



Queensland

Health Practitioner Registration and Other Legislation Amendment Act 2013

Act No. 13 of 2013



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Queensland

Health Practitioner Registration and Other Legislation Amendment Act 2013

Act No. 13 of 2013

An Act to amend the Ambulance Service Act 1991, the Child Protection Act 1999, the Commission for Children and Young People and Child Guardian Act 2000, the Disability Services Act 2006, the Forensic Disability Act 2011, the Health Act 1937, the Health Practitioners (Professional Standards) Act 1999, the Health Practitioners (Special Events Exemption) Act 1998, the Health Quality and Complaints Commission Act 2006, the Hospital and Health Boards Act 2011, the Integrity Act 2009, the Public Health Act 2005, the Public Service Act 2008, the Queensland Civil and Administrative Tribunal Act 2009, the Queensland Civil and Administrative Tribunal Regulation 2009, the Radiation Safety Act 1999 and the Victims of Crime Assistance Act 2009, for particular purposes and to repeal the Dental Technicians Registration Act 2001, the Health Practitioner Registration Boards (Administration) Act 1999 and Speech Pathologists Registration Act 2001

[Assented to 27 March 2013]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Health Practitioner Registration and Other Legislation Amendment Act 2013*.

2 Commencement

(1) This Act, other than section 54 to the extent it repeals a notification of imminent expiry provision, commences on a day to be fixed by proclamation.

(2) In this section—

notification of imminent expiry provision means—

- (a) the *Dental Technicians Registration Act 2001*, section 69; or
- (b) the *Speech Pathologists Registration Act 2001*, section 69.

Part 2 Amendment of Ambulance Service Act 1991

3 Act amended

This part amends the *Ambulance Service Act 1991*.

4 Amendment of s 36K (Stopping conduct of RCA of reportable event—commissioning authority)

- (1) Section 36K(6), definition *relevant entity*, paragraph (c)—
omit.
- (2) Section 36K(6), definition *relevant entity*, paragraphs (d), (e) and (f)—
renumber as paragraphs (c), (d) and (e).

5 Amendment of s 36ZB (RCA report not admissible in evidence)

Section 36ZB(1)(c), ‘*Health Practitioners (Professional Standards) Act 1999*’—
omit, insert—
‘*Health Practitioners (Disciplinary Proceedings) Act 1999*’.

Part 3 Amendment of Child Protection Act 1999

6 Act amended

This part amends the *Child Protection Act 1999*.

7 Amendment of sch 3 (Dictionary)

Schedule 3, definition *health practitioner*, paragraph (b)—
omit, insert—

‘(b) a person who is eligible for practising membership of The Speech Pathology Association of Australia Limited ACN 008 393 440; or’.

10 Amendment of sch 7 (Dictionary)

- (1) Schedule 7, definition *disciplinary information*, paragraph (g), ‘(Professional Standards) Act 1999, section 384A’—

omit, insert—

‘(Disciplinary Proceedings) Act 1999, repealed section 384A’.

- (2) Schedule 7, definition *registered health practitioner*, from ‘any 1 of the following—’—

omit, insert—

‘the Health Practitioner Regulation National Law, other than as a student.’.

Part 5 Amendment of Disability Services Act 2006

11 Act amended

This part amends the *Disability Services Act 2006*.

12 Amendment of s 123ZZG (Definitions for sdiv 3)

Section 123ZZG, definition *health professional*, paragraph (b), ‘dietician or social worker’—

omit, insert—

‘dietician, social worker or speech pathologist’.

13 Insertion of new pt 16, div 7

Part 16—

insert—

[s 14]

**‘Division 7 Provision for the Health Practitioner
Registration and Other Legislation
Amendment Act 2013**

**‘294 Application of pt 10 to former registered speech
pathologist**

‘(1) Section 76B continues to apply to the engagement of a former registered speech pathologist to the extent mentioned in that section for a period of 3 months after the commencement.

‘(2) In this section—

commencement means the commencement of this section.

former registered speech pathologist means a person who, immediately before the commencement, was registered under the repealed *Speech Pathologists Registration Act 2001*.’.

14 Amendment of sch 7 (Dictionary)

Schedule 7, definition *registered health practitioner*, from ‘any 1 of the following—’—

omit, insert—

‘the Health Practitioner Regulation National Law.’.

**Part 6 Amendment of Forensic
Disability Act 2011**

15 Act amended

This part amends the *Forensic Disability Act 2011*.

16 Amendment of s 32 (Visiting and assessing client and consulting about client's care and support)

(1) Section 32(1), after 'A registered health practitioner'—

insert—

‘, speech pathologist’.

(2) Section 32(3), after ‘The registered health practitioner,’—

insert—

‘speech pathologist,’.

17 Amendment of s 106 (Appointment of authorised officers)

Section 106(1), after ‘health practitioner,’—

insert—

‘speech pathologist,’.

18 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definition *registered health practitioner*, from ‘means—’—

omit, insert—

‘means a person registered under the Health Practitioner Regulation National Law to practise any of the following professions, other than as a student—

- (a) medical;
- (b) nursing;
- (c) occupational therapy;
- (d) physiotherapy;
- (e) psychology.’.

(2) Schedule 2—

insert—

Part 8 **Amendment of Health Practitioners (Professional Standards) Act 1999**

21 Act amended

This Act amends the *Health Practitioners (Professional Standards) Act 1999*.

22 Amendment of long title

Long title, from ‘establish’ to ‘NRAS registrants’—
omit, insert—

‘provide for NRAS disciplinary proceedings before the tribunal and for particular matters about tribunal proceedings and reviews, and appeals relating to NRAS registrants’.

23 Amendment of s 1 (Short title)

Section 1, *‘(Professional Standards)’—*
omit, insert—
‘(Disciplinary Proceedings)’.

24 Omission of ss 4 and 5

Sections 4 and 5—
omit.

25 Amendment of s 6 (Main objects of Act)

Section 6(a) to (e)—
omit, insert—

‘(a) to establish arrangements for the tribunal to hear NRAS disciplinary proceedings and reviews; and

[s 26]

(b) to provide for appeals relating to NRAS registrants.’.

26 Omission of s 7 (How main objects of this Act are to be primarily achieved)

Section 7—

omit.

27 Omission of pt 1, div 4 (Application of Act to former registrants)

Part 1, division 4—

omit.

28 Amendment of pt 2 hdg (Administration)

Part 2, heading, ‘Administration’—

omit, insert—

‘Panels of assessors’.

29 Omission of pt 2, divs 1–4

Part 2, divisions 1 to 4—

omit.

30 Omission of pt 2, div 5 hdg (Panels of assessors)

Part 2, division 5, heading—

omit.

31 Amendment of s 39 (Panels of assessors)

Section 39(b)(i) and (ii)—

omit, insert—

-
- ‘(i) Aboriginal and Torres Strait Islander health practitioners panel of assessors;
 - (ii) Chinese medicine practitioners panel of assessors;
 - (iii) a chiropractors panel of assessors;
 - (iv) a dental auxiliaries panel of assessors;
 - (v) a dentists panel of assessors;
 - (vi) a dental prosthetists panel of assessors;
 - (vii) a medical practitioners panel of assessors;
 - (viii) a medical radiation practitioners panel of assessors;
 - (ix) a nursing and midwifery panel of assessors;
 - (x) an occupational therapists panel of assessors;
 - (xi) an optometrists panel of assessors;
 - (xii) an osteopaths panel of assessors;
 - (xiii) a pharmacists panel of assessors;
 - (xiv) a physiotherapists panel of assessors;
 - (xv) a podiatrists panel of assessors;
 - (xvi) a psychologists panel of assessors.’.

32 Amendment of s 40 (Appointment of individuals to panels of assessors)

- (1) Section 40(2)(a), ‘and be members of professional conduct review panels’—
omit.
- (2) Section 40(3), ‘and members of professional conduct review panels’—
omit.
- (3) Section 40(4)(a)—
omit, insert—

[s 33]

‘(a) the individual is registered with the national board for the profession for which the panel is established; and’.

- (4) Section 40(4)(b), ‘and members of professional conduct review panels’—

omit.

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

- (1) Section 40A(1)(a)—

omit, insert—

‘(a) the principal registrar considers an NRAS disciplinary matter is likely to raise issues of a specialist or technical nature, whether on the basis of advice received under section 398P(1) or otherwise; and’.

- (2) Section 40A(1)(b), ‘secretary or’—

omit.

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

- (1) Section 41(1)(a)(i) to (iii)—

omit, insert—

‘(i) the individual is a member of a national board; or

(ii) the individual is, or has been, an NRAS registrant;
or

(iii) the individual is, or has been, registered as a health practitioner under a law of a foreign country or a former law of a State that corresponds to the National Law; or’.

- (2) Section 41(1)(b)(i), before ‘board’—

omit, insert—

‘national’.

- (3) Section 41(1)(b)(ii), ‘a registrant’—
omit, insert—
‘an NRAS registrant’.
- (4) Section 41(1)(b)(ii)(C), ‘registrant’s’—
omit, insert—
‘NRAS registrant’s’.
- (5) Section 41(1)(b)(iii)—
omit.
- (6) Section 41(2), definitions *board, registrant* and *registrant’s board*—
omit.
- (7) Section 41(2)—
insert—
‘health service provider means any of the following—
- acupuncturist
 - ambulance officer
 - audiologist
 - audiometrist
 - child guidance therapist
 - dental technician
 - dietitian
 - naturopath
 - optical dispenser
 - orthoptist
 - psychotherapist
 - social worker engaged in the provision of a health service
 - speech pathologist

[s 35]

- therapeutic counsellor.’.

(8) Section 41(2), definition *registration*, ‘, in relation to an NRAS registrant,’—

omit.

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

(1) Section 42(2)(a), ‘the board’—

omit, insert—

‘the national board’.

(2) Section 42(4)(a)—

omit, insert—

‘(a) the principal registrar considers an NRAS disciplinary matter is likely to raise issues of a specialist or technical nature, whether on the basis of advice received under section 398P(1) or otherwise; and’.

(3) Section 42(4)(b), ‘secretary or’—

omit.

36 Amendment of s 43 (Duration of appointment)

Section 43—

insert—

‘*Note—*

See also section 40A(2) for a member of a panel appointed under that section.’.

37 Amendment of s 45 (Vacation of office)

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

omit.

38 Insertion of new s 45A

Part 2, division 5—

insert—

‘45A 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.’

39 Omission of pts 3 to 11

Parts 3 to 11—

omit.

40 Omission of pt 12, divs 1–5

Part 12, divisions 1 to 5—

omit.

41 Omission of pt 12, div 6 hdg (Miscellaneous)

Part 12, division 6, heading—

omit.

42 Amendment of s 394 (Board etc. may give combined notice)

(1) Section 394, heading, ‘Board etc.’—

omit, insert—

‘Principal registrar’.

(2) Section 394(1), ‘a board or the secretary or’—

omit, insert—

‘the’.

(3) Section 394(2), ‘board, secretary or’—

[s 43]

omit.

43 Omission of ss 395 and 397

Sections 395 and 397—

omit.

44 Amendment of s 398 (Regulation-making power)

Section 398(2)—

omit.

45 Amendment of s 398B (Definitions for pt 12A)

(1) Section 398B—

insert—

‘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.’.

(2) Section 398B, definition *panel of assessors*, ‘section 398ZL’—

omit, insert—

‘section 39’.

(3) Section 398B, definition *professional panel of assessors*, ‘section 398ZL(2)’—

omit, insert—

‘section 39’.

46 Amendment of s 398K (Constitution of the tribunal)

Section 398K—

insert—

‘(2) In this section—

‘judicial member see the QCAT Act, schedule 3.’.

47 Amendment of 398M (Choosing assessors generally)

Section 398M(2)—

insert—

‘QCAT registry means the registry under the QCAT Act.’.

48 Amendment of s 398O (Requirement about gender balance)

Section 398O—

insert—

‘(4) In this section—

entity acting on behalf of a user means—

(a) an entity chosen by the user to act on the user’s behalf;
or

[s 49]

- (b) if it would be difficult or impossible for the user to choose an entity to act on the user’s behalf—an entity that has a sufficient interest in the health or welfare of the user.’.

49 Amendment of s 398V (Particular hearings to be held in private)

Section 398V(1), ‘a impairment’—
omit, insert—
‘an impairment’.

50 Amendment of s 398Z (Evidence and findings etc. in other proceedings may be received or adopted)

Section 398Z—
insert—
‘(2) In this section—
disciplinary body means a disciplinary body under this Act as in force from time to time before the commencement of this definition.’.

51 Amendment of s 398ZI (NRAS registrant or national board may appeal to Court of Appeal)

Section 398ZI(4)—
omit.

52 Omission of pt 12A, div 8 (General matters)

Part 12A, division 8—
omit.

53 Insertion of new pt 13, div 7

Part 13—

insert—

**‘Division 7 Provisions for the Health
Practitioner Registration and Other
Legislation Amendment Act 2013**

**‘Subdivision 1 Provisions for amendment of Health
Practitioners (Professional
Standards) Act 1999**

‘406 Definition for sdiv 1

‘In this subdivision—

commencement means commencement of this section.

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

‘407 Existing disciplinary proceedings not finally dealt with

- ‘(1) This section applies if disciplinary proceedings under the pre-amended Act against a person were started but not finally dealt with before the commencement.
- ‘(2) The chief executive must give the person written notice stating that—
- (a) the person may make an election to continue the disciplinary proceedings by giving the chief executive written notice of the election within 28 days after receiving the notice; and
 - (b) if the chief executive does not receive the notice within the time mentioned in paragraph (a), the disciplinary proceedings lapse.
- ‘(3) The person may make an election to continue the disciplinary proceeding by giving the chief executive written notice of the election within 28 days of receiving the notice.

[s 53]

- ‘(4) If the person does not make an election within the time mentioned in subsection (3), the disciplinary proceedings lapse.
- ‘(5) If the person makes an election under subsection (3), the disciplinary proceedings must continue under the pre-amended Act as applied by subsection (6).
- ‘(6) For subsection (5), the pre-amended Act applies—
 - (a) as if a reference in the pre-amended Act to—
 - (i) a board or a disciplinary body, other than the tribunal, is taken to be a reference to the chief executive; or
 - (ii) a registrant is taken to be a reference to the former registrant; and
 - (b) with any other necessary changes.

Example for subsection (6)(a)—

A reference in the pre-amended Act, section 384A(8) to the board is taken to be a reference to the chief executive.

- ‘(7) In this section—
former registrant means a person who, immediately before the commencement, was a registrant under the pre-amended Act.

‘408 **Chief executive to give children’s commissioner further information**

- ‘(1) This section applies if—
 - (a) before the commencement, a former board gave the children’s commissioner a notice, about disciplinary action, immediate suspension or section 311 action in relation to a person, under section 384A(3) of the pre-amended Act; and
 - (b) the children’s commissioner—

-
- (i) requests further information about the disciplinary action, immediate suspension or section 311 action; and
 - (ii) notifies the chief executive that the person is an applicant for, or holder of, a prescribed notice or exemption notice under the commissioner's Act.
 - '(2) The chief executive must give the children's commissioner a written notice stating the following—
 - (a) for a notice about disciplinary action—the form of disciplinary action taken;
 - (b) when the conduct happened that constituted a ground for the disciplinary action, immediate suspension or section 311 action;
 - (c) the nature of the conduct that constituted a ground for the disciplinary action, immediate suspension or section 311 action;
 - (d) any other information about the disciplinary action, immediate suspension or section 311 action the chief executive considers may be relevant to employment screening under the commissioner's Act, chapter 8, including, for example, details about the nature of the disciplinary action, immediate suspension or section 311 action.
 - '(3) If a written notice is given under subsection (2) about a disciplinary action, ground for the immediate suspension or section 311 action relating to a particular child, the notice must not contain information that identifies, or is likely to identify, the child.
 - '(4) If the chief executive gives the children's commissioner information under subsection (2) about disciplinary action, immediate suspension or section 311 action, and the action or suspension is set aside on review or appeal under the pre-amended Act as applied by section 407(6), the chief executive must notify the commissioner of the following—
 - (a) that the action or suspension has been set aside;

[s 53]

(b) the reasons given by the chief executive for setting it aside.

‘(5) In this section—

children’s commissioner means the Commissioner for Children and Young People and Child Guardian under the commissioner’s Act.

commissioner’s Act means the *Commission for Children and Young People and Child Guardian Act 2000*.

former board means a board under the pre-amended Act.

immediate suspension see section 384A(2)(a) of the pre-amended Act.

section 311 action see section 384A(2)(b) of the pre-amended Act.

‘Subdivision 2 Provisions relating to the repeal of Dental Technicians Registration Act 2001 and Speech Pathologists Registration Act 2001

‘409 Definitions for sdiv 2

‘In this subdivision—

commencement means the commencement of this section.

former board means a board established under a repealed Act.

repealed Act means the *Dental Technicians Registration Act 2001* or *Speech Pathologists Registration Act 2001* repealed by section 416.

‘410 Assets and liabilities etc.

‘On the commencement—

-
- (a) anything that was an asset or liability of a former board immediately before the commencement becomes an asset or liability of the office; and
 - (b) any property that was, immediately before the commencement, held by a former board on trust or subject to conditions continues to be held by the office on the same trusts or subject to the same conditions.

‘411 Records

‘On the commencement—

- (a) all records of the former board are transferred to the office; and
- (b) if a health complaint, within the meaning of the *Health Quality and Complaints Commission Act 2006* (the *HQCC Act*), has not been finally dealt with under a repealed Act—the executive officer must give a copy of any information relating to the health complaint to the commission under the HQCC Act.

‘Subdivision 3 Provisions relating to the repeal of Health Practitioner Registration (Administration) Act 1999

‘412 Definitions for sdiv 3

‘In this subdivision—

commencement means the commencement of this section.

repealed Act means the *Health Practitioner Registration Boards (Administration) Act 1999* repealed by section 416.

‘413 Assets and liabilities etc.

‘On the commencement—

[s 54]

- (a) anything that was an asset or liability of the office immediately before the commencement becomes an asset or liability of the State; and
- (b) any property that was, immediately before the commencement, held by the office on trust or subject to conditions continues to be held by the State on the same trusts or subject to the same conditions.

‘414 Records

‘On the commencement all records of the office, including the records mentioned in section 411, are transferred to the department.

‘415 Refund of proportion of registration fee

- ‘(1) As soon as practicable after the commencement the chief executive may refund a former registrant a proportion of the registration fee for the registration period for the final financial year for the board.
- ‘(2) The amount of the refund must be proportionate starting from the commencement to the end of the registration period for the final financial year.
- ‘(3) In this section—

former registrant means a person who, immediately before the commencement, was a general registrant or special purpose registrant under the repealed *Dental Technicians Registration Act 2001* or *Speech Pathologists Registration Act 2001*.

54 Replacement of pt 14 (Validation provision)

Part 14—

omit, insert—

‘Part 14 Repeals

‘416 Repeals

‘The following Acts are repealed—

- Dental Technicians Registration Act 2001, No. 5
- Health Practitioner Registration Boards (Administration) Act 1999, No. 57
- Speech Pathologists Registration Act 2001, No. 16.’

55 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *approved form, assessment report, assessor, attendance notice, board, board’s nominee, certificate of registration, chairperson, code of practice, complainant, complaints part, convicted, copy, corresponding law, current matter, detriment, disciplinary action, disciplinary body, disciplinary committee, disciplinary matter, disciplinary proceedings, disciplinary proceedings part, entity acting on behalf of a user, expert’s report, external assessment, external assessment report, external assessor, facsimile warrant, foreign disciplinary body, foreign law, foreign law part, foreign regulatory authority, further assessment, ground for disciplinary action, health assessment, health assessment committee, health professions, health service provider, hearing notice, immediate suspension part, impairment, impairment part, inspection part, inspector, interstate regulatory authority, investigation committee, investigation part, investigator, judicial member, Medicare Australia, notice of appeal, notice of review, NRAS disciplinary body, nurse, original panel, panel, panel of assessors, place, place of seizure, pre-amended Act, preliminary report, premises, president, professional conduct review panel, professional panel of assessors, proposed action, QCAT registry, referral notice, register first mention, registered, registrant, registrant’s board, relevant professional panel of assessors, repealed Act, repealed health practitioner registration Act second mention, reprisal, reviewable*

[s 55]

decision, review and appeal part, review panel, secretary, suspected matter, suspended decision, tribunal review decision, unsatisfactory professional conduct, warrant form, wellbeing of vulnerable persons—

omit.

(2) Schedule—

insert—

‘assessor, for part 12A, see section 398B.

panel of assessors, for part 12A, see section 398B.

pre-amended Act—

(a) for part 13, division 4, see section 405I; or

(b) for part 13, division 7, subdivision 1, see section 406.

professional panel of assessors means a panel of assessors mentioned in section 398B.

repealed Act—

(a) for part 13, division 3, see section 405A; or

(b) for part 13, division 7, subdivision 2, see section 409; or

(c) for part 13, division 7, subdivision 3, see section 412.

reviewable decision, for part 12A, see section 398B.

tribunal review decision, for part 12A, see section 398B.’.

(3) Schedule, definition *appealable decision*, ‘division 7, see section 398ZI(4)’—

omit, insert—

‘see section 398B’.

(4) Schedule, definition *commencement—*

insert—

‘(e) for part 13, division 7, subdivision 1—see section 406;
or

(f) for part 13, division 7, subdivision 2—see section 409.’.

-
- (5) Schedule, definition *executive officer*, ‘the *Health*’—
omit, insert—
‘the repealed *Health*’.
- (6) Schedule, definition *former board*—
insert—
‘(d) for part 13, division 7, subdivision 2, see section 409.’.
- (7) Schedule, definition *health practitioner registration Act*, paragraphs (a) and (b), after ‘the’—
insert—
‘repealed’.
- (8) Schedule definition *office*, before ‘*Health Practitioner*’—
insert—
‘repealed’.
- (9) Schedule, definition *profession*, from ‘means the following—’—
omit, insert—
‘, for an NRAS registrant, means 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.’.
- (10) Schedule, definition *user*, ‘a registrant or’—
omit, insert—
‘an’.

- (3) Schedule, definition *local health practitioner*, ‘a health registration Act’—

omit, insert—

‘the Health Practitioner Regulation National Law’.

Part 10 **Amendment of Health Quality and Complaints Commission Act 2006**

60 **Act amended**

This part amends the *Health Quality and Complaints Commission Act 2006*.

61 **Amendment of s 15 (Commission’s functions—information)**

Section 15(b), ‘registration boards’—

omit, insert—

‘national boards’.

62 **Amendment of s 17 (Cooperation with other entities)**

Section 17(b)(viii), ‘registration board’—

omit, insert—

‘national board’.

63 **Amendment of s 24 (Action by commission for contravention of s 20(1))**

Section 24(2)(d), ‘registration board’—

omit, insert—

[s 64]

‘national board’.

64 Amendment of s 37 (Meaning of *health service complaint*)

Section 37(1)(f), ‘the *Health Practitioners (Professional Standards) Act 1999* or’—

omit.

65 Amendment of s 49B (Preliminary assessment)

Section 49B(3)(d), ‘registration board’—

omit, insert—

‘national board’.

66 Amendment of s 50 (How commission must deal with a health quality complaint)

Section 50(2)(b), from ‘the *Health Practitioners*’ to ‘registration board’—

omit, insert—

‘the Health Practitioner Regulation National Law—refer it to the provider’s national board’.

67 Amendment of s 54 (Notice of decision to assess health service complaint)

(1) Section 54(1)(c), (3) and (5)—

omit.

(2) Section 54(4)—

renumber as section 54(3).

68 Omission of s 57 (Consultation with registration board)

Section 57—

omit.

69 Amendment of s 58 (Time limit on assessment)

(1) Section 58(1)(b), ‘subsection (3)’—

omit, insert—

‘subsection (2)’.

(2) Section 58(2)—

omit.

(3) Section 58(3)—

renumber as section 58(2).

70 Amendment of s 61 (Action on acceptance of complaint about provider)

Section 61(2)(c), ‘registration board’—

omit, insert—

‘national board’.

71 Amendment of s 62 (Matters about conciliation)

(1) Section 62(1), ‘registration board’s’—

omit, insert—

‘national board’s’.

(2) Section 62(2)(b) and (3), ‘registration board’—

omit, insert—

‘national board’.

72 Amendment of ch 5, pt 4, div 5 hdg (When commission must refer health service complaints to registration boards)

Chapter 5, part 4, division 5, heading, ‘registration boards’—

omit, insert—

‘national boards’.

[s 73]

- 73 Amendment of s 66 (Referral to registration board in public interest)**
Section 66, ‘registration board’—
omit, insert—
‘national board’.
- 74 Omission of s 68 (Registration board may delegate function under s 57)**
Section 68—
omit.
- 75 Amendment of s 76 (Action by commission on becoming aware of public interest issue)**
Section 76(1)(a), (2) to (4), (5)(b) and (6), ‘registration board’—
omit, insert—
‘national board’.
- 76 Amendment of s 80 (Action on report of unsuccessful conciliation)**
Section 80(1)(a)(i), (2), (3) and (4), ‘registration board’—
omit, insert—
‘national board’.
- 77 Amendment of s 81 (Ending conciliation by commission)**
Section 81(3)(a)(i), (4), (5) and (6), ‘registration board’—
omit, insert—
‘national board’.

78 Amendment of s 91 (Commission’s report about investigation)

Section 91(2), ‘registration board’—
omit, insert—
‘national board’.

79 Amendment of s 92 (To whom report may be given)

Section 92(e), ‘registration board’—
omit, insert—
‘national board’.

80 Amendment of s 149 (Assistant commissioners)

- (1) Section 149(4), definition *health practitioner registration Act*—
omit.
- (2) Section 149(4), definition *registered provider*, from ‘of another State’—
omit, insert—
‘of a foreign country that provides for the same matter as a provision of the Health Practitioner Regulation National Law.’.

81 Amendment of s 164 (Other directions by Minister)

Section 164(1)(d), ‘190 or’—
omit.

82 Amendment of ch 12 hdg (Registration boards)

Chapter 12, heading, ‘Registration boards’—
omit, insert—
‘National boards’.

[s 83]

83 Amendment of s 188 (Information from registration board)

Section 188, ‘registration board’ —

omit, insert—

‘national board’.

84 Amendment of s 189 (Registration board may ask commission for information)

(1) Section 189, heading, ‘Registration board’ —

omit, insert—

‘**National board**’.

(2) Section 189(1), ‘registration board may at any time’ —

omit, insert—

‘national board may, at any time,’.

(3) Section 189(1) and (2), ‘registration board’s’ —

omit, insert—

‘national board’s’.

85 Omission of s 190 (Commission may intervene in disciplinary proceeding under Health Practitioners (Professional Standards) Act 1999)

Section 190—

omit.

86 Amendment of s 209 (Form of consultation between commission and registration board)

(1) Section 209, heading, ‘registration board’—

omit, insert—

‘national board’.

(2) Section 209(1), ‘registration board required under section 57(1),’—

omit, insert—

‘national board required under section’.

87 Amendment of s 210 (Commission may provide information)

Section 210(1), ‘registration board’—

omit, insert—

‘national board’.

88 Amendment of s 214 (Preservation of confidentiality)

Section 214(1)(c), ‘(*Professional Standards*)’—

omit, insert—

‘(*Disciplinary Proceedings*)’.

89 Insertion of new ch 15, pt 4

Chapter 15—

insert—

‘Part 4 Provision for Health Practitioner Registration and Other Legislation Amendment Act 2013

‘234 How commission may continue health quality complaint or health service complaint

‘(1) This section applies if, on the commencement, a copy of any information relating to a health complaint about a former registered provider is given to the commission under the

[s 90]

Health Practitioners (Disciplinary Proceedings) Act 1999, section 411.

- ‘(2) The commission may continue to deal with the health complaint under this Act as if, at the time the action by the person that provided the ground for the health complaint happened, the person were a person who provided a health service but not as a registered provider.

Note—

See the *Health Practitioners (Disciplinary Proceedings) Act 1999*, section 411.

- ‘(3) In this section—

commencement means the commencement of this section.

former registered provider means a person who, immediately before the commencement, was a registered provider registered by a State board.’.

90 Amendment of sch 5 (Dictionary)

- (1) Schedule 5, definitions *disciplinary committee*, *professional conduct review panel*, *registration board*, *State board* and *State health law*—
omit.
- (2) Schedule 5, definition *completion notice*—
omit, insert—
‘***completion notice***, for an entity for a complaint, means a notice that the entity has finished dealing with the complaint.’
- (3) Schedule 5, definition *disciplinary body*, paragraphs (a) to (e)—
omit, insert—
‘(a) QCAT; or
(b) a national board under the *Health Practitioners (Disciplinary Proceedings) Act 1999*.’.

-
- (4) Schedule 5, definition *registered provider*, from ‘registration’—
omit, insert—
‘national board.’.

Part 11 Amendment of Hospital and Health Boards Act 2011

91 Act amended

This part amends the *Hospital and Health Boards Act 2011*.

92 Amendment of s 87 (Protection for documents and information)

Section 87(4), definition *proceeding*, paragraph (c), ‘a disciplinary proceeding under the *Health Practitioners (Professional Standards) Act 1999* or’—

omit.

93 Amendment of s 103 (Stopping conduct of RCA of reportable event—commissioning authority)

Section 103(6), definition *relevant entity*, paragraph (c), ‘a health practitioner registration Act’—

omit, insert—

‘the Health Practitioner Regulation National Law’.

[s 94]

94 Amendment of s 119 (Protection for documents and information)

Section 119(5), definition *proceeding*, paragraph (c), ‘a disciplinary proceeding under the *Health Practitioners (Professional Standards) Act 1999* or’—

omit.

95 Amendment of s 138 (Protection for reports)

Section 138(4), definition *proceeding*, paragraph (c), ‘a disciplinary proceeding under the *Health Practitioners (Professional Standards) Act 1999* or’—

omit.

96 Amendment of s 155 (Disclosure to health practitioner registration board)

(1) Section 155, ‘a health practitioner registration Act’—

omit, insert—

‘the Health Practitioner Regulation National Law’.

(2) Section 155(a) and (b), ‘health practitioner registration Act’—

omit, insert—

‘Health Practitioner Regulation National Law’.

97 Amendment of sch 2 (Dictionary)

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

omit.

(2) Schedule 2, definition *health professional*, paragraph (a), ‘a health practitioner registration Act’—

omit, insert—

‘the Health Practitioner Regulation National Law’.

Part 12 **Amendment of Integrity Act 2009**

98 Act amended

This part amends the *Integrity Act 2009*.

99 Amendment of sch 1 (Statutory office holders for section 72C)

Schedule 1, entry for *Health Practitioner Registration Boards (Administration) Act 1999*—

omit.

Part 13 **Amendment of Public Health Act 2005**

100 Act amended

This part amends the *Public Health Act 2005*.

101 Amendment of s 213D (Chief executive may report contravention)

(1) Section 213D(2), definition *relevant entity*, paragraph (b)—
omit.

(2) Section 213D(2), definition *relevant entity*, paragraphs (c) and (d)—
renumber as paragraphs (b) and (c).

[s 102]

Part 14 Amendment of Public Service Act 2008

102 Act amended

This part amends the *Public Service Act 2008*.

103 Amendment of sch 1 (Public service offices and their heads)

Schedule 1, entry for Office of Health Practitioner
Registration Boards—

omit.

Part 15 Amendment of Queensland Civil and Administrative Tribunal Act 2009

104 Act amended

This part amends the *Queensland Civil and Administrative
Tribunal Act 2009*.

105 Amendment of s 10 (Generally)

Section 10(2), note, paragraph (b)—

omit, insert—

‘(b) the *Health Practitioners (Disciplinary Proceedings) Act 1999*,
section 398C.’.

Part 16 **Amendment of Queensland Civil and Administrative Tribunal Regulation 2009**

106 **Regulation amended**

This part amends the *Queensland Civil and Administrative Tribunal Regulation 2009*.

107 **Amendment of sch 1 (Enabling Acts and provisions)**

- (1) Schedule 1, part 1, entries for *Dental Technicians Registration Act 2001* and *Speech Pathologists Registration Act 2001*—
omit.
- (2) Schedule 1, part 1, entry for *Health Practitioners (Professional Standards) Act 1999*—
omit, insert—
‘Health Practitioners (Disciplinary Proceedings) Act 1999, section 398F’.

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

108 **Act amended**

This part amends the *Radiation Safety Act 1999*.

109 **Amendment of s 209 (Confidentiality of information)**

Section 209(3)(a)(iv), from ‘to a board established under a health practitioner’ to ‘*Practitioners (Professional Standards) Act 1999* or’—
omit.

[s 110]

110 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *health practitioner*, paragraph (b)—
omit.
- (2) Schedule 2, definition *health practitioner*, paragraph (c)—
renumber as paragraph (b).
- (3) Schedule 2, definition *health practitioner registration Act*—
omit.

**Part 18 Amendment of Victims of
Crime Assistance Act 2009**

111 Act amended

This part amends the *Victims of Crime Assistance Act 2009*.

112 Insertion of new ch 7

After section 195—
insert—

‘Chapter 7 Validation provision for Health Practitioner Registration and Other Legislation Amendment Act 2013

‘196 Definition *health practitioner*—retrospective operation and validation

‘(1) This section applies in relation to the period from the commencement of the 2010 amendment until the commencement of this section (the *validation period*).

Note—

The 2010 amendment commenced on 1 July 2010.

‘(2) It is declared that—

- (a) for this Act, a person is taken to have been a health practitioner for any time during the validation period that the person was registered under the Health Practitioner Regulation National Law to practise in the dentists division of the dental profession, other than as a student; and
- (b) anything done or omitted to be done by a person is taken to be, and to have always been, as valid and lawful as it would be, or would have been, if the amended definition had been in force throughout the validation period.

‘(3) In this section—

2010 amendment means the substitution of the definition *health practitioner* in schedule 3 by the *Health Legislation (Health Practitioner Regulation National Law) Amendment Act 2010*.

amended definition means the definition *health practitioner* in schedule 3 as in force immediately after the commencement of this section.’

[s 113]

113 Amendment of sch 3 (Dictionary)

(1) Schedule 3, definition *health practitioner*, paragraph (a)(ii)—
insert—

‘(D) dentist;’.

(2) Schedule 3, definition *health practitioner*, paragraph (b)—
omit, insert—

‘(b) a person who is eligible for practising membership of
The Speech Pathology Association of Australia Limited
ACN 008 393 440.’.

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