



Queensland

Health Legislation Amendment Bill 2006



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Health Legislation Amendment Bill 2006

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2006

A Bill

for

An Act to amend Acts administered by the Minister for Health

The Parliament of Queensland enacts—		1
Part 1	Preliminary	2
Clause 1	Short title	3
	This Act may be cited as the <i>Health Legislation Amendment Act 2006</i> .	4 5
Clause 2	Commencement	6
	Parts 2 to 4, 6, 7, 9 to 14, 16, 18 and 19 commence on a day to be fixed by proclamation.	7 8
Part 2	Amendment of Chiropractors Registration Act 2001	9 10
Clause 3	Act amended in pt 2	11
	This part amends the <i>Chiropractors Registration Act 2001</i> .	12
Clause 4	Amendment of s 14 (Delegation by board)	13
	(1) Section 14(2)(a), ‘register, or refuse to register,’—	14
	<i>omit, insert—</i>	15
	‘refuse to register’.	16
	(2) Section 14(2)(e), ‘impose, or remove,’—	17
	<i>omit, insert—</i>	18
	‘remove’.	19
Clause 5	Amendment of s 56 (Period)	20
	Section 56—	21

	<i>insert—</i>	1
	‘(3) This section does not apply to a short-term registration.’	2
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	Part 3, division 4, subdivision 1—	4
	<i>insert—</i>	5
‘67A	Non-application of div 4 to short-term registration	6
	‘This division does not apply to a short-term registration.’	7
Clause 7	Insertion of new s 75A	8
	Part 3, division 5—	9
	<i>insert—</i>	10
‘75A	Non-application of div 5 to short-term registration	11
	‘This division does not apply to a short-term registration.’	12
Clause 8	Amendment of s 95 (When decision takes effect)	13
	Section 95(3), from ‘the certificate’—	14
	<i>omit, insert—</i>	15
	‘a new certificate of general registration being issued to the registrant under section 99(5).’	16
		17
Clause 9	Amendment of s 96 (Failure by board to make decision on application)	18
	Section 96(4), from ‘the certificate’—	19
	<i>omit, insert—</i>	20
	‘a new certificate of general registration being issued to the registrant under section 99(5).’	21
		22
		23
Clause 10	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	24
	Section 97(4), from ‘the certificate’—	25
		26

omit, insert—

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

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		3
Clause 11	Replacement of s 99 (Amendment of, or replacing, certificates of general registration)	4
		5
	Section 99—	6
	<i>omit, insert—</i>	7
‘99	Amending, replacing, or issuing new, certificate of general registration	8
		9
	‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 94(4)(b), about decisions relating to a change of the conditions of the registration.	10
		11
		12
	‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.	13
		14
		15
	Maximum penalty—10 penalty units.	16
	‘(3) On receiving the certificate, the board must—	17
	(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or	18
		19
	(b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.	20
		21
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	‘(4) Subsection (5) applies if—	24
	(a) a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration; or	25
		26
		27
	(b) the board is taken, under section 96 or 97, to have decided to remove the conditions of a general registration.	28
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		30
	‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’.	31
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Clause 12	Insertion of new s 107A	1
	Part 3, division 8, subdivision 2—	2
	<i>insert—</i>	3
	‘107A Non-application of sdiv 2 to short-term registration	4
	‘This subdivision does not apply to a short-term registration.’.	5
Clause 13	Amendment of s 114 (Removal)	6
	Section 114(4) to (6)—	7
	<i>omit, insert—</i>	8
	‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.	9 10 11
	‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’.	12 13 14
Clause 14	Insertion of new s 120AA	15
	Part 3—	16
	<i>insert—</i>	17
	‘120AA Short-term registration	18
	‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.	19 20 21
	‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.	22 23 24
	‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.	25 26
	‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.	27 28 29
	‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has	30 31

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previously granted an application by the person for short-term
registration.’. 1
2

Clause 15	Omission of pt 4, div 2 (Notification of business names and other details)	3 4
	Part 4, division 2—	5
	<i>omit.</i>	6
Clause 16	Amendment of s 129 (Information to appear in advertisements)	7 8
	Section 129(1)(b), from ‘notified’ to ‘(4)’—	9
	<i>omit, insert—</i>	10
	‘of the business (whether or not the name is registered under the <i>Business Names Act 1962</i>)’.	11 12
Clause 17	Omission of s 234 (Sections 126 and 129 ineffective for 6 months)	13 14
	Section 234—	15
	<i>omit.</i>	16
Clause 18	Amendment of sch 4 (Dictionary)	17
	(1) Schedule 4—	18
	<i>insert—</i>	19
	‘ short-term registration means a registration on an application mentioned in section 120AA.’.	20 21
	(2) Schedule 4, definition <i>renewable registration</i> , after ‘purpose registration’—	22 23
	<i>insert—</i>	24
	‘, other than a short-term registration’.	25

Part 3	Amendment of Dental Practitioners Registration Act 2001	1
		2
		3
Clause 19	Act amended in pt 3	4
	This part amends the <i>Dental Practitioners Registration Act 2001</i> .	5
		6
Clause 20	Amendment of s 14 (Delegation by board)	7
	(1) Section 14(2)(a), ‘register, or refuse to register,’—	8
	<i>omit, insert—</i>	9
	‘refuse to register’.	10
	(2) Section 14(2)(e), ‘impose, or remove,’—	11
	<i>omit, insert—</i>	12
	‘remove’.	13
Clause 21	Amendment of s 56 (Period)	14
	Section 56—	15
	<i>insert—</i>	16
	‘(3) This section does not apply to a short-term registration.’.	17
Clause 22	Insertion of new s 67A	18
	Part 3, division 4, subdivision 1—	19
	<i>insert—</i>	20
‘67A	Non-application of div 4 to short-term registration	21
	‘This division does not apply to a short-term registration.’.	22
Clause 23	Insertion of new s 75A	23
	Part 3, division 5—	24
	<i>insert—</i>	25

'75A	Non-application of div 5 to short-term registration	1
	'This division does not apply to a short-term registration.'	2
Clause 24	Amendment of s 95 (When decision takes effect)	3
	Section 95(3), from 'the certificate'—	4
	<i>omit, insert—</i>	5
	'a new certificate of general registration being issued to the registrant under section 99(5).'	6
		7
Clause 25	Amendment of s 96 (Failure by board to make decision on application)	8
	Section 96(4), from 'the certificate'—	9
	<i>omit, insert—</i>	10
	'a new certificate of general registration being issued to the registrant under section 99(5).'	11
		12
		13
Clause 26	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	14
	Section 97(4), from 'the certificate'—	15
	<i>omit, insert—</i>	16
	'a new certificate of general registration being issued to the registrant under section 99(5).'	17
		18
		19
Clause 27	Replacement of s 99 (Amendment of, or replacing, certificates of general registration)	20
	Section 99—	21
	<i>omit, insert—</i>	22
		23
'99	Amending, replacing, or issuing new, certificate of general registration	24
	(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 94(4)(b), about decisions relating to a change of the conditions of the registration.	25
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- ‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.
Maximum penalty—10 penalty units. 1
2
3
- ‘(3) On receiving the certificate, the board must— 4
5
6 (a) amend the certificate in an appropriate way and return
7 the amended certificate to the registrant; or
8 (b) if the board does not consider it practicable to amend the
9 certificate, issue another certificate of general
10 registration to the registrant to replace the certificate
11 returned to the board.
- ‘(4) Subsection (5) applies if— 12
13 (a) a general registrant receives a notice, under section
14 94(5), about a decision to remove the conditions of the
15 registration; or
16 (b) the board is taken, under section 96 or 97, to have
17 decided to remove the conditions of a general
18 registration.
- ‘(5) The board must, as soon as practicable after the decision is 19
20 made or taken to have been made, issue another certificate of
21 general registration to the registrant that does not mention the
22 removed conditions.’.

- Clause 28 Amendment of s 109 (Period)** 23
24 Section 109—
25 *insert*—
26 ‘(3) This section does not apply to a short-term registration.’.

- Clause 29 Amendment of s 116 (Effect on specialist registration if 27
28 conditions on general registration are changed or
29 removed)**
30 (1) Section 116(7)—
31 *renumber* as section 116(9).
32 (2) Section 116(4) to (6)—

omit, insert—

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

- Clause 30 Amendment of s 119 (Undertaking of special activities relating to the profession)**
- (1) Section 119—
- insert—*
- ‘(e) practise the profession, under the PSDW scheme, at a dental health service facility operated by the State.’.
- (2) Section 119—
- insert—*
- ‘(2) In this section—

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

Editor's note—

Details of the scheme may be obtained from the web site on the Internet of the Australian Dental Council at <www.dentalcouncil.net.au>.

- | | | |
|------------------|---|----|
| Clause 31 | Amendment of s 120 (Application of divs 2 and 3) | 7 |
| | Section 120(1), 'subdivisions 2, 6 and 7'— | 8 |
| | <i>omit, insert—</i> | 9 |
| | 'sections 43 and 44 and subdivisions 6 and 7'. | 10 |
| Clause 32 | Amendment of s 121 (Eligibility) | 11 |
| | Section 121(b)— | 12 |
| | <i>omit, insert—</i> | 13 |
| | '(b) is fit to practise the profession.' | 14 |
| Clause 33 | Omission of s 123 (Suitability to be a special purpose registrant) | 15 |
| | Section 123— | 16 |
| | <i>omit.</i> | 17 |
| Clause 34 | Insertion of new s 126A | 19 |
| | Part 3, division 9, subdivision 2— | 20 |
| | <i>insert—</i> | 21 |
| | '126A Non-application of sdiv 2 to short-term registration | 22 |
| | 'This subdivision does not apply to a short-term registration.' | 23 |
| Clause 35 | Amendment of s 127 (Application of div 4, sdivs 2 and 3) | 24 |
| | Section 127, 'sections 70(5)(a) and 75(3)'— | 25 |
| | <i>omit, insert—</i> | 26 |
| | 'section 75(3)'. | 27 |

Clause 36	Amendment of s 128 (Matters that may be considered in deciding whether to renew special purpose registrations)	1 2
	Section 128, ‘a suitable person to be a special purpose registrant.’ and footnote—	3 4
	<i>omit, insert—</i>	5
	‘fit to practise the profession.’.	6
Clause 37	Insertion of new s 129A	7
	After section 129—	8
	<i>insert—</i>	9
	‘129A Condition of practice under supervision	10
	‘(1) This section applies if, under section 129(1), a person is registered as a special purpose registrant on condition the registrant carry out the registrant’s practice under supervision.	11 12 13
	‘(2) The board may ask a person involved in the supervision to give information to the board about the supervised practice.’.	14 15
Clause 38	Amendment of s 130 (Period of renewed special purpose registration)	16 17
	Section 130—	18
	<i>insert—</i>	19
	‘(2) However, if the registrant is registered to undertake the activity mentioned in section 119(1)(e), the period of renewed registration must not result in the registration being in force for more than 3 years from the day of initial registration.’.	20 21 22 23
Clause 39	Amendment of pt 3, div 9, sdiv 4, hdg (Removal of conditions)	24 25
	Part 3, division 9, subdivision 4, heading, ‘Removal of’—	26
	<i>omit, insert—</i>	27
	‘Changing or removing’.	28

Clause 40	Insertion of new s 132A	1
	Part 3, division 9, subdivision 4—	2
	<i>insert—</i>	3
	‘132A Changing conditions	4
	‘(1) This section applies if the board reasonably believes the conditions imposed on a special purpose registration under this Act need to be changed for the registrant to competently and safely undertake the activity the subject of the registration.	5 6 7 8 9
	‘(2) The board must give the registrant a notice (a <i>show cause notice</i>) stating—	10 11
	(a) the board’s proposal to change the conditions; and	12
	(b) the ground for the proposed change; and	13
	(c) an outline of the facts and circumstances forming the basis for the ground; and	14 15
	(d) an invitation to the registrant to show within a stated period (the <i>show cause period</i>) why the conditions should not be changed.	16 17 18
	‘(3) The show cause period must be a period ending not less than 21 days after the show cause notice is given to the registrant.	19 20
	‘(4) The registrant may make written submissions about the show cause notice to the board in the show cause period.	21 22
	‘(5) The board must consider any submissions made under subsection (4) and decide whether or not to change the conditions in the way stated in the notice.	23 24 25
	‘(6) The board must give the registrant notice of its decision as soon as practicable after it is made.	26 27
	‘(7) If the board decides to change the conditions, it must as soon as practicable give the registrant an information notice about the decision.	28 29 30
	‘(8) The change takes effect when the information notice is given to the registrant and does not depend on the certificate of special purpose registration being amended to record the change or a replacement certificate of special purpose registration being issued.’	31 32 33 34 35

Clause 41	Amendment of s 133 (Removal)	1
	Section 133(4) to (6)—	2
	<i>omit, insert—</i>	3
	‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.	4 5 6
	‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’	7 8 9
Clause 42	Insertion of new s 139AA	10
	Part 3—	11
	<i>insert—</i>	12
	‘139AA Short-term registration	13
	‘(1) An application may be made under this part for dental auxiliary, general, specialist or special purpose registration for a period of not more than 5 weeks.	14 15 16
	‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.	17 18 19
	‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.	20 21
	‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.	22 23 24
	‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’	25 26 27 28
Clause 43	Omission of pt 4, div 2 (Notification of business names and other details)	29 30
	Part 4, division 2—	31
	<i>omit.</i>	32

Clause 44	Amendment of s 151 (Information to appear in advertisements)	1 2
	Section 151(1)(b), from ‘notified’ to ‘(4)’—	3
	<i>omit, insert—</i>	4
	‘of the business (whether or not the name is registered under the <i>Business Names Act 1962</i>)’.	5 6
 Clause 45	 Insertion of new s 230A	 7
	Part 9, division 4—	8
	<i>insert—</i>	9
	‘230A Provision of certain professional services by interstate practitioners	10 11
	‘(1) This section applies to an interstate practitioner in relation to the provision of any of the following professional services by the practitioner in Queensland—	12 13 14
	(a) a professional service provided in an emergency;	15
	(b) a professional service provided to a patient of the practitioner while the patient is being transported—	16 17
	(i) from a place outside Queensland to a place in Queensland or vice versa; or	18 19
	(ii) from a place in Queensland to another place in Queensland as part of a transportation mentioned in subparagraph (i).	20 21 22
	‘(2) The interstate practitioner is taken to be the following kind of registrant in relation to the provision of any of the services by the practitioner in Queensland—	23 24 25
	(a) if the practitioner’s registration under the interstate law is equivalent to general registration under this Act—a general registrant;	26 27 28
	(b) if the practitioner’s registration under the interstate law is equivalent to specialist registration in a specialty—a specialist registrant in the specialty.	29 30 31
	‘(3) The practitioner’s deemed general or specialist registration under subsection (2) is taken to be subject to any conditions of the practitioner’s relevant registration under an interstate law.	32 33 34

	‘(4) In this section—	1
	<i>interstate law</i> means a law of another State or New Zealand that provides for the same matter as this Act.	2 3
	<i>interstate practitioner</i> means a person who is not a registrant but is registered under an interstate law.’	4 5
Clause 46	Insertion of new s 231A	6
	After section 231—	7
	<i>insert—</i>	8
	‘231A Protection for persons involved in supervising special purpose registrants	9 10
	‘(1) This section applies to a person who, honestly and on reasonable grounds, gives information to the board in response to a request made under section 129A(2). ¹	11 12 13
	‘(2) The person is not liable, civilly, criminally or under an administrative process, for giving the information.	14 15
	‘(3) Without limiting subsection (2)—	16
	(a) in a proceeding for defamation the person has a defence of absolute privilege for publishing the information; and	17 18
	(b) if the person would otherwise be required to maintain confidentiality about the given information under an Act, oath, rule of law or practice, the person—	19 20 21
	(i) does not contravene the Act, oath, rule of law or practice by giving the information; and	22 23
	(ii) is not liable to disciplinary action for giving the information.’	24 25
Clause 47	Omission of ss 258 and 259	26
	Sections 258 and 259—	27
	<i>omit.</i>	28

1 Section 129A (Condition of practice under supervision)

Clause 48	Amendment of sch 4 (Dictionary)	1
	(1) Schedule 4, definition <i>renewable registration</i> —	2
	<i>omit.</i>	3
	(2) Schedule 4—	4
	<i>insert</i> —	5
	‘ <i>renewable registration</i> means a dental auxiliary registration, general registration, specialist registration or special purpose registration, other than a short-term registration.	6
		7
		8
	<i>short-term registration</i> means a registration on an application mentioned in section 139AA.’	9
		10
Part 4	Amendment of Dental Technicians and Dental Prosthetists Registration Act 2001	11
		12
		13
		14
Clause 49	Act amended in pt 4	15
	This part amends the <i>Dental Technicians and Dental Prosthetists Registration Act 2001</i> .	16
		17
Clause 50	Amendment of s 14 (Delegation by board)	18
	(1) Section 14(2)(a), ‘register, or refuse to register,’—	19
	<i>omit, insert</i> —	20
	‘refuse to register’.	21
	(2) Section 14(2)(e), ‘impose, or remove,’—	22
	<i>omit, insert</i> —	23
	‘remove’.	24
Clause 51	Amendment of s 56 (Period)	25
	Section 56—	26

	<i>insert—</i>	1
	‘(3) This section does not apply to a short-term registration.’	2
Clause 52	Insertion of new s 67A	3
	Part 3, division 4, subdivision 1—	4
	<i>insert—</i>	5
	‘67A Non-application of div 4 to short-term registration	6
	‘This division does not apply to a short-term registration.’	7
Clause 53	Insertion of new s 75A	8
	Part 3, division 5—	9
	<i>insert—</i>	10
	‘75A Non-application of div 5 to short-term registration	11
	‘This division does not apply to a short-term registration.’	12
Clause 54	Amendment of s 96 (When decision takes effect)	13
	Section 96(3), from ‘the certificate’—	14
	<i>omit, insert—</i>	15
	‘a new certificate of general registration being issued to the registrant under section 101(5).’	16
		17
Clause 55	Amendment of s 97 (Effect on dental prosthetics registration if conditions on dental technician registration are changed or removed)	18
	(1) Section 97(7)—	19
	<i>renumber as section 97(9).</i>	20
	(2) Section 97(4) to (6)—	21
	<i>omit, insert—</i>	22
	‘(4) Subsections (5) to (7) apply to a decision to change the conditions on the registrant’s general registration as a dental technician.	23
		24
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- ‘(5) The information notice given to the registrant about the decision to change the conditions on the registrant’s general registration as a dental technician must also include a direction to the registrant to return the certificate of general registration as a dental prosthetist within 14 days after the effective day.’
- ‘(6) The registrant must return the certificate to the board within 14 days after the effective day, unless the registrant has a reasonable excuse.
Maximum penalty—10 penalty units.’
- ‘(7) On receiving the certificate, the board must—
- (a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or
 - (b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration as a dental prosthetist to the registrant to replace the certificate returned to the board.
- ‘(8) For a decision to remove the conditions from the registrant’s general registration, the board must as soon as practicable after the effective day issue another certificate of general registration as a dental prosthetist to the registrant that does not mention the removed conditions.’.

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

Section 98(4), from ‘the certificate’—
omit, insert—
‘a new certificate of general registration being issued to the registrant under section 101(5).’.

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

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

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

		1
		2
Clause 58	Replacement of s 101 (Amendment of, or replacing, certificates of general registration)	3
		4
	Section 101—	5
	<i>omit, insert—</i>	6
‘101	Amending, replacing, or issuing new, certificate of general registration	7
		8
	‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 95(4)(b), about decisions relating to a change of the conditions of the registration.	9
		10
		11
	‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.	12
		13
		14
	Maximum penalty—10 penalty units.	15
	‘(3) On receiving the certificate, the board must—	16
	(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or	17
		18
	(b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.	19
		20
		21
		22
	‘(4) Subsection (5) applies if—	23
	(a) a general registrant receives a notice, under section 95(5), about a decision to remove the conditions of the registration; or	24
		25
		26
	(b) the board is taken, under section 98 or 99, to have decided to remove the conditions of a general registration.	27
		28
		29
	‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’.	30
		31
		32
		33

Clause 59	Insertion of new s 109A	1
	Part 3, division 8, subdivision 2—	2
	<i>insert—</i>	3
	‘109A Non-application of sdiv 2 to short-term registration	4
	‘This subdivision does not apply to a short-term registration.’.	5
Clause 60	Amendment of s 116 (Removal)	6
	Section 116(4) to (6)—	7
	<i>omit, insert—</i>	8
	‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.	9 10 11
	‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’.	12 13 14
Clause 61	Insertion of new s 124AA	15
	Part 3—	16
	<i>insert—</i>	17
	‘124AA Short-term registration	18
	‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.	19 20 21
	‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.	22 23 24
	‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.	25 26
	‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.	27 28 29
	‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has	30 31

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previously granted an application by the person for short-term
registration.’. 1
2

Clause 62	Omission of pt 4, div 2 (Notification of business names and other details)	3 4
	Part 4, division 2—	5
	<i>omit.</i>	6
Clause 63	Amendment of s 133 (Information to appear in advertisements)	7 8
	Section 133(1)(b), from ‘notified’ to ‘(4)’—	9
	<i>omit, insert—</i>	10
	‘of the business (whether or not the name is registered under the <i>Business Names Act 1962</i>)’.	11 12
Clause 64	Omission of ss 236 and 237	13
	Sections 236 and 237—	14
	<i>omit.</i>	15
Clause 65	Amendment of sch 4 (Dictionary)	16
	(1) Schedule 4—	17
	<i>insert—</i>	18
	‘ short-term registration means a registration on an application mentioned in section 124AA.’.	19 20
	(2) Schedule 4, definition <i>renewable registration</i> , after ‘purpose registration’—	21 22
	<i>insert—</i>	23
	‘, other than a short-term registration’.	24

Part 5	Amendment of Health Services Act 1991	1
		2
Clause 66	Act amended in pt 5	3
	This part amends the <i>Health Services Act 1991</i> .	4
Clause 67	Amendment of s 51 (Prohibition of smoking)	5
	(1) Section 51(4), ‘an enclosed’—	6
	<i>omit, insert—</i>	7
	‘a prohibited’.	8
	(2) Section 51(5), definition <i>enclosed place</i> , ‘ enclosed ’—	9
	<i>omit, insert—</i>	10
	‘ prohibited ’.	11
Clause 68	Amendment of s 55 (Functions of investigators)	12
	Section 55—	13
	<i>insert—</i>	14
	‘(2) In this section—	15
	<i>chief executive</i> includes a delegate of the chief executive who appointed the investigator under section 52.’	16
		17
Clause 69	Amendment of s 63 (Functions)	18
	Section 63, ‘part 7 or’—	19
	<i>omit, insert—</i>	20
	‘sections 33 and 57, part 7 and’.	21

Part 6	Amendment of Medical Practitioners Registration Act 2001	1 2 3
Clause 70	Act amended in pt 6	4
	This part amends the <i>Medical Practitioners Registration Act 2001</i> .	5 6
Clause 71	Amendment of s 95 (When decision takes effect)	7
	Section 95(2), from ‘the certificate’—	8
	<i>omit, insert—</i>	9
	‘a new certificate of general registration being issued to the registrant under section 97(2).’.	10 11
Clause 72	Amendment of s 96 (Failure by board to make decision)	12
	Section 96(5), from ‘the certificate’—	13
	<i>omit, insert—</i>	14
	‘a new certificate of general registration being issued to the registrant under section 97(2).’.	15 16
Clause 73	Replacement of s 97 (Amending or replacing certificates of general registration)	17 18
	Section 97—	19
	<i>omit, insert—</i>	20
‘97	Issuing new certificate of general registration	21
	‘(1) This section applies if—	22
	(a) a general registrant receives a notice, under section 94(4)(b), about a decision to remove probationary conditions of the registration; or	23 24 25
	(b) the board is taken, under section 96(2) or (4), to have decided to remove probationary conditions of a general registrant’s registration.	26 27 28

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

		1
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Clause 74	Amendment of s 105 (When decision takes effect)	5
	Section 105(3), from ‘the certificate’—	6
	<i>omit, insert—</i>	7
	‘a new certificate of general registration being issued to the registrant under section 109(5).’.	8
		9
Clause 75	Amendment of s 106 (Failure by board to make decision on application)	10
	Section 106(4), from ‘the certificate’—	11
	<i>omit, insert—</i>	12
	‘a new certificate of general registration being issued to the registrant under section 109(5).’.	13
		14
		15
Clause 76	Amendment of s 107 (Failure by board to make decision on review agreed to under s 100)	16
	Section 107(4), from ‘the certificate’—	17
	<i>omit, insert—</i>	18
	‘a new certificate of general registration being issued to the registrant under section 109(5).’.	19
		20
		21
Clause 77	Replacement of s 109 (Amendment of, or replacing, certificates of general registration)	22
	Section 109—	23
	<i>omit, insert—</i>	24
		25
‘109	Amending, replacing, or issuing new, certificate of general registration	26
		27
	‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 104(4)(b), about	28
		29

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decisions relating to a change of the conditions of the registration. 1
2

‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse. 3
4
5

Maximum penalty—10 penalty units. 6

‘(3) On receiving the certificate, the board must— 7

(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or 8
9

(b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board. 10
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‘(4) Subsection (5) applies if— 14

(a) a general registrant receives a notice, under section 104(5), about a decision to remove the conditions of the registration; or 15
16
17

(b) the board is taken, under section 106 or 107, to have decided to remove the conditions of a general registration. 18
19
20

‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’. 21
22
23
24

Clause 78 Amendment of s 111 (Eligibility) 25

Section 111(5), ‘may’— 26

omit, insert— 27

‘must’. 28

**Clause 79 Amendment of s 128 (Effect on specialist registration if conditions on general registration are changed or removed) 29
30
31**

(1) Section 128(8)— 32

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renumber as section 128(10). 1

(2) Section 128(5) to (7)— 2

omit, insert— 3

‘(5) Subsections (6) to (8) apply to a decision to change the conditions on the registrant’s general registration. 4
5

‘(6) The information notice given to the registrant about the decision to change the conditions on the registrant’s general registration must also include a direction to the registrant to return the certificate of specialist registration within 14 days after the effective day. 6
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‘(7) The registrant must return the certificate of specialist registration to the board within 14 days after the effective day, unless the registrant has a reasonable excuse. 11
12
13

Maximum penalty—10 penalty units. 14

‘(8) On receiving the certificate, the board must— 15

(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or 16
17

(b) if the board does not consider it practicable to amend the certificate, issue another certificate of specialist registration to the registrant to replace the certificate returned to the board. 18
19
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‘(9) For a decision to remove the conditions from the registrant’s general registration, the board must as soon as practicable after the effective day issue another certificate of specialist registration to the registrant that does not mention the removed conditions.’. 22
23
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Clause 80 Insertion of new pt 3, div 10, sdiv 1AA 27

Part 3, division 10, before subdivision 1— 28

insert— 29

‘Subdivision 1AA Preliminary 30

‘130A Definitions for div 10 31

‘In this division— 32

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

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

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

Clause 81 Amendment of s 131 (Eligibility)

Section 131(2)—

omit, insert—

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

Clause 82	Amendment of s 132 (Postgraduate study or training)	1
	Section 132(2), from ‘but’ to ‘44’—	2
	<i>omit.</i>	3
Clause 83	Amendment of s 134 (Medical teaching or research, and connected practice)	4 5
	Section 134—	6
	<i>insert—</i>	7
	‘(3) If the person is applying for special purpose registration to practise the profession in a specialty, in making its decision under subsection (2), the board must have regard to the advice and recommendations of—	8 9 10 11
	(a) any relevant Australian specialist college or institution for the specialty; and	12 13
	(b) the Australian Medical Council.’.	14
Clause 84	Amendment of s 135 (Practice in area of need)	15
	(1) Section 135(3)—	16
	<i>renumber</i> as section 135(4).	17
	(2) Section 135(4) to (6)—	18
	<i>renumber</i> as section 135(9) to (11).	19
	(3) Section 135(1), ‘(3)’—	20
	<i>omit, insert—</i>	21
	‘(4)’.	22
	(4) Section 135—	23
	<i>insert—</i>	24
	‘(3) If the person is applying for special purpose registration to practise the profession in a specialty, in making its decision under subsection (2), the board must have regard to the advice and recommendations of—	25 26 27 28
	(a) any relevant Australian specialist college or institution for the specialty; and	29 30

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- (b) the Australian Medical Council.’. 1
- (5) Section 135(4), as renumbered, after ‘medical service’— 2
insert— 3
‘(an *area of need decision*)’. 4
- (6) Section 135— 5
insert— 6
- ‘(5) In making an area of need decision, the Minister must have 7
regard to— 8
- (a) if the decision relates to a medical service provided by 9
medical practitioners practising in particular positions at 10
particular health service facilities—whether there are 11
reasonable prospects of medical practitioners being soon 12
engaged to provide the medical service at the health 13
service facilities; or 14
- (b) if the decision relates to a medical service provided by 15
medical practitioners practising at particular health 16
service facilities in a part of Queensland—whether it is 17
reasonably practicable for the medical service to be 18
provided by medical practitioners practising at other 19
health service facilities in that part of Queensland; or 20
- (c) if the decision relates to a medical service provided by 21
medical practitioners practising in a part of 22
Queensland—whether it is reasonably practicable for 23
the medical service to be provided by medical 24
practitioners practising in another part of Queensland. 25
- ‘(6) An area of need decision must include the time for which the 26
decision applies (its *operational time*). 27
- ‘(7) To remove any doubt, it is declared that— 28
- (a) an area of need decision may be amended under this 29
section; and 30
- (b) an area of need decision may relate to a medical service 31
provided by a stated class of medical practitioners 32
practising in Queensland or a part of Queensland. 33
- ‘(8) The operational time of an area of need decision may not be 34
more than 4 years.’. 35

	(7) Section 135(9), as renumbered,—	1
	<i>omit, insert—</i>	2
	‘(9) The Minister must give the board notice of each area of need decision.’.	3 4
	(8) Section 135(11), as renumbered, ‘(5)’—	5
	<i>omit, insert—</i>	6
	‘(10)’.	7
Clause 85	Amendment of s 139 (Application of divs 2 and 3)	8
	Section 139—	9
	<i>insert—</i>	10
	‘(3) In addition to the documents mentioned in section 42(1)(c), as applied by subsection (1), an application for special purpose registration for a special purpose mentioned in sections 132 to 137 must be accompanied by a supervised practice plan for the applicant.’.	11 12 13 14 15
Clause 86	Insertion of new ss 140A and 140B	16
	After section 140—	17
	<i>insert—</i>	18
	‘140A Standard condition—registration under ss 132–137	19
	‘(1) A special purpose registration for a special purpose mentioned in sections 132 to 137 is subject to the condition that the registrant may practise the profession only in accordance with the supervised practice plan that accompanied the application for the special purpose registration.	20 21 22 23 24
	‘(2) The board may ask a person involved in the supervision, under the plan, of the registrant’s practise of the profession to give information to the board about the supervised practice.	25 26 27
	‘140B Standard condition—registration under ss 132–136	28
	‘(1) A special purpose registration for a special purpose mentioned in section 132, 134 or 135 is subject to the condition that the registrant apply for general registration or specialist	29 30 31

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registration, or for special purpose registration for a special purpose mentioned in section 138, during 4 continuous years of registration as a special purpose registrant for any special purpose. 1
2
3
4

‘(2) A special purpose registration for a special purpose mentioned in section 133 is subject to the condition that the registrant apply for general registration during 3 continuous years of registration as a special purpose registrant for any special purpose. 5
6
7
8
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‘(3) A special purpose registration for a special purpose mentioned in section 136 is subject to the condition that the registrant apply for specialist registration during 2 continuous years of registration as a special purpose registrant for any special purpose.’. 10
11
12
13
14

Clause 87 Omission of s 141A (Condition of practice under supervision) 15
16
Section 141A— 17
omit. 18

Clause 88 Amendment of s 143 (Provisional special purpose registration of a person) 19
20
Section 143(7)— 21
insert— 22
‘*conditions* means conditions imposed under section 141.’. 23

Clause 89 Amendment of s 145 (Matters that may be considered in deciding applications for renewal of special purpose registrations) 24
25
26
Section 145— 27
insert— 28
‘(2) Also, in deciding whether to renew a special purpose registration for a special purpose mentioned in section 132, 134 or 135, the board must be satisfied the registrant has made reasonable progress towards— 29
30
31
32

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- (a) being qualified for general registration under section 44; 1
or 2
- (b) obtaining a qualification in a specialty mentioned in 3
section 111(1)(b)(i); or 4
- (c) being qualified for special purpose registration under 5
section 138(2). 6

‘(3) Also, in deciding whether to renew a special purpose 7
registration for a special purpose mentioned in section 133, 8
the board must be satisfied the registrant has made reasonable 9
progress towards being qualified for general registration under 10
section 44. 11

‘(4) Also, in deciding whether to renew a special purpose 12
registration for a special purpose mentioned in section 136, 13
the board must be satisfied the registrant has made reasonable 14
progress towards obtaining a qualification in a specialty 15
mentioned in section 111(1)(b)(i).’ 16

Clause 90 Amendment of s 146 (Imposition of conditions by board) 17

- (1) Section 146, heading— 18
omit, insert— 19

‘146 Renewal on conditions’. 20

- (2) Section 146(3)— 21
omit. 22

- (3) Section 146(2)— 23
renumber as section 146(3). 24

- (4) Section 146— 25
insert— 26

‘(2) Except to the extent the board decides otherwise, any 27
conditions imposed by the board attaching to the registration 28
immediately before its renewal continue to attach to the 29
registration on its renewal.’ 30

Clause 91 Amendment of s 149 (Grounds for cancellation) 31

- Section 149— 32

	<i>insert—</i>	1
	‘(2) Subsection (1)(a) applies subject to sections 150B(4) and 150C(8).’.	2 3
Clause 92	Amendment of s 149A (Changing conditions)	4
	Section 149A(1), after ‘imposed’—	5
	<i>insert—</i>	6
	‘by the board’.	7
Clause 93	Amendment of s 150 (Removal)	8
	(1) Section 150(1), after ‘imposed’—	9
	<i>insert—</i>	10
	‘by the board’.	11
	(2) Section 150(4), from ‘the certificate’—	12
	<i>omit, insert—</i>	13
	‘a new certificate of special purpose registration being issued to the registrant under section 150A(4).’.	14 15
Clause 94	Replacement of s 150A (Amending or replacing certificate of special purpose registration)	16 17
	Section 150A—	18
	<i>omit, insert—</i>	19
	‘150A Amending, replacing, or issuing new, certificate of general registration	20 21
	‘(1) Subsections (2) and (3) apply if a special purpose registrant receives an information notice, under section 149A(7), about a decision to change the conditions of the registration.	22 23 24
	‘(2) The registrant must return the certificate of special purpose registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.	25 26 27
	Maximum penalty—10 penalty units.	28
	‘(3) On receiving the certificate, the board must—	29

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

‘Subdivision 6 Notification of the board 13

‘150B Notice to the board of temporary or permanent transfer to junior medical officer position 14 15

- ‘(1) This section applies if— 16
- (a) a person is registered, under section 135,² to practise the profession in a junior medical officer position with a particular level of seniority at 1 or more particular health service facilities; and 17
18
19
20
- (b) the person occupies a junior medical officer position with the particular level of seniority at a health service facility to which the registration applies; and 21
22
23
- (c) the person intends to transfer, on a temporary or permanent basis, to— 24
25
- (i) a junior medical officer position (the *transfer position*) with a different level of seniority at any health service facility; or 26
27
28
- (ii) a junior medical officer position (also the *transfer position*) with the same level of seniority at a health service facility to which the registration does not apply. 29
30
31
32

2 Section 135 (Practice in area of need)

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- ‘(2) The person must give notice of the proposed transfer to the board. 1
2
- ‘(3) The notice must— 3
- (a) be in the approved form; and 4
- (b) be accompanied by— 5
- (i) a certification, by the executive director of medical services for the health service facility from or within which the person is transferring, that the person has sufficient practical experience and training in the practice of the profession to undertake the duties and responsibilities of the transfer position in a professional, safe and competent way; and 6
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- (ii) other documents, identified in the approved form, the board reasonably requires; and 14
15
- (c) be given before the person transfers to the transfer position. 16
17
- ‘(4) For section 149(1)(a), if the person gives a notice of the proposed transfer under subsection (2) and transfers to the transfer position, the person is taken to be practising the profession for the activity for which the person is registered under section 135. 18
19
20
21
22
- ‘(5) In this section— 23
- executive director of medical services***, for the health service facility from which the person is transferring, means— 24
25
- (a) a position at the facility with the title ‘executive director of medical services’ or, if from time to time the title is changed, the changed title; or 26
27
28
- (b) a position at the facility equivalent to a position mentioned in paragraph (a). 29
30
- junior house officer***, for a health service facility other than a public sector health service facility, means a position at the facility— 31
32
33
- (a) with a title equivalent to the title for a junior house officer position at a public sector health service facility; and 34
35
36

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- (b) in which the incumbent has duties and responsibilities that are usually the duties and responsibilities of a general registrant practising the profession during the first year after registration. 1
2
3
4
- junior house officer***, for a public sector health service facility, means a position at the facility— 5
6
- (a) with the title ‘junior house officer’ or, if from time to time the title is changed, the changed title; and 7
8
- (b) in which the incumbent has duties and responsibilities that are usually the duties and responsibilities of a general registrant practising the profession during the first year after registration. 9
10
11
12
- junior medical officer*** means one of the following positions at a health service facility, listed in ascending order of seniority— 13
14
15
- (a) junior house officer; 16
- (b) senior house officer; 17
- (c) principal house officer. 18
- principal house officer***, for a health service facility other than a public sector health service facility, means a position at the facility— 19
20
21
- (a) with a title equivalent to the title for a principal house officer position at a public sector health service facility; and 22
23
24
- (b) in which the incumbent has duties and responsibilities that are usually the duties and responsibilities of a registrar, but is not undertaking postgraduate study or training in medicine. 25
26
27
28
- principal house officer***, for a public sector health service facility, means a position at the facility— 29
30
- (a) with the title ‘principal house officer’ or, if from time to time the title is changed, the changed title; and 31
32
- (b) in which the incumbent has duties and responsibilities that are usually the duties and responsibilities of a registrar, but is not undertaking postgraduate study or training in medicine. 33
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- registrar** means a medical practitioner— 1
- (a) occupying the position at a health service facility with the title of ‘registrar’ or, if from time to time the title is changed, the changed title; and 2
3
4
 - (b) who is undertaking postgraduate study or training in medicine. 5
6
- senior house officer**, for a health service facility other than a public sector health service facility, means a position at the facility— 7
8
9
- (a) with a title equivalent to the title for a senior house officer position at a public sector health service facility; and 10
11
12
 - (b) in which the incumbent has duties and responsibilities that are usually the duties and responsibilities of a general registrant practising the profession during the second, or a subsequent, year after registration. 13
14
15
16
- senior house officer**, for a public sector health service facility, means a position at the facility— 17
18
- (a) with the title ‘senior house officer’ or, if from time to time the title is changed, the changed title; and 19
20
 - (b) in which the incumbent has duties and responsibilities that are usually the duties and responsibilities of a general registrant practising the profession during the second, or a subsequent, year after registration. 21
22
23
24

‘150C Notice to the board of supervised training’ 25

- ‘(1) Subsection (2) applies to a person who is registered, under section 135, to practise the profession in a specialty at a health service facility in a part of Queensland. 26
27
28
- ‘(2) If the person will be undertaking supervised training in the practice of the profession in the specialty at a health service facility in another part of Queensland, the person must give notice of the training to the board. 29
30
31
32
- ‘(3) Subsection (4) applies to a person who is registered as a special purpose registrant for a special purpose mentioned in 33
34

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- section 134(1)(b) at a health service facility in a part of
Queensland. 1 2
- ‘(4) If the person will be undertaking supervised training in
relation to the activity at a health service facility in another
part of Queensland, the person must give notice of the training
to the board. 3 4 5 6
- ‘(5) Subsection (6) applies to a person who is registered, under
section 135, to practise the profession in a senior medical
officer position at a health service facility in a part of
Queensland. 7 8 9 10
- ‘(6) If the person will be undertaking supervised training in the
practice of the profession in a senior medical officer position
at a health service facility in another part of Queensland, the
person must give notice of the training to the board. 11 12 13 14
- ‘(7) A notice given under subsection (2), (4) or (6) must— 15
- (a) be in the approved form; and 16
- (b) be accompanied by— 17
- (i) a certification, by the executive director of medical
services for the health service facility for which the
person has special purpose registration, that the
person has sufficient practical experience and
training in the practice of the profession to
undertake the supervised training in a professional,
safe and competent way; and 18 19 20 21 22 23 24
- (ii) other documents, identified in the approved form,
the board reasonably requires; and 25 26
- (c) be given before the person starts the training. 27
- ‘(8) For section 149(1)(a), if the person gives a notice of the
training under subsection (2), (4) or (6), the person is taken
while undertaking the training to be practising the profession
for the activity for which the person is registered under
section 134(1)(b) or 135. 28 29 30 31 32
- ‘(9) In this section— 33
- executive director of medical services*, for the health service
facility for which the person has special purpose registration,
means— 34 35 36

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- (a) a position at the facility with the title ‘executive director of medical services’ or, if from time to time the title is changed, the changed title; or 1
2
3
- (b) a position at the facility equivalent to a position mentioned in paragraph (a). 4
5
- senior medical officer* means— 6
- (a) for a public sector health service facility—a position at the facility with the title ‘senior medical officer’ or, if from time to time the title is changed, the changed title; or 7
8
9
10
- (b) for a health service facility other than a public sector health service facility—a position at the facility equivalent to a position mentioned in paragraph (a).’ 11
12
13

- Clause 95 Omission of pt 4, div 2 (Notification of business names and other details)** 14
15
- Part 4, division 2— 16
- omit.* 17
- Clause 96 Amendment of s 169 (Information to appear in advertisements)** 18
19
- Section 169(1)(b), from ‘notified’ to ‘(4)’— 20
- omit, insert—* 21
- ‘of the business (whether or not the name is registered under the *Business Names Act 1962*)’ 22
23
- Clause 97 Amendment of s 272 (Protection for persons involved in supervising registrants)** 24
25
- Section 272(1)(b), ‘141A(2)’— 26
- omit, insert—* 27
- ‘140A(2)’. 28

Clause 98	Omission of s 299 (Sections 166 and 169 ineffective for 6 months)	1 2
	Section 299—	3
	<i>omit.</i>	4
Clause 99	Insertion of new pt 11, div 4	5
	After section 302—	6
	<i>insert—</i>	7
‘Division 4	Transitional provision for Health Legislation Amendment Act 2006	8 9
‘303	Existing special purpose registration	10
	‘(1) This section applies to a person who immediately before the commencement was registered as a special purpose registrant on condition the registrant carry out the registrant’s practice under supervision.	11 12 13 14
	‘(2) If, before the commencement, the board has under section 141A(2) of the pre-amended Act asked a person involved in the supervised practice and as at the commencement the information has not been given, the person may still give the information despite the repeal of section 141A of the pre-amended Act.	15 16 17 18 19 20 21
	‘(3) Section 141A of the pre-amended Act continues to apply to the registration as if the section had not been repealed.	22 23
	‘(4) Section 140A does not apply to the registration.	24
	‘(5) In this section—	25
	<i>commencement</i> means commencement of this section.	26
	<i>pre-amended Act</i> means this Act as in force before the commencement of the <i>Health Legislation Amendment Act 2006</i> , section 87.’.	27 28 29
Clause 100	Amendment of sch 3 (Dictionary)	30
	Schedule 3—	31

<i>insert—</i>	1
<i>‘health service facility</i> means—	2
(a) a public sector health service facility; or	3
(b) a private health facility; or	4
(c) the Mater Misericordiae Public Hospitals.	5
<i>private health facility</i> see the <i>Private Health Facilities Act 1999</i> , section 8.	6 7
<i>proposed supervisor</i> , for part 3, division 10, see section 130A.	8
<i>public sector health service facility</i> see the <i>Health Services Act 1991</i> , section 2.	9 10
<i>special purpose</i> see section 131(1).	11
<i>supervised practice plan</i> , for part 3, division 10, see section 130A.’.	12 13

Part 7	Amendment of Medical Radiation Technologists Registration Act 2001	14 15 16
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Clause 101	Act amended in pt 7	17
	This part amends the <i>Medical Radiation Technologists Registration Act 2001</i> .	18 19
Clause 102	Amendment of s 14 (Delegation by board)	20
(1)	Section 14(2)(a), ‘register, or refuse to register,’—	21
	<i>omit, insert—</i>	22
	‘refuse to register’.	23
(2)	Section 14(2)(e), ‘impose, or remove,’—	24
	<i>omit, insert—</i>	25
	‘remove’.	26

Clause 103	Amendment of s 56 (Period)	1
	Section 56—	2
	<i>insert—</i>	3
	‘(3) This section does not apply to a short-term registration.’.	4
Clause 104	Insertion of new s 71A	5
	Part 3, division 4, subdivision 1—	6
	<i>insert—</i>	7
‘71A	Non-application of div 4 to short-term registration	8
	‘This division does not apply to a short-term registration.’.	9
Clause 105	Insertion of new s 79A	10
	Part 3, division 5—	11
	<i>insert—</i>	12
‘79A	Non-application of div 5 to short-term registration	13
	‘This division does not apply to a short-term registration.’.	14
Clause 106	Amendment of s 98 (When decision takes effect)	15
	Section 98(2), from ‘the certificate’—	16
	<i>omit, insert—</i>	17
	‘a new certificate of general registration being issued to the registrant under section 101(5).’.	18
		19
Clause 107	Amendment of s 99 (Failure by board to make decision)	20
	Section 99(5), from ‘the certificate’—	21
	<i>omit, insert—</i>	22
	‘a new certificate of general registration being issued to the registrant under section 101(5).’.	23
		24

Clause 108	Replacement of s 101 (Amending or replacing certificates of general registration)	1 2
	Section 101—	3
	<i>omit, insert—</i>	4
‘101	Amending, replacing, or issuing new, certificate of general registration	5 6
	‘(1) Subsections (2) and (3) apply if a probationary registrant receives an information notice, under section 97(5)(a) or (b), about a decision to extend probationary conditions or to extend probationary conditions and impose additional conditions.	7 8 9 10 11
	‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse. Maximum penalty—10 penalty units.	12 13 14 15
	‘(3) On receiving the certificate, the board must—	16
	(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or	17 18
	(b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.	19 20 21 22
	‘(4) Subsection (5) applies if—	23
	(a) a probationary registrant receives a notice, under section 97(5)(c), about a decision to remove the probationary conditions of the registration; or	24 25 26
	(b) the board is taken, under section 99(2) or (4), to have decided to remove probationary conditions from a general registrant’s registration.	27 28 29
	‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed probationary conditions.	30 31 32 33
	‘(6) If additional conditions imposed on a probationary registrant’s general registration end under section 100(2), the board must as soon as practicable after the additional conditions end issue	34 35 36

another certificate of general registration to the registrant that
does not mention the additional conditions.’ 1
2

Clause 109	Amendment of s 109 (When decision takes effect)	3
	Section 109(3), from ‘the certificate’—	4
	<i>omit, insert—</i>	5
	‘a new certificate of general registration being issued to the registrant under section 113(5).’	6 7
Clause 110	Amendment of s 110 (Failure by board to make decision on application)	8 9
	Section 110(4), from ‘the certificate’—	10
	<i>omit, insert—</i>	11
	‘a new certificate of general registration being issued to the registrant under section 113(5).’	12 13
Clause 111	Amendment of s 111 (Failure by board to make decision on review agreed to under s 104)	14 15
	Section 111(4), from ‘the certificate’—	16
	<i>omit, insert—</i>	17
	‘a new certificate of general registration being issued to the registrant under section 113(5).’	18 19
Clause 112	Replacement of s 113 (Amendment of, or replacing, certificates of general registration)	20 21
	Section 113—	22
	<i>omit, insert—</i>	23
‘113	Amending, replacing, or issuing new, certificate of general registration	24 25
	‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 108(4)(b), about decisions relating to a change of the conditions of the registration.	26 27 28 29

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- ‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.
Maximum penalty—10 penalty units. 1
2
3
- ‘(3) On receiving the certificate, the board must— 4
5
(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or 6
7
(b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board. 8
9
10
11
- ‘(4) Subsection (5) applies if— 12
13
(a) a general registrant receives a notice, under section 108(5), about a decision to remove the conditions of the registration; or 14
15
(b) the board is taken, under section 110 or 111, to have decided to remove the conditions of a general registration. 16
17
18
- ‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’. 19
20
21
22

Clause 113 Insertion of new s 122A 23

Part 3, division 9, subdivision 2— 24

insert— 25**‘122A Non-application of sdiv 2 to short-term registration** 26

‘This subdivision does not apply to a short-term registration.’. 27

Clause 114 Amendment of s 129 (Removal) 28

Section 129(4) to (6)— 29

omit, insert— 30

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- ‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions. 1
2
3
- ‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’. 4
5
6

Clause 115 Insertion of new s 135A 7

Part 3— 8

insert— 9**‘135A Short-term registration** 10

- ‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks. 11
12
13
- ‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length. 14
15
16
- ‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration. 17
18
- ‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored. 19
20
21
- ‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’. 22
23
24
25

Clause 116 Omission of pt 4, div 2 (Notification of business names and other details) 26
27

Part 4, division 2— 28

omit. 29**Clause 117 Amendment of s 144 (Information to appear in advertisements)** 30
31

Section 144(1)(b), from ‘notified’ to ‘(4)’— 32

omit, insert— 1
‘of the business (whether or not the name is registered under
the *Business Names Act 1962*)’. 2
3

Clause 118 Omission of s 234 (Sections 141 and 144 ineffective for 6 months) 4
5
Section 234— 6
omit. 7

Clause 119 Amendment of sch 3 (Dictionary) 8
(1) Schedule 3— 9
insert— 10
‘*short-term registration* means a registration on an
application mentioned in section 135A.’. 11
12
(2) Schedule 3, definition *renewable registration*, after ‘purpose
registration’— 13
14
insert— 15
‘, other than a short-term registration’. 16

Part 8 Amendment of Mental Health Act 2000 17
18

Clause 120 Act amended in pt 8 19
This part amends the *Mental Health Act 2000*. 20

Clause 121 Amendment of s 64 (Application of pt 3) 21
Section 64— 22
insert— 23
‘(3) This part also applies to a person who is held in lawful
custody, or lawfully detained, without charge under an Act of 24
25

the State or the Commonwealth prescribed under a regulation.’. 1
2

Clause 122 Amendment of s 69 (Classified patients) 3

Section 69(3), after ‘99,’— 4

insert— 5

‘100C,’. 6

Clause 123 Amendment of s 78 (When patient ceases to be classified patient) 7
8

Section 78(2)— 9

omit, insert— 10

‘(2) However, subsection (1) does not apply if the patient— 11

(a) is held in lawful custody, or lawfully detained, without charge under an Act of the State or the Commonwealth prescribed under a regulation for section 64(3); or 12
13
14

(b) is serving a sentence of imprisonment or period of detention under a court order.’. 15
16

Clause 124 Amendment of s 90 (When custodian is to take custody of patient) 17
18

(1) Section 90(1)(a)— 19

omit, insert— 20

‘(a) who— 21

(i) is held in lawful custody, or lawfully detained, without charge under an Act of the State or the Commonwealth prescribed under a regulation for section 64(3); or 22
23
24
25

(ii) is serving a sentence of imprisonment or period of detention under a court order; or’. 26
27

(2) Section 90(3) and (4), ‘police officer, correctional officer or detention centre officer’— 28
29

omit, insert— 30

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‘proper officer’.

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

omit, insert—

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

- (4) Section 90—

insert—

- ‘(6) In this section—

proper officer means—

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

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

Section 99(1)—

omit, insert—

- ‘(1) At the end of the patient’s period of imprisonment or detention under the court order or on the patient’s parole, the patient ceases to be a classified patient unless—

- (a) the patient is awaiting the start or continuation of proceedings for an offence; or
- (b) the patient is a person to whom part 6A applies.’.

Clause 126 Insertion of new ch 3, pt 6A

Chapter 3, after part 6—

insert—

‘Part 6A	Procedures following end of lawful custody without charge	1 2
‘100A	Application of pt 6A	3
	‘This part applies to a person who, while held in lawful custody, or lawfully detained, without charge under an Act of the State or the Commonwealth prescribed under a regulation for section 64(3), becomes a classified patient.	4 5 6 7
‘100B	Administrator to give notice of end of lawful custody without charge	8 9
	‘The administrator of the authorised mental health service must give written notice of the end of the patient’s lawful custody or detention without charge to the director—	10 11 12
	(a) as early as possible before the end of the patient’s lawful custody or detention without charge; or	13 14
	(b) if it is not practicable to comply with paragraph (a), immediately after becoming aware of the end of the patient’s lawful custody or detention without charge.	15 16 17
‘100C	When patient ceases to be classified patient	18
	‘(1) At the end of the patient’s lawful custody or detention without charge, the patient ceases to be a classified patient unless—	19 20
	(a) the patient is awaiting the start or continuation of proceedings for an offence; or	21 22
	(b) the patient is a person to whom part 6 applies.	23
	‘(2) However, the patient may continue to be an involuntary patient under another provision of this Act.	24 25
‘100D	Notice of patient ceasing to be classified patient	26
	‘Within 7 days after a patient ceases, under section 100C, to be a classified patient, the administrator of the patient’s treating health service must give written notice of the ceasing to the following persons—	27 28 29 30

- (a) the patient; 1
- (b) the patient's allied person; 2
- (c) if an involuntary treatment or forensic order is in force
for the patient—the tribunal.' 3
4

Clause 127	Amendment of s 253 (When patient ceases to be classified patient)	5 6
	Section 253(2)(a)—	7
	<i>omit, insert—</i>	8
	'(a) the patient—	9
	(i) is held in lawful custody, or lawfully detained, without charge under an Act of the State or the Commonwealth prescribed under a regulation for section 64(3); or	10 11 12 13
	(ii) is serving a sentence of imprisonment or period of detention under a court order; or'	14 15
 Clause 128	 Amendment of s 287 (When person ceases to be classified patient)	 16 17
	Section 287(2)(a)—	18
	<i>omit, insert—</i>	19
	'(a) the patient—	20
	(i) is held in lawful custody, or lawfully detained, without charge under an Act of the State or the Commonwealth prescribed under a regulation for section 64(3); or	21 22 23 24
	(ii) is serving a sentence of imprisonment or period of detention under a court order; or'	25 26
 Clause 129	 Amendment of sch 2 (Dictionary)	 27
	Schedule 2, definition <i>person in lawful custody—</i>	28
	<i>omit, insert—</i>	29
	<i>'person in lawful custody</i> means—	30

- | | | |
|-----|--|------------------|
| (a) | a person who is held in lawful custody, or lawfully detained, without charge under an Act of the State or the Commonwealth prescribed under a regulation for section 64(3); or | 1
2
3
4 |
| (b) | a person who is detained in lawful custody on a charge of an offence or awaiting sentence on conviction of an offence; or | 5
6
7 |
| (c) | a person who is serving a sentence of imprisonment or period of detention under a court order and is not released on parole.’. | 8
9
10 |

Part 9	Amendment of Occupational Therapists Registration Act 2001	11 12 13
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Clause 130	Act amended in pt 9	14
	This part amends the <i>Occupational Therapists Registration Act 2001</i> .	15 16

Clause 131	Amendment of s 14 (Delegation by board)	17
	(1) Section 14(2)(a), ‘register, or refuse to register,’— <i>omit, insert—</i> ‘refuse to register’.	18 19 20
	(2) Section 14(2)(e), ‘impose, or remove,’— <i>omit, insert—</i> ‘remove’.	21 22 23

Clause 132	Amendment of s 56 (Period)	24
	Section 56— <i>insert—</i>	25 26
	‘(3) This section does not apply to a short-term registration.’.	27

Clause 133	Insertion of new s 67A	1
	Part 3, division 4, subdivision 1—	2
	<i>insert—</i>	3
'67A	Non-application of div 4 to short-term registration	4
	'This division does not apply to a short-term registration.'	5
Clause 134	Insertion of new s 75A	6
	Part 3, division 5—	7
	<i>insert—</i>	8
'75A	Non-application of div 5 to short-term registration	9
	'This division does not apply to a short-term registration.'	10
Clause 135	Amendment of s 95 (When decision takes effect)	11
	Section 95(3), from 'the certificate'—	12
	<i>omit, insert—</i>	13
	'a new certificate of general registration being issued to the registrant under section 99(5).'	14
		15
Clause 136	Amendment of s 96 (Failure by board to make decision on application)	16
	Section 96(4), from 'the certificate'—	17
	<i>omit, insert—</i>	18
	'a new certificate of general registration being issued to the registrant under section 99(5).'	19
		20
		21
Clause 137	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	22
	Section 97(4), from 'the certificate'—	23
	<i>omit, insert—</i>	24
	'a new certificate of general registration being issued to the registrant under section 99(5).'	25
		26
		27

Clause 138	Replacement of s 99 (Amendment of, or replacing, certificates of general registration)	1 2
	Section 99—	3
	<i>omit, insert—</i>	4
'99	Amending, replacing, or issuing new, certificate of general registration	5 6
	‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 94(4)(b), about decisions relating to a change of the conditions of the registration.	7 8 9
	‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse. Maximum penalty—10 penalty units.	10 11 12 13
	‘(3) On receiving the certificate, the board must—	14
	(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or	15 16
	(b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.	17 18 19 20
	‘(4) Subsection (5) applies if—	21
	(a) a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration; or	22 23 24
	(b) the board is taken, under section 96 or 97, to have decided to remove the conditions of a general registration.	25 26 27
	‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’.	28 29 30 31
Clause 139	Insertion of new s 107A	32
	Part 3, division 8, subdivision 2—	33
	<i>insert—</i>	34

'107A Non-application of sdiv 2 to short-term registration	1
'This subdivision does not apply to a short-term registration.'	2
Clause 140 Amendment of s 114 (Removal)	3
Section 114(4) to (6)—	4
<i>omit, insert—</i>	5
'(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.	6 7 8
'(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.'	9 10 11
Clause 141 Insertion of new s 120A	12
Part 3—	13
<i>insert—</i>	14
'120A Short-term registration	15
'(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.	16 17 18
'(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.	19 20 21
'(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.	22 23
'(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.	24 25 26
'(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.'	27 28 29 30

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Clause 142	Omission of pt 4, div 2 (Notification of business names and other details)	1 2
	Part 4, division 2—	3
	<i>omit.</i>	4
Clause 143	Amendment of s 129 (Information to appear in advertisements)	5 6
	Section 129(1)(b), from ‘notified’ to ‘(4)’—	7
	<i>omit, insert—</i>	8
	‘of the business (whether or not the name is registered under the <i>Business Names Act 1962</i>)’.	9 10
Clause 144	Omission of ss 235 and 236	11
	Sections 235 and 236—	12
	<i>omit.</i>	13
Clause 145	Amendment of sch 3 (Dictionary)	14
	(1) Schedule 3—	15
	<i>insert—</i>	16
	‘ <i>short-term registration</i> means a registration on an application mentioned in section 120A.’	17 18
	(2) Schedule 3, definition <i>renewable registration</i> , after ‘purpose registration’—	19 20
	<i>insert—</i>	21
	‘, other than a short-term registration’.	22

Part 10	Amendment of Optometrists Registration Act 2001	1 2
Clause 146	Act amended in pt 10	3
	This part amends the <i>Optometrists Registration Act 2001</i> .	4
Clause 147	Amendment of s 14 (Delegation by board)	5
	(1) Section 14(2)(a), ‘register, or refuse to register,’—	6
	<i>omit, insert—</i>	7
	‘refuse to register’.	8
	(2) Section 14(2)(e), ‘impose, or remove,’—	9
	<i>omit, insert—</i>	10
	‘remove’.	11
Clause 148	Amendment of s 56 (Period)	12
	Section 56—	13
	<i>insert—</i>	14
	‘(3) This section does not apply to a short-term registration.’.	15
Clause 149	Insertion of new s 67A	16
	Part 3, division 4, subdivision 1—	17
	<i>insert—</i>	18
‘67A	Non-application of div 4 to short-term registration	19
	‘This division does not apply to a short-term registration.’.	20
Clause 150	Insertion of new s 75A	21
	Part 3, division 5—	22
	<i>insert—</i>	23
‘75A	Non-application of div 5 to short-term registration	24
	‘This division does not apply to a short-term registration.’.	25

Clause 151	Amendment of s 95 (When decision takes effect)	1
	Section 95(3), from ‘the certificate’—	2
	<i>omit, insert—</i>	3
	‘a new certificate of general registration being issued to the registrant under section 99(5).’.	4
		5
Clause 152	Amendment of s 96 (Failure by board to make decision on application)	6
	Section 96(4), from ‘the certificate’—	7
	<i>omit, insert—</i>	8
	‘a new certificate of general registration being issued to the registrant under section 99(5).’.	9
		10
		11
Clause 153	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	12
	Section 97(4), from ‘the certificate’—	13
	<i>omit, insert—</i>	14
	‘a new certificate of general registration being issued to the registrant under section 99(5).’.	15
		16
		17
Clause 154	Replacement of s 99 (Amendment of, or replacing, certificates of general registration)	18
	Section 99—	19
	<i>omit, insert—</i>	20
‘99	Amending, replacing, or issuing new, certificate of general registration	21
		22
	‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 94(4)(b), about decisions relating to a change of the conditions of the registration.	23
		24
		25
		26
	‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.	27
		28
		29
	Maximum penalty—10 penalty units.	30

- ‘(3) On receiving the certificate, the board must— 1
- (a) amend the certificate in an appropriate way and return 2
the amended certificate to the registrant; or 3
- (b) if the board does not consider it practicable to amend the 4
certificate, issue another certificate of general 5
registration to the registrant to replace the certificate 6
returned to the board. 7
- ‘(4) Subsection (5) applies if— 8
- (a) a general registrant receives a notice, under section 9
94(5), about a decision to remove the conditions of the 10
registration; or 11
- (b) the board is taken, under section 96 or 97, to have 12
decided to remove the conditions of a general 13
registration. 14
- ‘(5) The board must, as soon as practicable after the decision is 15
made or taken to have been made, issue another certificate of 16
general registration to the registrant that does not mention the 17
removed conditions.’. 18

- Clause 155 Insertion of new s 107A 19**
- Part 3, division 8, subdivision 2— 20
- insert—* 21
- ‘107A Non-application of sdiv 2 to short-term registration 22**
- ‘This subdivision does not apply to a short-term registration.’. 23

- Clause 156 Amendment of s 114 (Removal) 24**
- Section 114(4) to (6)— 25
- omit, insert—* 26
- ‘(4) The board must, as soon as practicable after the decision is 27
made, issue another certificate of special purpose registration 28
to the registrant that does not mention the removed conditions. 29
- ‘(5) The removal takes effect when notice of the decision is given 30
to the registrant and does not depend on another certificate of 31
special purpose registration being issued.’. 32

Clause 157	Insertion of new s 120AA	1
	Part 3—	2
	<i>insert</i> —	3
	‘120AA Short-term registration	4
	‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.	5 6 7
	‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.	8 9 10
	‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.	11 12
	‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.	13 14 15
	‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’.	16 17 18 19
Clause 158	Omission of pt 4, div 2 (Notification of business names and other details)	20 21
	Part 4, division 2—	22
	<i>omit</i> .	23
Clause 159	Amendment of s 129 (Information to appear in advertisements)	24 25
	Section 129(1)(b), from ‘notified’ to ‘(4)’—	26
	<i>omit, insert</i> —	27
	‘of the business (whether or not the name is registered under the <i>Business Names Act 1962</i>)’.	28 29

Clause 160	Omission of ss 229 and 230	1
	Sections 229 and 230—	2
	<i>omit.</i>	3
Clause 161	Amendment of sch 4 (Dictionary)	4
	(1) Schedule 4—	5
	<i>insert—</i>	6
	‘ <i>short-term registration</i> means a registration on an application mentioned in section 120AA.’	7
		8
	(2) Schedule 4, definition <i>renewable registration</i> , after ‘purpose registration’—	9
	<i>insert—</i>	10
		11
	‘, other than a short-term registration’.	12
Part 11	Amendment of Osteopaths Registration Act 2001	13
		14
Clause 162	Act amended in pt 11	15
	This part amends the <i>Osteopaths Registration Act 2001</i> .	16
Clause 163	Amendment of s 14 (Delegation by board)	17
	(1) Section 14(2)(a), ‘register, or refuse to register,’—	18
	<i>omit, insert—</i>	19
	‘refuse to register’.	20
	(2) Section 14(2)(e), ‘impose, or remove,’—	21
	<i>omit, insert—</i>	22
	‘remove’.	23

Clause 164	Amendment of s 56 (Period)	1
	Section 56—	2
	<i>insert—</i>	3
	‘(3) This section does not apply to a short-term registration.’.	4
Clause 165	Insertion of new s 67A	5
	Part 3, division 4, subdivision 1—	6
	<i>insert—</i>	7
‘67A	Non-application of div 4 to short-term registration	8
	‘This division does not apply to a short-term registration.’.	9
Clause 166	Insertion of new s 75A	10
	Part 3, division 5—	11
	<i>insert—</i>	12
‘75A	Non-application of div 5 to short-term registration	13
	‘This division does not apply to a short-term registration.’.	14
Clause 167	Amendment of s 95 (When decision takes effect)	15
	Section 95(3), from ‘the certificate’—	16
	<i>omit, insert—</i>	17
	‘a new certificate of general registration being issued to the registrant under section 99(5).’.	18
		19
Clause 168	Amendment of s 96 (Failure by board to make decision on application)	20
	Section 96(4), from ‘the certificate’—	21
	<i>omit, insert—</i>	22
	‘a new certificate of general registration being issued to the registrant under section 99(5).’.	23
		24
		25

Clause 169	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	1 2
	Section 97(4), from ‘the certificate’—	3
	<i>omit, insert—</i>	4
	‘a new certificate of general registration being issued to the registrant under section 99(5).’.	5 6
 Clause 170	 Replacement of s 99 (Amendment of, or replacing, certificates of general registration)	 7 8
	Section 99—	9
	<i>omit, insert—</i>	10
‘99	Amending, replacing, or issuing new, certificate of general registration	11 12
	‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 94(4)(b), about decisions relating to a change of the conditions of the registration.	13 14 15
	‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.	16 17 18
	Maximum penalty—10 penalty units.	19
	‘(3) On receiving the certificate, the board must—	20
	(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or	21 22
	(b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.	23 24 25 26
	‘(4) Subsection (5) applies if—	27
	(a) a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration; or	28 29 30
	(b) the board is taken, under section 96 or 97, to have decided to remove the conditions of a general registration.	31 32 33

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

Clause 171	Insertion of new s 107A	5
	Part 3, division 8, subdivision 2—	6
	<i>insert—</i>	7
	‘107A Non-application of sdiv 2 to short-term registration	8
	‘This subdivision does not apply to a short-term registration.’.	9
Clause 172	Amendment of s 114 (Removal)	10
	Section 114(4) to (6)—	11
	<i>omit, insert—</i>	12
	‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.	13 14 15
	‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’.	16 17 18
Clause 173	Insertion of new s 120A	19
	Part 3—	20
	<i>insert—</i>	21
	‘120A Short-term registration	22
	‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.	23 24 25
	‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.	26 27 28
	‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.	29 30

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- ‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored. 1
2
3
- ‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’. 4
5
6
7

- Clause 174 Omission of pt 4, div 2 (Notification of business names and other details)** 8
9
- Part 4, division 2— 10
- omit.* 11
- Clause 175 Amendment of s 129 (Information to appear in advertisements)** 12
13
- Section 129(1)(b), from ‘notified’ to ‘(4)’— 14
- omit, insert—* 15
- ‘of the business (whether or not the name is registered under the *Business Names Act 1962*)’.
- Clause 176 Omission of s 225 (Sections 126 and 129 ineffective for 6 months)** 18
19
- Section 225— 20
- omit.* 21
- Clause 177 Amendment of sch 2 (Dictionary)** 22
- (1) Schedule 2— 23
- insert—* 24
- ‘*short-term registration* means a registration on an application mentioned in section 120A.’. 25
26
- (2) Schedule 2, definition *renewable registration*, after ‘purpose registration’— 27
28

<i>insert—</i>	1
‘, other than a short-term registration’.	2

Part 12	Amendment of Pharmacists Registration Act 2001	3
		4

Clause 178	Act amended in pt 12	5
	This part amends the <i>Pharmacists Registration Act 2001</i> .	6
Clause 179	Amendment of s 15 (Delegation by board)	7
	(1) Section 15(2)(a), ‘register, or refuse to register,’—	8
	<i>omit, insert—</i>	9
	‘refuse to register’.	10
	(2) Section 15(2)(e), ‘impose, or remove,’—	11
	<i>omit, insert—</i>	12
	‘remove’.	13
Clause 180	Amendment of s 60 (Period)	14
	Section 60—	15
	<i>insert—</i>	16
	‘(3) This section does not apply to a short-term registration.’.	17
Clause 181	Insertion of new s 71A	18
	Part 3, division 4, subdivision 1—	19
	<i>insert—</i>	20
‘71A	Non-application of div 4 to short-term registration	21
	‘This division does not apply to a short-term registration.’.	22

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Clause 182	Insertion of new s 79A	1
	Part 3, division 5—	2
	<i>insert—</i>	3
'79A	Non-application of div 5 to short-term registration	4
	'This division does not apply to a short-term registration.'	5
Clause 183	Amendment of s 99 (When decision takes effect)	6
	Section 99(3), from 'the certificate'—	7
	<i>omit, insert—</i>	8
	'a new certificate of general registration being issued to the registrant under section 103(5).'	9
		10
Clause 184	Amendment of s 100 (Failure by board to make decision on application)	11
	Section 100(4), from 'the certificate'—	12
	<i>omit, insert—</i>	13
	'a new certificate of general registration being issued to the registrant under section 103(5).'	14
		15
		16
Clause 185	Amendment of s 101 (Failure by board to make decision on review agreed to under s 94)	17
	Section 101(4), from 'the certificate'—	18
	<i>omit, insert—</i>	19
	'a new certificate of general registration being issued to the registrant under section 103(5).'	20
		21
		22
Clause 186	Replacement of s 103 (Amendment of, or replacing, certificates of general registration)	23
	Section 103—	24
	<i>omit, insert—</i>	25
		26

‘103	Amending, replacing, or issuing new, certificate of general registration	1 2
‘(1)	Subsections (2) and (3) apply if a general registrant receives an information notice, under section 98(4)(b), about decisions relating to a change of the conditions of the registration.	3 4 5
‘(2)	The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse. Maximum penalty—10 penalty units.	6 7 8 9
‘(3)	On receiving the certificate, the board must—	10
	(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or	11 12
	(b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.	13 14 15 16
‘(4)	Subsection (5) applies if—	17
	(a) a general registrant receives a notice, under section 98(5), about a decision to remove the conditions of the registration; or	18 19 20
	(b) the board is taken, under section 100 or 101, to have decided to remove the conditions of a general registration.	21 22 23
‘(5)	The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’.	24 25 26 27
Clause 187	Insertion of new s 111A	28
	Part 3, division 8, subdivision 2—	29
	<i>insert—</i>	30
‘111A	Non-application of sdiv 2 to short-term registration	31
	‘This subdivision does not apply to a short-term registration.’.	32

Clause 188	Amendment of s 118 (Removal)	1
	Section 118(4) to (6)—	2
	<i>omit, insert—</i>	3
	‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.	4 5 6
	‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’	7 8 9
Clause 189	Insertion of new s 124A	10
	Part 3—	11
	<i>insert—</i>	12
	‘124A Short-term registration	13
	‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.	14 15 16
	‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.	17 18 19
	‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.	20 21
	‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.	22 23 24
	‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’	25 26 27 28
Clause 190	Amendment of s 139A (Definitions)	29
	Section 139A, definition <i>own</i> , after ‘the pharmacy business’—	30 31
	<i>insert—</i>	32

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

		1
		2
		3
Clause 191	Replacement of s 139G (Trustee in bankruptcy and liquidator may own pharmacy business)	4
		5
	Section 139G—	6
	<i>omit, insert—</i>	7
‘139G	Trustee, liquidator, receiver or administrator does not commit offence against s 139B	8
		9
	‘(1) Subsection (2) applies if—	10
	(a) a registrant who owns, or is the director of or a shareholder in a corporation that owns, a pharmacy business becomes an insolvent under administration;	11
	and	12
	(b) the property of the registrant vests in, or comes under the control of, a trustee because of the registrant becoming an insolvent under administration.	13
		14
	‘(2) The trustee does not commit an offence against section 139B because of the trusteeship.	15
		16
	‘(3) Subsection (4) applies if a corporation that owns a pharmacy business is—	17
	(a) in liquidation or receivership; or	18
	(b) under administration.	19
		20
	‘(4) The liquidator, receiver or administrator does not commit an offence against section 139B because of being the corporation’s liquidator, receiver or administrator.	21
		22
	‘(5) In this section—	23
	<i>insolvent under administration</i> see the Corporations Act, section 9.’.	24
		25
		26
		27
		28
		29
Clause 192	Amendment of s 139I (Certain arrangements about control of pharmacy business void)	30
		31
	Section 139I—	32

	<i>insert—</i>	1
	‘(2) However, subsection (1) does not apply to a bill of sale, mortgage or other form of security to the extent it gives rights to an administrator, receiver, or receiver and manager.’	2 3 4
Clause 193	Amendment of sch 4 (Dictionary)	5
	(1) Schedule 4—	6
	<i>insert—</i>	7
	‘ <i>short-term registration</i> means a registration on an application mentioned in section 124A.’	8 9
	(2) Schedule 4, definition <i>renewable registration</i> , after ‘purpose registration’—	10 11
	<i>insert—</i>	12
	‘, other than a short-term registration’.	13
Part 13	Amendment of Physiotherapists Registration Act 2001	14 15 16
Clause 194	Act amended in pt 13	17
	This part amends the <i>Physiotherapists Registration Act 2001</i> .	18
Clause 195	Amendment of s 14 (Delegation by board)	19
	(1) Section 14(2)(a), ‘register, or refuse to register,’—	20
	<i>omit, insert—</i>	21
	‘refuse to register’.	22
	(2) Section 14(2)(e), ‘impose, or remove,’—	23
	<i>omit, insert—</i>	24
	‘remove’.	25

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Clause 196	Amendment of s 56 (Period)	1
	Section 56—	2
	<i>insert—</i>	3
	‘(3) This section does not apply to a short-term registration.’.	4
Clause 197	Insertion of new s 67A	5
	Part 3, division 4, subdivision 1—	6
	<i>insert—</i>	7
	‘67A Non-application of div 4 to short-term registration	8
	‘This division does not apply to a short-term registration.’.	9
Clause 198	Insertion of new s 75A	10
	Part 3, division 5—	11
	<i>insert—</i>	12
	‘75A Non-application of div 5 to short-term registration	13
	‘This division does not apply to a short-term registration.’.	14
Clause 199	Amendment of s 95 (When decision takes effect)	15
	Section 95(3), from ‘the certificate’—	16
	<i>omit, insert—</i>	17
	‘a new certificate of general registration being issued to the registrant under section 99(5).’.	18
		19
Clause 200	Amendment of s 96 (Failure by board to make decision on application)	20
	Section 96(4), from ‘the certificate’—	21
	<i>omit, insert—</i>	22
	‘a new certificate of general registration being issued to the registrant under section 99(5).’.	23
		24
		25

Clause 201	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	1 2
	Section 97(4), from ‘the certificate’—	3
	<i>omit, insert—</i>	4
	‘a new certificate of general registration being issued to the registrant under section 99(5).’.	5 6
 Clause 202	 Replacement of s 99 (Amendment of, or replacing, certificates of general registration)	 7 8
	Section 99—	9
	<i>omit, insert—</i>	10
‘99	Amending, replacing, or issuing new, certificate of general registration	11 12
	‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 94(4)(b), about decisions relating to a change of the conditions of the registration.	13 14 15
	‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.	16 17 18
	Maximum penalty—10 penalty units.	19
	‘(3) On receiving the certificate, the board must—	20
	(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or	21 22
	(b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.	23 24 25 26
	‘(4) Subsection (5) applies if—	27
	(a) a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration; or	28 29 30
	(b) the board is taken, under section 96 or 97, to have decided to remove the conditions of a general registration.	31 32 33

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

Clause 203	Insertion of new s 107A	5
	Part 3, division 8, subdivision 2—	6
	<i>insert—</i>	7
	‘107A Non-application of sdiv 2 to short-term registration	8
	‘This subdivision does not apply to a short-term registration.’.	9
Clause 204	Amendment of s 114 (Removal)	10
	Section 114(4) to (6)—	11
	<i>omit, insert—</i>	12
	‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.	13 14 15
	‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’.	16 17 18
Clause 205	Insertion of new s 120A	19
	Part 3—	20
	<i>insert—</i>	21
	‘120A Short-term registration	22
	‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.	23 24 25
	‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.	26 27 28
	‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.	29 30

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- ‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored. 1
2
3
- ‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’. 4
5
6
7

Clause 206	Omission of pt 4, div 2 (Notification of business names and other details)	8 9
	Part 4, division 2—	10
	<i>omit.</i>	11
Clause 207	Amendment of s 129 (Information to appear in advertisements)	12 13
	Section 129(1)(b), from ‘notified’ to ‘(4)’—	14
	<i>omit, insert—</i>	15
	‘of the business (whether or not the name is registered under the <i>Business Names Act 1962</i>)’.	16 17
Clause 208	Omission of s 235 (Sections 126 and 129 ineffective for 6 months)	18 19
	Section 235—	20
	<i>omit.</i>	21
Clause 209	Amendment of sch 4 (Dictionary)	22
	(1) Schedule 4—	23
	<i>insert—</i>	24
	‘ <i>short-term registration</i> means a registration on an application mentioned in section 120A.’.	25 26
	(2) Schedule 4, definition <i>renewable registration</i> , after ‘purpose registration’—	27 28

insert— 1
 ‘, other than a short-term registration’. 2

Part 14 **Amendment of Podiatrists** 3
Registration Act 2001 4

Clause 210 Act amended in pt 14 5
 This part amends the *Podiatrists Registration Act 2001*. 6

Clause 211 Amendment of s 14 (Delegation by board) 7
 (1) Section 14(2)(a), ‘register, or refuse to register,’— 8
omit, insert— 9
 ‘refuse to register’. 10
 (2) Section 14(2)(e), ‘impose, or remove,’— 11
omit, insert— 12
 ‘remove’. 13

Clause 212 Amendment of s 56 (Period) 14
 Section 56— 15
insert— 16
 ‘(3) This section does not apply to a short-term registration.’. 17

Clause 213 Insertion of new s 67A 18
 Part 3, division 4, subdivision 1— 19
insert— 20
‘67A Non-application of div 4 to short-term registration 21
 ‘This division does not apply to a short-term registration.’. 22

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Clause 214	Insertion of new s 75A	1
	Part 3, division 5—	2
	<i>insert—</i>	3
'75A	Non-application of div 5 to short-term registration	4
	'This division does not apply to a short-term registration.'	5
Clause 215	Amendment of s 95 (When decision takes effect)	6
	Section 95(3), from 'the certificate'—	7
	<i>omit, insert—</i>	8
	'a new certificate of general registration being issued to the registrant under section 99(5).'	9
		10
Clause 216	Amendment of s 96 (Failure by board to make decision on application)	11
	Section 96(4), from 'the certificate'—	12
	<i>omit, insert—</i>	13
	'a new certificate of general registration being issued to the registrant under section 99(5).'	14
		15
		16
Clause 217	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	17
	Section 97(4), from 'the certificate'—	18
	<i>omit, insert—</i>	19
	'a new certificate of general registration being issued to the registrant under section 99(5).'	20
		21
		22
Clause 218	Replacement of s 99 (Amendment of, or replacing, certificates of general registration)	23
	Section 99—	24
	<i>omit, insert—</i>	25
		26

'99	Amending, replacing, or issuing new, certificate of general registration	1 2
	'(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 94(4)(b), about decisions relating to a change of the conditions of the registration.	3 4 5
	'(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse. Maximum penalty—10 penalty units.	6 7 8 9
	'(3) On receiving the certificate, the board must—	10
	(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or	11 12
	(b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.	13 14 15 16
	'(4) Subsection (5) applies if—	17
	(a) a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration; or	18 19 20
	(b) the board is taken, under section 96 or 97, to have decided to remove the conditions of a general registration.	21 22 23
	'(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.'	24 25 26 27
Clause 219	Insertion of new s 107A	28
	Part 3, division 8, subdivision 2—	29
	<i>insert—</i>	30
'107A	Non-application of sdiv 2 to short-term registration	31
	'This subdivision does not apply to a short-term registration.'	32

Clause 220	Amendment of s 114 (Removal)	1
	Section 114(4) to (6)—	2
	<i>omit, insert—</i>	3
	‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions.	4 5 6
	‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’	7 8 9
Clause 221	Insertion of new s 120A	10
	Part 3—	11
	<i>insert—</i>	12
	‘120A Short-term registration	13
	‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.	14 15 16
	‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.	17 18 19
	‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.	20 21
	‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.	22 23 24
	‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’	25 26 27 28
Clause 222	Omission of pt 4, div 2 (Notification of business names and other details)	29 30
	Part 4, division 2—	31
	<i>omit.</i>	32

Clause 223	Amendment of s 129 (Information to appear in advertisements)	1 2
	Section 129(1)(b), from ‘notified’ to ‘(4)’—	3
	<i>omit, insert—</i>	4
	‘of the business (whether or not the name is registered under the <i>Business Names Act 1962</i>)’.	5 6
Clause 224	Omission of ss 232 and 233	7
	Sections 232 and 233—	8
	<i>omit.</i>	9
Clause 225	Amendment of sch 4 (Dictionary)	10
	(1) Schedule 4—	11
	<i>insert—</i>	12
	‘ <i>short-term registration</i> means a registration on an application mentioned in section 120A.’.	13 14
	(2) Schedule 4, definition <i>renewable registration</i> , after ‘purpose registration’—	15 16
	<i>insert—</i>	17
	‘, other than a short-term registration’.	18
Part 15	Amendment of Private Health Facilities Act 1999	19 20
Clause 226	Act amended in pt 15	21
	This part amends the <i>Private Health Facilities Act 1999</i> .	22
Clause 227	Amendment of s 147 (Confidentiality of information)	23
	(1) Section 147(6), ‘The’—	24
	<i>omit, insert—</i>	25

	‘For subsection (4)(g), the’.	1
(2)	Section 147(7)(a), after ‘else’—	2
	<i>insert</i> —	3
	‘, unless allowed to do so—	4
	(i) under an agreement mentioned in subsection	5
	(4)(c); or	6
	(ii) by the written consent of the chief executive’.	7
Clause 228	Amendment of s 148 (Delegations)	8
	Section 148(2)(c)—	9
	<i>omit</i> .	10
Part 16	Amendment of Psychologists	11
	Registration Act 2001	12
Clause 229	Act amended in pt 16	13
	This part amends the <i>Psychologists Registration Act 2001</i> .	14
Clause 230	Amendment of s 14 (Delegation by board)	15
(1)	Section 14(2)(a), ‘register, or refuse to register,’—	16
	<i>omit, insert</i> —	17
	‘refuse to register’.	18
(2)	Section 14(2)(e), ‘impose, or remove,’—	19
	<i>omit, insert</i> —	20
	‘remove’.	21
Clause 231	Amendment of s 56 (Period)	22
	Section 56—	23

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insert—

1

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

2

Clause 232 Insertion of new s 73A

3

Part 3, division 4, subdivision 1—

4

insert—

5

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

6

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

7

Clause 233 Insertion of new s 81A

8

Part 3, division 5—

9

insert—

10

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

11

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

12

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

13

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

14

omit, insert—

15

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

16

17

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

18

19

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

20

omit, insert—

21

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

22

23

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

24

25

Section 102—

26

omit, insert—

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

- ‘(1) Subsections (2) and (3) apply if a probationary registrant receives an information notice, under section 98(5)(a) or (b), about a decision to extend probationary conditions or to extend probationary conditions and impose additional conditions.
- ‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.
- Maximum penalty—10 penalty units.
- ‘(3) On receiving the certificate, the board must—
- (a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or
- (b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board.
- ‘(4) Subsection (5) applies if—
- (a) a probationary registrant receives a notice, under section 98(5)(c), about a decision to remove the probationary conditions of the registration; or
- (b) the board is taken, under section 100(2) or (4), to have decided to remove probationary conditions from a general registrant’s registration.
- ‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed probationary conditions.
- ‘(6) If additional conditions imposed on a probationary registrant’s general registration end under section 101(2), the board must as soon as practicable after the additional conditions end issue another certificate of general registration to the registrant that does not mention the additional conditions.’

Clause 237	Amendment of s 110 (When decision takes effect)	1
	Section 110(3), from ‘the certificate’—	2
	<i>omit, insert—</i>	3
	‘a new certificate of general registration being issued to the registrant under section 114(5).’.	4
		5
Clause 238	Amendment of s 111 (Failure by board to make decision on application)	6
	Section 111(4), from ‘the certificate’—	7
	<i>omit, insert—</i>	8
	‘a new certificate of general registration being issued to the registrant under section 114(5).’.	9
		10
		11
Clause 239	Amendment of s 112 (Failure by board to make decision on review agreed to under s 105)	12
	Section 112(4), from ‘the certificate’—	13
	<i>omit, insert—</i>	14
	‘a new certificate of general registration being issued to the registrant under section 114(5).’.	15
		16
		17
Clause 240	Replacement of s 114 (Amendment of, or replacing, certificates of general registration)	18
	Section 114—	19
	<i>omit, insert—</i>	20
		21
‘114	Amending, replacing, or issuing new, certificate of general registration	22
		23
	‘(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 109(4)(b), about decisions relating to a change of the conditions of the registration.	24
		25
		26
		27
	‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.	28
		29
		30
	Maximum penalty—10 penalty units.	31

- ‘(3) On receiving the certificate, the board must— 1
- (a) amend the certificate in an appropriate way and return 2
the amended certificate to the registrant; or 3
- (b) if the board does not consider it practicable to amend the 4
certificate, issue another certificate of general 5
registration to the registrant to replace the certificate 6
returned to the board. 7
- ‘(4) Subsection (5) applies if— 8
- (a) a general registrant receives a notice, under section 9
109(5), about a decision to remove the conditions of the 10
registration; or 11
- (b) the board is taken, under section 111 or 112, to have 12
decided to remove the conditions of a general 13
registration. 14
- ‘(5) The board must, as soon as practicable after the decision is 15
made or taken to have been made, issue another certificate of 16
general registration to the registrant that does not mention the 17
removed conditions.’. 18

Clause 241 Insertion of new s 123A 19

Part 3, division 9, subdivision 2— 20

insert— 21

‘123A Non-application of sdiv 2 to short-term registration 22

‘This subdivision does not apply to a short-term registration.’. 23

Clause 242 Amendment of s 130 (Removal) 24

Section 130(4) to (6)— 25

omit, insert— 26

- ‘(4) The board must, as soon as practicable after the decision is 27
made, issue another certificate of special purpose registration 28
to the registrant that does not mention the removed conditions. 29
- ‘(5) The removal takes effect when notice of the decision is given 30
to the registrant and does not depend on another certificate of 31
special purpose registration being issued.’. 32

Clause 243	Insertion of new s 136A	1
	Part 3—	2
	<i>insert</i> —	3
	‘136A Short-term registration	4
	‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.	5 6 7
	‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.	8 9 10
	‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.	11 12
	‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.	13 14 15
	‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’.	16 17 18 19
Clause 244	Omission of pt 4, div 2 (Notification of business names and other details)	20 21
	Part 4, division 2—	22
	<i>omit</i> .	23
Clause 245	Amendment of s 145 (Information to appear in advertisements)	24 25
	Section 145(1)(b), from ‘notified’ to ‘(4)’—	26
	<i>omit, insert</i> —	27
	‘of the business (whether or not the name is registered under the <i>Business Names Act 1962</i>)’.	28 29

Clause 246	Omission of ss 251 and 252	1
	Sections 251 and 252—	2
	<i>omit.</i>	3
Clause 247	Amendment of sch 3 (Dictionary)	4
	(1) Schedule 3—	5
	<i>insert—</i>	6
	‘ <i>short-term registration</i> means a registration on an application mentioned in section 136A.’	7
		8
	(2) Schedule 3, definition <i>renewable registration</i> , after ‘purpose registration’—	9
	<i>insert—</i>	10
		11
	‘, other than a short-term registration’.	12

Part 17	Amendment of Radiation Safety Act 1999	13
		14

Clause 248	Act amended in pt 17	15
	This part amends the <i>Radiation Safety Act 1999</i> .	16
Clause 249	Amendment of s 4 (Main object of Act and its achievement)	17
		18
	(1) Section 4(1), from ‘from’ to ‘to’—	19
	<i>omit, insert—</i>	20
	‘and the environment from the harmful effects of’.	21
	(2) Section 4(2)(e), after ‘are’—	22
	<i>insert—</i>	23
	‘, or the environment is,’.	24

Clause 250	Amendment of s 52 (Different types of approval to acquire a radiation source)	1 2
	(1) Section 52(b), after ‘substance’—	3
	<i>insert—</i>	4
	‘or prescribed sealed radioactive substance’.	5
	(2) Section 52—	6
	<i>insert—</i>	7
	‘(2) In this section—	8
	<i>prescribed sealed radioactive substance</i> means a short-lived, low-activity sealed radioactive substance, usually used in carrying out a diagnostic or therapeutic procedure involving the irradiation of another person, prescribed under a regulation.’.	9 10 11 12 13
Clause 251	Amendment of s 140 (Prohibition notices)	14
	Section 140(1) and (3)(a), after ‘person’—	15
	<i>insert—</i>	16
	‘or immediate risks to the environment’.	17
Clause 252	Amendment of s 210 (Limited exemption for radiation source)	18 19
	Section 210(2), after ‘person’—	20
	<i>insert—</i>	21
	‘or adverse effects on the environment’.	22

Part 18	Amendment of Speech Pathologists Registration Act 2001	1
		2
		3
Clause 253	Act amended in pt 18	4
	This part amends the <i>Speech Pathologists Registration Act 2001</i> .	5
		6
Clause 254	Amendment of s 14 (Delegation by board)	7
	(1) Section 14(2)(a), ‘register, or refuse to register,’—	8
	<i>omit, insert—</i>	9
	‘refuse to register’.	10
	(2) Section 14(2)(e), ‘impose, or remove,’—	11
	<i>omit, insert—</i>	12
	‘remove’.	13
Clause 255	Amendment of s 56 (Period)	14
	Section 56—	15
	<i>insert—</i>	16
	‘(3) This section does not apply to a short-term registration.’.	17
Clause 256	Insertion of new s 67A	18
	Part 3, division 4, subdivision 1—	19
	<i>insert—</i>	20
‘67A	Non-application of div 4 to short-term registration	21
	‘This division does not apply to a short-term registration.’.	22
Clause 257	Insertion of new s 75A	23
	Part 3, division 5—	24
	<i>insert—</i>	25

'75A	Non-application of div 5 to short-term registration	1
	'This division does not apply to a short-term registration.'	2
Clause 258	Amendment of s 95 (When decision takes effect)	3
	Section 95(3), from 'the certificate'—	4
	<i>omit, insert—</i>	5
	'a new certificate of general registration being issued to the registrant under section 99(5).'	6
		7
Clause 259	Amendment of s 96 (Failure by board to make decision on application)	8
	Section 96(4), from 'the certificate'—	9
	<i>omit, insert—</i>	10
	'a new certificate of general registration being issued to the registrant under section 99(5).'	11
		12
		13
Clause 260	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	14
	Section 97(4), from 'the certificate'—	15
	<i>omit, insert—</i>	16
	'a new certificate of general registration being issued to the registrant under section 99(5).'	17
		18
		19
Clause 261	Replacement of s 99 (Amendment of, or replacing, certificates of general registration)	20
	Section 99—	21
	<i>omit, insert—</i>	22
		23
'99	Amending, replacing, or issuing new, certificate of general registration	24
	(1) Subsections (2) and (3) apply if a general registrant receives an information notice, under section 94(4)(b), about decisions relating to a change of the conditions of the registration.	25
		26
		27
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- ‘(2) The registrant must return the certificate of general registration to the board within 14 days after receiving the notice, unless the registrant has a reasonable excuse.
Maximum penalty—10 penalty units. 1
2
3
- ‘(3) On receiving the certificate, the board must— 4
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(a) amend the certificate in an appropriate way and return the amended certificate to the registrant; or 6
7
(b) if the board does not consider it practicable to amend the certificate, issue another certificate of general registration to the registrant to replace the certificate returned to the board. 8
9
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- ‘(4) Subsection (5) applies if— 12
13
(a) a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration; or 14
15
(b) the board is taken, under section 96 or 97, to have decided to remove the conditions of a general registration. 16
17
18
- ‘(5) The board must, as soon as practicable after the decision is made or taken to have been made, issue another certificate of general registration to the registrant that does not mention the removed conditions.’. 19
20
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Clause 262 Insertion of new s 107A 23

Part 3, division 8, subdivision 2— 24

insert— 25**‘107A Non-application of sdiv 2 to short-term registration** 26

‘This subdivision does not apply to a short-term registration.’. 27

Clause 263 Amendment of s 114 (Removal) 28

Section 114(4) to (6)— 29

omit, insert— 30

- ‘(4) The board must, as soon as practicable after the decision is made, issue another certificate of special purpose registration to the registrant that does not mention the removed conditions. 1
2
3
- ‘(5) The removal takes effect when notice of the decision is given to the registrant and does not depend on another certificate of special purpose registration being issued.’. 4
5
6

Clause 264	Insertion of new s 120A	7
	Part 3—	8
	<i>insert—</i>	9
	‘120A Short-term registration	10
	‘(1) An application may be made under this part for general or special purpose registration for a period of not more than 5 weeks.	11 12 13
	‘(2) The board may refuse the application if it is not satisfied the applicant has a good reason for a period of registration of that length.	14 15 16
	‘(3) Subsection (2) does not limit another provision of this part about deciding an application for registration.	17 18
	‘(4) If the board decides to grant the application, the registration remains in force for the period decided by the board and may not be renewed or restored.	19 20 21
	‘(5) However, a person may apply for registration under this part, including short-term registration, even if the board has previously granted an application by the person for short-term registration.’.	22 23 24 25
Clause 265	Omission of pt 4, div 2 (Notification of business names and other details)	26 27
	Part 4, division 2—	28
	<i>omit.</i>	29
Clause 266	Amendment of s 129 (Information to appear in advertisements)	30 31
	Section 129(1)(b), from ‘notified’ to ‘(4)’—	32

omit, insert— 1

‘of the business (whether or not the name is registered under 2

the *Business Names Act 1962*)’.

 3

Clause 267 Omission of ss 232 and 233 4

Sections 232 and 233— 5

omit. 6

Clause 268 Amendment of sch 3 (Dictionary) 7

(1) Schedule 3— 8

insert— 9

‘*short-term registration* means a registration on an 10

application mentioned in section 120A.’ 11

(2) Schedule 3, definition *renewable registration*, after ‘purpose 12

registration’— 13

insert— 14

‘, other than a short-term registration’.

 15

Part 19 Amendment of Tobacco and 16

Other Smoking Products Act 17

1998 18

Clause 269 Act amended in pt 19 19

This part amends the *Tobacco and Other Smoking Products* 20

Act 1998. 21

Clause 270 Amendment of s 20 (Supplier must display a prohibition sign) 22
23

(1) Section 20, heading, ‘a prohibition sign’— 24

omit, insert— 25

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‘particular signs’.

(2) Section 20(1), after ‘sign’—

insert—

‘and a quit smoking sign’.

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

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

omit, insert—

‘particular signs’.

(2) Section 21, from ‘to’ to ‘near’—

omit, insert—

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

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

Part 2, division 6, heading—

omit.

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

Section 24—

relocate and renumber in part 2D, as section 26ZS.

Clause 274 Renumbering of pt 2, div 7 (Defence to charges for offences if age material)

Part 2, division 7—

renumber as part 2, division 6.

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Clause 275	Renumbering of s 26 (Defence to charge if age material)	1
	Section 26—	2
	<i>renumber</i> as section 24.	3
Clause 276	Renumbering of s 26AA (Definitions for pt 2A)	4
	Section 26AA—	5
	<i>renumber</i> as section 25.	6
Clause 277	Insertion of new s 26	7
	Part 2A, division 1—	8
	<i>insert</i> —	9
'26	Application of div 1	10
	‘This division does not apply to a tobacco product vending machine.’.	11
		12
Clause 278	Amendment of s 26B (Location of display of smoking products)	13
	Section 26B(4)—	14
	<i>omit</i> .	15
		16
Clause 279	Amendment of s 26CA (One smoking product display only per retail outlet)	17
	Section 26CA(4)—	18
	<i>omit, insert</i> —	19
	‘(4) Cigars in a humidified room are taken not to be a display, or part of a display, of smoking products if customers are not able to see into the room.’.	20
		21
		22
		23
Clause 280	Amendment of s 26CB (Size of smoking product display)	24
	Section 26CB—	25
	<i>insert</i> —	26

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

Clause 281	Amendment of s 26D (Manner of display of immediate package of smoking product)	6 7
	(1) Section 26D(1)(c)(ii)—	8
	<i>omit, insert—</i>	9
	‘(ii) includes a representation of the warning message and corresponding graphic with which the package is required to be labelled under the <i>Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004</i> (Cwlth).’.	10 11 12 13 14
	(2) Section 26D(5), definition <i>stack dispenser</i> , from ‘, but’ to ‘machine’—	15 16
	<i>omit.</i>	17
Clause 282	Amendment of s 26F (Display of health warning on humidified container and humidified room)	18 19
	(1) Section 26F(1), ‘same warning message and explanatory message as the warning message and explanatory message’	20 21
	<i>omit, insert—</i>	22
	‘warning message, graphic and explanatory message’.	23
	(2) Section 26F(2), after ‘warning message’—	24
	<i>insert—</i>	25
	‘, graphic’.	26
Clause 283	Amendment of s 26H (Display of retail prices of smoking product)	27 28
	(1) Section 26H(2), after ‘products’—	29
	<i>insert—</i>	30
	‘, or of the prices of smoking products,’.	31

	(2) Section 26H(2), as amended—	1
	<i>renumber</i> as section 26H(3).	2
	(3) Section 26H—	3
	<i>insert</i> —	4
	‘(2) If a smoking product is not displayed at a retail outlet but is available or usually available for sale at the outlet, the retail price of the smoking product may be displayed in the ways stated in subsection (1)(a) and (b).’.	5 6 7 8
Clause 284	Amendment of s 26HA (Certain business names allowed)	9
	Section 26HA—	10
	<i>insert</i> —	11
	‘(2) However, a supplier is taken to advertise or display a smoking product if the supplier advertises or displays a business name that includes anything about the price of smoking products.	12 13 14
	<i>Example of a business name for subsection (2)—</i>	15
	Discount Cigs and Tobacco’.	16
Clause 285	Replacement of pt 2A, div 2 (Quit smoking signs)	17
	Part 2A, division 2—	18
	<i>omit, insert</i> —	19
	‘Division 2 Tobacco product vending machines	20
	‘26IA Advertising or display to be as provided under this division	21 22
	‘A person in charge of a tobacco product vending machine must not advertise or display a tobacco product in or on the machine other than as allowed under this division.	23 24 25
	Maximum penalty—140 penalty units.	26
	‘26IB Size of tobacco product display	27
	‘(1) The area of the surface of a display of tobacco products in a tobacco product vending machine may be not more than 1m ² .	28 29

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

‘26IC Manner of display of tobacco product 9

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

- (a) the display of a single immediate package of the product line in the form in which the package is available, or usually available, for sale from the machine;
- (b) a single representation of the immediate package of the product line in the form in which the package is available, or usually available, for sale from the machine that—
- (i) is no larger than the actual size of the package, with the same appearance as the package; and
- (ii) includes a representation of the warning message and corresponding graphic with which the package is required to be labelled under the *Trade Practices (Consumer Product Information Standards) (Tobacco) Regulations 2004* (Cwlth).

‘26ID Display of retail prices of tobacco product 27

- ‘(1) A display of tobacco products in a tobacco product vending machine may include the retail price of the products only if the price is displayed by a price ticket, or other indicator of price for each product line, as prescribed under a regulation.
- ‘(2) If a tobacco product is not displayed in a tobacco product vending machine but is available or usually available for sale in the tobacco product vending machine, the retail price of the

tobacco product may be displayed in the way stated in subsection (1). 1
2

- ‘(3) A display of tobacco products, or of the prices of tobacco products, must not include anything else about the price of a tobacco product including, for example, a thing that states the price is discounted. 3
4
5
6

‘26IE Certain business names allowed 7

- ‘(1) A person in charge of a tobacco product vending machine does not advertise or display a tobacco product merely by using a business name that includes a reference to a tobacco product. 8
9
10
11

- ‘(2) However, a person in charge of a tobacco product vending machine is taken to advertise or display a tobacco product if the person advertises or displays a business name that includes anything about the price of tobacco products. 12
13
14
15

Example of a business name for subsection (2)— 16

Discount Cigs and Tobacco’. 17

Clause 286 Amendment of s 26Q (Definitions for pt 2B) 18

Section 26Q, definitions *common area*, *community titles scheme*, *lot* and *multi-unit residential accommodation*— 19
20

omit. 21

**Clause 287 Amendment of s 26R (Person must not smoke in enclosed place) 22
23**

Section 26R— 24

insert— 25

- ‘(4) In this section— 26

common area, of multi-unit residential accommodation, means an area accessible to all, or a specified class of, residents of, or persons employed at, the accommodation. 27
28
29

Example— 30

a TV room or cooking facilities shared by all, or a specified class of, residents 31
32

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multi-unit residential accommodation means hotel
accommodation, motels, hostels, boarding houses, nursing
homes, residential accommodation comprising lots in a
community titles scheme and other similar accommodation.

residential premises means premises used, or intended to be
used, as a place of residence or mainly as a place of residence
and does not include multi-unit residential accommodation.’.

Clause 288	Amendment of s 26U (Person smoking must stop when directed)	8 9
	(1) Section 26U(1), ‘26R’—	10
	<i>omit, insert—</i>	11
	‘26R(1)’.	12
	(2) Section 26U(2)—	13
	<i>omit, insert—</i>	14
	‘(2) If a person (the <i>first person</i>) does not comply with a direction to stop the contravention and the first person is at a place where food or drink is provided, a person (the <i>second person</i>) conducting an on-site food service must not provide food or drink to the first person while the first person continues to contravene section 26R(1).	15 16 17 18 19 20
	Maximum penalty—140 penalty units.	21
	‘(3) However, for subsection (2), it is a defence for the second person to prove that the second person was not aware, and could not have reasonably been expected to be aware, that the contravention was happening.’.	22 23 24 25
Clause 289	Amendment of s 26V (Offence by occupier)	26
	Section 26V(1), ‘26R’—	27
	<i>omit, insert—</i>	28
	‘26R(1)’.	29

Clause 290	Replacement of s 26W (Meaning of outdoor eating or drinking place)	1
		2
	Section 26W—	3
	<i>omit, insert—</i>	4
'26W	Meaning of outdoor eating or drinking place	5
	'(1) A place is an <i>outdoor eating or drinking place</i> if—	6
	(a) the place is not an enclosed place or residential premises; and	7
		8
	(b) persons at the place may consume food or drink provided from an on-site food service; and	9
		10
	(c) any of the following apply—	11
	(i) a person would reasonably expect the place has been provided for the purpose of consuming food or drink provided from an on-site food service;	12
		13
		14
	<i>Examples—</i>	15
	• an area on a footpath outside a cafe or takeaway food store containing tables and chairs	16
		17
	• an outdoor area at a shopping centre, surrounded by food outlets, apparently provided for patrons to use while consuming food or drink purchased from the outlets	18
		19
		20
		21
	(ii) the place is bounded by a fence;	22
	<i>Examples—</i>	23
	• a fenced sporting ground at which persons may consume food or drink purchased at the ground	24
		25
	• an area of a park, temporarily fenced off, at which a cultural festival is being conducted and where persons may eat food or drink purchased at the festival	26
		27
		28
	(iii) the place is licensed premises.	29
	'(2) However, a place is an outdoor eating and drinking place only while—	30
		31
	(a) food or drink is being provided from an on-site food service; or	32
		33
	(b) food or drink provided from an on-site food service is being consumed at the place.	34
		35

-
- ‘(3) Food or drink is taken to be provided from an on-site food service whether it is—
- (a) served to a person in the outdoor eating or drinking place by or for the person conducting the on-site food service; or
- (b) taken by a person from the on-site food service for consumption in the outdoor eating or drinking place.
- ‘(4) If an area that would otherwise be within an outdoor eating or drinking place is clearly designated as an area where no food or drink may be consumed, the area is taken not to be part of the outdoor eating or drinking place.
- ‘(5) In this section—
- provide*, food or drink, includes distribute, give or sell the food or drink.
- residential premises*—
- (a) means premises used, or intended to be used, as a place of residence or mainly as a place of residence; and
- (b) does not include hotels, motels, hostels, boarding houses, nursing homes, residential accommodation comprising lots in a community titles scheme and other similar accommodation.’.
- Clause 291 Amendment of s 26Y (Person smoking must stop when directed)**
- Section 26Y(2)—
- omit, insert*—
- ‘(2) If a person (the *first person*) does not comply with a direction to stop the contravention, a person (the *second person*) conducting an on-site food service must not provide food or drink to the first person while the first person continues to contravene section 26X(1).
- Maximum penalty—140 penalty units.
- ‘(3) However, for subsection (2), it is a defence for the second person to prove that the second person was not aware, and

could not have reasonably been expected to be aware, that the
contravention was happening.’.

		1
		2
Clause 292	Amendment of s 26ZA (Designating an outdoor smoking area)	3
		4
	(1) Section 26ZA(2), (4) and (5), before ‘outdoor area’—	5
	<i>insert—</i>	6
	‘licensed’.	7
	(2) Section 26ZA(2), before ‘smoking is allowed’—	8
	<i>insert—</i>	9
	‘drinking and’.	10
	(3) Section 26ZA(6), after ‘outdoor area’—	11
	<i>insert—</i>	12
	‘of the premises’.	13
	(4) Section 26ZA—	14
	<i>insert—</i>	15
	‘(9) There may not be a designated outdoor smoking area at the premises if any part of the licensed outdoor area of the premises has been designated under section 26W(4) as an area where no food or drink may be consumed.’.	16 17 18 19
Clause 293	Amendment of s 26ZB (Obligations of licensee of premises with designated outdoor smoking area)	20
		21
	(1) Section 26ZB(4)(d), ‘officer’—	22
	<i>omit, insert—</i>	23
	‘person’.	24
	(2) Section 26ZB(5), ‘in an’—	25
	<i>omit, insert—</i>	26
	‘anywhere in the licensed’.	27

Clause 294	Amendment of s 26ZJ (Person must not smoke near building entrance)	1 2
	(1) Section 26ZJ, heading, ‘building entrance’—	3
	<i>omit, insert—</i>	4
	‘an entrance to an enclosed place’.	5
	(2) Section 26ZJ(1), ‘the entrance to a building’—	6
	<i>omit, insert—</i>	7
	‘an entrance to an enclosed place’.	8
	(3) Section 26ZJ(2)—	9
	<i>insert—</i>	10
	‘(e) a vehicle or part of a vehicle.’.	11
	(4) Section 26ZJ(4), ‘of the building’—	12
	<i>omit.</i>	13
	(5) Section 26ZJ(5)—	14
	<i>omit, insert—</i>	15
	‘(5) Subsection (1) applies to an entrance only while either of the following types of access to the enclosed place is available by the entrance—	16 17 18
	(a) public access;	19
	(b) the access usually available by the entrance to enable the place to be used in a way it is ordinarily used.’.	20 21
	(6) Section 26ZJ(6), definition <i>general access</i> —	22
	<i>omit.</i>	23
	(7) Section 26ZJ(6)—	24
	<i>insert—</i>	25
	‘ <i>residential premises</i> means premises used, or intended to be used, as a place of residence or mainly as a place of residence and does not include multi-unit residential accommodation.’.	26 27 28

Clause 295	Amendment of s 26ZK (Person must not smoke near children’s playground equipment)	1 2
	Section 26ZK—	3
	<i>insert</i> —	4
	‘(3) In this section—	5
	<i>residential premises</i> see section 26ZJ(6).’	6
Clause 296	Replacement of pt 2D, hdg (Cannabis utensils)	7
	Part 2D, heading—	8
	<i>omit, insert</i> —	9
	‘Part 2D Prohibited products’.	10
Clause 297	Insertion of new s 26ZR	11
	Part 2D—	12
	<i>insert</i> —	13
	‘26ZR Supply of smokeless tobacco products	14
	‘A person must not, without lawful authority or excuse, supply a smokeless tobacco product to another person.	15 16
	Maximum penalty—140 penalty units.’	17
Clause 298	Amendment of s 40A (Power to direct person to stop smoking)	18 19
	Section 40A(1), ‘section 26R.’—	20
	<i>omit, insert</i> —	21
	‘section 26R(1), 26X(1), 26ZE(1), 26ZH(1), 26ZI(1), 26ZJ(1) or 26ZK(1). ³ ’.	22 23

3 Section 26R (Person must not smoke in enclosed place), 26X (Person must not smoke at outdoor eating or drinking place), 26ZE (Person must not smoke at major sports facility), 26ZH (Person must not smoke at a patrolled beach), 26ZI (Person must not smoke at a prescribed outdoor swimming area), 26ZJ (Person must not smoke near an entrance to an enclosed place) or 26ZK (Person must not smoke near children’s playground equipment)

Clause 299	Amendment of s 51 (Evidence of thing labelled as smoking product)	1 2
	(1) Section 51, heading—	3
	<i>omit, insert—</i>	4
	‘51 Evidence that a thing is labelled as a particular product’.	5
	(2) Section 51—	6
	<i>insert—</i>	7
	‘(1A) Evidence that a thing is labelled as a smokeless tobacco product, or labelled in a way a reasonable person would take to be labelled as a smokeless tobacco product, is evidence the thing is or contains a smokeless tobacco product.’.	8 9 10 11
 Clause 300	 Amendment of schedule (Dictionary)	 12
	(1) Schedule, definitions <i>common area, lot, multi-unit residential accommodation</i> and <i>residential premises—</i>	13 14
	<i>omit.</i>	15
	(2) Schedule—	16
	<i>insert—</i>	17
	<i>‘community titles scheme</i> has the meaning given by the <i>Body Corporate and Community Management Act 1997</i> , section 10.	18 19
	<i>food service</i> means a business, or an enterprise of a commercial, charitable or community nature, that sells food or drink.	20 21 22
	<i>lot</i> see the <i>Body Corporate and Community Management Act 1997</i> , schedule 6.	23 24
	<i>on-site food service</i> , in relation to a place, means a food service at, or adjacent to, the place.	25 26
	<i>quit smoking sign</i> means a sign designed to encourage a person who smokes to stop smoking.’.	27 28
	(3) Schedule—	29
	<i>insert—</i>	30

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- 'smokeless tobacco product'* means tobacco, or something containing tobacco, prepared for consumption other than by being smoked. 1
2
3
- Examples—* 4
snuff, chewing tobacco'. 5
- (4) Schedule, definitions *humidified container*, *humidified room* and *smoking product*, '26AA'— 6
7
omit, insert— 8
'25'. 9
- (5) Schedule, definition *package—* 10
insert— 11
'(e) for cigarette papers—a package containing cigarette papers packed by the manufacturer, or importer, of the papers.'. 12
13
14
- (6) Schedule, definition *tobacco product*, after 'loose tobacco'— 15
insert— 16
'but does not include a smokeless tobacco product'. 17

Part 20 **Amendment of Transplantation and Anatomy Act 1979** 18
19

Clause 301 Act amended in pt 20 20
This part amends the *Transplantation and Anatomy Act 1979*. 21

Clause 302 Amendment of s 4 (Interpretation) 22
Section 4(1)— 23
insert— 24
'*dental practitioner* means a general registrant or provisional general registrant under the *Dental Practitioners Registration Act 2001*'. 25
26
27

Clause 303	Insertion of new pt 2 div 6	1
	Part 2—	2
	<i>insert—</i>	3
‘Division 6	Donations for approved research	4
‘21A	Definitions for div 6	5
	‘In this division—	6
	<i>human research ethics committee</i> means a committee formed	7
	in accordance with the requirements stated in the National	8
	Statement.	9
	<i>National Statement</i> means the National Statement on Ethical	10
	Conduct in Research Involving Humans, issued by the	11
	NHMRC in 1999, as in force from time to time.	12
	<i>Editor’s note—</i>	13
	A copy of the National Statement is available on the web site of the	14
	NHMRC on the internet at < www.nhmrc.gov.au/publications >.	15
	<i>NHMRC</i> means the National Health and Medical Research	16
	Council established under the <i>National Health and Medical</i>	17
	<i>Research Council Act 1992</i> (Cwlth).	18
‘21B	Authorised donations	19
	‘The removal of tissue from a person’s body is authorised if—	20
	(a) it is—	21
	(i) the removal, by a medical practitioner, of skeletal	22
	muscle tissue, oral tissue or perioral tissue; or	23
	(ii) the removal, by a dental practitioner, of oral tissue	24
	or perioral tissue; and	25
	(b) it is done for the purpose of research approved by a	26
	human research ethics committee; and	27
	(c) consent is given to the removal in accordance with the	28
	requirements stated in the National Statement; and	29
	(d) the person is an adult.’.	30

Clause 304	Amendment of s 35 (Effect of authority under this part)	1
	(1) Section 35, after ‘school of anatomy,’—	2
	<i>insert—</i>	3
	‘for its loan by a school of anatomy to another school of anatomy,’.	4
		5
	(2) Section 35, ‘the school’—	6
	<i>omit, insert—</i>	7
	‘a school’.	8
Clause 305	Amendment of s 42A (Person who owns a prescribed tissue bank may charge amount to recover certain costs)	9
	Section 42A(6), definition <i>processing</i> , after ‘at’—	10
	<i>insert—</i>	11
	‘or for’.	12
		13
Clause 306	Insertion of new s 42B	14
	After section 42A—	15
	<i>insert—</i>	16
	‘42B Recovery of particular costs by school of anatomy	17
	‘(1) A school of anatomy may charge an amount to recover the reasonable costs associated with the loan of the body of a deceased person to another school of anatomy, including costs associated with receiving, embalming, storing, maintaining or disposing of the body or a part of the body.	18
		19
		20
		21
		22
	‘(2) A person does not commit an offence against section 40(1) only by paying an amount charged under subsection (1).	23
		24
	‘(3) A person does not commit an offence against section 42(1) only by charging an amount under subsection (1).’.	25
		26
Clause 307	Amendment of s 48 (Offences in relation to removal of tissue)	27
	Section 48(1)(a), after ‘the tissue’—	28
		29

insert— 1
'or as authorised under part 2, division 6'. 2

Clause 308 Amendment of s 49 (Disclosure of information) 3
Section 49(2)(c), after 'medical practitioner'— 4
insert— 5
'or dental practitioner'. 6

Clause 309 Amendment of s 52 (Regulations) 7
Section 52(2)(k), '10 penalty units'— 8
omit, insert— 9
'20 penalty units'. 10