not apply; and

(b) anything done by, or existing in relation to, the person performing a function or exercising power under this Act for the existing matter is taken to be done or existing in the investigator’s capacity as an investigator appointed by the national board for investigating the matter.

‘(8) In this section—

existing matter means a complaint or disciplinary matter being dealt with by a national board under the National Law (Queensland), section 289 as provided under section 405N or 405O.

‘405R Inspectors

‘(1) This section applies in relation to a person appointed by a former board as an inspector under this Act or a repealed health practitioner registration Act (the *relevant Act*).

‘(2) The person’s appointment ends at the commencement.

‘(3) The person must return the person’s identity card to the chief executive within 7 days after the commencement.

Maximum penalty—10 penalty units.

[s 57]

- ‘(4) Any investigation being conducted by the person ends at the commencement.
- ‘(5) Without limiting subsection (4)—
 - (a) if the person has made a requirement of another person under a provision of the relevant Act and the requirement has not been complied with at the commencement, the requirement is taken to have been withdrawn at the commencement; and
 - (b) if, immediately before the commencement, the person is keeping a document or other thing under a provision of the relevant Act, the person must return the document or thing to the person from whom it was obtained.
- ‘(6) However, subsection (4) does not prevent the person, or another person, from making a notification to a national board under the National Law (Queensland), section 145 in relation to information obtained in the course of an investigation conducted by the inspector under the relevant Act (whether or not the investigation was completed).

‘405S Copy of particular records to be given to national board

- ‘(1) This section applies if—
 - (a) before the commencement, the secretary or principal registrar started to keep under section 263 a record about disciplinary proceedings relating to a former registrant; and
 - (b) at the commencement, the secretary or principal registrar has not given a copy of the record to an executive officer as required by section 263(3) as in force before the commencement.
- ‘(2) The secretary or principal registrar must give the copy to the national board for the profession in which the former registrant was registered under the relevant repealed health practitioner registration Act.
- ‘(3) In this section—

former registrant means a person who was, at any time, registered under a repealed health practitioner registration Act.

‘405T Particular registrants to give particular notices to national board

- ‘(1) This section applies if—
- (a) before the commencement, a registrant was required to give notice of something happening (the *event*) to the registrant’s board under a notice requirement provision; and
 - (b) at the commencement, the registrant has not given the notice as required by the notice requirement provision.
- ‘(2) The notice requirement provision continues to apply in relation to the event subject to subsection (3).
- ‘(3) The reference in the notice requirement provision to the registrant’s board is taken to be a reference to the national board for the profession in which the registrant is registered under the National Law.
- ‘(4) In this section—
- notice requirement provision* means—
- (a) section 385A, 385B or 385C; or
 - (b) section 140A, 140B or 140C of the repealed *Nursing Act 1992*.
- registrant* means a person who—
- (a) was—
 - (i) a registrant under this Act immediately before the commencement; or
 - (ii) a nurse, midwife or other person authorised to practise nursing under the repealed *Nursing Act 1992* immediately before the commencement; and
 - (b) at the commencement, is taken to be registered under the National Law.

[s 57]

registrant's board, in relation to a nurse, midwife or other person authorised to practise nursing under the repealed *Nursing Act 1992* immediately before the commencement, means the Queensland Nursing Council established under that Act before its repeal.

'405U Protection of officials from liability

- '(1) This section applies if, in relation to an act done or omission made by a person under this Act or a repealed health practitioner registration Act (the *relevant Act*) before the commencement, civil liability attaches to a former board under a provision of the relevant Act as in force when the act was done or omission was made.
- '(2) From the commencement, the liability attaches to the National Agency.
- '(3) If the National Agency becomes liable to pay an amount to a person because of subsection (2), the amount must be paid out of the account kept in the Agency Fund for the national board established for the profession for which the former board was established.
- '(4) In this section—
- Agency Fund* means the Australian Health Practitioner Regulation Agency Fund established under the National Law.

'405V Penalties to be paid to national board

- '(1) This section applies if—
- (a) a former board has brought a proceeding for an offence against this Act or a repealed health practitioner registration Act (the *relevant Act*); and
 - (b) the court before which the proceeding has been brought has not finished hearing the proceeding; and
 - (c) a provision of the relevant Act provides that penalties recovered as a result of the proceeding must be ordered to be paid to the former board.

- ‘(2) The provision of the relevant Act continues to apply in relation to the proceeding subject to subsection (3).
- ‘(3) The reference in the provision to the former board is taken to be a reference to the national board for the profession for which the former board was established.’.

58 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *assessor*, *certificate of specialist registration*, *executive officer (medical)*, *health practitioner registration Act*, *medical board*, *nurse*, *office (medical)*, *panels of assessors*, *profession*, *professional panel of assessors*, *reviewable decision* and *tribunal review decision*—
omit.

- (2) Schedule—

insert—

‘*amending Act*, for part 13, division 5, see section 405L.

appealable decision, for part 12A, division 7, see section 398ZI(4).

assessor—

- (a) for this Act other than part 12A—means a person chosen, under section 31 or 228, by the principal registrar from a panel of assessors to assist the tribunal;
or

- (b) for part 12A—see section 398B.

former board—

- (a) generally means an entity that was a board under this Act at any time before the commencement of this definition but is not a board under this Act immediately after the commencement; and

- (b) for part 13, division 5, see also section 405L.

health, conduct or performance action, for part 12A, see section 398B.

[s 58]

health practitioner registration Act means any 1 of the following Acts—

- (a) the *Dental Technicians Registration Act 2001*;
- (b) the *Medical Radiation Technologists Registration Act 2001*;
- (c) the *Occupational Therapists Registration Act 2001*;
- (d) the *Speech Pathologists Registration Act 2001*.

judicial member see the QCAT Act, schedule 3.

National Agency means the Australian Health Practitioner Regulation Agency established under the National Law.

national board means a National Health Practitioner Board established under the National Law.

National Law means the Health Practitioner Regulation National Law.

National Law (Queensland) means the Health Practitioner Regulation National Law (Queensland).

national panel means a health panel, or a performance and professional standards panel, under the National Law.

notification, for part 12A, see section 398B.

notifier, for part 12A, see section 398B.

NRAS disciplinary body means a national board or a national panel.

NRAS disciplinary matter, for part 12A, see section 398B.

NRAS disciplinary proceeding, for part 12A, see section 398B.

NRAS health profession, for part 13, division 5, see section 405L.

NRAS registered health practitioner means an individual who—

- (a) is registered under the National Law to practise a health profession, other than as a student; or

-
- (b) holds non-practising registration under the National Law in a health profession.

NRAS registrant means—

- (a) an NRAS registered health practitioner; or
(b) an NRAS student.

NRAS registrant's board, for an NRAS registrant, means the board established under the National Law for the profession in which the registrant is registered under the National Law.

NRAS student means an individual whose name is entered in a student register as being currently registered under the National Law.

nurse means an individual registered under the National Law to practise in the nursing and midwifery profession as a nurse, other than as a student.

panel of assessors—

- (a) for this Act other than part 12A—means the following—
(i) the professional panels of assessors;
(ii) the public panel of assessors; or
(b) for part 12A—see section 398B.

profession means the following—

- (a) for a registrant who is a dental technician under the *Dental Technicians Registration Act 2001*—the dental technology profession;
(b) for a registrant registered under the *Medical Radiation Technologists Registration Act 2001*—the medical imaging technology profession, nuclear medicine technology profession or radiation therapy profession;
(c) for a registrant registered under the *Occupational Therapists Registration Act 2001*—the occupational therapy profession;

[s 58]

- (d) for a registrant registered under the *Speech Pathologists Registration Act 2001*—the speech pathology profession;
- (e) for an NRAS registrant—the health profession (as defined under the National Law) in which the registrant is registered to practise under the National Law.

Example—

If an NRAS registrant is registered under the National Law to practise the chiropractic profession, the registrant’s profession is the chiropractic profession.

professional panel of assessors—

- (a) for this Act other than part 12A—means a panel of assessors mentioned in section 39(b); or
- (b) for part 12A—see section 398B.

QCAT registry means the registry under the QCAT Act.

register, of a national board, means the board’s register under the National Law.

relevant decision-making provision, for part 12A, division 4, see section 398J.

repealed health practitioner registration Act, for part 13, division 5, see section 405L.

reviewable decision—

- (a) for this Act other than part 12A—see section 325; or
- (b) for part 12A—see section 398B.

tribunal review decision—

- (a) for this Act other than part 12A—see section 337; or
- (b) for part 12A—see section 398B.’.

- (3) Schedule, definition *commencement—*

insert—

‘(c) for part 13, division 5—see section 405L.’.

[s 61]

- (a) practised the practitioner's profession while intoxicated by alcohol or drugs; or
- (b) practised the practitioner's profession in a way that constitutes a significant departure from accepted professional standards but not in a way that placed the public at risk of substantial harm; or
- (c) engaged in sexual misconduct in connection with the practice of the practitioner's profession.

impairment see the Health Practitioner Regulation National Law (Queensland), section 5.

National Agency see the Health Practitioner Regulation National Law (Queensland), section 5.

public risk notifiable conduct, for a registered health practitioner, means the practitioner has—

- (a) placed the public at risk of substantial harm in the practitioner's practice of the profession because the practitioner has an impairment; or
- (b) placed the public at risk of substantial harm because the practitioner has practised the profession in a way that constitutes a significant departure from accepted professional standards.

registered health practitioner means an individual who—

- (a) is registered under the Health Practitioner Regulation National Law to practise a health profession, other than as a student; or
- (b) holds non-practising registration under the Health Practitioner Regulation National Law in a health profession.'

61 Amendment of s 33 (Disclosure etc. of information)

(1) Section 33(1)—

insert—

‘(aa) if the person is a registered health practitioner—notifying the National Agency about information in relation to a reasonable belief of the person that another registered health practitioner has behaved in a way that constitutes public risk notifiable conduct; or’.

- (2) Section 33(1)(aa) and (b)—
renumber as section 33(1)(b) and (c).

62 Insertion of new s 33A

After section 33—

insert—

‘33A Information about excluded notifiable conduct

- ‘(1) This section applies for the purpose of the Health Practitioner Regulation National Law (Queensland), section 141(4)(d).
- ‘(2) Subsection (3) applies if—
- (a) a person is or was a member of a committee; and
 - (b) the person is a registered health practitioner; and
 - (c) the person forms a reasonable belief that another registered health practitioner has behaved in a way that constitutes excluded notifiable conduct; and
 - (d) the information that forms the basis of the reasonable belief was acquired while the person was exercising functions as a member of the committee.
- ‘(3) The person must not disclose the information that forms the basis of the reasonable belief.’.

63 Amendment of s 38S (Disclosure of information—RCA team member or relevant person)

Section 38S(1)—

insert—

[s 64]

‘(e) if the person is a registered health practitioner—notifying the National Agency about information in relation to a reasonable belief of the person that another registered health practitioner has behaved in a way that constitutes public risk notifiable conduct.’.

64 Insertion of new s 38TA

After section 38T—

insert—

‘38TA Information about excluded notifiable conduct

- ‘(1) This section applies for the purpose of the Health Practitioner Regulation National Law (Queensland), section 141(4)(d).
- ‘(2) An RCA team is an approved body under this Act.
- ‘(3) Subsection (4) applies if—
 - (a) a person is or was a member of an RCA team; and
 - (b) the person is a registered health practitioner; and
 - (c) the person forms a reasonable belief that another registered health practitioner has behaved in a way that constitutes excluded notifiable conduct; and
 - (d) the information that forms the basis of the reasonable belief was acquired while the person was exercising functions as a member of the RCA team.
- ‘(4) The person must not disclose the information that forms the basis of the reasonable belief.’.

[s 69]

69 Amendment of s 76 (Inquiries into applications)

Section 76(1)(c), after ‘practice requirements’—

insert—

‘or continuing professional development requirements’.

70 Amendment of s 77 (Decision)

(1) Section 77(2), after ‘practice requirements’—

insert—

‘and continuing professional development requirements’.

(2) Section 77(3), after ‘practice requirements’—

insert—

‘or continuing professional development requirements’.

71 Amendment of s 78 (Recency of practice requirements are not satisfied)

(1) Section 78, heading, ‘Recency of practice requirements’—

omit, insert—

‘Requirements’.

(2) Section 78(1), after ‘practice requirements’—

insert—

‘or continuing professional development requirements’.

(3) Section 78(2), ‘*recency of*’—

omit, insert—

‘registration’.

(4) Section 78(3) and (4), ‘recency of’—

omit, insert—

‘registration’.

72 Amendment of s 82 (Procedural requirements for applications)

Section 82(3)(b), after ‘practice requirements’—

insert—

‘or continuing professional development requirements’.

73 Amendment of s 85 (When recency of practice conditions take effect)

(1) Section 85, heading, ‘recency of’—

omit, insert—

‘**registration**’.

(2) Section 85, ‘recency of’—

omit, insert—

‘registration’.

74 Amendment of s 123 (Application of div 4, sdivs 2 and 3)

Section 123, after ‘practice requirements’—

insert—

‘and continuing professional development requirements’.

75 Amendment of sch 1 (Decisions for which information notices must be given)

Schedule 1, column 2, ‘recency of’—

omit, insert—

‘registration’.

76 Amendment of sch 3 (Dictionary)

(1) Schedule 3, definition *recency of practice conditions*—

omit.

**‘Division 7 Transitional provisions for the
Health Legislation (Health
Practitioner Regulation National
Law) Amendment Act 2010**

‘160 Definitions for div 7

‘In this division—

protected document means a document that was made or obtained by a person as a relevant person, and includes a document seized, a copy of a document made, or an extract of a document taken, under this Act.

protected information means information that was disclosed to, or obtained by, a person as a relevant person.

relevant person means a person who is, or has been—

- (a) a member of the council or a committee of the council;
or
- (b) an employee of the council; or
- (c) a person performing functions or exercising powers under this Act.

**‘161 Automatic expiry of registration or enrolment instead
of cancellation by council**

‘(1) This section applies if a nurse, or midwife who is not a nurse, fails to pay the annual licence certificate fee for the payment period ending on 30 June 2010.

‘(2) Despite section 74(3)—

- (a) the registration or enrolment of the nurse under this Act expires at the end of 1 July 2010; and
- (b) the authority to practise of the midwife under this Act expires at the end of 1 July 2010.

[s 79]

‘162 Disclosure of protected documents and protected information to the National Agency

‘(1) A relevant person may disclose a protected document or protected information to the National Agency, its employees or agents if a member of the council is satisfied the disclosure is necessary for the National Agency to perform its functions.

‘(2) In this section—

National Agency means the National Agency established under the Health Practitioner Regulation (Administrative Arrangements) National Law.

‘163 Disclosure of protected documents and protected information to the Nursing and Midwifery Board

‘(1) A relevant person may disclose a protected document or protected information to the Nursing and Midwifery Board if a member of the council is satisfied the disclosure is necessary for the Nursing and Midwifery Board to perform its functions.

‘(2) In this section—

Nursing and Midwifery Board means the Nursing and Midwifery Board of Australia established under the Health Practitioner Regulation (Administrative Arrangements) National Law.

‘164 Disclosure of protected documents and protected information to the department

‘A relevant person may disclose a protected document or protected information to the department if a member of the council is satisfied the disclosure is necessary for the department to prepare a report for the Council as an abolished statutory body under the *Financial Accountability Act 2009*.’.

Part 9 **Amendment of Pharmacists Registration Act 2001**

80 **Act amended**

This part amends the *Pharmacists Registration Act 2001*.

81 **Amendment of long title**

Long title, ‘registration of pharmacists’—
omit, insert—
‘regulation of pharmacy business ownership’.

82 **Amendment of s 1 (Short title)**

Section 1, ‘*Pharmacists Registration*’—
omit, insert—
‘*Pharmacy Business Ownership*’.

83 **Omission of ss 4, 5 and 7**

Sections 4, 5 and 7—
omit.

84 **Replacement of s 8 (Objects of Act)**

Section 8—
omit, insert—

‘8 **Objects of Act**

- ‘(1) The objects of the Act are—
- (a) to promote the professional, safe and competent provision of pharmacy services; and
 - (b) to maintain public confidence in the pharmacy profession.

[s 85]

- ‘(2) The objects are to be achieved mainly by—
- (a) limiting who may own a pharmacy business; and
 - (b) limiting the number of pharmacy businesses that may be owned by a person; and
 - (c) providing for compliance with this Act to be monitored and enforced.’.

85 Amendment of s 9 (Definitions)

Section 9, ‘schedule 4’—

omit, insert—

‘the schedule’.

86 Omission of pts 2 and 3

Parts 2 and 3—

omit.

87 Replacement of pt 4, hdg (Obligations of registrants and other persons)

Part 4, heading—

omit, insert—

‘Part 4 Ownership of pharmacy business’.

88 Omission of pt 4, divs 1 to 6

Part 4, divisions 1 to 6—

omit.

89 Omission pt 4, div 6A, hdg (Ownership of pharmacy business)

Part 4, division 6A, heading—
omit.

90 Amendment of s 139A (Definitions)

(1) Section 139A, ‘division’—

omit, insert—

‘part’.

(2) Section 139A, definition *relative*—

omit.

(3) Section 139A—

insert—

‘*relative*, of a pharmacist, means—

(a) the pharmacist’s spouse; or

(b) a child of the pharmacist who is at least 18 years of age.’.

91 Amendment of s 139B (Restriction on who may own pharmacy business)

(1) Section 139B(a), ‘registrant’—

omit, insert—

‘pharmacist’.

(2) Section 139B, ‘registrants’—

omit, insert—

‘pharmacists’.

[s 92]

92 Amendment of s 139C (Registrant whose registration is suspended or cancelled may own pharmacy business for limited period)

- (1) Section 139C, heading, ‘Registrant’—
omit, insert—
‘Pharmacist’.
- (2) Section 139C(1)(a), ‘registrant’—
omit, insert—
‘pharmacist’.
- (3) Section 139C(1)(b)—
omit, insert—
‘(b) the individual’s registration is suspended or cancelled under the Health Practitioner Regulation National Law.’.
- (4) Section 139C(2) to (5), ‘the board’—
omit, insert—
‘the chief executive’.
- (5) Section 139C(5)(a), ‘registrant’—
omit, insert—
‘pharmacist’.
- (6) Section 139C(5)(b), ‘professional’—
omit, insert—
‘pharmacy’.

93 Amendment of s 139D (Person who stops being registrant’s spouse may continue as director or shareholder for limited period)

- (1) Section 139D, ‘registrant’s’—
omit, insert—
‘pharmacist’s’.

-
- (2) Section 139D(1)(a), ‘registrant’—
omit, insert—
‘pharmacist’.
- (3) Section 139D(2)(b), ‘the board’—
omit, insert—
‘the chief executive’.

94 Amendment of s 139E (Executor, administrator or trustee of registrant’s estate may own pharmacy business for limited period)

- (1) Section 139E, heading, ‘registrant’s’—
omit, insert—
‘**pharmacist’s**’.
- (2) Section 139E, ‘registrant’—
omit, insert—
‘pharmacist’.
- (3) Section 139E(2)(b), ‘the board’—
omit, insert—
‘the chief executive’.

95 Amendment of s 139G (Trustee, liquidator, receiver or administrator does not commit offence against s 139B)

- Section 139G(1)(a) and (b), ‘registrant’—
omit, insert—
‘pharmacist’.

96 Amendment of s 139H (Restriction on number of pharmacy businesses in which a person may have beneficial interest)

- Section 139H(1) and (2), ‘registrant’—

[s 97]

omit, insert—

‘pharmacist’.

97 Omission of pt 4, div 7, hdg (Other provisions)

Part 4, division 7, heading—

omit.

98 Omission of s 140 (Payment, or acceptance of payment, for referrals prohibited)

Section 140—

omit.

99 Amendment of s 141 (Pharmacy business to be carried on under supervision of registrant)

(1) Section 141, ‘registrant’—

omit, insert—

‘pharmacist’.

(2) Section 141(2) and (3), ‘the board’—

omit, insert—

‘the chief executive’.

100 Insertion of new ss 141A and 141B

After section 141—

insert—

‘141A Notification of change of ownership of a pharmacy business

‘(1) Within 21 days after a change of ownership of a pharmacy business, each relevant person must give to the chief executive a notice of the change in the approved form and accompanied by the prescribed fee.

Maximum penalty—50 penalty units.

‘(2) In this section—

relevant person, for a change of ownership of a pharmacy business, means—

- (a) a person who starts to own the business; and
- (b) a person who ceases to own the business.

‘141B Notification of change of ownership particulars of a pharmacy business

‘(1) Within 21 days after a change of ownership particulars of a pharmacy business, a person who owns the pharmacy business must give to the chief executive a notice of the change in the approved form and accompanied by the prescribed fee.

Maximum penalty—50 penalty units.

‘(2) In this section—

ownership particulars includes—

- (a) the name or location of the pharmacy business; or
- (b) if the person is a corporation, other than a corporation mentioned in section 139B(c) to (e)—
 - (i) the directors or shareholders of the corporation; or
 - (ii) the shareholdings of the shareholder of the corporation; or
- (c) if the person owns a pharmacy in a partnership—the share held by the partner.’.

101 Renumbering of pts 4 and 5

Parts 4 and 5—

renumber as parts 2 and 3.

[s 102]

102 Replacement of s 145 (Appointments)

Section 145—

omit, insert—

‘145 Appointment and qualifications

‘(1) The chief executive may appoint any of the following persons as an inspector—

(a) an officer of the department;

(b) a health service employee.

‘(2) However, the chief executive may appoint a person as an inspector only if the chief executive is satisfied the person is qualified for appointment because the person has the necessary expertise or experience.’.

103 Amendment of s 146 (Appointment conditions)

Section 146(3), ‘the board’—

omit, insert—

‘the chief executive’.

104 Amendment of s 147 (Identity cards)

Section 147(1), ‘The board’—

omit, insert—

‘The chief executive’.

105 Amendment of s 148 (Failure to return identity card)

Section 148, ‘the chairperson’—

omit, insert—

‘the chief executive’.

106 Amendment of s 167 (Dealing with forfeited things etc.)

(1) Section 167, ‘the executive officer’—

omit, insert—

‘the chief executive’.

(2) Section 167(3)(a), ‘section 181(1)’—

omit, insert—

‘section 181’.

107 Amendment of s 176 (Compensation)

Section 176(1), ‘the board’—

omit, insert—

‘the chief executive’.

108 Omission of pt 6, hdg (Reviews by QCAT)

Part 6, heading—

omit.

109 Replacement of s 181 (Who may apply for a review)

Section 181—

omit, insert—

‘181 Review of decision by QCAT

‘An owner of a thing forfeited to the State under section 165(1)(c) who is dissatisfied with the decision resulting in the forfeiture may apply, as provided under the QCAT Act, to QCAT for a review of the decision.’.

110 Omission of s 182 (Particular matters relating to powers of QCAT)

Section 182—

omit.

[s 111]

111 Renumbering of pt 7 (Legal proceedings)

Part 7—

renumber as part 4.

112 Replacement of ss 187 and 188

Sections 187 and 188—

omit, insert—

‘187 Appointments and authority

‘It is not necessary to prove—

- (a) an inspector’s appointment; or
- (b) the chief executive’s appointment; or
- (c) the authority of an inspector or the chief executive to do anything under this Act.

‘188 Signatures

‘A signature purporting to be the signature of an inspector or the chief executive is evidence of the signature it purports to be.’.

113 Amendment of s 189 (Evidentiary provisions)

- (1) Section 189, ‘executive officer’—

omit, insert—

‘chief executive’.

- (2) Section 189(a)(iii) to (v)—

omit.

- (3) Section 189(b) to (f)—

omit.

- (4) Section 189(g) to (i)—

renumber as section 189(b) to (d).

114 Replacement of s 190 (Indictable and summary offences)

Section 190—

omit, insert—

‘190 Summary offences

‘An offence against this Act is a summary offence.’.

115 Omission of ss 191 and 192

Sections 191 and 192—

omit.

116 Omission of s 195 (Penalties to be paid to board)

Section 195—

omit.

117 Replacement of pts 8 to 10

Parts 8 to 10—

omit, insert—

‘Part 5 Miscellaneous

‘198 Protecting officials from liability

‘(1) An official is not civilly liable for an act done, or omission made, honestly and without negligence under this Act.

‘(2) If subsection (1) prevents a civil liability attaching to an official, the liability attaches instead to the State.

‘(3) In this section—

official means—

(a) the chief executive; or

(b) an inspector; or

(c) an officer of the department; or

[s 117]

- (d) a health service employee; or
- (e) a person acting under the direction of someone mentioned in paragraphs (a) to (d).

‘199 Approval of forms

‘The chief executive may approve forms for use under this Act.

‘200 Delegation by chief executive

‘(1) The chief executive may delegate the chief executive’s functions under this Act to an appropriately qualified officer of the department or employee of the department.

‘(2) In this section—

appropriately qualified, for an officer or employee to whom a function may be delegated, includes having the qualifications, experience or standing appropriate for the function.

Example of standing for an officer or employee—

the officer or employee’s classification or level in the department

functions includes powers.

‘201 Disclosure of documents or information to the Pharmacy Board of Australia

‘(1) The chief executive may disclose documents or information obtained under this Act to a relevant entity.

‘(2) However, the chief executive may disclose documents or information under subsection (1) only if the chief executive is satisfied—

- (a) the documents or information will be collected, stored and used by the relevant entity to which it is disclosed in a way that ensures the privacy of the persons to whom it relates is protected; and

- (b) the provision of the documents or information to the relevant entity is necessary for the relevant entity to perform its functions.

‘(3) In this section—

Pharmacy Board of Australia means the Pharmacy Board of Australia established under the Health Practitioner Regulation National Law.

relevant entity means—

- (a) the Pharmacy Board of Australia; and
- (b) an entity established under the *National Health Act 1953* (Cwlth).

‘202 Regulation-making power

- ‘(1) The Governor in Council may make regulations under this Act.
- ‘(2) Without limiting subsection (1), a regulation may—
 - (a) prescribe fees payable under the Act; and
 - (b) provide for a maximum penalty of 20 penalty units for a contravention of a regulation.

‘Part 6 Transitional provisions for the Health Legislation (Health Practitioner Regulation National Law) Amendment Act 2010

‘203 Definitions

‘In this part—

amending law means the *Health Legislation (Health Practitioner Regulation National Law) Amendment Act 2010*, part 9.

[s 118]

board means the board established under the pre-amended Act, section 10.

commencement means the commencement of this section.

pre-amended Act means this Act as in force before the commencement.

‘204 Records relating to pharmacy businesses

- ‘(1) This section applies to a record held by the board under the pre-amended Act, part 4, division 6A or 7 immediately before the commencement.
- ‘(2) The record is taken to be a record of the department.

‘205 Offences

- ‘(1) From the commencement, a proceeding for an offence under the pre-amended Act, part 4, division 6A or 7, may be continued and finished by the chief executive.
- ‘(2) For this section, the *Acts Interpretation Act 1954*, section 20 applies, but does not limit the section.

‘206 Inspectors appointed under pre-amended Act

- ‘(1) From the commencement, a person who was appointed as an inspector under the pre-amended Act, section 145 stops being an inspector.
- ‘(2) The person must comply with section 148.’.

118 Insertion of new s 208A

After section 208—

insert—

‘208A Disclosure of documents or information relating to ownership of pharmacy businesses

- ‘(1) The chief executive may ask the board to give documents or information relating to the ownership of pharmacy businesses obtained by the board under this Act.
- ‘(2) The board must give the documents or information mentioned in subsection (1) to the chief executive.’.

119 Replacement of schs 1 and 4

Schedules 1 and 4—

omit, insert—

‘Schedule Dictionary

section 9

‘amending law, for part 6, see section 203.

board, for part 6, see section 203.

commencement, for part 6, see section 203.

convicted, of an offence, means being found guilty of the offence, on a plea of guilty or otherwise, whether or not a conviction is recorded.

document production requirement see section 172(5).

executive officer, of a corporation, means a person who is concerned with, or takes part in, the corporation’s management, whether or not the person is a director or the person’s position is given the name of executive officer.

facsimile warrant see section 154(4).

friendly society, for part 2, see section 139A.

health service employee means a person appointed as a health service employee under the *Health Services Act 1991*, section 24.

[s 119]

information notice, for a decision of the board or an inspector, is a notice stating the following—

- (a) the decision;
- (b) the reasons for the decision;
- (c) that the person to whom the notice is given has a right to have the decision reviewed by QCAT;
- (d) how, and the period within which, the person may apply for the review;
- (e) the right the person has to have the operation of the decision stayed under the QCAT Act, section 22.

inspector means a person who is appointed as an inspector under section 145.

notice means written notice.

occupier, of a place, includes a person who reasonably appears to be an occupier, or in charge, of the place.

own, for part 2, see section 139A.

personal details requirement see section 170(5).

pharmacist means a person registered under the Health Practitioner Regulation National Law to practise in the profession of pharmacy, other than as a student.

pharmacy business means—

- (a) a business providing pharmacy services; but
- (b) does not include—
 - (i) a business operated by the State at a public sector hospital; or
 - (ii) another business at a hospital that provides pharmacy services only to patients at the hospital.

place includes premises, vacant land and a vehicle.

place of seizure see section 161.

pre-amended Act, for part 6, see section 203.

premises includes—

- (a) a building or other structure; and
- (b) a part of a building or other structure; and
- (c) land where a building or other structure is situated.

public place means a place that the public is entitled to use, is open to the public or is used by the public, whether or not on payment of money.

relative, for part 2, see section 139A.

user, of a pharmacist's services, includes a person who used the services.

warrant form see section 154(5)(b).'

Part 10 **Amendment of Queensland Institute of Medical Research Act 1945**

120 **Act amended**

This part amends the *Queensland Institute of Medical Research Act 1945*.

121 **Amendment of s 9 (Council may carry out agreements)**

Section 9(1A)—

omit, insert—

- '(1A) All agreements and arrangements, other than agreements and arrangements between the Council and the chief executive on behalf of the State, must be subject to the approval of the chief executive.'

[s 122]

122 Amendment of s 10 (Director and Deputy Director of Institute)

(1) Section 10(2), from ‘such’—

omit, insert—

‘conditions approved by the Governor in Council, having regard to the advice and for a term (the *appointment term*) of not more than 7 years.’.

(2) Section 10(3), ‘7 years’—

omit, insert—

‘the appointment term’.

Part 11 Repeal and amendment of other Acts

Division 1 Repeals

123 Repeals

The following Acts are repealed—

- Chiropractors Registration Act 2001, No. 3
- Dental Practitioners Registration Act 2001, No. 4
- Medical Board (Administration) Act 2006, No. 56
- Medical Practitioners Registration Act 2001, No. 7
- Nursing Act 1992, No. 55
- Optometrists Registration Act 2001, No. 10
- Osteopaths Registration Act 2001, No. 11
- Physiotherapists Registration Act 2001, No. 13

- Podiatrists Registration Act 2001, No. 14
- Psychologists Registration Act 2001, No. 15.

Division 2 Amendment of other Acts

124 Acts amended in schedule

- (1) The schedule amends the Acts it mentions.
- (2) However, subsection (1) does not apply in relation to a particular Act if another provision of this Act states that the schedule amends the particular Act.

Schedule Acts amended

section 124

Acts Interpretation Act 1954

1 **Section 36, definition *medical practitioner*—**
omit.

2 **Section 36—**
insert—

‘Health Practitioner Regulation National Law means—

(a) the Health Practitioner Regulation National Law—

(i) as in force from time to time, set out in the schedule of the *Health Practitioner Regulation National Law Act 2009*; and

(ii) as it applies as a law of Queensland or another State, with or without modification; or

(b) the law of a State that substantially corresponds to the law mentioned in paragraph (a).

medical practitioner means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession, other than as a student.’

Ambulance Service Act 1991

1 **Section 36K(6), definition *relevant entity*, paragraph (d)—**
omit, insert—

‘(d) a board under the Health Practitioner Regulation National Law.’.

2 Section 36ZB(1)(c), after ‘1999’—

insert—

‘or the Health Practitioner Regulation National Law’.

3 Section 50D, definitions *health practitioner registration Act* and *health professional*—

omit.

4 Section 50D—

insert—

‘*health professional* means—

- (a) a person registered under the Health Practitioner Regulation National Law to practise, other than as a student, in any of the following—
 - (i) the medical profession;
 - (ii) the nursing and midwifery profession;
 - (iii) the pharmacy profession;
 - (iv) the physiotherapy profession;
 - (v) the psychology profession; or
- (b) a person registered under any of the following Acts—
 - (i) *Medical Radiation Technologists Registration Act 2001*;
 - (ii) *Occupational Therapists Registration Act 2001*’.

Births, Deaths and Marriages Registration Act 2003

1 Section 23(6), definition *doctor*, from ‘State’—

omit, insert—

‘country corresponding to the Health Practitioner Regulation National Law.’.

2 Section 30(10), definition *doctor*, from ‘State’—

omit, insert—

‘country corresponding to the Health Practitioner Regulation National Law.’.

3 Schedule 2, definition *midwife*—

omit.

4 Schedule 2—

insert—

‘*midwife* means a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a midwife, other than as a student.’.

Chemical Usage (Agricultural and Veterinary) Control Act 1988

1 Schedule, definition *pharmacist*—

omit.

2 Schedule—

insert—

‘*pharmacist* means a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession, other than as a student.’

Child Protection Act 1999**1 Schedule 3, definition *health practitioner*, paragraphs (a) and (b)—**

omit, insert—

- ‘(a) a person registered under the Health Practitioner Regulation National Law to practise, other than as a student, in any of the following—
- (i) the dental profession as any of the following—
 - (A) dentist;
 - (B) dental therapist;
 - (C) dental hygienist;
 - (D) oral health therapist;
 - (ii) the nursing and midwifery profession as a nurse;
 - (iii) the medical profession;
 - (iv) the optometry profession;
 - (v) the physiotherapy profession;
 - (vi) the psychology profession; or
- (b) a person registered under any of the following Acts—
- (i) *Occupational Therapists Registration Act 2001*;
 - (ii) *Speech Pathologists Registration Act 2001*; or’.

Commission for Children and Young People and Child Guardian Act 2000

1 **Schedule 7, definition *registered health practitioner*—**
omit.

2 **Schedule 7—**
insert—

‘registered health practitioner means a person registered under any 1 of the following—

- *Dental Technicians Registration Act 2001*
- Health Practitioner Regulation National Law
- *Medical Radiation Technologists Registration Act 2001*
- *Occupational Therapists Registration Act 2001*
- *Speech Pathologists Registration Act 2001*.’.

3 **Schedule 7, definition *disciplinary information*, paragraph (f)—**
omit.

Coroners Act 2003

1 **Section 13(6), definition *nurse*—**
omit.

2 **Section 13(6)—**
insert—

‘nurse means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the nursing and midwifery profession, other than as a student; and
- (b) in the registered nurses division of that profession.’.

Corrective Services Act 2006

1 Schedule 4, definitions *nurse* and *psychologist*—

omit.

2 Schedule 4—

insert—

‘*nurse* means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the nursing and midwifery profession, other than as a student; and
- (b) in the registered nurses division of that profession.

psychologist means a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student.’.

Criminal Law Amendment Act 1945

1 Section 18(1)(a), ‘*Medical Practitioners Registration Act 2001*’—

omit, insert—

‘Health Practitioner Regulation National Law’.

2 Section 18(4), ‘Medical Practitioners Registration Act 2001’—

omit, insert—

‘Health Practitioner Regulation National Law’.

Dangerous Prisoners (Sexual Offenders) Act 2003

1 Schedule, definition *psychiatrist*—

omit.

2 Schedule—

insert—

‘*psychiatrist* means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession as a specialist registrant in the specialty of psychiatry, other than as a student.’.

Dental Technicians and Dental Prosthetists Registration Act 2001

1 Section 4, after ‘consisting of the’—

insert—

‘Queensland’.

2 Part 2, heading, ‘and Dental Prosthetists’—

omit.

- 3 Section 9(1), ‘and Dental Prosthetists’—**
omit.
- 4 Section 11, ‘professions’—**
omit, insert—
‘profession’.
- 5 Section 15(2)(b)(ii)—**
omit.
- 6 Section 15(2)(b)(iii), ‘or the Nursing Act 1992’—**
omit.
- 7 Section 15(2)(b)(iii)—**
renumber as section 15(2)(b)(i).
- 8 Section 15(4)—**
omit.
- 9 Section 15(5) and (6)—**
renumber as section 15(4) and 15(5).
- 10 Section 16(b)—**
omit.
- 11 Section 16(c) and (d)—**
renumber as section 16(b) and (c).
- 12 Section 18(1), ‘16(a), (b) or (c)’—**
omit, insert—

‘16(a) or (b)’.

13 Section 37(1), ‘professions’—

omit, insert—

‘profession’.

14 Section 41(2)—

omit.

15 Section 42(1), ‘in a profession’—

omit.

16 Section 43(1), ‘in a profession’—

omit.

17 Section 43(1), ‘in the profession’—

omit.

18 Section 44(1), ‘in a profession’—

omit.

19 Section 44(1), ‘in the profession’—

omit.

20 Section 44(3), ‘, in a profession,’

omit.

21 Section 45(1), ‘in a profession’—

omit.

- 22 Section 45(1), ‘in the profession’—**
omit.
- 23 Section 46(3) and (4), ‘to which the application relates’—**
omit.
- 24 Section 51, ‘to which the application relates’—**
omit.
- 25 Section 52(3) and (4)—**
omit.
- 26 Section 55(2)(b)—**
omit.
- 27 Section 55(2)(c) and (d)—**
renumber as 55(2)(b) and (c).
- 28 Section 56, ‘in a profession’—**
omit.
- 29 Section 57(1), ‘in a profession’—**
omit.
- 30 Section 57(1), ‘in the profession’—**
omit.
- 31 Section 59(1), ‘in a profession’—**
omit.

32 Section 60(1)(a), (3)(a) and (3)(b)(i), ‘in a profession’—
omit.

33 Section 60(2), (3)(b)(i) and (4), ‘in the profession’—
omit.

34 Section 63(2)(b)—
omit.

35 Section 63(2)(c)—
renumber as section 63(2)(b).

36 Section 65(1)(a), ‘in a profession’—
omit.

37 Section 65(1)(b), ‘in the profession’—
omit.

38 Section 66(1)(a), ‘in a profession’—
omit.

39 Section 66(1)(b), ‘in the profession’—
omit.

40 Section 67(1)(a), ‘in a profession’—
omit.

41 Section 67(1)(b), ‘in the profession’—
omit.

42 Section 68(1)—

omit, insert—

‘(1) *Recency of practice requirements* are requirements, prescribed under a regulation, that if satisfied demonstrate that an applicant for renewal of a general registration has maintained an adequate connection with the profession.’.

43 Section 73(2), ‘for the profession to which the application relates’—

omit.

44 Section 74(1), ‘for the profession to which the applicant’s application relates’—

omit.

45 Section 79—

omit.

46 Section 80, ‘in a profession’—

omit.

47 Section 80, ‘for the profession’—

omit.

48 Section 84(2)(d)—

omit.

49 Section 84(2)(e)—

renumber as section 84(2)(d).

Schedule

50 Section 89(2)—

omit.

51 Section 92(3) and (4), ‘to which the registrant’s registration relates’—

omit.

52 Section 95(2), ‘to which the registrant’s registration relates’—

omit.

53 Section 97—

omit.

54 Section 103, ‘and section 52(3) and (4)’—

omit.

55 Section 105(1), ‘in a profession’—

omit.

56 Section 105(1), ‘in the profession’, first mention—

omit.

57 Section 106, ‘in a profession’—

omit.

58 Section 106, ‘in the profession’—

omit.

59 Section 114, ‘sections 83 and 84(2)(d)’—

omit, insert—

‘section 83’.

60 Section 115(a), ‘to which the registration relates’—

omit.

61 Section 117(1)(a) and (b), ‘in a profession’—

omit.

62 Section 117(2), ‘in the profession’—

omit.

63 Section 119—

omit.

64 Section 123—

omit.

65 Part 4, division 1A—

omit.

66 Section 125(1)—

omit, insert—

‘(1) A person who is not a registrant must not take or use a restricted title.

Maximum penalty—1000 penalty units.

Examples of an individual taking or using a restricted title—

AB describing himself or herself as ‘AB, dental technician’

Schedule

Examples of a corporation taking or using a restricted title—

- 1 ABC Pty Ltd describing itself as ‘ABC Pty Ltd, dental technicians’
- 2 a corporation having a restricted title as part of its name’.

67 Section 125(2)(a), ‘for a profession’—

omit.

68 Section 125(2)(a) and (b), ‘in the profession’—

omit.

69 Section 125(3)(a) and (5)(a), ‘of a profession’—

omit, insert—

‘of the profession’.

70 Section 125(3)(a) and (5)(a), ‘in the profession’—

omit.

71 Section 125(3)(b) and (5)(b), ‘for the profession’—

omit.

72 Section 125(4), from ‘in a profession’ to ‘for the profession’—

omit, insert—

‘use a restricted title’.

73 Section 125(6), ‘in a profession’—

omit.

74 Section 125(6)(a)—

omit, insert—

‘(a) the person is a dental technician; or’.

75 Section 125(6)(b)—

omit.

76 Section 125(6)(c)—

renumber as section 125(6)(b).

77 Section 125(7), ‘a profession’—

omit, insert—

‘the profession’.

78 Section 125(7)(a)—

omit, insert—

‘(a) the other person is a dental technician; or’.

79 Section 125(7)(b)—

omit.

80 Section 125(7)(c)—

renumber as section 125(7)(b).

81 Section 125(8)—

omit, insert—

‘(8) In this section the term ‘dental technician’ is not limited by the meaning of the term in the dictionary in schedule 4.’.

82 Section 126, ‘a profession’—

omit, insert—
‘the profession’.

83 Section 126(a) to (c), ‘in the profession’—

omit.

84 Section 127, ‘in a profession’—

omit.

85 Section 127, ‘in the profession’—

omit.

86 Section 127, example—

omit.

87 Section 132(3), ‘to which the registrant’s registration relates’—

omit.

88 Section 135(1), ‘124A,’—

omit.

89 Section 197(3)(c)—

omit.

90 Section 197(3)(d) to (i)—

renumber as section 197(3)(c) to (h).

- 91 Section 197(4), ‘subsection (3)(g)’—**
omit, insert—
‘subsection (3)(f)’.
- 92 Part 9, division 1—**
omit.
- 93 Section 209(1), ‘in a profession’—**
omit.
- 94 Section 209(2) and (3), ‘in the profession’—**
omit.
- 95 Section 210, definition *visiting practitioner*, paragraph (b), ‘in a profession’—**
omit.
- 96 Section 212(2), from ‘in the profession’ to ‘law’—**
omit.
- 97 Section 212(3), ‘in the profession’—**
omit.
- 98 Schedule 4, definitions *commencement, dental prosthetic service, dental prosthetist, dental technician, Health Insurance Commission, health practitioner registration Act, health records, possess, profession, professional service* and *restricted title*—**
omit.

99 Schedule 4—

insert—

‘commencement—

- (a) for part 10, division 2, see section 221; and
- (b) for part 10, division 4, see section 241.

health practitioner registration Act means any 1 of the following—

- Health Practitioner Regulation National Law
- *Medical Radiation Technologists Registration Act 2001*
- *Occupational Therapists Registration Act 2001*
- *Speech Pathologists Registration Act 2001*
- this Act.

Medicare Australia means Medicare Australia established under the *Health Insurance Commission Act 1973* (Cwlth), section 4.

pre-amended Act for part 10, division 4, see section 241.

profession means the dental technology profession.

professional service means a dental technology service.

Queensland health practitioner registration Acts means the following Acts—

- *Medical Radiation Technologists Registration Act 2001*
- *Occupational Therapists Registration Act 2001*
- *Speech Pathologists Registration Act 2001*
- this Act.

restricted title means a title that consists of, or includes, the words ‘dental technician’.

100 Schedule 4, definition *board*, ‘and Dental Prosthetists’—

omit.

101 Schedule 4, definition *show cause period*, ‘section 84(2)(e)’—

omit, insert—

‘section 84(2)(d)’.

Disability Services Act 2006

1 Schedule 7, definition *registered health practitioner*—

omit.

2 Schedule 7—

insert—

‘*registered health practitioner* means a person registered under any 1 of the following—

- *Dental Technicians Registration Act 2001*
- Health Practitioner Regulation National Law
- *Medical Radiation Technologists Registration Act 2001*
- *Occupational Therapists Registration Act 2001*
- *Speech Pathologists Registration Act 2001*.’.

Disaster Management Act 2003

1 Schedule 2, definitions *government doctor, government nurse, non-government doctor and non-government nurse*—

omit.

2 Schedule 2—

insert—

‘government doctor means a person who is—

- (a) registered under the Health Practitioner Regulation National Law to practise in the medical profession, other than as a student; and
- (b) employed in the department which administers the *Public Health Act 2005*.

government nurse means a person who is—

- (a) registered under the Health Practitioner Regulation National Law—
 - (i) to practise in the nursing and midwifery profession, other than as a student; and
 - (ii) in the registered nurses division of that profession; and
- (b) employed in the department which administers the *Public Health Act 2005*.

non-government doctor means a person—

- (a) registered under the Health Practitioner Regulation National Law to practise in the medical profession, other than as a student; and
- (b) who is not a government doctor.

non-government nurse means a person—

- (a) registered under the Health Practitioner Regulation National Law—
 - (i) to practise in the nursing and midwifery profession, other than as a student; and
 - (ii) in the registered nurses division of that profession; and
- (b) who is not a government nurse.’.

Drugs Misuse Act 1986

1 Section 4, definition *pharmacist*, from ‘under’—

omit, insert—

‘under the Health Practitioner Regulation National Law to practise in the pharmacy profession, other than as a student.’.

Education (General Provisions) Act 2006

1 Section 53(3), definition *medical certificate*, from ‘registrant’ to ‘2001’—

omit, insert—

‘person registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student.’.

Explosives Act 1999

1 Schedule 2, definition *psychologist*—

omit.

2 Schedule 2—

insert—

‘*psychologist* means a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student.’.

Guardianship and Administration Act 2000

1 Section 80F(3), definition *paediatrician*—

omit.

2 Section 80F(3)—

insert—

'paediatrician means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession as a specialist registrant in the specialty of paediatrics and child health, other than as a student.'

3 Section 114(5), definition *psychologist*—

omit.

4 Section 114(5)—

insert—

'psychologist means a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student.'

Health Act 1937

1 Section 5, definitions *dentist, health practitioner registration Act, nurse and registrant's board*—

omit.

2 Section 5—

insert—

‘health practitioner registration Act means any 1 of the following—

- *Dental Technicians Registration Act 2001*
- Health Practitioner Regulation National Law
- *Medical Radiation Technologists Registration Act 2001*
- *Occupational Therapists Registration Act 2001*
- *Speech Pathologists Registration Act 2001*.

registrant’s board, for a registrant, means either of the following—

- (a) if the registrant is registered in a profession under the Health Practitioner Regulation National Law—the National Board for the profession established under the Health Practitioner Regulation National Law; or
- (b) otherwise—the board responsible for administering the health practitioner registration Act under which the registrant is registered.’.

3 Section 5, definition *pharmacist*, from ‘under’—

omit, insert—

‘under the Health Practitioner Regulation National Law to practise in the pharmacy profession, other than as a student.’.

4 Section 6—

omit.

5 Section 18A(1)(a) and (b), ‘, nurse’—

omit.

6 Section 18A(2)(b) and (c)—

omit, insert—

‘(b) for a veterinary surgeon—to the Veterinary Surgeons Board of Queensland.’.

7 Section 18B(1)(a) and (b), ‘, nurse’—

omit.

8 Section 18B(2)(b) and (c)—

omit, insert—

‘(b) for a veterinary surgeon—to the Veterinary Surgeons Board of Queensland.’.

Health Practitioners (Professional Standards) Act 1999

1 Section 261(3)(f), ‘the Health Insurance Commission’—

omit, insert—

‘Medicare Australia’.

2 Section 384(3)(f), ‘the Health Insurance Commission’—

omit, insert—

‘Medicare Australia’.

3 Schedule, definitions *Health Insurance Commission* and *Queensland Nursing Council*—

omit.

4 Schedule—

insert—

‘*Medicare Australia*’ means Medicare Australia established under the *Health Insurance Commission Act 1973* (Cwlth), section 4.’.

Health Practitioner Registration Boards (Administration) Act 1999

1 Section 5, ‘, the *Medical Board (Administration) Act 2006*’—

omit.

2 Schedule, definition *health practitioner registration Act*—

omit.

3 Schedule—

insert—

‘*health practitioner registration Act*’ means any 1 of the following Acts—

- *Dental Technicians Registration Act 2001*
- *Medical Radiation Technologists Registration Act 2001*
- *Occupational Therapists Registration Act 2001*
- *Speech Pathologists Registration Act 2001*.’.

Health Practitioners (Special Events Exemption) Act 1998

1 Schedule, definition *health practitioner registration Act*—

omit.

2 Schedule—

insert—

‘health registration Act means any 1 of the following—

- *Dental Technicians Registration Act 2001*
- Health Practitioner Regulation National Law
- *Medical Radiation Technologists Registration Act 2001*
- *Occupational Therapists Registration Act 2001*
- *Speech Pathologists Registration Act 2001’.*

Health Quality and Complaints Commission Act 2006

1 Section 37(1)(f), ‘Nursing Act 1992’—

omit, insert—

‘Health Practitioner Regulation National Law’.

2 Section 50(2)(b), ‘Nursing Act 1992’—

omit, insert—

‘Health Practitioner Regulation National Law’.

3 Section 68(1)(c), from ‘other’ to ‘Council’—

omit, insert—

‘established under a State health law’.

4 Section 68(1)(d) and (e)—

omit, insert—

‘(d) for a registration board established under the Health Practitioner Regulation National Law—

- (i) the executive officer of the Australian Health Practitioners Regulation Agency (the *National Agency*); or
- (ii) if the executive officer of the National Agency agrees—another member of staff of the National Agency.’.

5 Section 68(2), definition *Office of the Medical Board of Queensland*—

omit.

6 Section 68(2)—

insert—

‘*State health law* means any 1 of the following Acts—

- *Dental Technicians Registration Act 2001*
- *Medical Radiation Technologists Registration Act 2001*
- *Occupational Therapists Registration Act 2001*
- *Speech Pathologists Registration Act 2001*.’.

7 Section 149(4), definitions *health practitioner registration Act, medical practitioner, midwife, nurse and registered nurse*—

omit.

8 Section 149(4)—

insert—

‘*health practitioner registration Act* means any 1 of the following—

- *Dental Technicians Registration Act 2001*
- Health Practitioner Regulation National Law
- *Medical Radiation Technologists Registration Act 2001*

Schedule

- *Occupational Therapists Registration Act 2001*
- *Speech Pathologists Registration Act 2001*.

medical practitioner includes a person registered under the law of a foreign country that provides for the same matter as a provision of the Health Practitioner Regulation National Law for the medical profession.

midwife includes a person authorised to practise midwifery under the law of a foreign country that provides for the same matter as a provision of the Health Practitioner Regulation National Law for the nursing and midwifery profession as a midwife.

nurse means a registered nurse or enrolled nurse.

registered nurse means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
- (b) in the registered nurses division of that profession.’.

9 Section 214(1)(c), ‘Nursing Act 1992’—

omit, insert—

‘Health Practitioner Regulation National Law’.

10 Schedule 2, items 1 to 4 and 7 to 13—

omit.

11 Schedule 2—

insert—

‘1 Dental Technicians Board of Queensland’.

12 Schedule 2, items 5, 6 and 14—

renumber as items 2, 3 and 4.

13 Schedule 5, definitions *completion notice, enrolled nurse and midwife*—

omit.

14 Schedule 5—

insert—

'completion notice means—

- (a) for a registration board—a notice under the *Health Practitioners (Professional Standards) Act 1999*, section 383; or
- (b) for another entity—notice that the entity has finished dealing with the complaint.

enrolled nurse means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
- (b) in the enrolled nurses division of that profession.

midwife means a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a midwife, other than as a student.’.

15 Schedule 5, definition *registration board*—

omit.

16 Schedule 5—

insert—

'registration board means an entity mentioned in schedule 2.’.

Health Services Act 1991

- 1 Section 38Q(6), definition *relevant entity*, paragraph (d)—**
omit, insert—
'(d) a board established under the Health Practitioner Regulation National Law; or'.
- 2 Section 38ZK(1)(c), after '1999'—**
insert—
'or the Health Practitioner Regulation National Law'.
- 3 Section 60, definition *health practitioner registration Act*—**
omit.
- 4 Section 60—**
insert—
'*health practitioner registration Act* means any 1 of the following—
- *Dental Technicians Registration Act 2001*
 - Health Practitioner Regulation National Law
 - *Medical Radiation Technologists Registration Act 2001*
 - *Occupational Therapists Registration Act 2001*
 - *Speech Pathologists Registration Act 2001*.'
- 5 Section 60, definition *health professional*, paragraph (a), from 'or enrolled' to '1992'—**
omit.

6 Section 62L—

omit, insert—

‘62L Disclosure to health practitioner registration board

Section 62A(1) does not apply to the disclosure of confidential information by a designated person if the disclosure is to a board established under a health practitioner registration Act for the purposes of—

- (a) making, or giving information about, a complaint about a person who is or was registered under the health practitioner registration Act; or
- (b) answering questions or otherwise giving information as part of an investigation or a disciplinary proceeding about a person who is or was registered under the health practitioner registration Act.’.

7 Section 62Q, ‘the Health Insurance Commission’—

omit, insert—

‘Medicare Australia’.

Industrial Relations Act 1999

1 Schedule 5, definition *doctor’s certificate*, from ‘registrant’—

omit, insert—

‘person registered under the Health Practitioner Regulation National Law to practise in the medical profession, other than as a student.’.

Jury Act 1995

1 **Section 70(17), definitions *doctor* and *psychologist*—**
omit.

2 **Section 70(17)—**
insert—
‘psychologist means a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student.’.

Law Reform Act 1995

1 **Section 15, definitions *medical practitioner* and *nurse*—**
omit.

2 **Section 15—**
insert—
‘nurse means a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse, other than as a student.’.

Liquor Act 1992

1 **Section 12(4), definition *pharmacist*, from ‘under’—**
omit, insert—

‘under the Health Practitioner Regulation National Law to practise in the pharmacy profession, other than as a student.’.

Mental Health Act 2000

1 Schedule 2, definitions *psychiatrist*, *psychologist* and *registered nurse*—

omit.

2 Schedule 2—

insert—

‘psychiatrist means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession as a specialist registrant in the specialty of psychiatry, other than as a student.

psychologist means a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student.

registered nurse means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
- (b) in the registered nurses division of that profession.’.

Medical Radiation Technologists Registration Act 2001

- 1 **Section 4, after ‘consisting of the’—**
insert—
‘Queensland’.

- 2 **Section 15(2)(b)(ii)—**
omit.

- 3 **Section 15(2)(b)(iii), ‘or the *Nursing Act 1992*’—**
omit.

- 4 **Section 15(2)(b)(iii)—**
renumber as section 15(2)(b)(ii).

- 5 **Section 135(3)(b), ‘State’—**
omit.

- 6 **Section 135(3)(g), ‘the Health Insurance Commission’—**
omit, insert—
‘Medicare Australia’.

- 7 **Section 135(6), definition *State regulatory authorities*—**
omit.

- 8 **Section 135(6)—**
insert—
‘*regulatory authorities* means boards established under the health practitioner registration Acts.’.

9 Schedule 3, definitions *Health Insurance Commission* and *health practitioner registration Act*—

omit.

10 Schedule 3—

insert—

'health practitioner registration Act means any 1 of the following—

- *Dental Technicians Registration Act 2001*
- Health Practitioner Regulation National Law
- *Occupational Therapists Registration Act 2001*
- *Speech Pathologists Registration Act 2001*
- this Act.

Medicare Australia means Medicare Australia established under the *Health Insurance Commission Act 1973* (Cwlth), section 4.

Queensland health practitioner registration Acts means the following Acts—

- *Dental Technicians Registration Act 2001*
- *Occupational Therapists Registration Act 2001*
- *Speech Pathologists Registration Act 2001*
- this Act'.

Occupational Therapists Registration Act 2001

1 Section 4, after 'consisting of the'—

insert—

'Queensland'.

Schedule

2 Section 15(2)(b)(ii)—

omit.

3 Section 15(2)(b)(iii), ‘or the *Nursing Act 1992*’—

omit.

4 Section 15(2)(b)(iii)—

renumber as section 15(2)(b)(ii).

5 Section 120(3)(b), ‘State’—

omit.

6 Section 120(3)(g), ‘the Health Insurance Commission’—

omit, insert—

‘Medicare Australia’.

7 Section 120(6), definition *State regulatory authorities*—

omit.

8 Section 120(6)—

insert—

‘*regulatory authorities* means boards established under the health practitioner registration Acts.’.

9 Schedule 3, definitions *Health Insurance Commission* and *health practitioner registration Act*—

omit.

10 Schedule 3—

insert—

‘health practitioner registration Act means any 1 of the following—

- *Dental Technicians Registration Act 2001*
- Health Practitioner Regulation National Law
- *Medical Radiation Technologists Registration Act 2001*
- *Speech Pathologists Registration Act 2001*
- this Act.

Medicare Australia means Medicare Australia established under the *Health Insurance Commission Act 1973* (Cwlth), section 4.

Queensland health practitioner registration Acts means the following Acts—

- *Dental Technicians Registration Act 2001*
- *Medical Radiation Technologists Registration Act 2001*
- *Speech Pathologists Registration Act 2001*
- this Act.’.

Personal Injuries Proceedings Act 2002

1 Section 9A(14), definition ***medical specialist***—

omit

2 Section 9A(14)—

insert—

‘medical specialist means a person registered or eligible for registration under the Health Practitioner Regulation National Law to practise in the medical profession as a specialist registrant.’.

3 Schedule, definition *provider*, ‘Health Practitioner Registration Boards (Administration) Act 1999’—

omit, insert—

‘Health Services Act 1991’.

Police Powers and Responsibilities Act 2000

1 Schedule 6, definition *nurse*—

omit.

2 Schedule 6—

insert—

‘nurse means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
- (b) in the registered nurses division of that profession.’.

Police Service Administration Act 1990

1 Section 5A.14(8), definition *registered nurse*—

omit.

2 Section 5A.14(8)—

insert—

‘registered nurse means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
- (b) in the registered nurses division of that profession.’.

Prostitution Act 1999

1 Section 102(5), definition *health practitioner*, paragraphs (b) and (c)—

omit, insert—

- ‘(b) a person registered under the Health Practitioner Regulation National Law—
 - (i) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
 - (ii) in the registered nurses division of that profession;
or
- (c) a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student.’.

2 Section 134A(6), definition *health professional*, paragraphs (b) and (c)—

omit, insert—

- ‘(b) a person registered under the Health Practitioner Regulation National Law—
 - (i) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
 - (ii) in the registered nurses division of that profession;
or
- (c) a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student.’.

Public Health Act 2005

1 Section 157(2)(c)—

omit, insert—

‘(c) a board established under the Health Practitioner Regulation National Law; or’.

2 Section 158, definition *registered nurse*—

omit.

3 Section 158—

insert—

‘*registered nurse* means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
- (b) in the registered nurses division of that profession.’.

4 Section 213D(2), definition *relevant entity*, paragraph (c)—

omit, insert—

‘(c) a board established under the Health Practitioner Regulation National Law; or’.

5 Section 214, definition *midwife*—

omit.

6 Section 214—

insert—

‘*midwife* means a person registered under the Health Practitioner Regulation National Law to practise in the

nursing and midwifery profession as a midwife, other than as a student.’

7 Section 251, definition *health practitioner*, paragraph (b)—

omit, insert—

‘(b) a person registered under the Health Practitioner Regulation National Law—

- (i) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
- (ii) in the registered nurses division of that profession; or’.

Public Safety Preservation Act 1986

1 Schedule, definitions *government doctor*, *government nurse*, *non-government doctor* and *non-government nurse*—

omit.

2 Schedule—

insert—

‘***government doctor*** means a person—

- (a) registered under the Health Practitioner Regulation National Law to practise in the medical profession, other than as a student; and
- (b) who is employed in the department which administers the *Public Health Act 2005*.

government nurse means a person—

- (a) registered under the Health Practitioner Regulation National Law—

Schedule

- (i) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
- (ii) in the registered nurses division of that profession; and
- (b) who is employed in the department which administers the *Public Health Act 2005*.

non-government doctor means a person—

- (a) registered under the Health Practitioner Regulation National Law to practise in the medical profession, other than as a student; and
- (b) who is not a government doctor.

non-government nurse means a person—

- (a) registered under the Health Practitioner Regulation National Law—
 - (i) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
 - (ii) in the registered nurses division of that profession; and
- (b) who is not a government nurse.’.

Public Service Act 2008

1 Schedule 1, entry for ‘Office of the Medical Board of Queensland under the Medical Board (Administration) Act 2006’—

omit.

Radiation Safety Act 1999

1 Schedule 2, definition *health practitioner registration Act*—

omit.

2 Schedule 2—

insert—

'health practitioner registration Act means any 1 of the following—

- *Dental Technicians Registration Act 2001*
- Health Practitioner Regulation National Law
- *Medical Radiation Technologists Registration Act 2001*
- *Occupational Therapists Registration Act 2001*
- *Speech Pathologists Registration Act 2001*.’.

3 Schedule 2, definition *health practitioner*, paragraph (a)—

omit, insert—

‘(a) a person registered under the Health Practitioner Regulation National Law—

- (i) to practise in the nursing and midwifery profession, as a nurse, other than as a student; and
- (ii) in the enrolled nurses division or the registered nurses division of that profession; or’.

Speech Pathologists Registration Act 2001

- 1 **Section 4, after ‘consisting of the’—**
 insert—
 ‘Queensland’.

- 2 **Section 15(2)(b)(ii)—**
 omit.

- 3 **Section 15(2)(b)(iii), ‘or the *Nursing Act 1992*’—**
 omit.

- 4 **Section 15(2)(b)(iii)—**
 renumber as section 15(2)(b)(ii).

- 5 **Section 120(3)(b), ‘State’—**
 omit.

- 6 **Section 120(3)(g), ‘the Health Insurance Commission’—**
 omit, insert—
 ‘Medicare Australia’.

- 7 **Section 120(6), definition *State regulatory authorities*—**
 omit.

- 8 **Section 120(6)—**
 insert—
 ‘*regulatory authorities* means boards established under the
 health practitioner registration Acts.’.

9 Schedule 3, definitions *Health Insurance Commission* and *health practitioner registration Act*—

omit.

10 Schedule 3—

insert—

'health practitioner registration Act means any 1 of the following—

- *Dental Technicians Registration Act 2001*
- Health Practitioner Regulation National Law
- *Medical Radiation Technologists Registration Act 2001*
- *Occupational Therapists Registration Act 2001*
- this Act.

Medicare Australia means Medicare Australia established under the *Health Insurance Commission Act 1973* (Cwlth), section 4.

Queensland health practitioner registration Acts means the following Acts—

- *Dental Technicians Registration Act 2001*
- *Medical Radiation Technologists Registration Act 2001*
- *Occupational Therapists Registration Act 2001*
- this Act.'.

Transplantation and Anatomy Act 1979

1 Section 4, definition *dental practitioner*—

omit.

2 Section 4—

insert—

‘dental practitioner means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the dental profession as a dentist, other than as a student; and
- (b) in the dentists division of that profession.’.

3 Section 12D(3), definitions *specialist anaesthetist* and *specialist paediatrician*—

omit.

4 Section 12D(3)—

insert—

‘specialist anaesthetist means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession as a specialist registrant in the specialty of anaesthesia, other than as a student.

specialist paediatrician means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession as a specialist registrant in the specialty of paediatrics and child health, other than as a student.’.

5 Section 30(2), from ‘who’ to ‘at that hospital’—

omit, insert—

‘registered under the Health Practitioner Regulation National Law to practise in the medical profession as a provisional registrant, other than as a student’.

6 Section 45(5), definitions *specialist neurologist* and *specialist neurosurgeon*—

omit.

7 Section 45(5)—

insert—

‘*specialist neurologist* means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession as a specialist registrant in the specialty of neurology, other than as a student.

‘*specialist neurosurgeon* person registered under the Health Practitioner Regulation National Law to practise in the medical profession as a specialist registrant in the specialty of neurosurgery, other than as a student.’.

Transport Operations (Road Use Management) Act 1995**1 Section 80(1), definition *nurse*—**

omit.

2 Section 80(1)—

insert—

‘*nurse* means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
- (b) in the registered nurses division of that profession.’.

3 Section 142(3), definition *health professional*, paragraphs (c) and (d)—

omit, insert—

‘(c) a person registered under the Health Practitioner Regulation National Law to practise in the optometry profession, other than as a student; or

Schedule

- (d) a person registered under the Health Practitioner Regulation National Law to practise in the physiotherapy profession, other than as a student.’.

4 Schedule 4, definition *doctor*—

omit.

5 Schedule 4—

insert—

‘*doctor* means a medical practitioner.’.

Victims of Crime Assistance Act 2009

1 Section 81(2), definition *psychologist*—

omit

2 Section 81(2)—

insert—

‘*psychologist* means a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student.’.

3 Schedule 3, definition *health practitioner*—

omit.

4 Schedule 3—

insert—

‘*health practitioner* means—

- (a) a person registered under the Health Practitioner Regulation National Law to practise, other than as a student, in any of the following—
 - (i) the chiropractic profession;
 - (ii) the dental profession as any of the following—
 - (A) dental therapist;
 - (B) dental hygienist;
 - (C) oral health therapist;
 - (iii) the medical profession;
 - (iv) the optometry profession;
 - (v) the osteopathy profession;
 - (vi) the physiotherapy profession;
 - (vii) the podiatry profession;
 - (viii) the psychology profession; or
- (b) a person registered under any of the following Acts—
 - (i) *Occupational Therapists Registration Act 2001*;
 - (ii) *Speech Pathologists Registration Act 2001*’.

Weapons Act 1990

1 Section 151(4), definition *professional carer*, paragraphs (b) and (c)—

omit, insert—

- ‘(b) a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student; or
- (c) a person registered under the Health Practitioner Regulation National Law to practise in the nursing and

Schedule

midwifery profession as a nurse, other than as a student;
or’.

2 Schedule 2, definition *psychologist*—

omit.

3 Schedule 2—

insert—

‘*psychologist* means a person registered under the Health Practitioner Regulation National Law to practise in the psychology profession, other than as a student.’.

Worker’s Compensation and Rehabilitation Act 2003

1 Section 232D(5), definition *doctor’s certificate* from ‘registrant’—

omit, insert—

‘person registered under the Health Practitioner Regulation National Law to practise in the medical profession, other than as a student.’.

2 Schedule 6, definitions *nurse practitioner* and *specialist*—

omit.

3 Schedule 6—

insert—

‘*nurse practitioner* means a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a nurse, other than as a

student, whose registration is endorsed as being qualified to practice as a nurse practitioner.

specialist means a person registered under the Health Practitioner Regulation National Law to practise in the medical profession as a specialist registrant in a recognised specialty, other than as a student.’.

© State of Queensland 2010