

Queensland



HEALTH LEGISLATION AMENDMENT BILL 1992

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1992

A BILL

FOR

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

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with 1
the advice and consent of the Legislative Assembly of Queensland in 2
Parliament assembled, and by the authority of the same, as follows. 3

PART 1—PRELIMINARY 4

Short title 5

Clause1. This Act may be cited as the *Health Legislation Amendment Act* 6
1992. 7

Commencement 8

Clause2. This Act commences on a day to be fixed by proclamation. 9

PART 2—AMENDMENT OF CHIROPRACTORS AND 10 **OSTEOPATHS ACT 1979** 11

Amended Act 12

Clause3. The *Chiropractors and Osteopaths Act 1979* is amended as set out 13
in this Part. 14

Amendment of s.4 (Meaning of terms) 15

Clause4.(1) Section 4 (heading)— 16

omit, insert— 17

‘Definitions’. 18

(2) Section 4 (definitions “**chiropractic and osteopathy**” and 19
“**Minister**”)— 20

omit. 21

(3) Section 4—	1
<i>insert—</i>	2
‘ “association of persons” means an association of persons, whether or not incorporated;	3
	4
“chiropractic and osteopathy” means the manipulation, mobilisation and management of the neuromusculoskeletal system of the human body;	5
	6
“chiropractic and osteopathy company” has the meaning given by section 4A;	7
	8
“fee” includes tax;’.	9
Insertion of new section 4A	10
<i>Clause 5.</i> After section 4—	11
<i>insert—</i>	12
‘Meaning of “chiropractic and osteopathy company”	13
‘4A. In this Act—	14
“chiropractic and osteopathy company” means a company incorporated in Queensland under the Corporations Law—	15
	16
(a) that is authorised by its memorandum and articles of association to engage in chiropractic and osteopathy; and	17
	18
(b) the memorandum and articles of which provide that—	19
(i) the company must not carry on the practice of chiropractic and osteopathy if less than half of its directors are chiropractors and osteopaths; and	20
	21
	22
(ii) at least—	23
(A) half of the shares included in all classes of shares that entitle the holder to vote at a meeting of the company;	24
and	25
	26
(B) half of the shares in each class specified in sub-subparagraph (A);	27
	28

- must be held by the following persons—
- (C) a chiropractor and osteopath;
 - (D) a spouse, child or grandchild of a chiropractor and osteopath;
 - (E) an executor or administrator of the estate of, or trustee of a trust for the benefit of, a person specified in sub-subparagraph (C) or (D); and
- (c) that engages in chiropractic and osteopathy through a chiropractor and osteopath.’

Amendment of s.7 (Members of Board)

Clause 6.(1) Section 7(1)—

omit ‘seven’, insert ‘9’.

(2) Section 7(1)(a)—

*omit ‘one shall be a chiropractor and osteopath’,
insert ‘2 must be chiropractors and osteopaths’.*

(3) After section 7(1)(b)—

insert—

‘; and

- (c) 1 person representing users of the services of chiropractors and osteopaths; and
- (d) a barrister or solicitor of the Supreme Court.’.

Insertion of new s.7A

Clause 7. After section 7—

insert—

‘Increase in number of members

7A. If the number of members required to constitute the Board is increased, a vacancy is taken to exist in the office of a member or members to the number of the increase and—

(a) each vacancy may be filled under section 10; and	1
(b) the Governor in Council may nominate the term of appointment of the person appointed to fill each vacancy.’.	2 3
Amendment of s.11 (Meetings of Board)	4
<i>Clause 8.</i> Section 11(2)—	5
<i>omit ‘four’, insert ‘5’.</i>	6
Insertion of new s.25A	7
<i>Clause 9.</i> After section 25—	8
<i>insert—</i>	9
‘Obligation on members of associations of persons	10
‘25A.(1) Each member of an association of persons engaged in the practice of chiropractic and osteopathy must ensure that appropriate procedures are in place to ensure that a person who is an agent, employee or member of the association does not engage in discreditable conduct in the course of the person’s agency, employment or membership.	11 12 13 14 15
Maximum penalty—20 penalty units.	16
‘(2) In this section—	17
“engage in discreditable conduct” means to do or omit to do an act that, if the act had been done or omitted to be done by a chiropractor and osteopath, the chiropractor and osteopath would have been liable to be disciplined under this Act for conduct discreditable to a chiropractor and osteopath in the practice of the profession;	18 19 20 21 22
“member” , in relation to an association of persons, means—	23
(a) in the case of an incorporated association—a member of the association’s governing body, by whatever name called; and	24 25
(b) in the case of an unincorporated association—a member of the association.’.	26 27

Insertion of new Part 3A	1
<i>Clause 10.</i> After Part 3—	2
<i>insert—</i>	3
‘PART 3A—CHIROPRACTIC AND OSTEOPATHY COMPANIES	4
	5
‘Formation of chiropractic and osteopathy companies	6
‘28A. Nothing in this Act prohibits the formation of a chiropractic and osteopathy company or the practice of chiropractic and osteopathy in the company’s name.	7
	8
	9
‘Regulation of company names	10
‘28B.(1) A chiropractic and osteopathy company must not practise chiropractic and osteopathy except under an approved name.	11
	12
‘(2) Subsection (1) does not apply to a chiropractic and osteopathy company incorporated at the commencement of this section for 6 months beginning on that commencement.	13
	14
	15
‘(3) A—	16
(a) chiropractic and osteopathy company that has been given a notice under subsection (7); or	17
	18
(b) a chiropractor and osteopath who proposes to establish or join in establishing a chiropractic and osteopathy company;	19
	20
must submit a list of proposed company names to the Board.	21
‘(4) The list must contain the number of names specified by the Board.	22
‘(5) The Board must consider the names on the list and must either—	23
(a) select 1 or more names acceptable to the Board as approved names; or	24
	25
(b) reject the names as unacceptable.	26
‘(6) The Board must promptly give written notice to the company or the chiropractor and osteopath, as the case may be, of—	27
	28

(a) the Board’s decision; and	1
(b) if the Board has rejected the names—the reasons for the decision.	2
‘(7) The Board may give written notice to a chiropractic and osteopathy company requiring it to alter its name to an approved name within a reasonable time specified by the Board.	3 4 5
‘(8) In this section—	6
“approved name” means a name that—	7
(a) is approved by the Board; and	8
(b) is approved by any other person or authority that, under any other law, is required to approve the name of a company.	9 10
‘Offence by company	11
‘28C. A company must not engage in chiropractic and osteopathy unless it is a chiropractic and osteopathy company.’.	12 13
Amendment of s.38 (By-laws)	14
Clause 11. Section 38(g)—	15
<i>omit, insert—</i>	16
‘(g) the purposes for which fees are payable under this Act, the amounts of fees, the persons who are liable to pay fees, when fees are payable, the waiver of fees and the recovery of unpaid amounts of fees;	17 18 19 20
(ga) the allowances payable under this Act and the purposes for which they are payable;’.	21 22
Insertion of new ss.40 and 41	23
Clause 12. After section 39—	24
<i>insert—</i>	25
‘Savings—members of Board	26
‘40. Despite section 6(2) of the <i>Health Legislation Amendment Act 1992</i>	27

(the “**amending section**”), a member of the Board mentioned in section 7(1)(a), as in force before the commencement of the amending section, continues in office for the remainder of the term of the member’s appointment, but any subsequent vacancy in the member’s office that is filled under section 10 must be filled having regard to section 7(1)(a) as in force after the commencement of the amending section.

‘Power of Board to make by-laws about fees 7

‘41. For the removal of doubt, it is declared that the Board has always had power to make by-laws in respect of the matters specified in section 38(g).’ 8
9
10

PART 3—AMENDMENT OF DENTAL ACT 1971 11

Amended Act 12

Clause 13. The *Dental Act 1971* is amended as set out in this Part. 13

Amendment of s.4 (Meaning of terms) 14

Clause 14.(1) Section 4(1) (definition “**Minister**”)— 15

omit. 16

(2) Section 4(1)— 17

insert— 18

‘**“fee”** includes tax;’. 19

Amendment of s.7 (Members of Board) 20

Clause 15.(1) Section 7(1)— 21

omit ‘seven’, insert ‘9’. 22

(2) After section 7(2)(b)—	1
<i>insert—</i>	2
‘; and	3
(c) 1 person representing users of the services of dentists; and	4
(d) a barrister or solicitor of the Supreme Court.’.	5
Insertion of new s.7A	6
<i>Clause 16.</i> After section 7—	7
<i>insert—</i>	8
‘Increase in number of members	9
7A. If the number of members required to constitute the Board is increased, a vacancy is taken to exist in the office of a member or members to the number of the increase and—	10 11 12
(a) each vacancy may be filled under section 10; and	13
(b) the Governor in Council may nominate the term of appointment of the person appointed to fill each vacancy.’.	14 15
Amendment of s.11 (Meetings of Board)	16
<i>Clause 17.</i> Section 11(2)—	17
<i>omit ‘four’, insert ‘5’.</i>	18
Amendment of s.35 (By-laws)	19
<i>Clause 18.</i> Section 35(h)—	20
<i>omit, insert—</i>	21
‘(h) the purposes for which fees are payable under this Act, the amounts of fees, the persons who are liable to pay fees, when fees are payable, the waiver of fees and the recovery of unpaid amounts of fees;	22 23 24 25
(ha) the allowances payable under this Act and the purposes for which they are payable;’.	26 27

Insertion of new s.37A	1
<i>Clause19.</i> After section 37—	2
<i>insert—</i>	3
‘Power of Board to make by-laws about fees	4
‘37A. For the removal of doubt, it is declared that the Board has always	5
had power to make by-laws in respect of the matters specified in section	6
35(h).’.	7
PART 4—AMENDMENT OF DENTAL TECHNICIANS	8
AND DENTAL PROSTHETISTS ACT 1991	9
Amended Act	10
<i>Clause20.</i> The <i>Dental Technicians and Dental Prosthetists Act 1991</i> is	11
amended as set out in this Part.	12
Amendment of s.3 (Interpretation)	13
<i>Clause21.</i> Section 3(1)—	14
<i>insert—</i>	15
‘“fee” includes tax;’.	16
Amendment of s.18 (Entitlements of members of Board and committees)	17
<i>Clause22.(1)</i> Section 18(1)—	19
<i>omit, insert—</i>	20
‘18.(1) Members of—	21
(a) the Board; or	22
(b) an advisory committee appointed by the Board; or	23
(c) a committee mentioned in section 25(2)(b)(iii);	24

are to be paid such fees and allowances as are approved by the Governor in Council.’.	1 2
(2) Section 18(2)—	3
omit ‘an advisory committee’,	4
insert ‘a committee mentioned in subsection (1)’.	5
Insertion of new s.20A	6
<i>Clause 23.</i> After section 20—	7
insert—	8
‘Transfer of fees	9
‘20A.(1) All registration fees paid by or on behalf of dental technicians and dental prosthetists that, immediately before the commencement of this section, are held by or vested in the Dental Board of Queensland (the ‘Dental Board’) are, on that commencement, divested from the Dental Board and vested in the Board.	10 11 12 13 14
‘(2) The Dental Board must take all necessary action to pay the fees to the Board.’.	15 16
Amendment of s.53 (Appeals)	17
<i>Clause 24.</i> After section 53(1)—	18
insert—	19
‘(1A) The Judge may—	20
(a) if the appeal is made under subsection (1)(a)—	21
(i) allow the appeal and order the Board to register the person as a dental technician or a dental prosthetist; or	22 23
(ii) dismiss the appeal; or	24
(b) if the appeal is made under subsection (1)(b)—	25
(i) allow the appeal; or	26
(ii) allow the appeal and make any other order that the Board may make under section 49(1); or	27 28

(iii) dismiss the appeal; or	1
(c) if the appeal is made under subsection (1)(c)—	2
(i) allow the appeal and order the Board to restore the person’s name and other particulars to the register or terminate the suspension, as the case may be; or	3 4 5
(ii) dismiss the appeal.’.	6
Amendment of s.58 (By-laws)	7
<i>Clause 25.(1)</i> Section 58(2)(f)—	8
<i>omit, insert—</i>	9
‘(f) the purposes for which fees are payable under this Act, the amounts of fees, the persons who are liable to pay fees, when fees are payable, the waiver of fees and the recovery of unpaid amounts of fees;	10 11 12 13
‘(fa) the allowances payable under this Act and the purposes for which they are payable;’.	14 15
(2) Section 58(4)—	16
<i>omit.</i>	17

PART 5—AMENDMENT OF FOOD ACT 1981

Amended Act	19
<i>Clause 26.</i> The <i>Food Act 1981</i> is amended as set out in this Part.	20
Amendment of s.5 (Interpretation)	21
<i>Clause 27.(1)</i> Section 5(1)—	22
<i>insert—</i>	23
‘ “Chief Health Officer” means the Chief Health Officer of the department;	24 25

“Regional Health Authority” has the same meaning as in the <i>Health Services Act 1991</i> ;	1
	2
(2) Section 5(1) (definition “article” , paragraph (e))—	3
omit ‘any thing’,	4
insert ‘anything, including a food vehicle,’.	5
(3) Section 5(1) (definition “authorized officer”)—	6
omit, insert—	7
‘ “authorised officer” means a person—	8
(a) appointed by section 24(1); or	9
(b) authorised under section 24(2) to exercise the powers of an authorised officer;’.	10
	11
(4) Section 5(1) (definition “Local Authority”)—	12
omit.	13
Replacement of s.24 (Authorized officers)	14
<i>Clause 28.</i> Section 24—	15
omit, insert—	16
‘Authorised officers	17
‘24.(1) An inspector or medical officer of health under the <i>Health Act 1937</i> is an authorised officer.	18
	19
‘(2) The Chief Health Officer may authorise any of the following to exercise the powers of an authorised officer—	20
	21
(a) an officer of the department; or	22
(b) an officer of a Regional Health Authority nominated by the Authority; or	23
	24
(c) an officer of a local authority nominated by the authority.	25
‘(3) An authorisation under subsection (2)—	26
(a) must be in writing; and	27
(b) may be of general application or be limited to a particular	28

- purpose; and 1
- (c) may be revoked at any time by the Chief Health Officer. 2
- ‘(4) Each authorised officer must be issued with an identity card 3
containing a recent photograph of the officer. 4
- ‘(5) The identity card must be issued by— 5
- (a) if the authorised officer is an officer of the department—the Chief 6
Health Officer; and 7
- (b) if the authorised officer is an officer of a Regional Health 8
Authority—the Regional Health Authority; and 9
- (c) if the authorised officer is an officer of a local authority—the local 10
authority. 11
- ‘(6) An authorised officer exercising powers under this Act in relation to 12
another person must produce the authorised officer’s identity card on 13
demand by the other person.’. 14

Amendment of s.33 (Remedy in respect of articles seized) 15

Clause 29.(1) Section 33(1)— 16

omit ‘3’, insert ‘the prescribed number of’. 17

(2) After section 33(1)— 18

insert— 19

‘(1A) In subsection (1)— 20

“prescribed number” of days means, in the case of an article that is— 21

(a) food—3; or 22

(b) an appliance—14; or 23

(c) a package—3; or 24

(d) material used in packing food—14; or 25

(e) the whole or a part of anything, including a food vehicle, used for 26
or in connection with the sale or conveyance for sale of 27
food—14; or 28

(f) labelling or advertising material used, or capable of being used, in 29

connection with the sale of food—14.’.	1
(3) Section 33(5)—	2
<i>omit, insert—</i>	3
‘(5) If an application—	4
(a) is refused—then on the refusal; or	5
(b) is not made under subsection (1)—then when the period in which the application could have been made under the subsection ends;	6 7
the seized article becomes—	8
(c) if it was seized by an authorised officer who is an officer of the department—the property of the State; or	9 10
(d) if it was seized by an authorised officer who is an officer of a Regional Health Authority—the property of the Regional Health Authority; or	11 12 13
(e) if it was seized by an authorised officer who is an officer of a local authority—the property of the local authority.	14 15
‘(6) A seized article that becomes the property of the State may be destroyed or otherwise disposed of by the Chief Health Officer.	16 17
‘(7) A seized article that becomes the property of a Regional Health Authority or local authority may be destroyed or otherwise disposed of by the Regional Health Authority or local authority.’.	18 19 20
Amendment of s.35 (Liability for costs and expenses of storage or destruction or other disposal of seized articles)	21 22
Clause 30.(1) Section 35 (paragraph (b), 1st occurring)—	23
<i>omit ‘33(5)’, insert ‘33(6) or (7)’.</i>	24
(2) Section 35 (after paragraph (a), 2nd occurring)—	25
<i>insert—</i>	26
‘(aa) in the case of costs and expenses incurred by or on behalf of a Regional Health Authority—as a debt due and owing to the Regional Health Authority; or’.	27 28 29

(3) Section 35 (paragraph (b), 2nd occurring)—	1
omit ‘Department of Health, as a debt due and owing to Her Majesty’,	2
insert ‘department, as a debt due and owing to the State’.	3
Insertion of new s.58	4
<i>Clause31.</i> After section 57—	5
insert—	6
‘Authorisation of certain officers	7
‘58.(1) To remove any doubt, it is declared that section 24(1) (as in force	8
before the commencement of section 28 of the <i>Health Legislation</i>	9
<i>Amendment Act 1992</i>) was not limited by section 24(2) or (3) as so in force.	10
‘(2) An authorisation in force under section 24(2) immediately before the	11
commencement of section 28 of the <i>Health Legislation Amendment Act</i>	12
<i>1992</i> is, from that commencement, taken to be an authorisation under	13
section 24(2) as in force after that commencement.’.	14
Minor amendments	15
<i>Clause32.(1)</i> The <i>Food Act 1981</i> is further amended as specified in	16
Schedule 1.	17
(2) In Schedule 1, each provision of the Act specified in column 1 is	18
amended by omitting the expression (the “ relevant expression ”) opposite	19
the provision in column 2 and inserting the expression opposite the relevant	20
expression in column 3.	21
PART 6—AMENDMENT OF HEALTH ACT 1937	22
Amended Act	23
<i>Clause33.</i> The <i>Health Act 1937</i> is amended as set out in this Part.	24

Amendment of s.5 (Interpretation)	1
<i>Clause34.(1)</i> Section 5—	2
<i>insert—</i>	3
‘ “Chief Health Officer” means the Chief Health Officer of the department;	4
	5
“day hospital” means a hospital that provides prescribed surgical or medical treatment by a medical specialist, within the meaning of the <i>Medical Act 1939</i> , that does not require overnight hospitalisation;’.	6
	7
	8
(2) Section 5 (definition “Local Authority”)—	9
<i>omit.</i>	10
Amendment of s.7 (Delegation of powers, etc.)	11
<i>Clause35.</i> Section 7(4)—	12
<i>omit</i> ‘duly qualified’.	13
Amendment of s.64 (Private hospitals to be licensed)	14
<i>Clause36.</i> After section 64(d)—	15
<i>insert—</i>	16
‘; or	17
(e) a day hospital.’.	18
Amendment of s.66 (Kinds of licences)	19
<i>Clause37.(1)</i> Section 66—	20
<i>omit</i> ‘four’, <i>insert</i> ‘5’.	21
(2) Section 66 (after paragraph (d), 1st occurring)—	22
<i>insert—</i>	23
‘;	24
(e) a day hospital.’.	25
(3) Section 66 (after ‘licence for a general private hospital’, twice	26

occurring)—	1
<i>insert—</i>	2
‘or a day hospital’.	3
(4) Section 66 (after ‘combined general private’)—	4
<i>insert—</i>	5
‘and maternity hospital or combined day’.	6
Insertion of new ss.71A and 71B	7
<i>Clause38.</i> After section 71—	8
<i>insert—</i>	9
‘Monthly reports	10
‘71A.(1) The licensee of a private hospital must, for each month, give the Chief Health Officer 2 reports, in the forms approved by the Chief Health Officer, stating for the month—	11 12 13
(a) in the case of one report—the details indicated in the approved form in relation to each patient whose stay in the hospital was terminated; and	14 15 16
(b) in the case of the other report—a summary, in statistical form, of details of admissions, separations, patient type and occupied bed days.	17 18 19
‘(2) The reports must reach the Chief Health Officer by the end of the month following the month for which they are required to be given.	20 21
Maximum penalty—4 penalty units.	22
‘Confidentiality	23
‘71B.(1) A person must not record, disclose or use confidential information gained by the person through involvement in the administration of this Division unless the person does so—	24 25 26
(a) for the purposes of this Act; or	27
(b) when expressly authorised under an Act.	28

Maximum penalty—10 penalty units.	1
‘(2) The Chief Health Officer may disclose confidential information mentioned in subsection (1)—	2 3
(a) to a person if the information is in a statistical or similar form that does not disclose the identity of a patient; or	4 5
(b) to—	6
(i) a person conducting scientific research and study; or	7
(ii) an official of any State or Territory or the Commonwealth; who has, in the opinion of the Chief Health Officer, a legitimate interest in the information.	8 9 10
‘(3) In this section—	11
“ confidential information ” includes the name, address, place of employment or any other particular likely to lead to the identification of a patient.’.	12 13 14
Amendment of s.152 (Regulations)	15
<i>Clause39.</i> Section 152(1)(xxviii)—	16
omit, insert—	17
‘(xxviii)creating offences and prescribing penalties of not more than 80 penalty units for the offences; and’.	18 19

PART 7—AMENDMENT OF HEALTH RIGHTS COMMISSION ACT 1991

Amended Act	22
<i>Clause40.</i> The <i>Health Rights Commission Act 1991</i> is amended as set out in this Part.	23 24

Amendment of Schedule 2 (Declared Registration Boards)	1
<i>Clause41.</i> Schedule 2 (item 12)—	2
<i>omit</i> ‘Therapists’, <i>insert</i> ‘Pathologists’.	3

PART 8—AMENDMENT OF HOSPITALS	4
FOUNDATIONS ACT 1982	5

Amended Act	6
<i>Clause42.</i> The <i>Hospitals Foundations Act 1982</i> is amended as set out in this Part.	7 8

Amendment of s.4 (Interpretation)	9
<i>Clause43.(1)</i> Section 4 (heading)—	10
<i>omit, insert</i> —	11
‘Definitions’.	12
(2) Section 4 (definition “ Minister ”)—	13
<i>omit.</i>	14

Replacement of s.25 (Interests to be disclosed)	15
<i>Clause44.</i> Section 25—	16
<i>omit, insert</i> —	17

‘Disclosure of interests	18
‘25.(1) If—	19
(a) a member of a body corporate has a personal interest, or a direct or indirect pecuniary interest, in a matter being considered, or about to be considered, by the body corporate; and	20 21 22
(b) the interest could conflict with the proper performance of the member’s duties in relation to consideration of the matter;	23 24

the member must, as soon as practicable after the relevant facts come to the member's knowledge, disclose the nature of the interest to a meeting of the body corporate.

‘(2) A disclosure under subsection (1) must be recorded in the minutes of the meeting and, unless the body corporate otherwise determines, the member must not—

- (a) be present during any deliberation of the body corporate in relation to the matter; or
- (b) take part in any decision of the body corporate in relation to the matter.

‘(3) For the purpose of the making of a determination by the body corporate under subsection (2) in relation to the member, the member or another member who has a personal interest, or a direct or indirect pecuniary interest, in the matter to which the disclosure relates must not—

- (a) be present during any deliberation of the body corporate for the purpose of making the determination; or
- (b) take part in the making by the body corporate of the determination.’.

Insertion of new s.25A

*Clause*45. After section 25—

insert—

‘Members to act honestly and with propriety

‘25A.(1) A member of a body corporate must at all times act honestly in the exercise of the member's powers and the discharge of the member's functions under this Act.

‘(2) A member of a body corporate must not make improper use of—

- (a) the office of member; or
- (b) information acquired by virtue of holding that office;

to gain, directly or indirectly, an advantage for the member or another person or to cause detriment to the body corporate.’.

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

Amended Act

Clause 46. The *Medical Act and Other Acts (Administration) Act 1966* is amended as set out in this Part.

Omission of s.3 (Interpretation)

Clause 47. Section 3—

omit.

Amendment of s.4 (Contribution by Boards to Consolidated Revenue)

Clause 48.(1) Section 4 (heading)—

omit, insert—

‘Contributions by Boards to Consolidated Fund’.

(2) Section 4 (1st sentence)—

omit ‘Consolidated Revenue’ (wherever occurring),

insert ‘Consolidated Fund’.

(3) Section 4 (1st sentence)—

omit ‘Order in Council published in the Gazette’,

insert ‘regulation’.

(4) Section 4 (1st sentence)—

omit—

‘The Speech Therapists Board of Queensland constituted under the *Speech Therapists Act 1979*’;

insert—

‘The Speech Pathologists Board constituted under the *Speech Pathologists Act 1979*’.

(5) Section 4 (1st sentence)—	1
omit ‘Dental Prosthetists Registration Board’,	2
insert ‘Dental Prosthetists Board’.	3
(6) Section 4 (1st sentence)—	4
renumber as subsection (1).	5
(7) Section 4 (2nd sentence)—	6
omit.	7
(8) Section 4 (3rd sentence)—	8
omit ‘Under Secretary, Department of Health’,	9
insert ‘chief executive of the department’.	10
(9) Section 4 (3rd sentence)—	11
omit ‘Consolidated Revenue’,	12
insert ‘Consolidated Fund’.	13
(10) Section 4 (3rd sentence)—	14
renumber as subsection (2).	15
(11) After section 4(2)—	16
insert—	17
‘(3) An order in council in force under this section immediately before	18
the commencement of this subsection continues to have effect after the	19
commencement, and may be repealed or amended, as if it were a	20
regulation.’.	21
Amendment of s.14 (Powers of Inspectors)	22
<i>Clause 49.</i> Section 14(1)(i)—	23
omit ‘Speech Therapy’, insert ‘Speech Pathology’.	24
Insertion of new s.17	25
<i>Clause 50.</i> After section 16—	26

<i>insert—</i>	1
‘Regulations	2
‘17. The Governor in Council may make regulations for the purposes of this Act.’.	3 4
PART 10—AMENDMENT OF OCCUPATIONAL THERAPISTS ACT 1979	5 6
Amended Act	7
<i>Clause51.</i> The <i>Occupational Therapists Act 1979</i> is amended as set out in this Part.	8 9
Amendment of s.4 (Meaning of terms)	10
<i>Clause52.(1)</i> Section 4 (heading)—	11
<i>omit, insert—</i>	12
‘Definitions’.	13
(2) Section 4—	14
<i>insert—</i>	15
‘“fee” includes tax;’.	16
(3) Section 4 (definition “Minister”)—	17
<i>omit.</i>	18
Amendment of s.7 (Members of Board)	19
<i>Clause53.(1)</i> Section 7(1)—	20
<i>omit ‘seven’, insert ‘9’.</i>	21
(2) After section 7(1)(b)—	22
<i>insert—</i>	23

‘; and	1
(c) 1 person representing users of the services of occupational therapists; and	2 3
(d) a barrister or solicitor of the Supreme Court.’.	4
Insertion of new s.7A	5
<i>Clause 54.</i> After section 7—	6
<i>insert—</i>	7
‘Increase in number of members	8
‘7A. If the number of members required to constitute the Board is increased, a vacancy is taken to exist in the office of a member or members to the number of the increase and—	9 10 11
(a) each vacancy may be filled under section 10; and	12
(b) the Governor in Council may nominate the term of appointment of the person appointed to fill each vacancy.’.	13 14
Amendment of s.11 (Meetings of Board)	15
<i>Clause 55.(1)</i> Section 11(2)—	16
<i>omit ‘four’, insert ‘5’.</i>	17
(2) Section 11(2) (3rd sentence)—	18
<i>omit ‘he shall be taken to have cast is’,</i>	19
<i>insert ‘the member is taken to have cast the member’s’.</i>	20
Amendment of s.37 (By-laws)	21
<i>Clause 56.</i> Section 37(g)—	22
<i>omit, insert—</i>	23
‘(g) the purposes for which fees are payable under this Act, the amounts of fees, the persons who are liable to pay fees, when fees are payable, the waiver of fees and the recovery of unpaid amounts of fees;	24 25 26 27

(ga) the allowances payable under this Act and the purposes for which they are payable;’.	1 2
Omission of s.38 (Procedural provisions re by-laws)	3
<i>Clause57.</i> Section 38—	4
<i>omit.</i>	5
Insertion of new s.38	6
<i>Clause58.</i> After section 37—	7
<i>insert—</i>	8
‘Power of Board to make by-laws about fees	9
‘38. For the removal of doubt, it is declared that the Board has always had power to make by-laws in respect of the matters specified in section 37(g).’.	10 11 12
PART 11—AMENDMENT OF OPTOMETRISTS ACT 1974	13 14
Amended Act	15
<i>Clause59.</i> The <i>Optometrists Act 1974</i> is amended as set out in this Part.	16
Amendment of s.5 (Meaning of terms)	17
<i>Clause60.(1)</i> Section 5 (heading)—	18
<i>omit, insert—</i>	19
‘Definitions’.	20
(2) Section 5—	21
<i>insert—</i>	22
‘“fee” includes tax;’.	23

(3) Section 5 (definition “ Minister ”)—	1
<i>omit.</i>	2
Amendment of s.8 (Members of Board)	3
Clause 61. (1) Section 8(1)—	4
<i>omit ‘seven’, insert ‘9’.</i>	5
(2) Section 8(1)(a) (after ‘Minister’)—	6
<i>insert—</i>	7
‘of whom at least 2 are to be optometrists’.	8
(3) After section 8(1)(b)—	9
<i>insert—</i>	10
‘; and	11
(c) 1 person representing users of the services of optometrists; and	12
(d) a barrister or solicitor of the Supreme Court.’.	13
Insertion of new s.8A	14
Clause 62. After section 8—	15
<i>insert—</i>	16
‘Increase in number of members	17
‘8A. If the number of members required to constitute the Board is	18
increased, a vacancy is taken to exist in the office of a member or members	19
to the number of the increase and—	20
(a) each vacancy may be filled under section 11; and	21
(b) the Governor in Council may nominate the term of appointment	22
of the person appointed to fill each vacancy.’.	23
Amendment of s.12 (Meetings of Board)	24
Clause 63. Section 12(2)—	25
<i>omit ‘four’, insert ‘5’.</i>	26

Amendment of s.40 (By-laws)	1
<i>Clause64.</i> Section 40(1)(h)—	2
<i>omit, insert—</i>	3
‘(h) the matters in respect of which fees are payable for the purposes of this Act, the amounts of fees, the persons who are liable to pay fees, when fees are payable, the waiver of fees and the recovery of unpaid amounts of fees;	4 5 6 7
(ha) the allowances payable under this Act and the purposes for which they are payable;’.	8 9
Replacement of s.41 (Procedural provisions re by-laws)	10
<i>Clause65.</i> Section 41—	11
<i>omit, insert—</i>	12
‘Savings—members of Board	13
‘41. Despite section 61(2) of the <i>Health Legislation Amendment Act 1922</i> (the “ amending section ”), a member of the Board mentioned in section 8(1)(a), as in force before the commencement of the amending section, continues in office for the remainder of the term of the member’s appointment, but any subsequent vacancy in the member’s office that is filled under section 11 must be filled having regard to section 8(1)(a) as in force after the commencement of the amending section.	14 15 16 17 18 19 20
‘Power of Board to make by-laws about fees	21
‘42. For the removal of doubt, it is declared that the Board has always had power to make by-laws with respect to the matters specified in section 40(1)(h).’.	22 23 24

PART 12—AMENDMENT OF PHARMACY ACT 1976	1
Amended Act	2
<i>Clause 66.</i> The <i>Pharmacy Act 1976</i> is amended as set out in this Part.	3
Amendment of s.5 (Meaning of terms)	4
<i>Clause 67.(1)</i> Section 5 (heading)—	5
<i>omit, insert—</i>	6
‘Definitions’.	7
(2) Section 5—	8
<i>insert—</i>	9
‘“fee” includes tax;’.	10
(3) Section 5 (definition “Minister”)—	11
<i>omit.</i>	12
Amendment of s.8 (Members of Board)	13
<i>Clause 68.(1)</i> Section 8(1)—	14
<i>omit ‘seven’, insert ‘9’.</i>	15
(2) After section 8(1)(b)—	16
<i>insert—</i>	17
‘; and	18
(c) 1 person representing users of the services of pharmacists; and	19
(d) a barrister or solicitor of the Supreme Court.’.	20
Insertion of new s.8A	21
<i>Clause 69.</i> After section 8—	22
<i>insert—</i>	23

‘Increase in number of members	1
‘8A. If the number of members required to constitute the Board is increased, a vacancy is taken to exist in the office of a member or members to the number of the increase and—	2 3 4
(a) each vacancy may be filled under section 11; and	5
(b) the Governor in Council may nominate the term of appointment of the person appointed to fill each vacancy.’.	6 7
Amendment of s.12 (Meeting of Board)	8
<i>Clause70.</i> Section 12(2)—	9
<i>omit ‘four’, insert ‘5’.</i>	10
Amendment of s.40 (By-laws)	11
<i>Clause71.</i> Section 40(1)(h)—	12
<i>omit, insert—</i>	13
‘(h) the matters in respect of which fees are payable for the purposes of this Act, the amounts of fees, the persons who are liable to pay fees, when fees are payable, the waiver of fees and the recovery of unpaid amounts of fees;	14 15 16 17
(ha) the allowances payable under this Act and the purposes for which they are payable;’.	18 19
Insertion of new s.45	20
<i>Clause72.</i> After section 44—	21
<i>insert—</i>	22
‘Power of Board to make by-laws about fees	23
‘45. For the removal of doubt, it is declared that the Board has always had power to make by-laws with respect to the matters specified in section 40(1)(h).’.	24 25 26

PART 13—AMENDMENT OF PHYSIOTHERAPISTS ACT 1964	1 2
Amended Act	3
<i>Clause 73.</i> The <i>Physiotherapists Act 1964</i> is amended as set out in this Part.	4
Amendment of s.4 (Meaning of terms)	5
<i>Clause 74.(1)</i> Section 4 (heading)—	6
<i>omit, insert—</i>	7
‘Definitions’.	8
(2) Section 4—	9
<i>insert—</i>	10
‘“fee” includes tax;’.	11
(3) Section 4 (definitions “ Minister ” and “ Part ”)—	12
<i>omit.</i>	13
Amendment of s.7 (Members of the Board)	14
<i>Clause 75.(1)</i> Section 7(1)—	15
<i>omit ‘seven’, insert ‘9’.</i>	16
(2) After section 7(1)(b)—	17
<i>insert—</i>	18
‘; and	19
(c) 1 person representing users of the services of physiotherapists;	20
and	21
(d) a barrister or solicitor of the Supreme Court.’.	22
Insertion of new s.7A	23
<i>Clause 76.(1)</i> After section 7—	24

<i>insert—</i>	1
‘Increase in number of members	2
‘7A. If the number of members required to constitute the Board is increased, a vacancy is taken to exist in the office of a member or members to the number of the increase and—	3 4 5
(a) each vacancy may be filled under section 7(4); and	6
(b) the Governor in Council may nominate the term of appointment of the person appointed to fill each vacancy.’.	7 8
Amendment of s.9 (Meetings of Board)	9
<i>Clause77.</i> Section 9(2)—	10
<i>omit ‘Four’, insert ‘Five’.</i>	11
Amendment of s.31 (Regulations)	12
<i>Clause78.</i> Section 31(1)(iv) and (v)—	13
<i>omit, insert—</i>	14
‘(iv) the fees payable for the purposes of this Act, the amounts of fees, the persons who are liable to pay fees, when fees are payable, the waiver of fees and the recovery of unpaid amounts of fees;’.	15 16 17 18
Replacement of s.32 (Publication of Proclamations and regulations)	19
<i>Clause79.</i> Section 32—	20
<i>omit, insert—</i>	21
‘Power to make regulations about fees	22
‘32. For the removal of doubt, it is declared that the Governor in Council has always had power to make regulations in respect of the matters specified in section 31(1)(iv).’.	23 24 25

**PART 14—AMENDMENT OF PODIATRISTS ACT
1969**

Amended Act

Clause 80. The *Podiatrists Act 1969* is amended as set out in this Part.

Amendment of s.3 (Meaning of terms)

Clause 81.(1) Section 3 (heading)—

omit, insert—

‘Definitions’.

(2) Section 3—

insert—

‘**“fee”** includes tax;’.

(3) Section 3 (definition **“Minister”**)—

omit.

Amendment of s.6 (Members of Board)

Clause 82.(1) Section 6(1)—

omit ‘seven’, insert ‘9’.

(2) Section 6(1)(a)—

omit, insert—

‘(a) 4 persons of whom at least 2 are podiatrists; and’.

(3) After section 6(1)(b)—

insert—

‘; and

(c) 1 person representing users of the services of podiatrists; and

(d) a barrister or solicitor of the Supreme Court.’.

Insertion of new s.6A	1
<i>Clause83.</i> After section 6—	2
<i>insert—</i>	3
‘Increase in number of members	4
‘6A. If the number of members required to constitute the Board is increased, a vacancy is taken to exist in the office of a member or members to the number of the increase and—	5 6 7
(a) each vacancy may be filled under section 9; and	8
(b) the Governor in Council may nominate the term of appointment of the person appointed to fill each vacancy.’.	9 10
Amendment of s.10 (Meetings of Board)	11
<i>Clause84.</i> Section 10(2)—	12
<i>omit ‘four’, insert ‘5’.</i>	13
Amendment of s.31 (By-laws)	14
<i>Clause85.</i> Section 31(g)—	15
<i>omit, insert—</i>	16
‘(g) the purposes for which fees are payable under this Act, the amounts of fees, the persons who are liable to pay fees, when fees are payable, the waiver of fees and the recovery of unpaid amounts of fees;’.	17 18 19 20
Omission of s.32 (Tabling of by-laws)	21
<i>Clause86.</i> Section 32—	22
<i>omit.</i>	23
Insertion of new ss.32 and 33	24
<i>Clause87.</i> After section 31—	25
<i>insert—</i>	26

‘Savings—members of Board	1
‘32. Despite section 82(2) of the <i>Health Legislation Amendment Act 1992</i> (the “ amending section ”), a member of the Board mentioned in section 6(1)(a), as in force before the commencement of the amending section, continues in office for the remainder of the term of the member’s appointment, but any subsequent vacancy in the member’s office that is filled under section 9 must be filled having regard to section 6(1)(a) as in force after the commencement of the amending section.	2 3 4 5 6 7 8
‘Power of Board to make by-laws about fees	9
‘33. For the removal of doubt, it is declared that the Board has always had power to make by-laws in respect of the matters specified in section 31(g).’.	10 11 12
PART 15—AMENDMENT OF PSYCHOLOGISTS ACT 1977	13 14
Amended Act	15
Clause 88. The <i>Psychologists Act 1977</i> is amended as set out in this Part.	16
Amendment of s.4 (Meaning of terms)	17
Clause 89.(1) Section 4 (heading)—	18
<i>omit, insert—</i>	19
‘Definitions’.	20
(2) Section 4—	21
<i>insert—</i>	22
‘“fee” includes tax;’.	23
(3) Section 4 (definition “ Minister ”)—	24
<i>omit.</i>	25

Amendment of s.7 (Members of Board)	1
<i>Clause90.(1)</i> Section 7(1)—	2
<i>omit ‘seven’, insert ‘9’.</i>	3
(2) Section 7(1)(a)—	4
<i>omit, insert—</i>	5
‘(a) 4 persons of whom at least—	6
(i) 2 are psychologists; and	7
(ii) another is a psychologist engaged in teaching psychology in	8
a higher educational institution; and’.	9
(3) After section 7(1)(b)—	10
<i>insert—</i>	11
‘; and	12
(c) 1 person representing users of the services of psychologists; and	13
(d) a barrister or solicitor of the Supreme Court.’.	14
(4) After section 7(2)—	15
<i>insert—</i>	16
‘ (3) In this section—	17
“higher educational institution” has the meaning given by section 68(e)	18
of the <i>Education (General Provisions) Act 1989</i> .’.	19
Insertion of new s.7A	20
<i>Clause91.</i> After section 7—	21
<i>insert—</i>	22
‘Increase in number of members	23
‘7A. If the number of members required to constitute the Board is	24
increased, a vacancy is taken to exist in the office of a member or members	25
to the number of the increase and—	26
(a) each vacancy may be filled under section 10; and	27
(b) the Governor in Council may nominate the term of appointment	28

of the person appointed to fill each vacancy.’.	1
Amendment of s.11 (Meetings of Board)	2
<i>Clause 92.</i> Section 11(2)—	3
<i>omit ‘four’, insert ‘5’.</i>	4
Amendment of s.18 (Qualification for registration)	5
<i>Clause 93.(1)</i> After section 18(1)—	6
<i>insert—</i>	7
‘(1A) Despite subsection (1), a person is entitled to be registered as a psychologist only if, in addition to the qualification specified in subsection (1)(a), (b) or (c), the person also satisfies the Board that the person has had 2 years’ supervised experience in the practice of psychology.’.	8
	9
	10
	11
(2) After section 18(2)—	12
<i>insert—</i>	13
‘(2A) An application made under this section before the commencement of section 93 of the <i>Health Legislation Amendment Act 1992</i> is to be dealt with as if that section had not commenced.’.	14
	15
	16
(3) Section 18(3) (words beginning ‘who may include’ and ending ‘Queensland’)—	17
	18
<i>omit.</i>	19
Amendment of s.19 (Conditional registration)	20
<i>Clause 94.</i> Section 19(1)—	21
<i>omit, insert—</i>	22
‘19.(1) If a person has applied to the Board for registration under section 18(1)(a), (b) or (c) and the person is qualified except for the requirement set out in section 18(1A), the Board may grant the person a certificate of conditional registration.’.	23
	24
	25
	26

Amendment of s.38 (By-laws)	1
<i>Clause95.</i> Section 38(g)—	2
<i>omit, insert—</i>	3
‘(g) the purposes for which fees are payable under this Act, the amounts of fees, the persons who are liable to pay fees, when fees are payable, the waiver of fees and the recovery of unpaid amounts of fees;	4 5 6 7
(ga) the allowances payable under this Act and the purposes for which they are payable;’.	8 9
Replacement of s.39 (Procedural provisions re by-laws)	10
<i>Clause96.</i> Section 39—	11
<i>omit, insert—</i>	12
‘Savings—members of Board	13
‘ 39. Despite section 90(2) of the <i>Health Legislation Amendment Act 1992</i> (the “ amending section ”), a member of the Board mentioned in section 7(1)(a), as in force before the commencement of the amending section, continues in office for the remainder of the term of the member’s appointment, but any subsequent vacancy in the member’s office that is filled under section 10 must be filled having regard to section 7(1)(a) as in force after the commencement of the amending section.	14 15 16 17 18 19 20
‘Power of Board to make by-laws about fees	21
‘ 40. For the removal of doubt, it is declared that the Board has always had power to make by-laws in respect of the matters specified in section 38(g).’.	22 23 24

PART 16—AMENDMENT OF SPEECH THERAPISTS ACT 1979	1 2
Amended Act	3
<i>Clause 97.</i> The <i>Speech Therapists Act 1979</i> is amended as set out in this Part.	4 5
Amendment of s.4 (Meaning of terms)	6
<i>Clause 98.(1)</i> Section 4 (heading)—	7
<i>omit, insert—</i>	8
‘Definitions’.	9
(2) Section 4 (definition “ Board ”)—	10
<i>omit, insert—</i>	11
‘ “ Board ” means the Speech Pathologists Board constituted under this Act;’.	12 13
(3) Section 4—	14
<i>insert—</i>	15
‘ “ fee ” includes tax;’.	16
(4) Section 4 (definition “ Minister ”)—	17
<i>omit.</i>	18
Amendment of s.6 (Constitution of Board)	19
<i>Clause 99.(1)</i> Section 6(1)—	20
<i>omit</i> ‘The Speech Therapists Board of Queensland’,	21
<i>insert</i> ‘the Speech Pathologists Board’.	22
(2) After section 6(1)—	23
<i>insert—</i>	24
‘(1A) The change of name of The Speech Therapists Board of Queensland to the Speech Pathologists Board effected by section 99 of the	25 26

<i>Health Legislation Amendment Act 1992</i> does not affect—	1
(a) its identity; or	2
(b) the exercise of rights, or the enforcement of obligations, by or against it; or	3 4
(c) the continuation of any legal proceedings by or against it.	5
‘ (1B) Any legal proceedings that might have been continued or started by or against the Board in its former name may be continued or started in its new name.’	6 7 8
Amendment of s.7 (Members of Board)	9
<i>Clause 100.</i> (1) Section 7(1)—	10
omit ‘seven’, insert ‘9’.	11
(2) After section 7(1)(b)—	12
insert—	13
‘; and	14
(c) 1 person representing users of the services of speech pathologists; and	15 16
(d) a barrister or solicitor of the Supreme Court.’.	17
(3) Section 7(1)—	18
omit ‘(1)’.	19
(4) Section 7(2)—	20
omit.	21
Insertion of new s.7A	22
<i>Clause 101.</i> After section 7—	23
insert—	24
‘ Increase in number of members	25
7A. If the number of members required to constitute the Board is increased, a vacancy is taken to exist in the office of a member or members	26 27

to the number of the increase and—	1
(a) each vacancy may be filled under section 10; and	2
(b) the Governor in Council may nominate the term of appointment of the person appointed to fill each vacancy.’.	3 4
Amendment of s.11 (Meetings of Board)	5
<i>Clause102.</i> Section 11(2)—	6
<i>omit ‘four’, insert ‘5’.</i>	7
Amendment of s.37 (By-laws)	8
<i>Clause103.</i> Section 37(g)—	9
<i>omit, insert—</i>	10
‘(g) the purposes for which fees are payable under this Act, the amounts of fees, the persons who are liable to pay fees, when fees are payable, the waiver of fees and the recovery of unpaid amounts of fees;	11 12 13 14
(ga) the allowances payable under this Act and the purposes for which they are payable;’.	15 16
Omission of s.38 (Procedural provisions re by-laws)	17
<i>Clause104.</i> Section 38—	18
<i>omit.</i>	19
Insertion of new ss. 38 and 39	20
<i>Clause105.</i> After section 37—	21
<i>insert—</i>	22
‘References to speech therapy etc.	23
‘ 38.(1) A reference in an Act or other document in force immediately before the commencement of this section, to—	24 25
(a) speech therapy; or	26

(b) a speech therapist; or	1
(c) the Speech Therapists Board of Queensland; or	2
(d) the <i>Speech Therapists Act 1979</i> ;	3
is, on the commencement of this section, taken to be a reference to—	4
(e) speech pathology; or	5
(f) a speech pathologist; or	6
(g) the Speech Pathologists Board; or	7
(h) the <i>Speech Pathologists Act 1979</i> ;	8
respectively.	9
‘(2) A person who, immediately before the commencement of section 105 of the <i>Health Legislation Amendment Act 1992</i> , was a speech therapist is, from that commencement and subject to this Act, a speech pathologist.	10 11 12
‘Power of Board to make by-laws about fees	13
‘39. For the removal of doubt, it is declared that the Board has always had power to make by-laws in respect of the matters specified in section 37(g).’.	14 15 16
Minor amendments	17
Clause 106.(1) The <i>Speech Therapists Act 1979</i> is further amended as specified in Schedule 2.	18 19
(2) In Schedule 2, each provision of the Act specified in column 1 is amended by omitting the expression (the “ relevant expression ”) opposite the provision in column 2 and inserting the expression opposite the relevant expression in column 3.	20 21 22 23

PART 17—AMENDMENT OF MEDICAL ACT 1939 24

Amended Act	1
<i>Clause 107.</i> The <i>Medical Act 1939</i> is amended as set out in this Part.	2
Omission of s.3 (Repeal of “The Medical Acts, 1925 to 1935”)	3
<i>Clause 108.</i> Section 3—	4
<i>omit.</i>	5
Amendment of s.4 (Meaning of terms)	6
<i>Clause 109.(1)</i> Section 4 (definitions “ By-Laws ”, “ Minister ”, “ Prescribed ” and “ This Act ”)—	7
<i>omit.</i>	8
(2) Section 4—	9
<i>insert—</i>	10
“ competent to practise medicine ” has the meaning given by section 4A;	11
“ fee ” includes tax;	12
“ general registration ” means registration that is not subject to a condition;	13
“ impairment ” has the meaning given by section 4B;	14
“ Register ” includes the Register of Medical Practitioners, Queensland and the Register of Specialists, Queensland;’.	15
	16
	17
Insertion of new ss.4A and 4B	18
<i>Clause 110.</i> After section 4—	19
<i>insert—</i>	20
‘Meaning of “competent to practise medicine”	21
‘4A. A person is competent to practise medicine only if the person—	22
(a) has sufficient physical capacity, mental capacity and skill to practise medicine; and	23
(b) has sufficient communication skills for the practice of medicine, including an adequate command of the English language.	24
	25
	26

‘Meaning of “impairment”	1
‘4B.(1) A person is considered to suffer from impairment if the person suffers from a physical or mental impairment, disability, condition or disorder that detrimentally affects or is likely to detrimentally affect the person’s physical or mental capacity to practise medicine.	2 3 4 5
‘(2) Habitual drunkenness or addiction to a deleterious drug is considered to be a physical or mental disorder.’.	6 7
Omission of heading before s.5 (Regulations, Proclamations, etc.)	8
<i>Clause 111.</i> Heading before section 5—	9
<i>omit.</i>	10
Omission of s.5	11
<i>Clause 112.</i> Section 5—	12
<i>omit.</i>	13
Amendment of s.8 (Constitution of Board; president)	14
<i>Clause 113.(1)</i> Section 8(1)—	15
<i>omit ‘seven’, insert ‘9’.</i>	16
(2) Section 8(1) (after paragraph (iii))—	17
<i>insert—</i>	18
‘(iv) 1 member representing users of the services of medical practitioners;	19 20
(v) a barrister or solicitor of the Supreme Court.’.	21
Insertion of new s.8A	22
<i>Clause 114.</i> After section 8—	23
<i>insert—</i>	24
‘Increase in number of members	25

- ‘8A.** If the number of members required to constitute the Board is increased, an extraordinary vacancy is taken to exist in the office of a member or members to the number of the increase and—
- (a) each extraordinary vacancy may be filled under section 8(5); and
 - (b) the Governor in Council may nominate the term of appointment of the person appointed to fill each vacancy.’.

Amendment of s.11 (Quorum) 7

- Clause 115.** Section 11(5)— 8
omit ‘four’, insert ‘5’. 9

Amendment of s.16 (Power to make by-laws) 10

- Clause 116.** Section 16(1)(vi)— 11
omit, insert— 12
 ‘(vi) the purposes for which fees are payable under this Act, the amounts of fees, the persons who are liable to pay fees, when fees are payable, the waiver of fees and the recovery of unpaid amounts of fees;’.

Replacement of Part 4 17

- Clause 117.** Part 4— 18
omit, insert— 19

‘PART 4—REGISTRATION 20

‘Division 1—Qualifications for registration 21

‘Entitlement to general registration based on qualifications and training 22
 23

- ‘17.(1)** A person is entitled to general registration as a medical practitioner if the person has recognised medical qualifications and has 24
 25

successfully completed a period of internship or supervised training required by the Board. 1
2

‘(2) A person has “**recognised medical qualifications**” if the person is a graduate of a Medical School (whether within or outside Australia) accredited by the Australian Medical Council or has successfully completed examinations held by the Council for the purposes of registration as a medical practitioner. 3
4
5
6
7

‘Entitlement to conditional registration for interns 8

‘17A.(1) A person is entitled to be registered as a medical practitioner subject to appropriate conditions if the person would be entitled to registration under section 17 except for the fact that the person has not completed a period of internship or supervised training required by the Board. 9
10
11
12
13

‘(2) The “**appropriate conditions**” of registration are the conditions that the Board considers appropriate for the purpose of enabling the person to complete the internship or training. 14
15
16

‘Entitlement to general or conditional registration based on registration elsewhere in Australia 17 18

‘17B.(1) A person who is licensed or registered as a medical practitioner under the law in force in another State or a Territory is entitled to be registered as a medical practitioner under this Act. 19
20
21

‘(2) If the person’s licence or registration in the other State or the Territory is not subject to a condition or restriction, the person’s entitlement to registration under this Act is an entitlement to general registration. 22
23
24

‘(3) If the person’s licence or registration in the other State or the Territory is subject to a condition or restriction, the person’s entitlement to registration under this Act is an entitlement to registration subject to— 25
26
27

(a) the conditions to which the licence or registration is subject in the other State or the Territory; or 28
29

(b) the conditions appropriate to give effect to the condition or restriction to which the licence or registration is subject in the other State or the Territory. 30
31
32

‘Conditional registration at the discretion of the Board	1
‘17C. The Board may register a person as a medical practitioner under any of the following paragraphs and may impose such conditions on the registration as the Board considers appropriate—	2 3 4
(a) Graduates from non-accredited institutions—postgraduate training	5 6
• A person who is a graduate of medicine from an institution which is not accredited by the Australian Medical Council may be registered on a temporary basis to enable the person to undertake a period of postgraduate training in medicine approved by the Board;	7 8 9 10 11
(b) Candidates for Council examinations approved for supervised training	12 13
• A person who is a candidate for an examination held by the Australian Medical Council and has been approved by the Council to undertake a period of supervised training approved by the Board before sitting for the examination may be registered for the purpose of enabling the person to undertake the training;	14 15 16 17 18 19
(c) Medical teaching or research	20
• A person may be registered for the purpose of enabling the person to fill a medical teaching or research position if the person has qualifications that the Board recognises for the purpose;	21 22 23 24
(d) Unmet areas of need	25
• A person may be registered for the purpose of enabling an unmet area of need to be met if the Board is satisfied that the person has suitable qualifications and experience to practise medicine in the area of need;	26 27 28 29
(e) Recognised specialist qualifications and experience	30
• A person may be registered if the Board is satisfied that the person has specialist qualifications and experience in medicine recognised by the relevant Australian specialist college or institution and registration is for the purpose of	31 32 33 34

enabling the person to practise within that specialty;	1
(f) Foreign specialist qualifications and experience—further training	2 3
• A person may be registered if the Board is satisfied that the person has specialist qualifications and experience in medicine obtained outside Australia that are not recognised by the relevant Australian specialist college or institution, and that registration is for the purpose of enabling the person to undergo further specialist training or examination before being assessed for recognition by the college or institution;	4 5 6 7 8 9 10
(g) Temporary registration in the public interest	11
• A person may be registered on a temporary basis if the Board is satisfied that it is in the public interest to do so.	12 13
‘Interim registration available in certain cases	14
‘17D.(1) An applicant for registration may be granted interim registration in either of the following cases—	15 16
(a) if the applicant is entitled to registration under section 17 but it is not practicable to wait until the Board can consider the application;	17 18 19
(b) if the applicant would be entitled to registration under section 17A except for the fact that a degree or award to which the applicant is entitled has not yet been conferred or granted by the institution concerned.	20 21 22 23
‘(2) A person authorised by the Board for the purposes of this section may grant an applicant interim registration under this section.	24 25
‘(3) A person’s interim registration is in force from the time of its grant until the person is given written notice that any of the following things has happened—	26 27 28
(a) the Board has granted the person registration;	29
(b) the Board has refused the application for registration;	30
(c) the Board has cancelled the interim registration.	31
‘(4) The Board may cancel a person’s interim registration for a reason	32

that it considers appropriate. 1

‘(5) If the Board acts under subsection (4), it must immediately give the 2
person written notice of the cancellation. 3

‘(6) A person who holds interim registration is, for all purposes, taken to 4
be registered as a medical practitioner. 5

‘(7) If a person was the holder of interim registration immediately before 6
the person is registered, the person’s registration is taken to have 7
commenced on the day on which interim registration was granted. 8

‘(8) Interim registration granted under this section is taken to have been 9
granted by the Board. 10

‘Non-practising registration 11

‘17E.(1) A person who is entitled to, or eligible for, registration under 12
another provision of this Part, but who does not intend to practise, may elect 13
to be registered subject to the condition that the person is not to practise 14
medicine. 15

‘(2) The Board may register the person mentioned in subsection (1) 16
subject to such a condition. 17

‘Conditions may be imposed in cases of impairment 18

‘17F.(1) The Board may impose conditions on a person’s registration if 19
the Board is satisfied that the person suffers from an impairment and the 20
conditions are reasonably required having regard to the impairment. 21

‘(2) A medical practitioner who has had conditions imposed on the 22
person’s registration under this section (including on a review under this 23
section) may apply to the Board for a review of the conditions. 24

‘(3) The Board may decline to review the conditions if the application is 25
made within 6 months after the conditions were last reviewed under this 26
section. 27

‘(4) On a review of conditions, the Board may alter or remove conditions 28
or impose new conditions, as it considers appropriate. 29

‘(5) If the Board acts under subsection (3) or (4), it must immediately 30
give the medical practitioner written notice of the conditions imposed, 31

altered or removed.	1
‘Entitlement to registration does not prevent conditions being imposed	2 3
‘17G. An entitlement to registration under this Act does not prevent conditions being imposed on that registration under this Act.	4 5
<i>‘Division 2—Specialists</i>	6
‘Specialists	7
‘18.(1) A medical practitioner who has general registration is entitled to specialist registration if the medical practitioner has recognised specialist qualifications in a prescribed speciality of medicine.	8 9 10
‘(2) A person has “recognised specialist qualifications in a prescribed speciality of medicine” if the person satisfies the Board that the person—	11 12
(a) has gained special skill in the particular speciality, with respect to which the application relates, by adequate experience in the speciality gained in the prescribed way; and	13 14 15
(b) is the holder of a qualification in a prescribed speciality of medicine; and	16 17
(c) satisfies the prescribed conditions that relate to the qualification.	18
<i>‘Division 3—Grounds for refusing registration</i>	19
‘Registration may be refused despite entitlement or eligibility	20
‘19. This Division overrides an entitlement to, or eligibility for, registration under Divisions 1 and 2.	21 22
‘Applicants must be competent and of good character	23
‘19A. The Board may register a person as a medical practitioner only if it is satisfied that the person—	24 25

- (a) is competent to practise medicine; and 1
- (b) is of good character. 2

‘Restrictions on registration of deregistered persons’ 3

‘19B.(1) The Board must reject an application for registration by a person who has been deregistered under this Act. 4
5

‘(2) A person is **“deregistered”** when— 6

- (a) the person’s name is removed from the Register under an order of the Tribunal or the Supreme Court; or 7
8
- (b) the Tribunal or the Supreme Court orders that the person not be re-registered. 9
10

‘(3) The only way such a person can again be registered is on a review under Division 3 of Part 4B of the order by which the person was deregistered. 11
12
13

‘Registration may be refused if applicant convicted of offence’ 14

‘19C.(1) The Board may refuse an application for registration if— 15

- (a) the applicant has been convicted in Queensland of an offence or has been convicted elsewhere by a court for or in respect of an act or omission that would, had it taken place in Queensland, have constituted an offence; and 16
17
18
19
- (b) the Board is of the opinion that the conviction renders the person unfit in the public interest to practise medicine. 20
21

‘(2) In making a decision under this section, the Board is to have regard to the nature of the offence (such as, for example, whether it is of a trivial nature) and the circumstances in which it was committed. 22
23
24

**‘Registration may be refused if applicant deregistered on disciplinary grounds in another jurisdiction’ 25
26**

‘19D.(1) The Board may refuse an application for registration if the applicant’s name has been removed or erased from a foreign medical register for a reason relating to conduct of the person amounting to 27
28
29

misconduct in a professional respect, or on a basis relating to the person’s physical or mental capacity to practise medicine.	1 2
‘(2) In this section—	3
“foreign medical register” means a register or roll established or kept under a law of another State or a Territory or of a foreign country providing for the registration, licensing or certification of medical practitioners under an authority established by a law of the State, Territory or country.	4 5 6 7 8
<i>‘Division 4—Suspension of registration for the protection of the public</i>	9
‘Suspension or imposition of conditions to protect life	10
‘20.(1) If the Board is satisfied that such action is necessary for the purpose of protecting the life or the physical or mental health of a person, the Board may—	11 12 13
(a) by order, suspend a medical practitioner from practising medicine for such period (not longer than 30 days) as is specified in the order; or	14 15 16
(b) impose on a medical practitioner’s registration, conditions, relating to the practitioner’s practising medicine, that it considers appropriate.	17 18 19
‘(2) The Board may take the action whether or not a complaint has been made to the Board about the medical practitioner.	20 21
‘(3) The Board must refer the matter to the Tribunal, together with details of the action taken by the Board under this section.	22 23
‘(4) This Division does not affect the provisions of the <i>Health Rights Commission Act 1991</i> relating to the investigation of complaints against registered providers (within the meaning of that Act).	24 25 26
‘Extension of suspension	27
‘20A.(1) A period of suspension imposed under this Division may be extended by order of the Board for further periods, each of which is not longer than 30 days.	28 29 30

(2) Subsection (1) applies only if the matter has not been disposed of. 1

‘Expiration of suspension 2

‘20B. On the expiry of a period of suspension imposed under this 3
Division, the person’s rights and privileges as a medical practitioner are 4
revived, subject to any order of the Tribunal on the complaint that is referred 5
to the Tribunal. 6

‘Effect of conditions imposed 7

‘20C.(1) Conditions imposed under this Division have effect until the 8
matter is disposed of. 9

‘(2) This section does not prevent conditions being imposed under 10
another provision of this Act. 11

‘Division 5—Appeals 12

‘Right of appeal 13

‘21.(1) A person may appeal to the Tribunal against any of the following 14
determinations of the Board— 15

(a) a determination to refuse a person’s application for registration; 16

(b) a determination imposing a condition on the person’s registration; 17

(c) a determination in respect of a review under section 17F of the 18
conditions to which a person’s registration is subject; 19

(d) a determination made under section 30, 30K(1), 31A(3) or 91 to 20
remove a medical practitioner’s name from the Register; 21

(e) a determination made under section 30A, 30K(2) or 31B(3) to 22
alter the records of the Register in respect of a medical 23
practitioner. 24

‘(2) An appeal must be made within 28 days (or such longer period as 25
the Registrar may allow in a particular case) after notice of the determination 26
or action is given to the person. 27

‘Appeal to be lodged with Registrar	1
‘21A. An appeal must be lodged with the Registrar who is to refer it to the Tribunal.	2 3
‘Appeal from inquiry decision to be by way of rehearing	4
‘21B.(1) If the determination in respect of which an appeal is made was made because of an inquiry held by the Board, the appeal is to be dealt with by way of rehearing.	5 6 7
‘(2) Fresh evidence or evidence in addition to or in substitution for the evidence received at the inquiry may be given at the rehearing.	8 9
‘Pending appeal does not affect Board’s determination	10
‘21C. An appeal does not affect a determination with respect to which it is made until the appeal is determined.	11 12
‘Determination of appeal	13
‘21D.(1) When it determines an appeal, the Tribunal may dismiss the appeal or order that the determination of the Board be revoked and replaced by a different determination made by the Tribunal and specified in the order.	14 15 16
‘(2) The Tribunal may also make such ancillary orders as it considers appropriate.	17 18
‘(3) The Tribunal’s decision—	19
(a) is taken to be the determination of the Board; and	20
(b) does not confer a right of appeal under this Division in respect of the decision.	21 22
‘(4) The Board is to give effect to an order made by the Tribunal.	23
 <i>‘Division 6—Notification to medical registration authorities</i>	 24
‘Notification of certain matters to other States	25
‘22. The Board must give medical registration authorities in other States	26

or in a Territory such notice and details of the following matters as the Board considers appropriate or desirable in the particular case—	1 2
(a) a complaint made against a medical practitioner under this Act, unless it is determined that no further action should be taken in respect of the complaint;	3 4 5
(b) an order made under this Act in respect of such a complaint;	6
(c) the removal of the name of a person from the Register and the reasons for the removal;	7 8
(d) the placing of conditions on a person’s registration.	9

‘PART 4A—REGISTRATION PROCEDURES 10

‘Division 1—Applying for registration 11

‘Form etc. of application 12

‘23. An application for registration must be in a form approved by the Board and must be lodged with the Registrar. 13
14

‘Application fee 15

‘23A.(1) The application is to be accompanied by the prescribed fee. 16

‘(2) The Board may waive the requirement for a fee in a particular case. 17

‘Evidence to accompany application 18

‘23B. The application is to be accompanied by such evidence as the Board requires. 19
20

‘Time within which application to be determined 21

‘23C.(1) For the purposes of an appeal under this Act, the Board is taken to have determined that an applicant for registration is not entitled to be 22
23

registered and to have refused the application if the Board does not consider
and determine the application within 3 months after the application is lodged
with the Registrar. 1
2
3

‘(2) The Board and the applicant may agree on a longer period than 3
months for the purposes of this section, in which case the agreed longer
period applies. 4
5
6

‘Division 2—Dealing with applications’ 7

‘Applications to be considered and determined’ 8

‘24. The Board is to consider and determine all applications for
registration by either— 9
10

(a) registering the applicant (unconditionally or subject to
conditions); or 11
12

(b) refusing the application. 13

‘Notice to applicant of decision on application’ 14

‘24A.(1) The Board is to give an applicant for registration written notice
of the Board’s decision on the application as soon as practicable after the
decision is made. 15
16
17

‘(2) If the decision is to grant registration, the Board is to issue to the
applicant a certificate of registration in a form approved by the Board and
stating the particulars recorded in the Register with respect to the applicant. 18
19
20

‘How a person is registered’ 21

‘24B. The Board registers a person by recording in the Register the
particulars that the Board considers appropriate and any conditions to which
the registration is subject. 22
23
24

‘Conditions on registration’ 25

‘24C. The conditions that may be imposed on registration under this Act
at the time of registration include— 26
27

- (a) conditions relating to the duration of registration; and 1
- (b) the aspects of the practice in which the person who is registered
may be engaged; and 2
3
- (c) conditions relating to any other matter that the Board considers
appropriate. 4
5

‘Division 3—Inquiries 6

‘Board may hold inquiry into eligibility 7

‘25.(1) The Board may hold an inquiry, in such cases as it considers
appropriate, into the eligibility of an applicant to be registered as a medical
practitioner. 8
9
10

‘(2) The inquiry may include an inquiry into the applicant’s competence
to practise medicine. 11
12

‘Board must hold inquiry in certain cases 13

‘25A. If the Board is not satisfied as to the eligibility of an applicant to be
registered after considering the application for registration, the Board is to
hold an inquiry under this Division for the purpose of satisfying itself as to
eligibility. 14
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‘Constitution of Board for inquiry 18

‘25B. For the purposes of conducting an inquiry under this Part, the
Board may appoint a Committee of Assessors comprised of medical
practitioners (whether or not they are members of the Board). 19
20
21

‘Applicant to be notified of inquiry 22

‘25C. The Committee of Assessors is to fix a time and place for the
holding of an inquiry and is to give the applicant concerned at least 14 days’
written notice of the time and place for the inquiry. 23
24
25

‘Practitioner entitled to attend	1
‘25D. The applicant concerned is entitled to attend and to be accompanied by a barrister or solicitor or another adviser, but is not entitled to be represented by a barrister or solicitor or other adviser.	2 3 4
‘Preliminary medical examinations of applicants for registration	5
‘25E. Before or during an inquiry under this Division, the Board may require the applicant for registration, by written notice given to the applicant, to undergo, at the Board’s expense, a medical examination by a specified medical practitioner, at a specified reasonable time and place.	6 7 8 9
‘Decision of the Committee of Assessors in an inquiry	10
‘25F. On completion of the inquiry, the Committee of Assessors is to advise the Board of its decision about the eligibility of the applicant to be registered as a medical practitioner.	11 12 13
‘Details of decision to be supplied to applicant	14
‘25G.(1) The Board must give written notice of the decision on an inquiry to the applicant and must do so within 1 month after the decision is made.	15 16 17
‘(2) The notice must give the reasons for the decision.	18
‘(3) The Board may also give written notice of a decision to such other persons as the Board considers appropriate.	19 20
 <i>‘Division 4—Keeping and alteration of the Register</i>	 21
‘Board is to keep the Register	22
‘26.(1) The Board is to keep—	23
(a) a register called the Register of Medical Practitioners, Queensland; and	24 25
(b) a register called the Register of Specialists, Queensland.	26

‘(2) The Register must be made available, at all reasonable times, for inspection at the office of the Board by any person on payment of the prescribed fee. 1
2
3

‘(3) The Board may carry out a search of the Register on a person’s behalf and is entitled to charge such fee as it determines for the search. 4
5

‘Additional information may be recorded in the Register 6

‘26A.(1) On application by a medical practitioner and payment of the prescribed fee, the Board may record in the Register any particulars, in addition to those required to be recorded in the Register, as the Board approves. 7
8
9
10

‘(2) The Board must make other recordings in the Register necessary for the purpose of maintaining the Register as an accurate record of the particulars relating to each medical practitioner. 11
12
13

‘Method of removal from the Register 14

‘26B.(1) The name of a medical practitioner is removed from the Register by the making in the Register of the recording the Board directs. 15
16

‘(2) If a person’s name is removed from the Register otherwise than in accordance with an order of the Tribunal or the Supreme Court, the Board must give written notice to the person. 17
18
19

‘Surrender of certificates 20

‘26C.(1) The Board may, by written notice, require a person who has ceased to be registered to give to the Board within a specified reasonable time a certificate issued to the person under this Act in respect of the registration. 21
22
23
24

‘(2) The person must not, without reasonable excuse, fail to comply with the notice. 25
26

Maximum penalty—1 penalty unit. 27

‘Making a recording in the Register—extended meaning	1
‘26D. A reference in this Act to “the making of a recording in the Register” includes a reference to amending, cancelling or deleting a recording in the Register.	2 3 4
<i>‘Division 5—Annual registration fees</i>	5
‘Annual registration fee payable	6
‘27. A medical practitioner must, on or before a day notified in writing to the practitioner at least 1 month in advance, pay to the Board the prescribed annual registration fee.	7 8 9
‘Practitioner’s name may be removed from Register for non-payment	10
‘27A.(1) The Board must give written notice to a medical practitioner who does not pay the annual registration fee on or before the due day that, if the fee is not paid on or before a later specified day, the practitioner’s name will be removed from the Register.	11 12 13 14
‘(2) The Board may remove from the Register the name of a medical practitioner who has been so notified and fails to pay the fee on or before the later day.	15 16 17
‘Entitlement to restoration if fee paid	18
‘27B.(1) A person whose name has been removed from the Register for failure to pay the annual registration fee is entitled to have their name restored to the Register if the person pays to the Board the unpaid annual registration fee or fees together with the prescribed restoration fee.	19 20 21 22
‘(2) The Board may waive payment of the restoration fee in a particular case.	23 24
‘(3) The entitlement of a person to have their name restored to the Register is an entitlement to registration on the same terms and subject to the same conditions (if any) as applied to the person’s registration immediately before the removal of the person’s name from the Register.	25 26 27 28
‘(4) A person registered under an entitlement to have their name restored	29

to the Register under this section is taken to have been so registered on and from the day the person's name was removed from the Register or on and from such later day as the Board determines and notifies to the person.

‘(5) The entitlement of a person to have their name restored to the Register under this section does not override any other provision of this Act under which the person's name is authorised or required to be removed from the Register.

‘Board may waive registration fee

‘27C. The Board may, for such reason as it considers appropriate, waive the requirement that an annual registration fee be paid by a medical practitioner in a particular year.

‘How registration ceases

‘27D. A medical practitioner ceases to be registered when—

- (a) the Board gives the person written notice that the person's name has been removed from the Register under this Act; or
- (b) if registration is conditional and the period of the registration is specified in a condition—the period of the registration expires.

‘Division 6—The practice of medicine

‘Right to practise medicine

‘28. A person other than a medical practitioner may not hold an appointment as—

- (a) a physician, surgeon or other medical officer—
 - (i) in a passenger or other vessel leaving a port and registered in Queensland; or
 - (ii) in a public or private hospital or other institution or society for affording medical relief in sickness, infirmity or old age; or
- (b) a medical inspector, medical officer of health or health officer.

‘Medical certificates	1
‘29.(1) A person who is not a medical practitioner must not sign a medical certificate of the cause of death of a deceased person.	2 3
‘(2) A certificate required by law to be signed by a physician, surgeon or medical practitioner is invalid if the person signing the certificate is not a medical practitioner.	4 5 6
‘PART 4B—REMOVAL FROM AND ALTERATION OF THE REGISTER	7 8
<i>‘Division 1—General powers to remove from or alter the Register</i>	9
‘Removal of person wrongfully registered	10
‘30. The Board may remove from the Register the name of a person who—	11 12
(a) has been registered because of a false or fraudulent representation or declaration, made either verbally or in writing; or	13 14
(b) is not entitled or eligible to be registered.	15
‘Amendment of incorrect particulars concerning qualifications	16
‘30A.(1) The Board may remove particulars from, or otherwise amend, the Register if the particulars appearing on the Register in respect of the qualifications of a medical practitioner are proved to the satisfaction of the Board to be, or are to the Board’s knowledge, false or erroneous in any respect.	17 18 19 20 21
‘(2) This requirement applies even if the practitioner had the relevant qualifications or the entry was otherwise correct when the entry was made in the Register.	22 23 24

‘Removal on death or at own request

‘30B. The Board must remove the name of a medical practitioner from the Register if the practitioner has died or has requested the Board to remove his or her name.

‘Removal or amendment under disciplinary order

‘30C.(1) The Board must remove the name of a person from the Register if removal of the person’s name is required by an order under this Act of the Tribunal or the Supreme Court.

‘(2) The Board is to make the recordings in the Register necessary to give effect to an order under this Act of the Board, the Tribunal or the Supreme Court about the conditions to be imposed on a person’s registration.

‘Board may hold inquiry into eligibility

‘30D.(1) If the Board is concerned that a person whose name is on the Register may be unfit to practise medicine, the Board may hold an inquiry into the eligibility of the person to remain registered as a medical practitioner.

‘(2) The inquiry may include an inquiry into the medical practitioner’s competence to practise medicine.

‘Constitution of Board for inquiry

‘30E. For the purposes of conducting an inquiry under this Part, the Board may appoint a Committee of Assessors consisting of medical practitioners (whether or not they are members of the Board).

‘Medical practitioner to be notified of inquiry

‘30F. The Committee of Assessors is to fix a time and place for the holding of an inquiry and is to cause the medical practitioner concerned to be given at least 14 days’ written notice of the time and place for the inquiry.

‘Medical practitioner entitled to attend	1
‘30G. The medical practitioner in relation to whom an inquiry is being held is entitled to attend and to be accompanied by a barrister or solicitor or another adviser, but is not entitled to be represented by a barrister or solicitor or other adviser.	2 3 4 5
‘Preliminary medical examination of medical practitioner	6
‘30H. Before or during an inquiry under this Part, the Board may require the medical practitioner, by written notice given to the practitioner, to undergo at the Board’s expense a medical examination by a specified medical practitioner at a reasonable specified time and place.	7 8 9 10
‘Decision of the Committee of Assessors in an inquiry	11
‘30I. On completion of the inquiry, the Committee of Assessors must advise the Board of its decision about the medical practitioner’s eligibility to remain registered as a medical practitioner, with or without conditions.	12 13 14
‘Details of decision to be supplied to medical practitioner	15
‘30J.(1) The Board must give a written notice of the decision on an inquiry to the medical practitioner concerned within 1 month after the decision is made.	16 17 18
‘(2) The notice must give the reasons for the decision.	19
‘(3) The Board may also give written notice of a decision to any other persons the Board considers appropriate.	20 21
‘Removal or imposition of conditions relating to competence to practise	22 23
‘30K.(1) If, because of the inquiry, the Board is of the opinion that the medical practitioner is not competent to practise medicine, the Board may remove the medical practitioner’s name from the Register.	24 25 26
(2) If, because of the inquiry, the Board is of the opinion that conditions should be imposed on the medical practitioner’s registration to practise medicine, the Board may make the necessary recordings in the Register.	27 28 29

‘Medical practitioner to be notified of action	1
‘30L. The Board must give the medical practitioner concerned written notice of action taken by the Board under this Division and the action does not take effect until the notice is given.	2 3 4
‘Appeal	5
‘30M. A person—	6
(a) whose name has been removed from the Register under section 30 or 30K(1); or	7 8
(b) in respect of whom, conditions, to which the person’s registration is subject to, have been altered under section 30A or 30K(2);	9 10
may appeal to the Tribunal against the removal or alteration	11
<i>‘Division 2—Powers resulting from action under foreign law</i>	12
‘Meaning of “foreign law”	13
‘31. in this Division—	14
“foreign law” means a law of another State, a Territory or a foreign country providing for the registration, licensing or certification of medical practitioners under an authority established by a law of the State, Territory or country.	15 16 17 18
‘Deregistration on basis of disciplinary action under foreign law	19
‘31A.(1) This section applies if it is proved to the satisfaction of the Board that the name of a person has, after the person was registered under this Act, been removed from a register or roll under a foreign law—	20 21 22
(a) for a reason relating to conduct of the person amounting to misconduct in a professional respect; or	23 24
(b) for a reason relating to the person’s physical or mental capacity to practise medicine.	25 26
‘(2) If this section applies and the foreign law concerned is a law of a	27

place in Australia, the Board must remove the name of the person from the Register.	1 2
‘(3) If the foreign law is a law of a place outside Australia, the Board may remove the name of the person from the Register.	3 4
‘(4) The Board may restore a name removed from the Register.	5
‘Imposition of conditions imposed under foreign law	6
‘31B.(1) This section applies if it is proved to the satisfaction of the Board that, after a person was registered under this Act, a condition has been placed on the person’s registration, licensing or certification under a foreign law.	7 8 9 10
‘(2) If this section applies and the foreign law concerned is a law of a place in Australia, the Board must make such recordings in the Register as are necessary to impose the condition on the person’s registration under this Act.	11 12 13 14
‘(3) If the foreign law is a law of a place outside Australia, the Board may make those recordings in the Register.	15 16
‘Medical practitioner to be notified of action	17
‘31C. The Board must give the medical practitioner concerned written notice of action taken by the Board under this Division and the action does not take effect until the notice is given.	18 19 20
‘Appeal	21
‘31D.(1) Subject to subsection (2), a person—	22
(a) whose name has been removed from the Register under this Division; or	23 24
(b) in respect of whom, conditions to which the person’s registration is subject to have been altered under this Division;	25 26
may appeal to the Tribunal against the removal or alteration.	27
‘(2) There is no right of appeal when the Board is required under section 31A(2) or 31B(2) to remove the person’s name.	28 29

‘(3) The institution of an appeal does not affect the removal of a person’s name from the Register unless the Tribunal orders that it be restored to the Register.

‘(4) If the Tribunal dismisses the appeal, it may, by order, fix a time after which the person may apply to be re-registered.

‘(5) If the Tribunal fixes a time under subsection (4), the person is not entitled to be re-registered before the time specified by the Tribunal (despite an entitlement under this Act to be re-registered).

‘Division 3—Review of suspension, deregistration or conditions

‘Right of review

‘32.(1) A person may apply to the appropriate review body for a review of an order of the Board, the Tribunal or the Supreme Court—

- (a) that the person is suspended from practising medicine; or
- (b) that the person’s name be removed from the Register or that the person not be re-registered; or
- (c) that conditions be placed on the person’s registration.

‘(2) A person may also apply to the appropriate review body for a review of an order made under this Division.

‘(3) An application for review of an order may not be made—

- (a) while the terms of the order provide that an application for review may not be made; or
- (b) while an appeal to the Tribunal or the Supreme Court in respect of the same matter is pending.

‘The appropriate review body

‘32A.(1) The “appropriate review body” is—

- (a) the Tribunal; or
- (b) if the order being reviewed provides that it may be reviewed by the Board—the Board.

‘(2) An application for review must be lodged with the Registrar who is to refer it to the appropriate review body. 1
2

‘Powers on review 3

‘32B.(1) The appropriate review body is to conduct an inquiry into an application for review and may then do any of the following— 4
5

- (a) dismiss the application; 6
- (b) by its order, terminate or shorten the period of the suspension concerned; 7
8
- (c) make a reinstatement order; 9
- (d) make an order altering the conditions to which the person’s registration is subject (including by imposing new conditions). 10
11

‘(2) A “reinstatement order” is an order that the person be re-registered subject to the same conditions and limitations (if any) to which the person’s registration was subject to immediately before the person ceased to be registered. 12
13
14
15

‘(3) The appropriate review body may also impose conditions on the person’s registration or alter the conditions to which the person’s registration is to be subject to under the reinstatement order. 16
17
18

‘(4) The Board must make the recordings in the Register necessary to give effect to a reinstatement order. 19
20

‘(5) The order on a review under this section may also provide that the order is not to be reviewed under this Division until after a specified time.’. 21
22

Insertion of new Parts 12 and 13 23

Clause 118. After Part 11— 24

insert— 25

‘PART 12—MISCELLANEOUS 26

‘Regulations 27

‘86. The Governor in Council may make regulations for the purposes of 28

this Act.	1
‘PART 13—SAVINGS AND TRANSITIONALS	2
‘Power of Board to make by-laws about fees	3
‘87. For the removal of doubt, it is declared that the Board has always had power to make by-laws in respect of the matters specified in section 16(1)(vi).	4 5 6
‘Registration as medical practitioner	7
‘88.(1) A person who was registered as a medical practitioner immediately before the commencement of this section is taken to be registered under this Act.	8 9 10
‘(2) The person’s registration under this Act is taken to be subject to the same limitations (as to time or otherwise) and conditions (if any) to which it was subject to immediately before the commencement of this section.	11 12 13
‘Meaning of “foreign medical practitioner”	14
‘89. In this Part—	15
“foreign medical practitioner” means a medical practitioner who is not a graduate of a Medical School accredited by the Australian Medical Council and who has not successfully completed examinations held by the Council for the purposes of registration as a medical practitioner.	16 17 18 19
‘Grounds for deregistration	20
‘90.(1) For the purposes of this Part, a foreign medical practitioner is liable to deregistration unless the practitioner was—	21 22
(a) unconditionally registered, domiciled and practising medicine in Australia on 31 January 1992; or	23 24
(b) unconditionally registered and had practised medicine in Australia	25

for 3 out of the last 6 years before 31 January 1992; or 1

- (c) unconditionally registered and had practised medicine in Australia 2
for a total of 6 years before 31 January 1992. 3

‘(2) A medical practitioner is considered to have been unconditionally 4
registered in Australia at a particular time if the medical practitioner is or 5
was registered at the time under this Act, or licensed or registered as a 6
medical practitioner under the law in force in another State or a Territory, 7
without condition or limitation on the entitlement to practise medicine. 8

‘Board’s duty to deregister practitioners liable to deregistration 9

‘91.(1) If the Board is of the opinion that a foreign medical practitioner is 10
or may be liable to deregistration under this Part, the Board must, by written 11
notice to the practitioner, require the practitioner to establish, to the 12
satisfaction of the Board, that the practitioner is not liable to deregistration. 13

‘(2) The Board must remove the name of the practitioner from the 14
Register if the practitioner fails to satisfy the Board that the practitioner is 15
not liable to deregistration. 16

‘(3) Subsection (2) does not apply if the Board is of the opinion that there 17
is good reason why the practitioner’s name should not be removed. 18

‘(4) The Board is to give a foreign medical practitioner who is liable to 19
deregistration an opportunity to make submissions to the Board on the 20
question of whether the practitioner’s name should be removed from the 21
Register and the Board is to consider any such submissions. 22

‘(5) The Board must give the practitioner concerned written notice of 23
action taken by the Board under this Part and the action does not take effect 24
until the notice is given. 25

‘(6) A person whose name has been removed from the Register under 26
this section may appeal to the Tribunal against the removal. 27

‘Special provision for practitioners removed for non-payment of fees 28

‘92.(1) This section applies to a foreign medical practitioner whose name 29
has been removed from the Register for failure to pay the annual 30
registration fee. 31

‘(2) A practitioner to whom subsection (1) applies has the entitlement to be re-registered that would otherwise be conferred by payment of the unpaid fees (together with any restoration fee that is payable) only if the practitioner satisfies the Board that—

- (a) the practitioner is not liable to deregistration under this Part; or
- (b) there is good reason why the practitioner should not lose the entitlement to re-registration.

‘Registration with conditions

‘93. The Board may register a foreign medical practitioner as a medical practitioner with conditions if, immediately before the commencement of this section, the person—

- (a) was domiciled in Australia; and
- (b) was, and still is, practising medicine in Australia; and
- (c) held provisional registration that was granted by the Board after 31 January 1992.

‘Consideration in respect of certain criteria

‘94. The Board may register a foreign medical practitioner as a medical practitioner if the person—

- (a) was eligible for general registration immediately before the commencement of this section; and
- (b) is a permanent resident within the meaning of the *Australian Citizenship Act 1948* of the Commonwealth; and
- (c) holds provisional registration granted by the Board; and
- (d) had sought advice from the Board in respect of registration as a medical practitioner and emigrated to Australia on the basis of the advice given by the Board.

‘Regulations in force under previous section 5

‘95. A regulation in force under section 5 immediately before the commencement of this section continues to have effect after the

commencement as if it had been made under section 86.’	1
Omission of Schedule (First Schedule)	2
<i>Clause 119.</i> Schedule—	3
<i>omit.</i>	4

SCHEDULE 1

1

MINOR AMENDMENTS TO THE FOOD ACT 1981

2

Section 32

3

	Column 1	Column 2	Column 3
1.	section 9	\$2 500	50 penalty units
2.	section 10(1)	\$5 000	100 penalty units
3.	section 10(2)	\$3 000	60 penalty units
4.	section 11 (1)	\$2 500	50 penalty units
5.	section 11(2)	\$2 000	40 penalty units
6.	section 12(1)	\$2 000	40 penalty units
7.	section 12(2)	\$2 000	40 penalty units
8.	section 13	\$2 000	40 penalty units
9.	section 14(1)	\$3 000	60 penalty units
10.	section 14(2)	\$2 500	50 penalty units
11.	section 14(3)	\$2 000	40 penalty units
12.	section 14(4)	\$2 000	40 penalty units
13.	section 15(1)	\$3 000	60 penalty units
14.	section 16	\$2 500	50 penalty units
15.	section 20(2)	\$5 000	100 penalty units
16.	section 21(7)	\$5 000	100 penalty units
17.	section 30	\$5 000	100 penalty units
18.	section 38	\$1 000	20 penalty units
19.	section 40(1)	\$2 000	40 penalty units
20.	section 44(3)	\$2 000	40 penalty units
21.	section 44(4)	\$5 000	100 penalty units
22.	Schedule 2		
	clause 30	\$2 500	50 penalty units

SCHEDULE 2
**MINOR AMENDMENTS TO THE SPEECH
THERAPISTS ACT 1979**

Section 106

	Column 1	Column 2	Column 3
1.	long title	Speech Therapists	Speech Pathologists
2.	long title	speech therapists	speech pathologists
3.	long title	speech therapy	speech pathology
4.	section 1	<i>Speech Therapists</i>	<i>Speech Pathologists</i>
5.	section 4	Speech Therapists (2nd occurring)	Speech Pathologists
6.	section 4	speech therapist (twice occurring)	speech pathologist
7.	section 7(1)(a)	speech therapists	speech pathologists
8.	section 7(1)(b)	speech therapists (twice occurring)	speech pathologists
9.	section 7(1) (3rd sentence)	speech therapists	speech pathologists
10.	heading to Part 3	SPEECH THERAPISTS	SPEECH PATHOLOGISTS
11.	section 17(1)	Speech Therapists	Speech Pathologists
12.	section 17(1)	speech therapists	speech pathologists
13.	section 7(3)(a)	Speech Therapists	Speech Pathologists
14.	section 18(1) (before paragraph (a))	speech therapist	speech pathologist
15.	section 18(1) (before paragraph (a))	speech therapy	speech pathology
16.	section 18(1)(a)	speech therapists Board	speech pathologists board
17.	section 18(1)(a)	speech therapy	speech pathology

SCHEDULE 2 (continued)

18.	section 18(1)(b)(ii)	speech therapy	speech pathology
19.	section 18(1)(c)(i)	speech therapy	speech pathology
20.	section 18(1)(c)(ii)	speech therapy (twice occurring)	speech pathology
21.	section 18(1)(d)	speech therapy (twice occurring)	speech pathology
22.	section 18(1) (after paragraph (d))	speech therapy (twice occurring)	speech pathology
23.	section 18(2)(b)	speech therapy	speech pathology
24.	section 18(2)(c)(ii)	speech therapy	speech pathology
25.	section 18(3)	speech therapy	speech pathology
26.	section 18(4)	speech therapy	speech pathology
27.	section 19(2)	speech therapy	speech pathology
28.	section 19(2)	speech therapist (3 times occurring)	speech pathologist
29.	section 20(1) (before paragraph (a))	speech therapy	speech pathology
30.	section 20(1)(a)	speech therapists	speech pathologists
31.	section 20(1)(b)	speech therapy	speech pathology
32.	section 20(1) (after paragraph (b))	speech therapist	speech pathologist
33.	section 21(1)	speech therapist (3 times occurring)	speech pathologist
34.	section 21(2)	speech therapist (4 times occurring)	speech pathologist
35.	section 21(3)	speech therapist	speech pathologist
36.	section 22(1)	speech therapist	speech pathologist
37.	section 22(2)	speech therapist	speech pathologist
38.	section 23(1)	speech therapist (twice occurring)	speech pathologist
39.	section 23(2)	speech therapist	speech pathologist
40.	section 24(1) (before paragraph (a))	speech therapist	speech pathologist
41.	section 24(1)(b)	speech therapists	speech pathologists

SCHEDULE 2 (continued)

42.	section 24(2)(a)	speech therapy (twice occurring)	speech pathology
43.	section 24(2)(b)	speech therapy	speech pathology
44.	section 25(1) (before paragraph (a))	speech therapist	speech pathologist
45.	section 25(1)(d)	speech therapist	speech pathologist
46.	section 25(1)(e)	speech therapist	speech pathologist
47.	section 25(1) (after paragraph (e))	speech therapist (3 times occurring)	speech pathologist
48.	section 25(2)(a)	speech therapist	speech pathologist
49.	section 25(3)(b)	speech therapist	speech pathologist
50.	section 25(4)	speech therapist (twice occurring)	speech pathologist
51.	section 26(1)	speech therapists (twice occurring)	speech pathologists
52.	section 26(2)	speech therapist	speech pathologist
53.	section 27	speech therapist	speech pathologist
54.	section 28(1)(a)	speech therapist	speech pathologist
55.	section 29(1) (before paragraph (a))	speech therapist	speech pathologist
56.	section 29(1)(a)	speech therapist or speech pathologist	speech pathologist or speech therapist
57.	section 29(1)(a)	speech therapist (2nd occurring)	speech pathologist
58.	section 29(1)(a)	speech therapy	speech pathology
59.	section 29(1)(b)(i)	speech therapy	speech pathology
60.	section 29(1)(b)(ii)	speech therapy	speech pathology
61.	section 29(1)(b)(iii)	speech therapy	speech pathology
62.	section 29(1)(b)(iv)	speech therapy	speech pathology
63.	section 30(1)	speech therapy	speech pathology
64.	section 30(1)	speech therapist (twice occurring)	speech pathologist
65.	section 30(2)	speech therapist	speech pathologist
66.	section 31(1)	speech therapist	speech pathologist
67.	section 32(1)(b)	speech therapy	speech pathology

SCHEDULE 2 (continued)

68.	section 35(a)	speech therapist	speech therapist or speech pathologist
69.	section 37(f)	speech therapist	speech pathologist
70.	section 37(f)	speech therapy	speech pathology
71.	section 37(j)	speech therapists (3 times occurring)	speech pathologists
72.	section 37(j)	speech therapist	speech pathologist
73.	section 37(j)	speech therapy (3 times occurring)	speech pathology
74.	section 37(k)	speech therapists	speech pathologists