

HEALTH LEGISLATION AMENDMENT BILL

EXPLANATORY NOTES

OUTLINE

The purpose of this Bill is to amend certain Acts administered by the Minister for Health.

PART 1—PRELIMINARY

Clause 1 sets out the short title of the Act.

Clause 2 provides for the commencement of the Act.

PART 2—AMENDMENT OF THE CHIROPRACTORS AND OSTEOPATHS ACT 1979

Clause 3 identifies this Part as amending the *Chiropractors and Osteopaths Act 1979*.

Clause 4 amends section 4 by omitting the existing heading and the definitions “chiropractic and osteopathy” and “Minister”; and inserting a new heading and definitions for “association of persons”, “chiropractic and osteopathy”, “chiropractic and osteopathy company” and “fee”.

Clause 5 inserts a new section 4A which defines a chiropractic and osteopathy company.

Clause 6 amends section 7 (1) to provide for the Board to be increased from seven to nine members; amends section 7(1)(a) so that two, rather one, of the four persons nominated by the Minister must be chiropractors

and osteopaths; and inserts new provisions, 7(1)(c) and (d) which provide for the two additional positions on the Board to be filled by a consumer representative and a barrister or solicitor of the Supreme Court respectively.

Clause 7 inserts a new section 7A which provides a mechanism for the appointment of persons to the new positions as if to casual vacancies.

Clause 8 amends section 11(2) by increasing the quorum from four to five members required for convening a meeting of the Board.

Clause 9 inserts a new section 25A requiring each member of the governing body of an incorporated association and each member of an unincorporated association to ensure that procedures are in place so that an agent, employee or member of the association does not engage in discreditable conduct. The Clause also imposes a penalty for failing to do so.

Clause 10 inserts the following sections under a new *Part 3A—Chiropractic and Osteopathy Companies*:

S.28A states that nothing in this Act prohibits the formation of a chiropractic and osteopathy company or the practice of chiropractic and osteopathy under a company name.

S.28B specifies that a chiropractic and osteopathy company must not practise chiropractic and osteopathy other than under a name approved by the Board and sets out the processes for the approval of and any subsequent alteration to a company name.

S.28C specifies that a company must not engage in chiropractic and osteopathy unless it is a chiropractic and osteopathy company (as defined by section 4A outlined in Clause 5).

Clause 11 omits existing section 38(g) and inserts new provisions 38(g) and (ga) which allow the Board to make by-laws in relation to fees and allowances payable for the purposes of the Act.

Clause 12 inserts new sections 40 and 41 which respectively:

- preserve the existing membership of the Board appointed under section 7(1)(a) prior to the commencement of section 6(2) of this Act, but stipulates any vacancy occurring in a member's office following the commencement of section 6(2) must be filled under section 10 of the Act having regard to section 7(1)(a); and

- declare that the Board always had power to make by-laws as specified by section 38(g).

PART 3—AMENDMENT OF DENTAL ACT 1971

Clause 13 identifies this Part as amending the *Dental Act 1971*.

Clause 14 amends section 4 by omitting the definition “Minister” and inserting a definition for “fee”.

Clause 15 amends section 7(1) to provide for the Board to be increased from seven to nine members, and inserts new provisions 7(2)(c) and (d) which provide for the two additional positions on the Board to be filled by a consumer representative and a barrister or solicitor of the Supreme Court respectively.

Clause 16 inserts a new section 7A which provides a mechanism for the appointment of persons to the new positions as if to casual vacancies.

Clause 17 amends section 11(2) by increasing the quorum from four to five members required for convening a meeting of the Board.

Clause 18 omits the existing section 35(h) and inserts new provisions 35(h) and (ha) which allow the Board to make by-laws in relation to fees and allowances payable for the purposes of the Act.

Clause 19 inserts a new section 37A which is a savings provision declaring that the Board has always had power to make by-laws as specified by section 35(h).

PART 4—AMENDMENT OF DENTAL TECHNICIANS AND DENTAL PROSTHETISTS ACT 1991

Clause 20 identifies this Part as amending the *Dental Technicians and Dental Prosthetists Act 1991*.

Clause 21 amends section 3(1) by inserting a definition “fee”.

Clause 22 amends sections 18(1) and (2) to provide for the payment of such fees and allowances approved by Governor in Council, and out of pocket expenses approved by the Board to members of the Board, an advisory committee appointed by the Board, or a committee formed for the purposes of section 25(2)(b)(iii).

Clause 23 inserts a new section 20A which provides for all registration fees paid by or on behalf of dental technicians and dental prosthetists, immediately before the commencement of this section, to be transferred from the Dental Board of Queensland to the Dental Technicians and Dental Prosthetists Board of Queensland.

Clause 24 amends section 53 by inserting a new section (1A) which sets out the actions a Judge of the District Court may take upon hearing an appeal against an order or a decision of the Board, in relation to the registration of a person as a dental technician or dental prothetist.

Clause 25 omits the existing section 58(2)(f) and inserts new provisions 58(f) and (fa) which allow the Board to make by-laws in relation to fees and allowances payable for the purposes of the Act. The Clause also omits section 58(4) which is now provided for under the *Statutory Instruments Act 1992*.

PART 5—AMENDMENT OF FOOD ACT 1981

Clause 26 identifies this Part as amending the *Food Act 1981*.

Clause 27 amends section 5(1) by: inserting definitions for “Chief Health Officer” and “Regional Health Authority”; expanding the definition for “article” to include a food vehicle; replacing the existing definition of “authorised officer”; and omitting the definitions “Local Authority” and “Minister”.

Clause 28 replaces the existing section 24 with the following:

S.24(1) states that an inspector or medical officer of health under the Health Act 1937 is an authorised officer;

(2) allows the Chief Health Officer to authorise an officer of the department, a Regional Health Authority or local authority;

(3) specifies that such authorisations must be in writing, may be of general or limited application and may be revoked by the Chief Health Officer;

(4) specifies that an authorised officer must be issued with an identity card containing a recent photograph;

(5) specifies that the Chief Health Officer, a Regional Health Authority or a local authority as the case may be must issue each authorised officer with an identity card; and

(6) specifies that the authorised officer must produce his/her identity card if requested to do so.

Clause 29 makes minor amendments to section 33 (1) and inserts a new section (1A) in which the time periods for appeals against seizure of various types of articles are redefined. This Clause also omits the existing section 33(5) and inserts new provisions:

S.33(5) in which a refusal of, or failure to lodge an application for the return of a seized article, within the redefined time periods, results in the article becoming the property of the local authority, the Regional Health Authority or the State;

S.33(6) in which a local authority, or a Regional Health Authority may destroy or dispose of seized articles that become the property of the relevant authority; and

S.33(7) in which the Chief Health Officer may destroy or dispose of seized articles that become the property of the State.

Clause 30 makes minor amendments to section 35 and inserts a new provision which extends to a Regional Health Authority the ability to recover costs and expenses associated with the storage, destruction or disposal of an article seized by the Authority under the Act.

Clause 31 inserts a new section 58 which: clarifies the interpretation of previous section 24(1) and confirms the authorised officer status of those officers authorised under the previous section 24(2).

Clause 32 makes minor amendments to the Act by means of Schedule 1, which omits references to dollar amounts and replaces them with penalty units.

PART 6—AMENDMENT OF HEALTH ACT 1937

Clause 33 identifies this Part as amending the *Health Act 1937*.

Clause 34 amends section 5 by omitting the definition “Local Authority”, and inserting definitions for “Chief Health Officer” and “day hospital”.

Clause 35 omits the words “duly qualified” from section 7(4), which specifies to whom the Director-General may delegate, with the approval of the Minister.

Clause 36 amends section 64 by inserting a new provision (e), which extends the licensing provisions for private hospitals to include day hospitals.

Clause 37 amends section 66 by increasing the classes of private hospital licenses from four to five (to include day hospitals); and extends the provisos attached to the granting of private hospitals licenses to day hospitals.

Clause 38 inserts the following sections:

S.71A requires the licensee of a private hospital to submit two monthly reports to the Chief Health Officer. This Clause also specifies the content, form and time frame within which the reports are to be submitted and the penalty for failing to do so.

S.71B prohibits the recording, disclosure or use of confidential information gained through the administration of Division XI—Private Hospitals, and specifies the circumstances in which and by whom disclosure is permitted.

Clause 39 omits the existing section 152(1)(xxviii) and inserts a new provision which prescribes new penalties for breaches of a regulation made under this section.

PART 7—AMENDMENT OF HEALTH RIGHTS COMMISSION ACT 1991

Clause 40 identifies this Part as amending the *Health Rights Commission Act 1991*.

Clause 41 amends Schedule 2 of the Act by omitting the word “Therapists” and inserting the word “Pathologists” in accordance with the amendments made to the *Speech Therapists Act 1979* as provided for in Part 16 of this Act.

PART 8—AMENDMENT OF HOSPITALS FOUNDATIONS ACT 1982

Clause 42 identifies this Part as amending the *Hospitals Foundations Act 1982*.

Clause 43 inserts a new heading for section 4, and omits the definition “Minister”.

Clause 44 replaces the existing section 25 with a new provision requiring a member of a body corporate to disclose any personal interest, or direct or indirect pecuniary interest in a matter being considered; prescribes how such matters are to be recorded and that the member or another member with a declared interest in a particular matter is not to participate in the deliberative or decision making processes of the body corporate when such a matter is being considered.

Clause 45 inserts a new section 25A which requires a member of a body corporate to act honestly and with propriety in the exercise of powers and in the discharge of the member’s functions under the Act, particularly in relation to use of office or information acquired.

PART 9—AMENDMENT OF MEDICAL ACT AND OTHER ACTS (ADMINISTRATION) ACT 1966

Clause 46 identifies this Part as amending the *Medical Act and Other Acts (Administration) Act 1966*.

Clause 47 omits the existing section 3.

Clause 48 makes minor amendments to section 4 incorporating references to “Consolidated Fund”, the “Speech Pathologists Board”, the “*Speech Pathologists Act 1979*”, the “Dental Technicians and Dental Prosthetists Board”, and the “chief executive of the Department”. The Clause also replaces the Order in Council mechanism under this section with a regulation mechanism, and saves any Order in Council made.

Clause 49 omits the words “Speech Therapy” and inserts the words “Speech Pathology” in section 14(1)(i).

Clause 50 inserts a new section 17 which allows regulations to be made for the purposes of the Act.

PART 10—AMENDMENT OF OCCUPATIONAL THERAPISTS ACT 1979

Clause 51 identifies this Part as amending the *Occupational Therapists Act 1979*.

Clause 52 amends section 4 by inserting a new heading, omitting the definition “Minister”, and inserting a definition for “fee”.

Clause 53 amends section 7(1) to provide for the Board to be increased from seven to nine members; and inserts new provisions 7(1)(c) and (d) which provide for the two additional positions on the Board to be filled by a consumer representative and a barrister or solicitor of the Supreme Court respectively.

Clause 54 inserts a new section 7A which provides a mechanism for the appointment of persons to the new positions as if to casual vacancies.

Clause 55 makes minor amendments to section 11(2) by increasing the quorum from four to five members required for convening a meeting of the Board.

Clause 56 omits existing section 37(g) and inserts new provisions 37(g) and (ga) which allow the Board to make by-laws in relation to fees and allowances payable for the purposes of the Act.

Clause 57 omits existing section 38 which now is provided for under the *Statutory Instruments Act 1992*.

Clause 58 inserts a new section 38, which is a savings provision declaring that the Board has always had power to make by-laws as specified by section 37(g).

PART 11—AMENDMENT OF OPTOMETRISTS ACT 1974

Clause 59 identifies this Part as amending the *Optometrists Act 1974*.

Clause 60 amends section 5 by inserting a new heading, omitting the definition “Minister” and inserting a new definition for “fee”.

Clause 61 amends section 8(1) to provide for the Board to be increased from seven to nine members; amends 8(1)(a) so that two, rather one, of the four persons nominated by the Minister are optometrists; and inserts new provisions 8(1)(c) and (d) which provide for the two additional positions on the Board to be filled by a consumer representative and a barrister or solicitor of the Supreme Court respectively.

Clause 62 inserts a new section 8A which provides a mechanism for the appointment of persons to the new positions as if to casual vacancies.

Clause 63 amends section 12(2) by increasing the quorum from four to five members required for convening a meeting of the Board.

Clause 64 omits existing section 40(1)(h) and inserts new provisions 40(1)(h) and (ha) which allow the Board to make by-laws in relation to fees and allowances payable for the purposes of the Act.

Clause 65 omits the existing section 41 which is now provided for under the *Statutory Instruments Act 1992* and inserts new sections 41 and 42 which respectively:

- preserve the existing membership of the Board appointed under section 8(1)(a) prior to the commencement of section 61(2) of this Act, but stipulates any vacancy occurring in a member's office following the commencement of section 61(2) must be filled under section 11, having regard to new section 8(1)(a); and
- declare that the Board has always had power to make by-laws as specified by section 40(1)(h).

PART 12—AMENDMENT OF PHARMACY ACT 1976

Clause 66 identifies this Part as amending the *Pharmacy Act 1976*.

Clause 67 amends section 5 by replacing the heading, omitting the definition “Minister” and by inserting a definition for “fee”.

Clause 68 amends section 8(1) to provide for the Board to be increased from seven to nine members; and inserts new provisions 8(1)(c) and (d) which provide for the two additional positions on the Board to be filled by a consumer representative and a barrister or solicitor of the Supreme Court respectively.

Clause 69 inserts a new section 7A which provides a mechanism for the appointment of persons to the new positions as if to casual vacancies.

Clause 70 amends section 12(2) by increasing the quorum from four to five members required for convening a meeting of the Board.

Clause 71 omits the existing section 40(1)(h) and inserts new provisions 40(1)(h) and (ha) which allow the Board to make by-laws in relation to fees and allowances payable for the purposes of the Act.

Clause 72 inserts a savings provision (section 45) which declares that the Board has always had power to make by-laws as specified by section 40(1)(h).

PART 13—AMENDMENT OF PHYSIOTHERAPISTS ACT 1964

Clause 73 identifies this Part as amending the *Physiotherapists Act 1964*.

Clause 74 amends section 4 by replacing the existing heading, omitting definitions “Minister” and “Part”, and inserting a definition for “fee”.

Clause 75 amends section 7(1) to provide for the Board to be increased from seven to nine members; and inserts new provisions 7(1)(c) and (d) which provide for the two additional positions on the Board to be filled by a consumer representative and a barrister or solicitor of the Supreme Court respectively.

Clause 76 inserts a new section 7A which provides a mechanism for the appointment of persons to the new positions as if to casual vacancies.

Clause 77 amends section 9(2) by increasing the quorum from four to five members required for convening a meeting of the Board.

Clause 78 omits the existing section 31(1)(iv) and (v) and inserts a new provision 31(1)(iv) by which the Governor in Council may make regulations in relation to fees payable for the purposes of the Act.

Clause 79 omits the existing section 32 and inserts a new section 32 declaring that the Governor in Council has always had power to make regulations as specified by section 31(1)(iv).

PART 14—AMENDMENT OF PODIATRISTS ACT 1969

Clause 80 identifies this Part as amending the *Podiatrists Act 1969*.

Clause 81 amends section 3 by replacing the existing heading, omitting the definition “Minister”, and by inserting a definition for “fee”.

Clause 82 amends section 6(1) to provide for the Board to be increased from seven to nine members; omits existing section 6(1)(a) and inserts a new provision which provides for two of the four persons nominated by the Minister to be podiatrists; and inserts new provisions 6(1)(c) and (d) which

provide for the two additional positions on the Board to be filled by a consumer representative and a barrister or a solicitor of the Supreme Court respectively.

Clause 83 inserts a new section 6A which provides a mechanism for the appointment of persons to the new positions as if to casual vacancies.

Clause 84 amends section 10(2) by increasing the quorum from four to five members required for convening a meeting of the Board.

Clause 85 omits the existing section 31(g) and inserts a new provision 31(g) which allows the Board to make by-laws in relation to fees payable for the purposes of the Act.

Clause 86 omits the existing section 32 which is now covered by the *Statutory Instruments Act 1992*.

Clause 87 inserts new sections 32 and 33 which respectively:

- preserve the existing membership of the Board appointed under section 6(1)(a) prior to the commencement of section 82(2) of this Act, but stipulates any vacancy occurring in a member's office following the commencement of section 82(2) must be filled under section 9 of the Act, having regard to the new section 6(1)(a); and
- declare the Board always had power to make by-laws as specified by section 31(g).

PART 15—AMENDMENT OF PSYCHOLOGISTS ACT 1977

Clause 88 identifies this Part as amending the *Psychologists Act 1977*.

Clause 89 amends section 4 by replacing the heading, omitting the definition “Minister”, and inserting a definition for “fee”.

Clause 90 amends section 7(1) to provide for the Board to be increased from seven to nine members; omits existing section 7(1)(a) and replaces it with a new provision in which two of the four persons nominated by the Minister are to be psychologists and another is to be a psychologist engaged in teaching psychology in a higher educational institution; and inserts new

provisions 7(1)(c) and (d) which provide for the two additional positions on the Board to be filled by a consumer representative and a barrister or solicitor of the Supreme Court respectively.

Clause 91 inserts a new section 7A which provides a mechanism for the appointment of persons to the new positions as if to casual vacancies.

Clause 92 amends section 11(2) by increasing the quorum from four to five members required for convening a meeting of the Board.

Clause 93 amends section 18 to provide for the inclusion of two years supervised experience in the practice of psychology as a requirement for registration. The Clause also makes provision for an application for registration made prior to the commencement of this section to be dealt with as if this section had not commenced.

Clause 94 omits the existing section 19(1) and inserts a new provision which allows the Board to conditionally register a person who has the necessary qualifications but does not have two years of supervised practice.

Clause 95 omits the existing section 38(g) and inserts new provisions 38(g) and (ga) which allow the Board to make by-laws in relation to fees and allowances payable for the purposes of the Act.

Clause 96 omits the existing section 39 and inserts new sections 39 and 40 which respectively:

- preserve the existing membership of the Board appointed under section 7(1)(a) prior to the commencement of 90(2) but stipulates any vacancy occurring in the member's office following the commencement of 90(2) must be filled under section 10 of the Act having regard to the new section 7(1); and
- declare that the Board has always had power to make by-laws as specified in section 38(g).

PART 16—AMENDMENT OF SPEECH THERAPISTS ACT 1979

Clause 97 identifies this Part as amending the *Speech Therapists Act 1979*.

Clause 98 amends section 4 by replacing the existing heading and the definition “Board”, omitting the definition “Minister” and inserting a new definition for “fee”.

Clause 99 amends section 6(1) by omitting the words “The Speech Therapists Board of Queensland” and replacing them with “Speech Pathologists Board”. This clause also inserts the following new provisions:

S.6(1A) which states that change of name does not affect the Board’s identity, rights, obligations or the continuation of any legal proceedings by or against it; and

S.6(1B) which states that any legal proceedings by or against the Board may be continued or commenced in its new name.

Clause 100 amends section 7(1) to provide for the Board to be increased from seven to nine members; and inserts new provisions 6(1)(c) and (d) which provide for the two additional positions on the Board to be filled by a consumer representative and a barrister or solicitor of the Supreme Court respectively. The Clause also omits section 7(2).

Clause 101 inserts a new section 7A which provides a mechanism for the appointment of persons to the new position as if to casual vacancies.

Clause 102 amends section 11(2) by increasing the quorum from four to five members required for convening a meeting of the Board.

Clause 103 omits the existing section 37(g) and inserts new provisions 37(g) and (ga) which allow the Board to make by-laws in relation to fees and allowances payable for the purposes of the Act.

Clause 104 omits the existing section 38 which is now covered by the *Statutory Instruments Act 1992*.

Clause 105 inserts the following provisions:

Section 38 construes references to the words speech therapy, speech therapist, therapists, Speech Therapists Board of Queensland, or *Speech Therapists Act 1979* to be references to the words speech pathology, speech pathologist, speech pathologists, Speech Pathologists Board and *Speech Pathologists Act 1979* respectively. It also provides that a person who was a speech therapist before commencement of this Clause, is a speech pathologist after the Clause’s commencement; and

Section 39 is a savings provision declaring that the Board has always had power to make by-laws as specified by 37(g).

Clause 106 amends the Act by means of Schedule 2, which omits all references to the words speech therapy, etc and inserts the words speech pathology, etc in their stead.

PART 17—AMENDMENT OF MEDICAL ACT 1939

Clause 107 identifies this Part as amending the *Medical Act 1939*.

Clause 108 omits the existing section 3.

Clause 109 amends section 4 by omitting definitions for “By-Laws”, “Minister”, “Prescribed” and “This Act”; and inserting definitions for a number of terms.

Clause 110 inserts the following new sections:

S.4A defines “competent to practise medicine”.

S.4B defines “impairment”.

Clause 111 omits the heading before section 5.

Clause 112 omits the existing section 5.

Clause 113 amends section 8(1) to provide for the Board to be increased from seven to nine members; and inserts new provisions 8(1)(iv) and (v) which provide for the two additional positions on the Board to be filled by a consumer representative and a barrister or solicitor of the Supreme Court respectively.

Clause 114 inserts a new section 8A which provides a mechanism for the appointment of persons to the new positions as if to casual vacancies.

Clause 115 amends section 11(5) by increasing the quorum from four to five members required for convening a meeting of the Board.

Clause 116 omits the existing section 16(1)(vi) and inserts a new provision which allows the Board to make by-laws in relation to fees payable for the purposes of the Act.

Clause 117 omits existing Part 4 and inserts a new Part 4, 4A and 4B, with Divisions and sections as follows:

PART 4—REGISTRATION

Division 1—Qualifications for registration

S.17 establishes the qualifications required for general registration.

S.17A sets out entitlement to conditional registration for interns.

S.17B provides for general or conditional registration based on mutual recognition of licensing or registration as a medical practitioner elsewhere in Australia. This Clause also provides for transfer of conditions or restrictions attaching to the licence or registration elsewhere.

S.17C specifies that the Board may grant conditional registration and details the categories of persons to whom conditional registration might be applied in particular circumstances.

S.17D provides for interim registration based on entitlement to registration under S.17 or conditional registration under S.17A.

S.17E provides for non-practising registration for persons who are eligible for registration, but who do not intend to practise.

S.17F provides for the imposition of conditions on a person's registration in the case of impairment and specifies that the conditions may be reviewed in a timeframe at the Board's discretion.

S.17G establishes that an entitlement to registration does not preclude conditions being imposed on a registration.

Division 2—Specialists

S.18. provides entitlement for the appropriately trained specialists to specialist registration.

Division 3—Grounds for refusing registration

S.19. provides that the provisions of this Division override entitlement to or eligibility for registration as detailed in Divisions 1 and 2.

S.19A specifies that applicants for registration must be competent to practise medicine as defined by section 4A of this Act and be of good character.

S.19B prevents a person from applying for registration if the person has been previously deregistered and specifies that in order to be reregistered, a review of the order by which the person was deregistered must be undertaken.

S.19C provides that registration may be refused if the applicant has been convicted of an offence. The Clause also provides that the Board is to take the nature and circumstances of the offence into account when making such decisions.

S.19D specifies that an application for registration may be refused if the applicant has been deregistered in another jurisdiction as prescribed in subsection (2).

Division 4—Suspension of registration for the protection of the public

S.20 provides the Board with powers to suspend or impose conditions on a registered practitioner where such action is necessary to protect the life or physical or mental health of a person. The Board must refer the matter to the Tribunal together with details of action taken.

S.20A allows the Board to extend a period of suspension, in 30 day periods, if the matter has not been disposed of.

S.20B provides for restoration of a person's rights and privileges on the expiry of a period of suspension, subject to an order of the Tribunal.

S.20C provides that conditions imposed under this Division have effect until the matter has been dealt with, and that other conditions being imposed are not precluded.

Division 5—Appeals

S.21 allows a person to appeal within 28 days to the Tribunal against certain determinations of the Board.

S.21A specifies that the appeal is to be lodged with the Registrar.

S.21B specifies that the manner in which an appeal arising from an inquiry by the Board is to be handled.

S.21C limits the effect of a pending appeal on any determination.

S.21D specifies the ways in which the Tribunal determines an appeal.

Division 6—Notification to medical registration authorities

S.22 specifies that the Board must give registration authorities in other jurisdictions information in such detail as it sees fit, in relation to complaints, orders, deregistrations and imposition of conditions.

PART 4A—REGISTRATION PROCEDURES

Division 1—Applying for registration

S.23 provides for the manner of application for registration.

S.23A makes provision for application fees.

S.23B requires an application to be supported by evidence as the Board requires.

S.23C imposes a time period, ie 3 months, in which an application is to be considered and determined, otherwise a right of appeal exists. The Clause also provides for a longer time period by mutual agreement with the applicant.

Division 2—Dealing with applications

S.24 specifies that the Board's actions in considering and determining applications.

S.24A specifies that applicants are to be told of the Board's decision as soon as practicable.

S.24B specifies the manner in which a person is registered.

S.24C specifies the conditions which may be imposed at the time of registration.

Division 3—Inquiries

S.25 allows the Board to hold an inquiry into an applicant's eligibility to be registered.

S.25A specifies that the Board must hold an inquiry if is not satisfied as to an applicant's eligibility for registration.

S.25B empowers the Board to appoint a Committee of Assessors to conduct an inquiry.

S.25C requires the Committee of Assessors to determine the time and place of an inquiry and to give the applicant concerned 14 days written notice of the inquiry.

S.25D gives a person who is the subject of an inquiry the right to attend and be accompanied by a legal or other adviser, but not to be represented by such adviser.

S.25E allows the Board to require an applicant for registration to undergo a medical examination.

S.25F requires the Committee of Assessors to advise the Board as to the applicant's eligibility, on completion of the inquiry.

S.25G requires the Board to provide a person who is the subject of the inquiry with a written statement of the decision.

Division 4—Keeping and alteration of the Register

S.26 provides that the Board is to keep the Register, which is to be available for inspection and search, for a fee.

S.26A provides for additional information, as approved by the Board, may be recorded in the Register.

S.26B specifies the manner in which a name is removed from the Register.

S.26C allows the Board to require the surrender of certificates by a person whose name is removed from the Register.

S.26D clarifies a reference to making a recording in the Register.

Division 5—Annual registration fees

S.27 prescribes the payment of an annual registration fee by a practitioner.

S.27A requires the Board to notify a practitioner who has failed to pay the fee by the due date of the consequences of failure to pay by a further date specified. The Clause also empowers the Board to remove from the Register the name of any fee defaulter.

S.27B provides that a person is entitled to restoration to the Register if he or she subsequently pays outstanding fees, plus a late fee, which is applied after 3 months. The Clause also provides that such restoration is on the same terms and conditions as applied to the person's registration previously.

S.27C provides that the Board can waive a registration fee.

S.27D outlines how a registered medical practitioner ceases to be registered.

Division 6—The practice of medicine

S.28 preserves the right to practise medicine to medical practitioners and prescribes the parameters of that right.

PART 4B—REMOVAL FROM AND ALTERATION OF THE REGISTER

Division 1—General powers to remove from or alter the Register

S.30 empowers the Board to remove from the Register in specified circumstances the name of a person.

S.30A empowers the Board to amend any incorrect particular on the Register.

S.30B allows the Board to remove a person's name from the Register if he or she has died, or if the practitioner requests his or her name to be so removed.

S.30C allows the Board to remove a person's name from the Register pursuant to an order of the Tribunal or Supreme Court.

S.30D allows the Board to hold an inquiry into a practitioner's eligibility, to remain registered, on the basis of fitness or competence to practise medicine.

S.30E provides that the Board may appoint a Committee of Assessors to conduct an inquiry.

S.30F requires the Committee of Assessors to fix the time and place for the inquiry and notify the practitioner accordingly.

S.30G gives the practitioner the right to attend an inquiry with a legal or other adviser, but not to be represented by such adviser.

S.30H empowers the Board to require a practitioner to undergo a medical examination before or during an inquiry.

S.30I requires the Committee of Assessors to advise the Board of its decision as to the practitioner's eligibility to remain registered.

S.30J requires the Board to provide the practitioner with a written statement of the decision, within one month.

S.30K empowers the Board to remove a practitioner's name from the Register or impose conditions on a practitioner's registration, based on the result of the inquiry.

S.30L requires the Board to give the practitioner concerned notice of action taken.

S.30M provides for appeal rights for a person de-registered or whose Register details have been altered.

Division 2—Powers resulting from action under foreign law

S.31 defines “foreign law”.

S.31A sets out the Board’s powers when a registered practitioner has been removed from a register or roll under foreign law.

S.31B sets out the Board’s powers when a registered practitioner has had conditions imposed on registration etc under a foreign law.

S.31C provides that any action under this Division must be notified to the medical practitioner concerned before it can take effect.

S.31D provides appeal rights in respect to action taken by the Board under this Division, but only in relation to an action in which the Board exercises a discretion. The Clause also outlines the Tribunal’s actions on appeal.

Division 3—Review of suspension, deregistration or conditions

S.32 provides a person with a right of review to an appropriate review body when the person: is suspended, or has his or her name removed from the Register, pursuant to an order of the Board, Tribunal or Supreme Court; or is subject to an order made under this Division. The Clause also outlines the circumstances when an application for review may not be made.

S.32A provides that the Tribunal is the appropriate review body except when the order under review nominates the Board for that role.

S.32B outlines the powers which the appropriate review body has in relation to an inquiry. The Clause also defines “reinstatement order”.

Clause 118 inserts a new Parts 12 and 13 as follows:

PART 12—MISCELLANEOUS

S.86 provides for the making of regulations by Governor in Council.

PART 13—SAVINGS AND TRANSITIONALS

S.87 is a savings provision declaring that the Board always had power to make by-laws under section 16(1)(vi).

S.88 recognises pre-existing registration, and registration with limitations and conditions.

S.89 defines “foreign medical practitioner”.

S.90 sets out the grounds for deregistration of a foreign medical practitioner.

S.91 requires the Board to give a foreign medical practitioner an opportunity to establish that he or she is not liable to deregistration.

S.92 provides that a foreign medical practitioner removed from the Register for non payment of annual registration fees is not entitled to reregistration by payment of outstanding fees alone, but also must satisfy the Board that he or she is not liable for deregistration or there is good reason why the entitlement to reregistration should not be lost.

S.93 empowers the Board to register a foreign medical practitioner with conditions, in certain circumstances.

S.94 empowers the Board to register a foreign medical practitioner, in circumstances as detailed.

S.95 saves regulations made under section 5.

Clause 119 omits the First Schedule.

