



Queensland

Health and Other Legislation Amendment Bill 2009



Queensland

Health and Other Legislation Amendment Bill 2009

Contents

		Page
Part 1	Preliminary	
1	Short title	12
2	Commencement	12
Part 2	Amendment of Chiropractors Registration Act 2001	
3	Act amended in pt 2	12
4	Amendment of s 64 (Period)	12
5	Replacement of s 82 (Ground for cancellation)	13
	82 Grounds for cancellation.	13
6	Amendment of s 96 (Failure by board to make decision on application)	13
7	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	13
8	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	14
9	Amendment of s 113 (Grounds for cancellation)	14
10	Replacement of s 210 (False or misleading information or documents)	14
	210 False or misleading information or documents.	14
Part 3	Amendment of Dental Practitioners Registration Act 2001	
11	Act amended in pt 3	18
12	Amendment of s 64 (Period)	18
13	Replacement of s 82 (Ground for cancellation)	18
	82 Grounds for cancellation.	18
14	Amendment of s 96 (Failure by board to make decision on application)	19
15	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	19

Contents

16	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	19
17	Amendment of s 132 (Grounds for cancellation)	19
18	Replacement of s 232 (False or misleading information or documents)	20
	232 False or misleading information or documents.	20
Part 4	Amendment of Dental Technicians and Dental Prosthetists Registration Act 2001	
19	Act amended in pt 4	23
20	Amendment of s 64 (Period).	23
21	Replacement of s 83 (Ground for cancellation)	23
	83 Grounds for cancellation.	24
22	Amendment of s 98 (Failure by board to make decision on application)	24
23	Amendment of s 99 (Failure by board to make decision on review agreed to under s 91)	24
24	Amendment of s 101 (Amending, replacing, or issuing new, certificate of general registration)	25
25	Amendment of s 115 (Grounds for cancellation)	25
26	Replacement of s 214 (False or misleading information or documents)	25
	214 False or misleading information or documents.	25
Part 5	Amendment of Health Practitioners (Professional Standards) Act 1999	
27	Act amended in pt 5	29
28	Amendment of s 12 (Delegation of certain powers).	29
29	Insertion of new s 40A	30
	40A Temporary appointment of panel of assessors.	30
30	Amendment of s 42 (Procedure for recommending members of panels of assessors)	30
31	Amendment of s 55 (Notice to be given if complaint rejected)	31
32	Amendment of s 63 (When investigation of registrant may be conducted on board's initiative)	31
33	Amendment of s 134 (Powers of board to refer matter to panel or tribunal etc.)	31
34	Amendment of s 135 (Powers of disciplinary committee to refer to panel or tribunal etc.)	32
35	Amendment of s 164 (Decision about whether ground for disciplinary action established).	32
36	Amendment of s 168 (Notification of decision).	32

37	Amendment of s 205 (Notification of decision of panel)	32
38	Amendment of s 255 (Costs)	33
39	Amendment of s 278 (Notification of board's decision)	33
40	Amendment of s 306 (Registrant may request further health assessment)	33
41	Amendment of s 377 (Certain investigations not to be conducted or continued)	34
42	Amendment of s 392 (Confidentiality)	34
43	Amendment of schedule (Dictionary)	34
Part 6	Amendment of Health Quality and Complaints Commission Act 2006	
44	Act amended in pt 6	35
45	Amendment of s 22 (Commission may make standards)	35
46	Insertion of new s 22A	35
	22A Process for making or amending standards	35
Part 7	Amendment of Health Services Act 1991	
47	Act amended in pt 7	37
48	Insertion of new s 62IA	37
	62IA Disclosure for the protection, safety or wellbeing of a child	37
49	Insertion of new s 62KA	37
	62KA Disclosure to or by chief executive	37
50	Insertion of new s 62PA	38
	62PA Disclosure to State lawyers	38
Part 8	Amendment of Medical Practitioners Registration Act 2001	
51	Act amended in pt 8	38
52	Amendment of s 66 (Period)	38
53	Amendment of 84 (Grounds for cancellation)	38
54	Amendment of s 92 (Board to give notice to internship nominee or supervisor)	39
55	Amendment of s 96 (Failure by board to make decision)	39
56	Amendment of s 97 (Issuing new certificate of general registration)	40
57	Amendment of s 106 (Failure by board to make decision on application)	40
58	Amendment of s 107 (Failure by board to make decision on review agreed to under s 100)	40
59	Amendment of s 109 (Amending, replacing, or issuing new, certificate of general registration)	41

Contents

60	Amendment of s 149 (Grounds for cancellation)	41
61	Insertion of new pt 4, div 2	41
	Division 2 Reportable misconduct	
166	Registrant must give notice about reportable misconduct	41
62	Amendment of s 173 (Reprisal and grounds for reprisals)	43
63	Amendment of s 178 (Definition for pt 5)	43
64	Amendment of s 182 (Decision)	43
65	Amendment of s 189 (Decision)	43
66	Amendment of s 195 (Return of accreditation certificate to board)	44
Part 9	Amendment of Medical Radiation Technologists Registration Act 2001	
67	Act amended in pt 9	44
68	Amendment of s 68 (Period)	45
69	Amendment of 86 (Grounds for cancellation)	45
70	Amendment of s 94 (Board to give notice to supervisor)	45
71	Amendment of s 99 (Failure by board to make decision)	46
72	Amendment of s 101 (Amending, replacing, or issuing new, certificate of general registration)	46
73	Amendment of s 110 (Failure by board to make decision on application)	46
74	Amendment of s 111 (Failure by board to make decision on review agreed to under s 104)	46
75	Amendment of s 113 (Amending, replacing, or issuing new, certificate of general registration)	47
76	Amendment of s 128 (Grounds for cancellation)	47
77	Replacement of s 226 (False or misleading information or documents)	47
	226 False or misleading information or documents	48
Part 10	Amendment of Nursing Act 1992	
78	Act amended in pt 10	51
79	Amendment of s 4 (Definitions)	51
80	Amendment of s 77B (Definitions for pt 3A)	51
81	Amendment of s 96 (Constitution of tribunal for particular proceeding)	51
82	Insertion of new pt 7, div 2, sdiv 1 and pt 7, div 2, sdiv 2, hdg . . .	51
	Subdivision 1 Power to obtain information	
	127A Power to require information or attendance	52

	127B	Offences	52
	127C	Self-incrimination	52
	127D	Inspection of produced things	53
83		Amendment of s 139 (Confidentiality of documents and information)	53
Part 11		Amendment of Occupational Therapists Registration Act 2001	
84		Act amended in pt 11	54
85		Amendment of s 64 (Period)	54
86		Replacement of s 82 (Ground for cancellation)	54
	82	Grounds for cancellation.	54
87		Amendment of s 96 (Failure by board to make decision on application)	55
88		Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	55
89		Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	55
90		Amendment of s 113 (Grounds for cancellation)	56
91		Replacement of s 210 (False or misleading information or documents)	56
	210	False or misleading information or documents.	56
Part 12		Amendment of Optometrists Registration Act 2001	
92		Act amended in pt 12	59
93		Amendment of s 64 (Period)	59
94		Replacement of s 82 (Ground for cancellation)	60
	82	Grounds for cancellation.	60
95		Amendment of s 96 (Failure by board to make decision on application)	60
96		Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	60
97		Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	61
98		Amendment of s 113 (Grounds for cancellation)	61
99		Replacement of s 207 (False or misleading information or documents)	61
	207	False or misleading information or documents.	61
Part 13		Amendment of Osteopaths Registration Act 2001	
100		Act amended in pt 13	65
101		Amendment of s 64 (Period)	65

Contents

102	Replacement of s 82 (Ground for cancellation)	65
	82 Grounds for cancellation.	65
103	Amendment of s 96 (Failure by board to make decision on application)	65
104	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	66
105	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	66
106	Amendment of s 113 (Grounds for cancellation)	66
107	Replacement of s 210 (False or misleading information or documents)	67
	210 False or misleading information or documents.	67
Part 14	Amendment of Pharmacists Registration Act 2001	
108	Act amended in pt 14	70
109	Amendment of s 68 (Period).	70
110	Replacement of s 86 (Ground for cancellation)	70
	86 Grounds for cancellation.	70
111	Amendment of s 100 (Failure by board to make decision on application)	71
112	Amendment of s 101 (Failure by board to make decision on review agreed to under s 94)	71
113	Amendment of s 103 (Amending, replacing, or issuing new, certificate of general registration)	71
114	Amendment of s 117 (Grounds for cancellation)	72
115	Replacement of s 212 (False or misleading information or documents)	72
	212 False or misleading information or documents.	72
Part 15	Amendment of Physiotherapists Registration Act 2001	
116	Act amended in pt 15	75
117	Amendment of s 64 (Period).	75
118	Replacement of s 82 (Ground for cancellation)	76
	82 Grounds for cancellation.	76
119	Amendment of s 96 (Failure by board to make decision on application)	76
120	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	76
121	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	77
122	Amendment of s 100 (Undertaking of special activities relating to the profession)	77

123	Replacement of s 102 (Eligibility)	78
	102 Eligibility for special purpose registration under s 100(1)	78
124	Insertion of new s 102A	78
	102A Eligibility for special purpose registration under s 100(2)	78
125	Amendment of s 104 (Suitability to be a special purpose registrant)	80
126	Insertion of new ss 106A–106C	80
	106A Condition for special purpose registration under s 100(2)	80
	106B Supervised practice plans approved by the board . . .	81
	106C Board may ask for information under supervised practice plan	82
127	Replacement of s 107A (Non-application of sdiv 2 to short-term registration)	82
	107A Non-application of sdiv 2 to particular registrations . .	82
128	Amendment of s 109 (Matters that may be considered in deciding whether to renew special purpose registrations)	82
129	Amendment of s 113 (Grounds for cancellation)	83
130	Insertion of new s 209A	83
	209A Protection for persons involved in supervising registrants	83
131	Replacement of s 210 (False or misleading information or documents)	84
	210 False or misleading information or documents	84
132	Amendment of pt 10, div 2, hdg (Transitional provisions)	87
133	Insertion of new pt 10, div 3	87
	Division 3 Transitional provisions for the Health and Other Legislation Amendment Act 2008	
	238 Particular registrants taken to be registered under s 100(2)(b)	87
	239 Existing applications for general registration	88
134	Amendment of sch 4 (Dictionary)	88
Part 16	Amendment of Podiatrists Registration Act 2001	
135	Act amended in pt 16	89
136	Amendment of s 64 (Period)	89
137	Replacement of s 82 (Ground for cancellation)	89
	82 Grounds for cancellation	89

Contents

138	Amendment of s 96 (Failure by board to make decision on application)	89
139	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	90
140	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	90
141	Amendment of s 113 (Grounds for cancellation)	90
142	Replacement of s 210 (False or misleading information or documents)	91
	210 False or misleading information or documents.	91
Part 17	Amendment of Police Powers and Responsibilities Act 2000	
143	Act amended in pt 17	94
144	Amendment of s 42 (Power for age-related offences and for particular motor vehicle related purposes)	94
145	Amendment of s 60 (Stopping vehicles for prescribed purposes)	95
Part 18	Amendment of Psychologists Registration Act 2001	
146	Act amended in pt 18	95
147	Amendment of s 70 (Period)	95
148	Amendment of s 88 (Grounds for cancellation)	95
149	Amendment of s 96 (Board to give notice to supervisor)	96
150	Amendment of s 100 (Failure by board to make decision on application)	96
151	Amendment of s 102 (Amending, replacing, or issuing new, certificate of general registration)	96
152	Amendment of s 111 (Failure by board to make decision on application)	97
153	Amendment of s 112 (Failure by board to make decision on review agreed to under s 105)	97
154	Amendment of s 114 (Amending, replacing, or issuing new, certificate of general registration)	97
155	Amendment of s 129 (Grounds for cancellation)	98
156	Replacement of s 227 (False or misleading information or documents)	98
	227 False or misleading information or documents.	98
Part 19	Amendment of Public Health Act 2005	
157	Act amended in pt 19	101
158	Amendment of s 11 (Meaning of public health risk)	101
159	Amendment of s 107 (Disclosure under Act or with written consent etc.)	101
160	Insertion of new s 108A	102

	108A	Disclosure for contact tracing purposes	102
161		Replacement of ch 6, pt 4, div 1, hdg.	103
162		Insertion of new s 279A	103
	279A	Application of pt 4.	103
163		Insertion of new s 280A	103
	280A	Part does not prevent disclosure under other Act . . .	103
164		Amendment of s 282 (Application to chief executive for information)	104
165		Amendment of s 284 (Decision about application)	104
Part 20		Amendment of Speech Pathologists Registration Act 2001	
166		Act amended in pt 20	105
167		Amendment of s 64 (Period).	105
168		Replacement of s 82 (Ground for cancellation)	105
	82	Grounds for cancellation.	105
169		Amendment of s 96 (Failure by board to make decision on application)	106
170		Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	106
171		Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	106
172		Amendment of s 113 (Grounds for cancellation)	106
173		Replacement of s 207 (False or misleading information or documents)	107
	207	False or misleading information or documents.	107
Part 21		Amendment of Tobacco and Other Smoking Products Act 1998	
174		Act amended in pt 21	110
175		Amendment of s 25 (Definitions for pt 2A)	110
176		Amendment of s 26L (Supply of object or entitlement that promotes smoking product etc.)	111
177		Insertion of new s 26PB	111
	26PB	Application of pt 2B	111
178		Amendment of s 26Q (Definitions for pt 2B).	111
179		Amendment of s 26R (Person must not smoke in an enclosed place)	111
180		Insertion of new pt 2BA	112
	26VA	Definitions for pt 2BA	112
	26VB	Person must not smoke in motor vehicle being used for business use if anyone else in the vehicle	112

Contents

	26VC	Person must not smoke in motor vehicle if person under 16 in the vehicle	113
	26VD	Defence for s 26VC	113
	26VE	Evidentiary provisions	113
181		Insertion of new pt 2C, div 4.	114
	Division 4	Prohibition on smoking at public transport waiting points and malls by local governments	
	26ZPA	Definitions for div 4.	114
	26ZPB	Local government may make local laws prohibiting smoking at certain places.	115
	26ZPC	When local law prevails	115
	26ZPD	State may require report from local government about local law	116
	26ZPE	Fines payable for contravention of local law payable to local government	116
182		Renumbering of s 26ZPA (Sale, supply and display of ice pipes)	116
183		Amendment of schedule.	116
Part 22		Amendment of Workers' Compensation and Rehabilitation Act 2003	
184		Act amended in pt 22	117
185		Amendment of s 132 (Applying for compensation).	117
186		Amendment of s 141 (Time from which compensation payable)	117
187		Amendment of sch 6 (Dictionary)	118

2009

A Bill

for

An Act to amend the *Chiropractors Registration Act 2001*, the *Dental Practitioners Registration Act 2001*, the *Dental Technicians and Dental Prosthetists Registration Act 2001*, the *Health Practitioners (Professional Standards) Act 1999*, the *Health Quality and Complaints Commission Act 2006*, the *Health Services Act 1991*, the *Medical Practitioners Registration Act 2001*, the *Medical Radiation Technologists Registration Act 2001*, the *Nursing Act 1992*, the *Occupational Therapists Registration Act 2001*, the *Optometrists Registration Act 2001*, the *Osteopaths Registration Act 2001*, the *Pharmacists Registration Act 2001*, the *Physiotherapists Registration Act 2001*, the *Podiatrists Registration Act 2001*, the *Police Powers and Responsibilities Act 2000*, the *Psychologists Registration Act 2001*, the *Public Health Act 2005*, the *Speech Pathologists Registration Act 2001*, the *Tobacco and Other Smoking Products Act 1998* and the *Workers' Compensation and Rehabilitation Act 2003* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Health and Other Legislation
Amendment Act 2009*. 4
5

Clause 2 Commencement 6

(1) Sections 163 and 165(2) are taken to have commenced on 16
January 2006. 7
8

(2) Parts 19 (other than sections 163 and 165(2)) and 22
commence on assent. 9
10

(3) The remainder of the Act commences on a day fixed by
proclamation. 11
12

**Part 2 Amendment of Chiropractors
Registration Act 2001** 13
14

Clause 3 Act amended in pt 2 15

This part amends the *Chiropractors Registration Act 2001*. 16

Clause 4 Amendment of s 64 (Period) 17

Section 64, '6 months'— 18

omit, insert— 19

'12 months'. 20

Clause 5	Replacement of s 82 (Ground for cancellation)	1
	Section 82—	2
	<i>omit, insert—</i>	3
'82	Grounds for cancellation	4
	'A general registration may be cancelled, under this division, on the following grounds—	5 6
	(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	7 8 9
	(i) was materially false, within the meaning given by section 210(1), at the time it was given; or	10 11
	(ii) became materially false, within the meaning given by section 210(1), after it was given;	12 13
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration.'	14 15
Clause 6	Amendment of s 96 (Failure by board to make decision on application)	16 17
	(1) Section 96(1) and (3), 'remove'—	18
	<i>omit, insert—</i>	19
	'confirm'.	20
	(2) Section 96(4)—	21
	<i>omit.</i>	22
Clause 7	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	23 24
	(1) Section 97(1) and (3), 'remove'—	25
	<i>omit, insert—</i>	26
	'confirm'.	27
	(2) Section 97(4)—	28
	<i>omit.</i>	29

[s 8]

Clause 8	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	1 2
	(1) Section 99(4)—	3
	<i>omit, insert—</i>	4
	‘(4) Subsection (5) applies if a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration.’	5 6 7
	(2) Section 99(5), ‘or taken to have been made’—	8
	<i>omit.</i>	9
Clause 9	Amendment of s 113 (Grounds for cancellation)	10
	Section 113(e)—	11
	<i>omit, insert—</i>	12
	‘(e) the registration happened because the board was given, by the registrant or someone else, information or a document that—	13 14 15
	(i) was materially false, within the meaning given by section 210(1), at the time it was given; or	16 17
	(ii) became materially false, within the meaning given by section 210(1), after it was given;	18 19
	(f) the registrant ceases to have, or does not have, the qualifications necessary for registration.’	20 21
Clause 10	Replacement of s 210 (False or misleading information or documents)	22 23
	Section 210—	24
	<i>omit, insert—</i>	25
	‘210 False or misleading information or documents	26
	‘(1) For this section—	27
	(a) information is taken to be materially false if—	28

-
- (i) the information is false or misleading in a material particular; or 1
2
- (ii) regardless of the literal truth of the information, it has a propensity to mislead or deceive the board in a material particular, including through the omission of other material information; and 3
4
5
6
- (b) a document is taken to be materially false if— 7
- (i) the document contains or conveys information that is materially false; or 8
9
- (ii) the document contains or conveys information that, by the time the document is given to the board, has become materially false; or 10
11
12
- (iii) the document— 13
- (A) is, or purports to be, a copy of an original document; and 14
15
- (B) is not, in a material particular, a true, accurate and complete copy of the original document; or 16
17
18
- (iv) the document— 19
- (A) is, or purports to be, an extract from or summary of an original document; and 20
21
- (B) fails, in a material particular, to convey a true, accurate and complete representation of the information contained in the original document. 22
23
24
25
- (2) A person must not give the board— 26
- (a) information that is materially false to the knowledge of the person; or 27
28
- (b) a document that is materially false to the knowledge of the person. 29
30
- Maximum penalty—200 penalty units. 31

[s 10]

- ‘(3) A person must not contravene subsection (2) in connection with an application for registration by the person or someone else. 1
2
3
Maximum penalty—2000 penalty units or 3 years imprisonment. 4
5
- ‘(4) A person must convey the relevant facts to the board as soon as reasonably practicable after the person— 6
7
- (a) being a registrant, becomes aware that information or a document that was given to the board in connection with the person’s registration— 8
9
10
- (i) was materially false when it was given to the board; or 11
12
- (ii) has since become materially false; or 13
- (b) being a person who previously gave information or a document to the board, becomes aware that the information or document— 14
15
16
- (i) was materially false when it was given to the board; or 17
18
- (ii) has since become materially false. 19
- Maximum penalty—200 penalty units. 20
- ‘(5) A registrant must not act or practise as a registrant, or continue to do so, if— 21
22
- (a) the registrant committed a contravention of subsection (2) in connection with the registrant’s application for registration; or 23
24
25
- (b) the registrant was knowingly concerned in, or a party to, a contravention of subsection (2) in connection with the registrant’s application for registration; or 26
27
28
- (c) the registrant has failed to convey the relevant facts to the board after becoming aware that information or a document that was given to the board in connection with the registrant’s registration— 29
30
31
32

-
- (i) was materially false when it was given to the board; or
- (ii) has since become materially false.
- Maximum penalty—2000 penalty units or 3 years imprisonment.
- ‘(6) To remove any doubt, it is declared that in this section—
- material particular*, in relation to an application for registration, is not limited to a particular that would have been determinative of the application, but includes any particular that, had it been known to the board at the relevant time, might have influenced the board, a member, the executive officer or a member of the office’s staff in—
- (a) granting or refusing the application; or
- (b) deciding the capacity in which the applicant may be registered; or
- (c) imposing a condition, qualification or restriction on registration granted to the applicant; or
- (d) fixing the period of the registration granted to the applicant; or
- (e) making further inquiries or conducting further investigations in connection with the application.
- registration* means—
- (a) registration as a registrant; or
- (b) renewal of registration as a registrant; or
- (c) restoration of registration as a registrant.’

[s 11]

Part 3	Amendment of Dental Practitioners Registration Act 2001	1
		2
		3
Clause 11	Act amended in pt 3	4
	This part amends the <i>Dental Practitioners Registration Act 2001</i> .	5
		6
Clause 12	Amendment of s 64 (Period)	7
	Section 64, ‘6 months’—	8
	<i>omit, insert—</i>	9
	‘12 months’.	10
Clause 13	Replacement of s 82 (Ground for cancellation)	11
	Section 82—	12
	<i>omit, insert—</i>	13
‘82	Grounds for cancellation	14
	‘A general registration may be cancelled, under this division, on the following grounds—	15
		16
	(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	17
		18
		19
	(i) was materially false, within the meaning given by section 232(1), at the time it was given; or	20
		21
	(ii) became materially false, within the meaning given by section 232(1), after it was given;	22
		23
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration.’.	24
		25

Clause 14	Amendment of s 96 (Failure by board to make decision on application)	1 2
	(1) Section 96(1) and (3), ‘remove’—	3
	<i>omit, insert—</i>	4
	‘confirm’.	5
	(2) Section 96(4)—	6
	<i>omit.</i>	7
Clause 15	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	8 9
	(1) Section 97(1) and (3), ‘remove’—	10
	<i>omit, insert—</i>	11
	‘confirm’.	12
	(2) Section 97(4)—	13
	<i>omit.</i>	14
Clause 16	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	15 16
	(1) Section 99(4)—	17
	<i>omit, insert—</i>	18
	‘(4) Subsection (5) applies if a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration.’	19 20 21
	(2) Section 99(5), ‘or taken to have been made’—	22
	<i>omit.</i>	23
Clause 17	Amendment of s 132 (Grounds for cancellation)	24
	Section 132(e)—	25
	<i>omit, insert—</i>	26

[s 18]

- '(e) the registration happened because the board was given, 1
by the registrant or someone else, information or a 2
document that— 3
 - (i) was materially false, within the meaning given by 4
section 232(1), at the time it was given; or 5
 - (ii) became materially false, within the meaning given 6
by section 232(1), after it was given; 7
- (f) the registrant ceases to have, or does not have, the 8
qualifications necessary for registration.' 9

**Clause 18 Replacement of s 232 (False or misleading information or 10
documents) 11**

Section 232— 12

omit, insert— 13

'232 False or misleading information or documents 14

'(1) For this section— 15

(a) information is taken to be materially false if— 16

(i) the information is false or misleading in a material 17
particular; or 18

(ii) regardless of the literal truth of the information, it 19
has a propensity to mislead or deceive the board in 20
a material particular, including through the 21
omission of other material information; and 22

(b) a document is taken to be materially false if— 23

(i) the document contains or conveys information that 24
is materially false; or 25

(ii) the document contains or conveys information that, 26
by the time the document is given to the board, has 27
become materially false; or 28

(iii) the document— 29

(A) is, or purports to be, a copy of an original 30
document; and 31

-
- (B) is not, in a material particular, a true, accurate and complete copy of the original document; or
- (iv) the document—
- (A) is, or purports to be, an extract from or summary of an original document; and
- (B) fails, in a material particular, to convey a true, accurate and complete representation of the information contained in the original document.
- ‘(2) A person must not give the board—
- (a) information that is materially false to the knowledge of the person; or
- (b) a document that is materially false to the knowledge of the person.
- Maximum penalty—200 penalty units.
- ‘(3) A person must not contravene subsection (2) in connection with an application for registration by the person or someone else.
- Maximum penalty—2000 penalty units or 3 years imprisonment.
- ‘(4) A person must convey the relevant facts to the board as soon as reasonably practicable after the person—
- (a) being a registrant, becomes aware that information or a document that was given to the board in connection with the person’s registration—
- (i) was materially false when it was given to the board; or
- (ii) has since become materially false; or
- (b) being a person who previously gave information or a document to the board, becomes aware that the information or document—
- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|

[s 18]

- (i) was materially false when it was given to the board; or 1
2
- (ii) has since become materially false. 3
- Maximum penalty—200 penalty units. 4
- ‘(5) A registrant must not act or practise as a registrant, or 5
continue to do so, if— 6
- (a) the registrant committed a contravention of subsection 7
(2) in connection with the registrant’s application for 8
registration; or 9
- (b) the registrant was knowingly concerned in, or a party to, 10
a contravention of subsection (2) in connection with the 11
registrant’s application for registration; or 12
- (c) the registrant has failed to convey the relevant facts to 13
the board after becoming aware that information or a 14
document that was given to the board in connection with 15
the registrant’s registration— 16
- (i) was materially false when it was given to the 17
board; or 18
- (ii) has since become materially false. 19
- Maximum penalty—2000 penalty units or 3 years 20
imprisonment. 21
- ‘(6) To remove any doubt, it is declared that in this section— 22
- material particular*, in relation to an application for 23
registration, is not limited to a particular that would have been 24
determinative of the application, but includes any particular 25
that, had it been known to the board at the relevant time, might 26
have influenced the board, a member, the executive officer or 27
a member of the office’s staff in— 28
- (a) granting or refusing the application; or 29
- (b) deciding the capacity in which the applicant may be 30
registered; or 31
- (c) imposing a condition, qualification or restriction on 32
registration granted to the applicant; or 33

-
- (d) fixing the period of the registration granted to the applicant; or 1
2
- (e) making further inquiries or conducting further investigations in connection with the application. 3
4
- registration* means— 5
- (a) registration as a registrant; or 6
- (b) renewal of registration as a registrant; or 7
- (c) restoration of registration as a registrant.’. 8

Part 4 **Amendment of Dental Technicians and Dental Prosthetists Registration Act 2001** 9
10
11
12

Clause 19 **Act amended in pt 4** 13

This part amends the *Dental Technicians and Dental Prosthetists Registration Act 2001*. 14
15

Clause 20 **Amendment of s 64 (Period)** 16

Section 64, ‘6 months’— 17

omit, insert— 18

‘12 months’. 19

Clause 21 **Replacement of s 83 (Ground for cancellation)** 20

Section 83— 21

omit, insert— 22

[s 22]

'83	Grounds for cancellation	1
	'A general registration may be cancelled, under this division, on the following grounds—	2 3
	(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	4 5 6
	(i) was materially false, within the meaning given by section 214(1), at the time it was given; or	7 8
	(ii) became materially false, within the meaning given by section 214(1), after it was given;	9 10
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration.'	11 12
Clause 22	Amendment of s 98 (Failure by board to make decision on application)	13 14
	(1) Section 98(1) and (3), 'remove'— <i>omit, insert—</i> 'confirm'.	15 16 17
	(2) Section 98(4)— <i>omit.</i>	18 19
Clause 23	Amendment of s 99 (Failure by board to make decision on review agreed to under s 91)	20 21
	(1) Section 99(1) and (3), 'remove'— <i>omit, insert—</i> 'confirm'.	22 23 24
	(2) Section 99(4)— <i>omit.</i>	25 26

Clause 24	Amendment of s 101 (Amending, replacing, or issuing new, certificate of general registration)	1 2
	(1) Section 101(4)—	3
	<i>omit, insert—</i>	4
	‘(4) Subsection (5) applies if a general registrant receives a notice, under section 95(5), about a decision to remove the conditions of the registration.’	5 6 7
	(2) Section 101(5), ‘or taken to have been made’—	8
	<i>omit.</i>	9
Clause 25	Amendment of s 115 (Grounds for cancellation)	10
	Section 115(e)—	11
	<i>omit, insert—</i>	12
	‘(e) the registration happened because the board was given, by the registrant or someone else, information or a document that—	13 14 15
	(i) was materially false, within the meaning given by section 214(1), at the time it was given; or	16 17
	(ii) became materially false, within the meaning given by section 214(1), after it was given;	18 19
	(f) the registrant ceases to have, or does not have, the qualifications necessary for registration.’	20 21
Clause 26	Replacement of s 214 (False or misleading information or documents)	22 23
	Section 214—	24
	<i>omit, insert—</i>	25
‘214	False or misleading information or documents	26
	‘(1) For this section—	27
	(a) information is taken to be materially false if—	28

[s 26]

- | | | |
|-------|---|----------------------|
| (i) | the information is false or misleading in a material particular; or | 1
2 |
| (ii) | regardless of the literal truth of the information, it has a propensity to mislead or deceive the board in a material particular, including through the omission of other material information; and | 3
4
5
6 |
| (b) | a document is taken to be materially false if— | 7 |
| (i) | the document contains or conveys information that is materially false; or | 8
9 |
| (ii) | the document contains or conveys information that, by the time the document is given to the board, has become materially false; or | 10
11
12 |
| (iii) | the document— | 13 |
| (A) | is, or purports to be, a copy of an original document; and | 14
15 |
| (B) | is not, in a material particular, a true, accurate and complete copy of the original document; or | 16
17
18 |
| (iv) | the document— | 19 |
| (A) | is, or purports to be, an extract from or summary of an original document; and | 20
21 |
| (B) | fails, in a material particular, to convey a true, accurate and complete representation of the information contained in the original document. | 22
23
24
25 |
| ‘(2) | A person must not give the board— | 26 |
| (a) | information that is materially false to the knowledge of the person; or | 27
28 |
| (b) | a document that is materially false to the knowledge of the person. | 29
30 |
| | Maximum penalty—200 penalty units. | 31 |

-
- ‘(3) A person must not contravene subsection (2) in connection with an application for registration by the person or someone else. 1
2
3
Maximum penalty—2000 penalty units or 3 years imprisonment. 4
5
- ‘(4) A person must convey the relevant facts to the board as soon as reasonably practicable after the person— 6
7
- (a) being a registrant, becomes aware that information or a document that was given to the board in connection with the person’s registration— 8
9
10
- (i) was materially false when it was given to the board; or 11
12
- (ii) has since become materially false; or 13
- (b) being a person who previously gave information or a document to the board, becomes aware that the information or document— 14
15
16
- (i) was materially false when it was given to the board; or 17
18
- (ii) has since become materially false. 19
- Maximum penalty—200 penalty units. 20
- ‘(5) A registrant must not act or practise as a registrant, or continue to do so, if— 21
22
- (a) the registrant committed a contravention of subsection (2) in connection with the registrant’s application for registration; or 23
24
25
- (b) the registrant was knowingly concerned in, or a party to, a contravention of subsection (2) in connection with the registrant’s application for registration; or 26
27
28
- (c) the registrant has failed to convey the relevant facts to the board after becoming aware that information or a document that was given to the board in connection with the registrant’s registration— 29
30
31
32

[s 26]

- (i) was materially false when it was given to the board; or 1
2
- (ii) has since become materially false. 3
- Maximum penalty—2000 penalty units or 3 years imprisonment. 4
5
- ‘(6) To remove any doubt, it is declared that in this section— 6
- material particular*, in relation to an application for registration, is not limited to a particular that would have been determinative of the application, but includes any particular that, had it been known to the board at the relevant time, might have influenced the board, a member, the executive officer or a member of the office’s staff in— 7
8
9
10
11
12
- (a) granting or refusing the application; or 13
- (b) deciding the capacity in which the applicant may be registered; or 14
15
- (c) imposing a condition, qualification or restriction on registration granted to the applicant; or 16
17
- (d) fixing the period of the registration granted to the applicant; or 18
19
- (e) making further inquiries or conducting further investigations in connection with the application. 20
21
- registration* means— 22
- (a) registration as a registrant; or 23
- (b) renewal of registration as a registrant; or 24
- (c) restoration of registration as a registrant.’. 25

Part 5	Amendment of Health Practitioners (Professional Standards) Act 1999	1
		2
		3

Clause 27	Act amended in pt 5	4
------------------	----------------------------	---

This part amends the *Health Practitioners (Professional Standards) Act 1999*. 5
6

Clause 28	Amendment of s 12 (Delegation of certain powers)	7
------------------	---	---

(1) Section 12(1)(c), from ‘registration’— 8

omit, insert— 9

‘registration; or’. 10

(2) Section 12(1)(d)— 11

omit, insert— 12

‘(d) to make a decision to enter into an undertaking with a registrant in relation to disciplinary proceedings; or’. 13
14

(3) Section 12(2)— 15

insert— 16

‘(d) a committee of the board established under a relevant health practitioners registration Act, that contains at least 1 member of the board, if the power delegated is— 17
18
19

(i) to make a decision to enter into an undertaking with a registrant, other than an undertaking in relation to disciplinary proceedings; or 20
21
22

(ii) to order a registrant to attend for a further health assessment.’. 23
24

(4) Section 12(3)— 25

insert— 26

‘(d) a committee of the board, that contains at least 1 member of the board, if the power delegated is— 27
28

[s 29]

- (i) to make a decision to enter into an undertaking with a registrant, other than an undertaking in relation to disciplinary proceedings; or
- (ii) to order a registrant to attend for a further health assessment.’.

Clause 29 Insertion of new s 40A 6

After section 40— 7

insert— 8

‘40A Temporary appointment of panel of assessors 9

‘(1) This section applies if the Minister reasonably believes that it is necessary to urgently appoint an individual as a member of a professional panel of assessors because— 10
11
12

(a) the secretary or registrar considers a disciplinary matter is likely to raise issues of a specialist or technical nature, whether on the basis of advice received under section 19(1) or 33(1) from a board or otherwise; and 13
14
15
16

(b) the secretary or registrar has advised the Minister that— 17

(i) none of the panel members have the desirable professional background or skills; or 18
19

(ii) panel members who do have the desirable professional background or skills will not be available to hear the matter. 20
21
22

‘(2) Despite section 40(1), the Minister may appoint an individual to a professional panel of assessors for a period of not more than 6 months. 23
24
25

‘(3) An individual is qualified for appointment to a panel under this section only if the individual is qualified for appointment to the panel under section 40(4).’ 26
27
28

Clause 30 Amendment of s 42 (Procedure for recommending members of panels of assessors) 29
30

Section 42(4), after ‘assessors’— 31

	<i>insert—</i>	1
	‘under section 40(1)(b)’.	2
Clause 31	Amendment of s 55 (Notice to be given if complaint rejected)	3
	Section 55(1), ‘within 14 days of’—	4
	<i>omit, insert—</i>	5
	‘as soon as practicable after’.	6
Clause 32	Amendment of s 63 (When investigation of registrant may be conducted on board’s initiative)	7
	(1) Section 63(2) and (3)—	8
	<i>renumber</i> as section 63(3) and (4).	9
	(2) Section 63(1)—	10
	<i>omit, insert—</i>	11
	‘(1) A registrant’s board may investigate the registrant if it reasonably believes that an aspect of the registrant’s conduct or practice, or another matter relating to the registrant, may provide a ground for disciplinary action against the registrant.’	12
	‘(2) Subsection (1) applies whether or not the board has received a complaint under the complaints part about the aspect of the registrant’s conduct, practice or other matter.’.	13
	(3) Section 63(4), as renumbered, ‘Subsection (2)’—	14
	<i>omit, insert—</i>	15
	‘Subsection (3)’.	16
Clause 33	Amendment of s 134 (Powers of board to refer matter to panel or tribunal etc.)	17
	Section 134(1), ‘a hearing’—	18
	<i>omit, insert—</i>	19
	‘disciplinary proceedings’.	20

[s 34]

Clause 34	Amendment of s 135 (Powers of disciplinary committee to refer to panel or tribunal etc.)	1 2
	Section 135(1), ‘a hearing’—	3
	<i>omit, insert—</i>	4
	‘disciplinary proceedings’.	5
Clause 35	Amendment of s 164 (Decision about whether ground for disciplinary action established)	6 7
	Section 164(1), ‘within 14 days’—	8
	<i>omit.</i>	9
Clause 36	Amendment of s 168 (Notification of decision)	10
	Section 168(4)—	11
	<i>omit, insert—</i>	12
	‘(4) The decision takes effect on the day the board or disciplinary committee makes its decision or, if the board or disciplinary committee’s decision is to take effect on a later day, on the later day.	13 14 15 16
	‘(5) However, if the registrant or the registrant’s representative is not present when the board or disciplinary committee makes its decision, the decision takes effect on the later of—	17 18 19
	(a) the day the notice is given to the registrant; or	20
	(b) the day of effect stated in the notice.’.	21
Clause 37	Amendment of s 205 (Notification of decision of panel)	22
	Section 205(4)—	23
	<i>omit, insert—</i>	24
	‘(4) The decision takes effect on the day the panel makes its decision or, if the panel’s decision is to take effect on a later day, on the later day.	25 26 27

-
- ‘(5) However, if the registrant or the registrant’s representative is not present when the panel makes its decision, the decision takes effect on the later of—
- (a) the day the notice is given to the registrant; or
 - (b) the day of effect stated in the notice.’.

Clause 38 Amendment of s 255 (Costs) 6

Section 255— 7

insert— 8

- ‘(4) If an order is made about costs— 9
- (a) the order may be filed in the registry of a District Court; and 10 11
 - (b) on being filed, is taken to be an order made by a District Court and may be enforced accordingly.’. 12 13

Clause 39 Amendment of s 278 (Notification of board’s decision) 14

Section 278(3)— 15

omit, insert— 16

- ‘(3) The decision takes effect on the following day— 17
- (a) if the decision is a decision to enter into an undertaking with a registrant under section 276(2)(a)—on the day the undertaking is approved by the board; 18 19 20
 - (b) otherwise—the day the notice is given to the registrant or the day of effect stated in the notice, whichever is later.’. 21 22 23

Clause 40 Amendment of s 306 (Registrant may request further health assessment) 24 25

Section 306— 26

insert— 27

[s 41]

‘(3) The further assessment of the registrant must be conducted at the registrant’s expense.’. 1
2

Clause 41 Amendment of s 377 (Certain investigations not to be conducted or continued) 3
4

Section 377— 5

insert— 6

‘(1A) A board may also decide not to continue an investigation of a registrant if the board becomes aware that it is investigating the wrong registrant.’. 7
8
9

Clause 42 Amendment of s 392 (Confidentiality) 10

(1) Section 392(3)(ba) to (j)— 11

renumber as section 392(3)(d) to (l). 12

(2) Section 392(3)— 13

insert— 14

‘(c) if the disclosure is to the Queensland Nursing Council or the Nursing Tribunal and the disclosure is necessary for the Queensland Nursing Council or the Nursing Tribunal to perform their functions under the *Nursing Act 1992*; or’. 15
16
17
18
19

(3) Section 392(3)(k), as renumbered, ‘paragraph (j)’— 20

omit, insert— 21

‘paragraph (l)’.

Clause 43 Amendment of schedule (Dictionary) 23

Schedule— 24

insert— 25

‘*Nursing Tribunal* see the *Nursing Act 1992*, section 4. 26

Queensland Nursing Council means the council established under the *Nursing Act 1992*, section 6.’. 27
28

Part 6	Amendment of Health Quality and Complaints Commission Act 2006	1
		2
		3
Clause 44	Act amended in pt 6	4
	This part amends the <i>Health Quality and Complaints Commission Act 2006</i> .	5
		6
Clause 45	Amendment of s 22 (Commission may make standards)	7
	Section 22(5)—	8
	<i>omit.</i>	9
Clause 46	Insertion of new s 22A	10
	After section 22—	11
	<i>insert—</i>	12
‘22A	Process for making or amending standards	13
	‘(1) This section applies if the commission intends to—	14
	(a) make a standard under section 22; or	15
	(b) amend a standard made under section 22, other than by an amendment of a minor nature only.	16
		17
	‘(2) The commission must prepare a statement (an <i>impact assessment statement</i>) about the standard or the amended standard, that includes the following information—	18
		19
		20
	(a) the name of the standard or the amended standard;	21
	(b) the subject matter of the standard or the amended standard;	22
		23
	(c) a brief statement of any benefits and costs to a provider or a user of a health service in the provider complying with the standard or the amended standard.	24
		25
		26

[s 46]

- ‘(3) If the costs mentioned in subsection (2)(c) are likely to be appreciable, the statement must also—
- (a) quantify the benefits and costs to the extent that it is practicable to do so; and
 - (b) compare the benefits with the costs; and
 - (c) assess whether the benefits exceed the costs.
- ‘(4) The commission must publish on its website, for at least 14 days—
- (a) a copy of the impact assessment statement; and
 - (b) a notice—
 - (i) inviting anyone to comment on the impact assessment statement; and
 - (ii) stating how and when comment may be made.
- ‘(5) In deciding whether to make or amend a standard, the commission must have regard to the information included in the impact assessment statement and to any comments made in relation to it.
- ‘(6) The commission must not make or amend a standard under section 22(1) until at least 30 days after the commission first publishes the copy of the impact assessment statement and notice for the standard or the amendment under subsection (4).
- ‘(7) The commission may make or amend a standard before the end of the 30 days mentioned in subsection (6) if the Minister approves a lesser period for the making or amending of the standard on the basis that the lesser period will help protect the health and well being of the users of the health service.
- ‘(8) Failure to comply with this section does not affect the validity of the standard or amendment.’.

Part 7	Amendment of Health Services Act 1991	1
		2
Clause 47	Act amended in pt 7	3
	This part amends the <i>Health Services Act 1991</i> .	4
Clause 48	Insertion of new s 62IA	5
	After section 62I—	6
	<i>insert—</i>	7
'62IA	Disclosure for the protection, safety or wellbeing of a child	8
	'Section 62A(1) does not apply to the disclosure of confidential information by a designated person if—	10
	(a) the disclosure is to a person for the protection, safety or wellbeing of a child; and	11
	(b) the confidential information relates to someone other than the child mentioned in paragraph (a).'	12
		13
		14
		15
Clause 49	Insertion of new s 62KA	16
	After section 62K—	17
	<i>insert—</i>	18
'62KA	Disclosure to or by chief executive	19
	'(1) Section 62A(1) does not apply to the disclosure of confidential information by a designated person if the disclosure is to the chief executive for achieving the objects of this Act under section 4.	20
		21
		22
		23
	'(2) Section 62A(1) does not apply to the disclosure of confidential information by the chief executive if the disclosure is for a function of the chief executive under section 7.'	24
		25
		26
		27

[s 50]

Clause 50	Insertion of new s 62PA	1
	After section 62P—	2
	<i>insert—</i>	3
	‘62PA Disclosure to State lawyers	4
	‘Section 62A(1) does not apply to the disclosure of confidential information by the chief executive if—	5
		6
	(a) the disclosure is to a lawyer in relation to a matter; and	7
	(b) the lawyer is representing the State in relation to the matter.’.	8
		9
	Part 8	10
	Amendment of Medical Practitioners Registration Act 2001	11
		12
Clause 51	Act amended in pt 8	13
	This part amends the <i>Medical Practitioners Registration Act 2001</i> .	14
		15
Clause 52	Amendment of s 66 (Period)	16
	Section 66, ‘6 months’—	17
	<i>omit, insert—</i>	18
	‘12 months’.	19
Clause 53	Amendment of 84 (Grounds for cancellation)	20
	(1) Section 84(b) to (e)—	21
	<i>renumber</i> as section 84(c) to (f).	22
	(2) Section 84—	23
	<i>insert—</i>	24

‘(b) the registrant ceases to have, or does not have, the qualifications necessary for registration;’.

Clause 54	Amendment of s 92 (Board to give notice to internship nominee or supervisor)	3 4
	(1) Section 92(1)—	5
	<i>omit, insert—</i>	6
	‘(1) If a registrant’s registration is subject to internship conditions, the board—	7 8
	(a) must, as soon as practicable after receiving the registrant’s notice under section 91(1); or	9 10
	(b) may, while the registrant is undertaking the prescribed internship;	11 12
	give a notice to the internship nominee for the program undertaken by the registrant.’.	13 14
	(2) Section 92(4)—	15
	<i>omit, insert—</i>	16
	‘(4) If a registrant’s registration is subject to supervised practice program conditions, the board—	17 18
	(a) must, as soon as practicable after receiving the registrant’s notice under section 91(2); or	19 20
	(b) may, while the registrant is undertaking the supervised practice program;	21 22
	give a notice to the person (the <i>supervisor</i>) supervising the registrant at the time the registrant completed the program or at the time the notice was given.’.	23 24 25

Clause 55	Amendment of s 96 (Failure by board to make decision)	26
	(1) Section 96(2), ‘remove’—	27
	<i>omit, insert—</i>	28
	‘confirm’.	29

[s 56]

	(2) Section 96(4), ‘remove’—	1
	<i>insert</i> —	2
	‘confirm’.	3
	(3) Section 96(5)—	4
	<i>omit</i> .	5
Clause 56	Amendment of s 97 (Issuing new certificate of general registration)	6
		7
	(1) Section 97(1)—	8
	<i>omit, insert</i> —	9
	‘(1) This section applies if a general registrant receives notice, under section 94(4)(b), about a decision to remove probationary conditions of the registration.’.	10
		11
		12
	(2) Section 97(2), ‘or taken to have been made’—	13
	<i>omit</i> .	14
Clause 57	Amendment of s 106 (Failure by board to make decision on application)	15
		16
	(1) Section 106(1) and (3), ‘remove’—	17
	<i>omit, insert</i> —	18
	‘confirm’.	19
	(2) Section 106(4)—	20
	<i>omit</i> .	21
Clause 58	Amendment of s 107 (Failure by board to make decision on review agreed to under s 100)	22
		23
	(1) Section 107(1) and (3), ‘remove’—	24
	<i>omit, insert</i> —	25
	‘confirm’.	26

	(2) Section 107(4)—	1
	<i>omit.</i>	2
Clause 59	Amendment of s 109 (Amending, replacing, or issuing new, certificate of general registration)	3 4
	(1) Section 109(4)—	5
	<i>omit, insert—</i>	6
	‘(4) Subsection (5) applies if a general registrant receives a notice, under section 104(5), about a decision to remove the conditions of the registration.’.	7 8 9
	(2) Section 109(5), ‘or taken to have been made’—	10
	<i>omit.</i>	11
Clause 60	Amendment of s 149 (Grounds for cancellation)	12
	Section 149(1)—	13
	<i>insert—</i>	14
	‘(f) the registrant ceases to have, or does not have, the qualifications necessary for registration.’.	15 16
Clause 61	Insertion of new pt 4, div 2	17
	After section 165—	18
	<i>insert—</i>	19
	‘Division 2 Reportable misconduct	20
‘166	Registrant must give notice about reportable misconduct	21 22
	‘(1) Subsection (2) applies if, in the practice of the profession, a registrant (the <i>first registrant</i>) becomes aware, or reasonably suspects, that another registrant (the <i>second registrant</i>) has engaged in reportable misconduct.	23 24 25 26

[s 61]

- ‘(2) The first registrant must, as soon as practicable, give the board a written notice stating the following information—
- (a) the first registrant’s name and address;
 - (b) the second registrant’s name;
 - (c) details about the following—
 - (i) the nature of the reportable misconduct;
 - (ii) when the reportable misconduct happened, if known by the registrant;
 - (iii) where the reportable misconduct happened, if known by the registrant.
- Note—*
- A contravention of subsection (2) by a registrant is conduct forming the basis for a ground for disciplinary action against the registrant under the *Health Practitioners (Professional Standards) Act 1999*, section 124(1)(f).
- ‘(3) A notice given to the board under subsection (2) is taken to be a complaint about the second registrant made under the *Health Practitioners (Professional Standards) Act 1999*, part 3.
- ‘(4) In this section—
- harm***, to a person, means any detrimental effect of a significant nature on the person’s physical or psychological wellbeing.
- reportable misconduct***, by a registrant, means—
- (a) conduct relating to the practice of the profession that would reasonably be considered to be sexual misconduct; or
 - (b) practice of the profession while intoxicated by a drug or alcohol; or
 - (c) practice of the profession—
 - (i) while affected by a physical or mental impairment, or other health condition, other than intoxication by a drug or alcohol; and

	(ii) that causes, or is likely to cause, harm to a person receiving professional services from the registrant practising the profession; or	1 2 3
	(d) practice of the profession—	4
	(i) in a way that departs from accepted standards of the profession; and	5 6
	(ii) that causes, or is likely to cause, harm to a person receiving professional services from the registrant practising the profession.’.	7 8 9
Clause 62	Amendment of s 173 (Reprisal and grounds for reprisals)	10
	Section 173(1)(a) and (b), after ‘division 1’—	11
	<i>insert—</i>	12
	‘, division 2’.	13
Clause 63	Amendment of s 178 (Definition for pt 5)	14
	Section 178, definition <i>program</i> , after ‘means’—	15
	<i>insert—</i>	16
	‘all or part of’.	17
Clause 64	Amendment of s 182 (Decision)	18
	Section 182(3), after ‘program’—	19
	<i>insert—</i>	20
	‘or to accredit only part of the program applied for’.	21
Clause 65	Amendment of s 189 (Decision)	22
	Section 189—	23
	<i>insert—</i>	24
	‘(5) If it decides to renew only part of the accreditation applied for, it must as soon as practicable—	25 26

[s 66]

- (a) give the applicant an information notice about the decision; and 1
2
- (b) either— 3
 - (i) endorse the existing accreditation certificate for the program; or 4
5
 - (ii) cancel the existing certificate and issue another accreditation certificate for the program.’. 6
7

- Clause 66** **Amendment of s 195 (Return of accreditation certificate to board)** 8
9
- (1) Section 195(1), after ‘cancelled’— 10
 - insert—* 11
 - ‘all or part of’. 12
 - (2) Section 195— 13
 - insert—* 14
 - ‘(3) If the board has cancelled part of the accreditation for a program, the board must issue to the holder another accreditation certificate for any part of the accreditation that is not cancelled.’. 15
16
17
18

Part 9 **Amendment of Medical Radiation Technologists Registration Act 2001** 19
20
21

- Clause 67** **Act amended in pt 9** 22
- This part amends the *Medical Radiation Technologists Registration Act 2001*. 23
24

Clause 68	Amendment of s 68 (Period)	1
	Section 68, ‘6 months’—	2
	<i>omit, insert—</i>	3
	‘12 months’.	4
Clause 69	Amendment of 86 (Grounds for cancellation)	5
	(1) Section 86(b) to (d)—	6
	<i>renumber</i> as section 86(c) to (e).	7
	(2) Section 86(a)—	8
	<i>omit, insert—</i>	9
	‘(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	10 11 12
	(i) was materially false, within the meaning given by section 226(1), at the time it was given; or	13 14
	(ii) became materially false, within the meaning given by section 226(1), after it was given;	15 16
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration;’.	17 18
Clause 70	Amendment of s 94 (Board to give notice to supervisor)	19
	Section 94(1)—	20
	<i>omit, insert—</i>	21
	‘(1) The board—	22
	(a) must, as soon as practicable after receiving the probationary registrant’s notice under section 93; or	23 24
	(b) may, while the registrant is undertaking the supervised practice program;	25 26
	give a notice to the registrant’s supervisor.’.	27

[s 71]

Clause 71	Amendment of s 99 (Failure by board to make decision)	1
	(1) Section 99(2) and (4), ‘remove’—	2
	<i>omit, insert—</i>	3
	‘confirm’.	4
	(2) Section 99(5)—	5
	<i>omit.</i>	6
Clause 72	Amendment of s 101 (Amending, replacing, or issuing new, certificate of general registration)	7
	(1) Section 101(4)—	8
	<i>omit, insert—</i>	9
	‘(4) Subsection (5) applies if a probationary registrant receives a notice, under section 97(5)(c), about a decision to remove the probationary conditions of the registration.’.	10
	(2) Section 101(5), ‘or taken to have been made’—	11
	<i>omit.</i>	12
		13
		14
		15
Clause 73	Amendment of s 110 (Failure by board to make decision on application)	16
	(1) Section 110(1) and (3), ‘remove’—	17
	<i>omit, insert—</i>	18
	‘confirm’.	19
	(2) Section 110(4)—	20
	<i>omit.</i>	21
		22
Clause 74	Amendment of s 111 (Failure by board to make decision on review agreed to under s 104)	23
	(1) Section 111(1) and (3), ‘remove’—	24
	<i>omit, insert—</i>	25
	‘confirm’.	26
		27

	(2) Section 111(4)—	1
	<i>omit.</i>	2
Clause 75	Amendment of s 113 (Amending, replacing, or issuing new, certificate of general registration)	3 4
	(1) Section 113(4)—	5
	<i>omit, insert—</i>	6
	‘(4) Subsection (5) applies if a general registrant receives a notice, under section 108(5), about a decision to remove the conditions of the registration.’.	7 8 9
	(2) Section 113(5), ‘or taken to have been made’—	10
	<i>omit.</i>	11
Clause 76	Amendment of s 128 (Grounds for cancellation)	12
	Section 128(e)—	13
	<i>omit, insert—</i>	14
	‘(e) the registration happened because the board was given, by the registrant or someone else, information or a document that—	15 16 17
	(i) was materially false, within the meaning given by section 226(1), at the time it was given; or	18 19
	(ii) became materially false, within the meaning given by section 226(1), after it was given;	20 21
	(f) the registrant ceases to have, or does not have, the qualifications necessary for registration.’.	22 23
Clause 77	Replacement of s 226 (False or misleading information or documents)	24 25
	Section 226—	26
	<i>omit, insert—</i>	27

[s 77]

'226 False or misleading information or documents	1
'(1) For this section—	2
(a) information is taken to be materially false if—	3
(i) the information is false or misleading in a material particular; or	4 5
(ii) regardless of the literal truth of the information, it has a propensity to mislead or deceive the board in a material particular, including through the omission of other material information; and	6 7 8 9
(b) a document is taken to be materially false if—	10
(i) the document contains or conveys information that is materially false; or	11 12
(ii) the document contains or conveys information that, by the time the document is given to the board, has become materially false; or	13 14 15
(iii) the document—	16
(A) is, or purports to be, a copy of an original document; and	17 18
(B) is not, in a material particular, a true, accurate and complete copy of the original document; or	19 20 21
(iv) the document—	22
(A) is, or purports to be, an extract from or summary of an original document; and	23 24
(B) fails, in a material particular, to convey a true, accurate and complete representation of the information contained in the original document.	25 26 27 28
'(2) A person must not give the board—	29
(a) information that is materially false to the knowledge of the person; or	30 31

-
- (b) a document that is materially false to the knowledge of the person. 1
2
Maximum penalty—200 penalty units. 3
- ‘(3) A person must not contravene subsection (2) in connection with an application for registration by the person or someone else. 4
5
6
Maximum penalty—2000 penalty units or 3 years imprisonment. 7
8
- ‘(4) A person must convey the relevant facts to the board as soon as reasonably practicable after the person— 9
10
- (a) being a registrant, becomes aware that information or a document that was given to the board in connection with the person’s registration— 11
12
13
- (i) was materially false when it was given to the board; or 14
15
- (ii) has since become materially false; or 16
- (b) being a person who previously gave information or a document to the board, becomes aware that the information or document— 17
18
19
- (i) was materially false when it was given to the board; or 20
21
- (ii) has since become materially false. 22
- Maximum penalty—200 penalty units. 23
- ‘(5) A registrant must not act or practise as a registrant, or continue to do so, if— 24
25
- (a) the registrant committed a contravention of subsection (2) in connection with the registrant’s application for registration; or 26
27
28
- (b) the registrant was knowingly concerned in, or a party to, a contravention of subsection (2) in connection with the registrant’s application for registration; or 29
30
31
- (c) the registrant has failed to convey the relevant facts to the board after becoming aware that information or a 32
33

[s 77]

- document that was given to the board in connection with the registrant's registration—
- (i) was materially false when it was given to the board; or
 - (ii) has since become materially false.
- Maximum penalty—2000 penalty units or 3 years imprisonment.
- ‘(6) To remove any doubt, it is declared that in this section—
- material particular*, in relation to an application for registration, is not limited to a particular that would have been determinative of the application, but includes any particular that, had it been known to the board at the relevant time, might have influenced the board, a member, the executive officer or a member of the office's staff in—
- (a) granting or refusing the application; or
 - (b) deciding the capacity in which the applicant may be registered; or
 - (c) imposing a probationary condition or other condition, qualification or restriction on registration granted to the applicant; or
 - (d) fixing the period of the registration granted to the applicant; or
 - (e) making further inquiries or conducting further investigations in connection with the application.
- registration* means—
- (a) registration as a registrant; or
 - (b) renewal of registration as a registrant; or
 - (c) restoration of registration as a registrant.’

Part 10	Amendment of Nursing Act 1992	1
		2
Clause 78	Act amended in pt 10	3
	This part amends the <i>Nursing Act 1992</i> .	4
Clause 79	Amendment of s 4 (Definitions)	5
	Section 4, definitions <i>health practitioner registration Act</i> and <i>health professional</i> —	6
		7
	<i>omit</i> .	8
Clause 80	Amendment of s 77B (Definitions for pt 3A)	9
	Section 77B, definitions <i>health practitioner registration Act</i> and <i>health professional</i> —	10
		11
	<i>relocate</i> to section 4.	12
Clause 81	Amendment of s 96 (Constitution of tribunal for particular proceeding)	13
		14
	(1) Section 96(3)(j) to (m)—	15
	<i>renumber</i> as section 96(3)(k) to (n).	16
	(2) Section 96(3)—	17
	<i>insert</i> —	18
	‘(j) the discovery or inspection of documents;’.	19
Clause 82	Insertion of new pt 7, div 2, sdiv 1 and pt 7, div 2, sdiv 2, hdg	20
		21
	Part 7, division 2—	22
	<i>insert</i> —	23

[s 82]

‘Subdivision 1	Power to obtain information	1
‘127A	Power to require information or attendance	2
	‘For conducting an investigation, an inspector may, by written notice given to a person, require the person—	3 4
	(a) to give stated information to the inspector within a stated reasonable time and in a stated reasonable way; or	5 6
	(b) to attend before the inspector at a stated reasonable time and place—	7 8
	(i) to answer questions; or	9
	(ii) to produce a stated thing.	10
‘127B	Offences	11
	‘(1) A person required to give stated information to an inspector under section 127A must not fail, without reasonable excuse, to give the information as required by the notice.	12 13 14
	Maximum penalty—50 penalty units.	15
	‘(2) A person given a notice to attend before an inspector must not fail, without reasonable excuse, to—	16 17
	(a) attend as required by the notice; or	18
	(b) continue to attend as required by the inspector until excused from further attendance; or	19 20
	(c) answer a question the person is required to answer by the inspector; or	21 22
	(d) produce a thing the person is required to produce by the notice.	23 24
	Maximum penalty—50 penalty units.	25
‘127C	Self-incrimination	26
	‘For section 127B, it is a reasonable excuse for an individual to fail to give stated information, answer a question or to	27 28

produce a stated thing, if giving the information, answering 1
the question or producing the thing might tend to incriminate 2
the individual. 3

‘127D Inspection of produced things’ 4

- ‘(1) If a thing is produced to an inspector, whether under a notice 5
under section 127A or otherwise, the inspector may inspect it. 6
- ‘(2) The inspector may do all or any of the following if the 7
inspector reasonably considers the thing may be relevant to 8
the investigation being conducted by the inspector— 9
- (a) photograph the thing; 10
 - (b) for a document—make a copy of, or take an extract 11
from, it; 12
 - (c) keep the thing while it is necessary for the investigation. 13
- ‘(3) If the inspector keeps the thing, the inspector must permit a 14
person otherwise entitled to possession of the thing to— 15
- (a) for a document—inspect, make a copy of, or take an 16
extract from, the document, at the reasonable time and 17
place the inspector decides; and 18
 - (b) for another thing—inspect or photograph the thing, at 19
the reasonable time and place the inspector decides. 20

‘Subdivision 2 Entry of places by inspector’ 21

**Clause 83 Amendment of s 139 (Confidentiality of documents and 22
information) 23**

- (1) Section 139(1)— 24
insert— 25
‘health professional’s board means the board responsible for 26
administering the health practitioner registration Act under 27
which the health practitioner is registered.’ 28
- (2) Section 139— 29

	(i) was materially false, within the meaning given by section 210(1), at the time it was given; or	1 2
	(ii) became materially false, within the meaning given by section 210(1), after it was given;	3 4
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration.’.	5 6
Clause 87	Amendment of s 96 (Failure by board to make decision on application)	7 8
	(1) Section 96(1) and (3), ‘remove’— <i>omit, insert—</i> ‘confirm’.	9 10 11
	(2) Section 96(4)— <i>omit.</i>	12 13
Clause 88	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	14 15
	(1) Section 97(1) and (3), ‘remove’— <i>omit, insert—</i> ‘confirm’.	16 17 18
	(2) Section 97(4)— <i>omit.</i>	19 20
Clause 89	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	21 22
	(1) Section 99(4)— <i>omit, insert—</i>	23 24
	‘(4) Subsection (5) applies if a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration.’.	25 26 27

[s 90]

- (2) Section 99(5), ‘or taken to have been made’— 1
omit. 2

- Clause 90 Amendment of s 113 (Grounds for cancellation)** 3
Section 113(e)— 4
omit, insert— 5
‘(e) the registration happened because the board was given, 6
by the registrant or someone else, information or a 7
document that— 8
(i) was materially false, within the meaning given by 9
section 210(1), at the time it was given; or 10
(ii) became materially false, within the meaning given 11
by section 210(1), after it was given; 12
(f) the registrant ceases to have, or does not have, the 13
qualifications necessary for registration.’. 14

- Clause 91 Replacement of s 210 (False or misleading information or documents)** 15
Section 210— 16
omit, insert— 17
‘210 False or misleading information or documents 18
19 19
‘(1) For this section— 20
(a) information is taken to be materially false if— 21
(i) the information is false or misleading in a material 22
particular; or 23
(ii) regardless of the literal truth of the information, it 24
has a propensity to mislead or deceive the board in 25
a material particular, including through the 26
omission of other material information; and 27
(b) a document is taken to be materially false if— 28

-
- | | | |
|-------|--|----------------------|
| (i) | the document contains or conveys information that is materially false; or | 1
2 |
| (ii) | the document contains or conveys information that, by the time the document is given to the board, has become materially false; or | 3
4
5 |
| (iii) | the document— | 6 |
| (A) | is, or purports to be, a copy of an original document; and | 7
8 |
| (B) | is not, in a material particular, a true, accurate and complete copy of the original document; or | 9
10
11 |
| (iv) | the document— | 12 |
| (A) | is, or purports to be, an extract from or summary of an original document; and | 13
14 |
| (B) | fails, in a material particular, to convey a true, accurate and complete representation of the information contained in the original document. | 15
16
17
18 |
| ‘(2) | A person must not give the board— | 19 |
| (a) | information that is materially false to the knowledge of the person; or | 20
21 |
| (b) | a document that is materially false to the knowledge of the person. | 22
23 |
| | Maximum penalty—200 penalty units. | 24 |
| ‘(3) | A person must not contravene subsection (2) in connection with an application for registration by the person or someone else. | 25
26
27 |
| | Maximum penalty—2000 penalty units or 3 years imprisonment. | 28
29 |
| ‘(4) | A person must convey the relevant facts to the board as soon as reasonably practicable after the person— | 30
31 |
-

[s 91]

- (a) being a registrant, becomes aware that information or a document that was given to the board in connection with the person's registration—
- (i) was materially false when it was given to the board; or
- (ii) has since become materially false;
- (b) being a person who previously gave information or a document to the board, becomes aware that the information or document—
- (i) was materially false when it was given to the board; or
- (ii) has since become materially false.
- Maximum penalty—200 penalty units.
- '(5) A registrant must not act or practise as a registrant, or continue to do so, if—
- (a) the registrant committed a contravention of subsection (2) in connection with the registrant's application for registration; or
- (b) the registrant was knowingly concerned in, or a party to, a contravention of subsection (2) in connection with the registrant's application for registration; or
- (c) the registrant has failed to convey the relevant facts to the board after becoming aware that information or a document that was given to the board in connection with the registrant's registration—
- (i) was materially false when it was given to the board; or
- (ii) has since become materially false.
- Maximum penalty—2000 penalty units or 3 years imprisonment.
- '(6) To remove any doubt, it is declared that in this section—
- material particular*, in relation to an application for registration, is not limited to a particular that would have been

[s 94]

Clause 94	Replacement of s 82 (Ground for cancellation)	1
	Section 82—	2
	<i>omit, insert—</i>	3
'82	Grounds for cancellation	4
	'A general registration may be cancelled, under this division, on the following grounds—	5 6
	(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	7 8 9
	(i) was materially false, within the meaning given by section 207(1), at the time it was given; or	10 11
	(ii) became materially false, within the meaning given by section 207(1), after it was given;	12 13
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration.'	14 15
Clause 95	Amendment of s 96 (Failure by board to make decision on application)	16 17
	(1) Section 96(1) and (3), 'remove'—	18
	<i>omit, insert—</i>	19
	'confirm'.	20
	(2) Section 96(4)—	21
	<i>omit.</i>	22
Clause 96	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	23 24
	(1) Section 97(1) and (3), 'remove'—	25
	<i>omit, insert—</i>	26
	'confirm'.	27
	(2) Section 97(4)—	28
	<i>omit.</i>	29

Clause 97	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	1 2
	(1) Section 99(4)—	3
	<i>omit, insert—</i>	4
	‘(4) Subsection (5) applies if a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration.’	5 6 7
	(2) Section 99(5), ‘or taken to have been made’—	8
	<i>omit.</i>	9
Clause 98	Amendment of s 113 (Grounds for cancellation)	10
	Section 113(e)—	11
	<i>omit, insert—</i>	12
	‘(e) the registration happened because the board was given, by the registrant or someone else, information or a document that—	13 14 15
	(i) was materially false, within the meaning given by section 207(1), at the time it was given; or	16 17
	(ii) became materially false, within the meaning given by section 207(1), after it was given;	18 19
	(f) the registrant ceases to have, or does not have, the qualifications necessary for registration.’	20 21
Clause 99	Replacement of s 207 (False or misleading information or documents)	22 23
	Section 207—	24
	<i>omit, insert—</i>	25
‘207	False or misleading information or documents	26
	‘(1) For this section—	27
	(a) information is taken to be materially false if—	28

[s 99]

- | | | |
|-------|---|----------------------|
| (i) | the information is false or misleading in a material particular; or | 1
2 |
| (ii) | regardless of the literal truth of the information, it has a propensity to mislead or deceive the board in a material particular, including through the omission of other material information; and | 3
4
5
6 |
| (b) | a document is taken to be materially false if— | 7 |
| (i) | the document contains or conveys information that is materially false; or | 8
9 |
| (ii) | the document contains or conveys information that, by the time the document is given to the board, has become materially false; or | 10
11
12 |
| (iii) | the document— | 13 |
| (A) | is, or purports to be, a copy of an original document; and | 14
15 |
| (B) | is not, in a material particular, a true, accurate and complete copy of the original document; or | 16
17
18 |
| (iv) | the document— | 19 |
| (A) | is, or purports to be, an extract from or summary of an original document; and | 20
21 |
| (B) | fails, in a material particular, to convey a true, accurate and complete representation of the information contained in the original document. | 22
23
24
25 |
| ‘(2) | A person must not give the board— | 26 |
| (a) | information that is materially false to the knowledge of the person; or | 27
28 |
| (b) | a document that is materially false to the knowledge of the person. | 29
30 |
| | Maximum penalty—200 penalty units. | 31 |

-
- ‘(3) A person must not contravene subsection (2) in connection with an application for registration by the person or someone else. 1
2
3
Maximum penalty—2000 penalty units or 3 years imprisonment. 4
5
- ‘(4) A person must convey the relevant facts to the board as soon as reasonably practicable after the person— 6
7
- (a) being a registrant, becomes aware that information or a document that was given to the board in connection with the person’s registration— 8
9
10
- (i) was materially false when it was given to the board; or 11
12
- (ii) has since become materially false; or 13
- (b) being a person who previously gave information or a document to the board, becomes aware that the information or document— 14
15
16
- (i) was materially false when it was given to the board; or 17
18
- (ii) has since become materially false. 19
- Maximum penalty—200 penalty units. 20
- ‘(5) A registrant must not act or practise as a registrant, or continue to do so, if— 21
22
- (a) the registrant committed a contravention of subsection (2) in connection with the registrant’s application for registration; or 23
24
25
- (b) the registrant was knowingly concerned in, or a party to, a contravention of subsection (2) in connection with the registrant’s application for registration; or 26
27
28
- (c) the registrant has failed to convey the relevant facts to the board after becoming aware that information or a document that was given to the board in connection with the registrant’s registration— 29
30
31
32

[s 99]

- (i) was materially false when it was given to the board; or 1
2
- (ii) has since become materially false. 3
- Maximum penalty—2000 penalty units or 3 years imprisonment. 4
5
- ‘(6) To remove any doubt, it is declared that in this section— 6
- material particular*, in relation to an application for registration, is not limited to a particular that would have been determinative of the application, but includes any particular that, had it been known to the board at the relevant time, might have influenced the board, a member, the executive officer or a member of the office’s staff in— 7
8
9
10
11
12
- (a) granting or refusing the application; or 13
- (b) deciding the capacity in which the applicant may be registered; or 14
15
- (c) imposing a condition, qualification or restriction on registration granted to the applicant; or 16
17
- (d) fixing the period of the registration granted to the applicant; or 18
19
- (e) making further inquiries or conducting further investigations in connection with the application. 20
21
- registration* means— 22
- (a) registration as a registrant; or 23
- (b) renewal of registration as a registrant; or 24
- (c) restoration of registration as a registrant.’. 25

Part 13	Amendment of Osteopaths Registration Act 2001	1 2
Clause 100	Act amended in pt 13	3
	This part amends the <i>Osteopaths Registration Act 2001</i> .	4
Clause 101	Amendment of s 64 (Period)	5
	Section 64, ‘6 months’—	6
	<i>omit, insert—</i>	7
	‘12 months’.	8
Clause 102	Replacement of s 82 (Ground for cancellation)	9
	Section 82—	10
	<i>omit, insert—</i>	11
‘82	Grounds for cancellation	12
	‘A general registration may be cancelled, under this division, on the following grounds—	13 14
	(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	15 16 17
	(i) was materially false, within the meaning given by section 210(1), at the time it was given; or	18 19
	(ii) became materially false, within the meaning given by section 210(1), after it was given;	20 21
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration.’.	22 23
Clause 103	Amendment of s 96 (Failure by board to make decision on application)	24 25
	(1) Section 96(1) and (3), ‘remove’—	26

[s 104]

omit, insert— 1

‘confirm’. 2

(2) Section 96(4)— 3

omit. 4

Clause 104 Amendment of s 97 (Failure by board to make decision on review agreed to under s 90) 5
6

(1) Section 97(1) and (3), ‘remove’— 7

omit, insert— 8

‘confirm’. 9

(2) Section 97(4)— 10

omit. 11

Clause 105 Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration) 12
13

(1) Section 99(4)— 14

omit, insert— 15

‘(4) Subsection (5) applies if a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration.’ 16
17
18

(2) Section 99(5), ‘or taken to have been made’— 19

omit. 20

Clause 106 Amendment of s 113 (Grounds for cancellation) 21

Section 113(e)— 22

omit, insert— 23

‘(e) the registration happened because the board was given, by the registrant or someone else, information or a document that— 24
25
26

-
- (i) was materially false, within the meaning given by section 210(1), at the time it was given; or
 - (ii) became materially false, within the meaning given by section 210(1), after it was given;
 - (f) the registrant ceases to have, or does not have, the qualifications necessary for registration.’

Clause 107	Replacement of s 210 (False or misleading information or documents)	7
	Section 210—	9
	<i>omit, insert—</i>	10
‘210	False or misleading information or documents	11
	‘(1) For this section—	12
	(a) information is taken to be materially false if—	13
	(i) the information is false or misleading in a material particular; or	14
	(ii) regardless of the literal truth of the information, it has a propensity to mislead or deceive the board in a material particular, including through the omission of other material information; and	16
	(b) a document is taken to be materially false if—	20
	(i) the document contains or conveys information that is materially false; or	21
	(ii) the document contains or conveys information that, by the time the document is given to the board, has become materially false; or	23
	(iii) the document—	26
	(A) is, or purports to be, a copy of an original document; and	27
	(B) is not, in a material particular, a true, accurate and complete copy of the original document; or	29

[s 107]

- | | |
|---|------------------|
| (iv) the document— | 1 |
| (A) is, or purports to be, an extract from or
summary of an original document; and | 2
3 |
| (B) fails, in a material particular, to convey a
true, accurate and complete representation of
the information contained in the original
document. | 4
5
6
7 |
| ‘(2) A person must not give the board— | 8 |
| (a) information that is materially false to the knowledge of
the person; or | 9
10 |
| (b) a document that is materially false to the knowledge of
the person. | 11
12 |
| Maximum penalty—200 penalty units. | 13 |
| ‘(3) A person must not contravene subsection (2) in connection
with an application for registration by the person or someone
else. | 14
15
16 |
| Maximum penalty—2000 penalty units or 3 years
imprisonment. | 17
18 |
| ‘(4) A person must convey the relevant facts to the board as soon
as reasonably practicable after the person— | 19
20 |
| (a) being a registrant, becomes aware that information or a
document that was given to the board in connection with
the person’s registration— | 21
22
23 |
| (i) was materially false when it was given to the
board; or | 24
25 |
| (ii) has since become materially false; or | 26 |
| (b) being a person who previously gave information or a
document to the board, becomes aware that the
information or document— | 27
28
29 |
| (i) was materially false when it was given to the
board; or | 30
31 |
| (ii) has since become materially false. | 32 |

-
- Maximum penalty—200 penalty units. 1
- ‘(5) A registrant must not act or practise as a registrant, or 2
continue to do so, if— 3
- (a) the registrant committed a contravention of subsection 4
(2) in connection with the registrant’s application for 5
registration; or 6
 - (b) the registrant was knowingly concerned in, or a party to, 7
a contravention of subsection (2) in connection with the 8
registrant’s application for registration; or 9
 - (c) the registrant has failed to convey the relevant facts to 10
the board after becoming aware that information or a 11
document that was given to the board in connection with 12
the registrant’s registration— 13
 - (i) was materially false when it was given to the 14
board; or 15
 - (ii) has since become materially false. 16
- Maximum penalty—2000 penalty units or 3 years 17
imprisonment. 18
- ‘(6) To remove any doubt, it is declared that in this section— 19
- material particular*, in relation to an application for 20
registration, is not limited to a particular that would have been 21
determinative of the application, but includes any particular 22
that, had it been known to the board at the relevant time, might 23
have influenced the board, a member, the executive officer or 24
a member of the office’s staff in— 25
- (a) granting or refusing the application; or 26
 - (b) deciding the capacity in which the applicant may be 27
registered; or 28
 - (c) imposing a condition, qualification or restriction on 29
registration granted to the applicant; or 30
 - (d) fixing the period of the registration granted to the 31
applicant; or 32
-

[s 108]

- (e) making further inquiries or conducting further investigations in connection with the application. 1
2

registration means— 3

(a) registration as a registrant; or 4

(b) renewal of registration as a registrant; or 5

(c) restoration of registration as a registrant.’. 6

Part 14 **Amendment of Pharmacists** 7
Registration Act 2001 8

Clause 108 Act amended in pt 14 9

This part amends the *Pharmacists Registration Act 2001*. 10

Clause 109 Amendment of s 68 (Period) 11

Section 68, ‘6 months’— 12

omit, insert— 13

‘12 months’. 14

Clause 110 Replacement of s 86 (Ground for cancellation) 15

Section 86— 16

omit, insert— 17

‘86 Grounds for cancellation 18

‘A general registration may be cancelled, under this division, on the following grounds— 19
20

- (a) the registration happened because the board was given, 21
by the registrant or someone else, information or a 22
document that— 23

	(i)	was materially false, within the meaning given by section 212(1), at the time it was given; or	1 2
	(ii)	became materially false, within the meaning given by section 212(1), after it was given;	3 4
	(b)	the registrant ceases to have, or does not have, the qualifications necessary for registration.’.	5 6
Clause 111		Amendment of s 100 (Failure by board to make decision on application)	7 8
	(1)	Section 100(1) and (3), ‘remove’— <i>omit, insert</i> — ‘confirm’.	9 10 11
	(2)	Section 100(4)— <i>omit.</i>	12 13
Clause 112		Amendment of s 101 (Failure by board to make decision on review agreed to under s 94)	14 15
	(1)	Section 101(1) and (3), ‘remove’— <i>omit, insert</i> — ‘confirm’.	16 17 18
	(2)	Section 101(4)— <i>omit.</i>	19 20
Clause 113		Amendment of s 103 (Amending, replacing, or issuing new, certificate of general registration)	21 22
	(1)	Section 103(4)— <i>omit, insert</i> —	23 24
	‘(4)	Subsection (5) applies if a general registrant receives a notice, under section 98(5), about a decision to remove the conditions of the registration.’.	25 26 27

[s 114]

- (2) Section 103(5), ‘or taken to have been made’— 1
omit. 2

Clause 114 Amendment of s 117 (Grounds for cancellation) 3

Section 117(e)— 4

omit, insert— 5

‘(e) the registration happened because the board was given, 6
by the registrant or someone else, information or a 7
document that— 8

(i) was materially false, within the meaning given by 9
section 212(1), at the time it was given; or 10

(ii) became materially false, within the meaning given 11
by section 212(1), after it was given; 12

(f) the registrant ceases to have, or does not have, the 13
qualifications necessary for registration.’. 14

**Clause 115 Replacement of s 212 (False or misleading information or 15
documents)** 16

Section 212— 17

omit, insert— 18

‘212 False or misleading information or documents 19

‘(1) For this section— 20

(a) information is taken to be materially false if— 21

(i) the information is false or misleading in a material 22
particular; or 23

(ii) regardless of the literal truth of the information, it 24
has a propensity to mislead or deceive the board in 25
a material particular, including through the 26
omission of other material information; and 27

(b) a document is taken to be materially false if— 28

-
- (i) the document contains or conveys information that is materially false; or 1
2
- (ii) the document contains or conveys information that, by the time the document is given to the board, has become materially false; or 3
4
5
- (iii) the document— 6
- (A) is, or purports to be, a copy of an original document; and 7
8
- (B) is not, in a material particular, a true, accurate and complete copy of the original document; or 9
10
11
- (iv) the document— 12
- (A) is, or purports to be, an extract from or summary of an original document; and 13
14
- (B) fails, in a material particular, to convey a true, accurate and complete representation of the information contained in the original document. 15
16
17
18
- ‘(2) A person must not give the board— 19
- (a) information that is materially false to the knowledge of the person; or 20
21
- (b) a document that is materially false to the knowledge of the person. 22
23
- Maximum penalty—200 penalty units. 24
- ‘(3) A person must not contravene subsection (2) in connection with an application for registration by the person or someone else. 25
26
27
- Maximum penalty—2000 penalty units or 3 years imprisonment. 28
29
- ‘(4) A person must convey the relevant facts to the board as soon as reasonably practicable after the person— 30
31

[s 115]

- | | | |
|------|---|----------------------|
| (a) | being a registrant, becomes aware that information or a document that was given to the board in connection with the person's registration— | 1
2
3 |
| (i) | was materially false when it was given to the board; or | 4
5 |
| (ii) | has since become materially false; or | 6 |
| (b) | being a person who previously gave information or a document to the board, becomes aware that the information or document— | 7
8
9 |
| (i) | was materially false when it was given to the board; or | 10
11 |
| (ii) | has since become materially false. | 12 |
| | Maximum penalty—200 penalty units. | 13 |
| ‘(5) | A registrant must not act or practise as a registrant, or continue to do so, if— | 14
15 |
| (a) | the registrant committed a contravention of subsection (2) in connection with the registrant's application for registration; or | 16
17
18 |
| (b) | the registrant was knowingly concerned in, or a party to, a contravention of subsection (2) in connection with the registrant's application for registration; or | 19
20
21 |
| (c) | the registrant has failed to convey the relevant facts to the board after becoming aware that information or a document that was given to the board in connection with the registrant's registration— | 22
23
24
25 |
| (i) | was materially false when it was given to the board; or | 26
27 |
| (ii) | has since become materially false. | 28 |
| | Maximum penalty—2000 penalty units or 3 years imprisonment. | 29
30 |
| ‘(6) | To remove any doubt, it is declared that in this section— | 31 |
| | <i>material particular</i> , in relation to an application for registration, is not limited to a particular that would have been | 32
33 |

[s 118]

Clause 118	Replacement of s 82 (Ground for cancellation)	1
	Section 82—	2
	<i>omit, insert—</i>	3
'82	Grounds for cancellation	4
	'A general registration may be cancelled, under this division, on the following grounds—	5 6
	(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	7 8 9
	(i) was materially false, within the meaning given by section 210(1), at the time it was given; or	10 11
	(ii) became materially false, within the meaning given by section 210(1), after it was given;	12 13
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration.'	14 15
Clause 119	Amendment of s 96 (Failure by board to make decision on application)	16 17
	(1) Section 96(1) and (3), 'remove'—	18
	<i>omit, insert—</i>	19
	'confirm'.	20
	(2) Section 96(4)—	21
	<i>omit.</i>	22
Clause 120	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	23 24
	(1) Section 97(1) and (3), 'remove'—	25
	<i>omit, insert—</i>	26
	'confirm'.	27
	(2) Section 97(4)—	28
	<i>omit.</i>	29

Clause 121	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	1 2
(1)	Section 99(4)— <i>omit, insert—</i>	3 4
‘(4)	Subsection (5) applies if a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration.’.	5 6 7
(2)	Section 99(5), ‘or taken to have been made’— <i>omit.</i>	8 9
Clause 122	Amendment of s 100 (Undertaking of special activities relating to the profession)	10 11
	Section 100— <i>insert—</i>	12 13
‘(2)	A person may also obtain special purpose registration to undertake any 1 of the following activities (also <i>special activities</i>)—	14 15 16
(a)	practise the profession, under supervision approved by the board, for the purpose of preparing for and completing a written and clinical examination in the practice of the profession, conducted by the Australian Physiotherapy Council;	17 18 19 20 21
(b)	practise the profession, under supervision approved by the board, for the purpose of preparing for and completing a clinical examination in the practice of the profession, conducted by the Australian Physiotherapy Council;	22 23 24 25 26
(c)	practise the profession, under supervision approved by the board, if the person holds a masters degree in clinical postgraduate studies in physiotherapy from a university in Queensland;	27 28 29 30
(d)	practise the profession, under supervision approved by the board, if the person holds a current working holiday visa.’.	31 32 33

[s 123]

Clause 123	Replacement of s 102 (Eligibility)	1
	Section 102—	2
	<i>omit, insert—</i>	3
‘102	Eligibility for special purpose registration under s 100(1)	4
		5
	‘(1) This section applies to an applicant for special purpose registration under section 100(1).	6
		7
	‘(2) The applicant is eligible for special purpose registration if the applicant—	8
		9
	(a) has a qualification required for special purpose registration; and	10
		11
	(b) is a suitable person to be a special purpose registrant.’.	12
Clause 124	Insertion of new s 102A	13
	After section 102—	14
	<i>insert—</i>	15
‘102A	Eligibility for special purpose registration under s 100(2)	16
		17
	‘(1) An applicant for special purpose registration under section 100(2)(a) is eligible for special purpose registration if the applicant—	18
		19
		20
	(a) has been accepted by the Australian Physiotherapy Council as a candidate for a written examination in the practice of the profession conducted by the Australian Physiotherapy Council; and	21
		22
		23
		24
	(b) has a qualification required by the board from a country prescribed under a regulation; and	25
		26
	(c) was registered or licensed to practise as a physiotherapist in the place where the qualification was obtained; and	27
		28
		29
	(d) is fit to practise the profession under section 45.	30

-
- ‘(2) An applicant for special purpose registration under section 100(2)(b) is eligible for special purpose registration if the applicant—
- (a) holds a current certificate, issued by the Australian Physiotherapy Council, that the applicant successfully completed a written examination in the practice of the profession conducted by the Australian Physiotherapy Council; and
 - (b) has a qualification required by the board from a country other than Australia; and
 - (c) was registered or licensed to practise as a physiotherapist in the place where the qualification was obtained; and
 - (d) is fit to practise the profession under section 45.
- ‘(3) An applicant for special purpose registration under section 100(2)(c) is eligible for special purpose registration if the applicant—
- (a) has successfully completed a masters degree in clinical postgraduate studies in physiotherapy from a university in Queensland that is approved by the board; and
 - (b) is fit to practise the profession under section 45.
- ‘(4) An applicant for special purpose registration under section 100(2)(d) is eligible for special purpose registration if the applicant—
- (a) holds a current working holiday visa; and
 - (b) has a qualification required by the board from a country prescribed under a regulation; and
 - (c) was registered or licensed to practise as a physiotherapist in the place where the qualification was obtained; and
 - (d) has completed a period of employment in the profession of at least 12 months that is not more than 2 years before

[s 125]

	the date of the applicant’s application for special purpose registration; and	1 2
	(e) is fit to practise the profession under section 45.’.	3
Clause 125	Amendment of s 104 (Suitability to be a special purpose registrant)	4 5
	(1) Section 104(d)— <i>renumber</i> as section 104(e).	6 7
	(2) Section 104— <i>insert</i> — ‘(d) if the applicant is applying for special purpose registration under section 100(2)—the nature of any supervision to be given to the applicant under that section;’.	8 9 10 11 12 13
Clause 126	Insertion of new ss 106A–106C	14
	After section 106— <i>insert</i> —	15 16
	‘106A Condition for special purpose registration under s 100(2)	17 18
	‘In addition to any condition imposed under section 106, a special purpose registration under section 100(2) is also subject to a condition that—	19 20 21
	(a) the registrant must only practise the profession under a supervised practice plan that—	22 23
	(i) accompanied the application for the special purpose registration; or	24 25
	(ii) is approved by the board for the registrant under section 106B; and	26 27
	(b) for special purpose registration under section 100(2)(a)—the registrant must not continue to practise the profession for more than 3 continuous years under	28 29 30

the special purpose registration without obtaining general registration; and	1 2
(c) for special purpose registration under section 100(2)(b)—the registrant must not continue to practise the profession for more than 2 continuous years under the special purpose registration without obtaining general registration; and	3 4 5 6 7
(d) for special purpose registration under section 100(2)(c)—	8 9
(i) the registrant must only practise the profession in the area of the profession to which the registration relates; and	10 11 12
(ii) the registrant must not continue to practise the profession for more than 3 continuous years under the special purpose registration; and	13 14 15
(e) for special purpose registration under section 100(2)(d)—the registrant must not continue to practise the profession, under a working holiday visa, in a particular place of work for more than 6 months.	16 17 18 19
‘106B Supervised practice plans approved by the board	20
‘(1) This section applies to an applicant for special purpose registration under section 100(2) who intends to commence a position that will require the applicant to practise the profession under a supervised practice plan that is different to the plan under which the applicant is currently practising the profession.	21 22 23 24 25 26
‘(2) The applicant must apply to the board for approval of a supervised practice plan that is relevant to the position.	27 28
‘(3) The application must be—	29
(a) in the approved form; and	30
(b) accompanied by the proposed supervised practice plan that is relevant to the position.	31 32

[s 127]

- ‘(4) The board must consider the application and decide to approve, or refuse to approve, the proposed supervised practice plan. 1
2
3
- ‘(5) If the board decides to refuse to approve the proposed supervised practice plan, it must as soon as practicable give the applicant an information notice about the decision. 4
5
6
- ‘(6) If the board fails to decide the application within 14 days after its receipt, the failure is taken to be a decision by the board to approve the proposed supervised practice plan. 7
8
9

**‘106C Board may ask for information under supervised practice plan 10
11**

‘The board may ask a person involved in the supervision of a registrant under a supervised practice plan to give information to the board about the supervised practice of the registrant.’. 12
13
14

**Clause 127 Replacement of s 107A (Non-application of sdiv 2 to short-term registration) 15
16**

Section 107A— 17

omit, insert— 18

‘107A Non-application of sdiv 2 to particular registrations 19

‘This subdivision does not apply to— 20

(a) a short-term registration; or 21

(b) a special purpose registration under section 100(2)(d).’ 22

**Clause 128 Amendment of s 109 (Matters that may be considered in deciding whether to renew special purpose registrations) 23
24**

Section 109— 25

insert— 26

- ‘(2) Also, in deciding whether to renew a special purpose registration under section 100(2)(a) or (b), the board must be satisfied the registrant has made reasonable progress towards being qualified for general registration under section 44.’. 27
28
29
30

Clause 129	Amendment of s 113 (Grounds for cancellation)	1
	Section 113(e)—	2
	<i>omit, insert—</i>	3
	‘(e) the registration happened because the board was given, by the registrant or someone else, information or a document that—	4 5 6
	(i) was materially false, within the meaning given by section 210(1), at the time it was given; or	7 8
	(ii) became materially false, within the meaning given by section 210(1), after it was given;	9 10
	(f) the registrant ceases to have, or does not have, the qualifications necessary for registration.’	11 12
Clause 130	Insertion of new s 209A	13
	After section 209—	14
	<i>insert—</i>	15
‘209A	Protection for persons involved in supervising registrants	16 17
	‘(1) This section applies to a person who, honestly and on reasonable grounds, gives information to the board—	18 19
	(a) about a registrant in the person’s capacity as the registrant’s supervisor under a supervised practice plan; or	20 21 22
	(b) in response to a request made under section 106C.	23
	‘(2) The person is not liable, civilly, criminally or under an administrative process, for giving the information.	24 25
	‘(3) Without limiting subsection (2)—	26
	(a) in a proceeding for defamation the person has a defence of absolute privilege for publishing the information; and	27 28
	(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—	29 30 31

[s 131]

	(i)	does not contravene the Act, oath, rule of law or practice by giving the information; and	1 2
	(ii)	is not liable to disciplinary action for giving the information.’.	3 4
Clause 131		Replacement of s 210 (False or misleading information or documents)	5 6
		Section 210—	7
		<i>omit, insert—</i>	8
‘210		False or misleading information or documents	9
	(1)	For this section—	10
	(a)	information is taken to be materially false if—	11
	(i)	the information is false or misleading in a material particular; or	12 13
	(ii)	regardless of the literal truth of the information, it has a propensity to mislead or deceive the board in a material particular, including through the omission of other material information; and	14 15 16 17
	(b)	a document is taken to be materially false if—	18
	(i)	the document contains or conveys information that is materially false; or	19 20
	(ii)	the document contains or conveys information that, by the time the document is given to the board, has become materially false; or	21 22 23
	(iii)	the document—	24
	(A)	is, or purports to be, a copy of an original document; and	25 26
	(B)	is not, in a material particular, a true, accurate and complete copy of the original document; or	27 28 29
	(iv)	the document—	30

-
- (A) is, or purports to be, an extract from or summary of an original document; and 1
2
- (B) fails, in a material particular, to convey a true, accurate and complete representation of the information contained in the original document. 3
4
5
6
- ‘(2) A person must not give the board— 7
- (a) information that is materially false to the knowledge of the person; or 8
9
- (b) a document that is materially false to the knowledge of the person. 10
11
- Maximum penalty—200 penalty units. 12
- ‘(3) A person must not contravene subsection (2) in connection with an application for registration by the person or someone else. 13
14
15
- Maximum penalty—2000 penalty units or 3 years imprisonment. 16
17
- ‘(4) A person must convey the relevant facts to the board as soon as reasonably practicable after the person— 18
19
- (a) being a registrant, becomes aware that information or a document that was given to the board in connection with the person’s registration— 20
21
22
- (i) was materially false when it was given to the board; or 23
24
- (ii) has since become materially false; or 25
- (b) being a person who previously gave information or a document to the board, becomes aware that the information or document— 26
27
28
- (i) was materially false when it was given to the board; or 29
30
- (ii) has since become materially false. 31
- Maximum penalty—200 penalty units. 32

[s 131]

- ‘(5) A registrant must not act or practise as a registrant, or
continue to do so, if—
- (a) the registrant committed a contravention of subsection
(2) in connection with the registrant’s application for
registration; or
 - (b) the registrant was knowingly concerned in, or a party to,
a contravention of subsection (2) in connection with the
registrant’s application for registration; or
 - (c) the registrant has failed to convey the relevant facts to
the board after becoming aware that information or a
document that was given to the board in connection with
the registrant’s registration—
 - (i) was materially false when it was given to the
board; or
 - (ii) has since become materially false.
- Maximum penalty—2000 penalty units or 3 years
imprisonment.
- ‘(6) To remove any doubt, it is declared that in this section—
- material particular*, in relation to an application for
registration, is not limited to a particular that would have been
determinative of the application, but includes any particular
that, had it been known to the board at the relevant time, might
have influenced the board, a member, the executive officer or
a member of the office’s staff in—
- (a) granting or refusing the application; or
 - (b) deciding the capacity in which the applicant may be
registered; or
 - (c) imposing a condition, qualification or restriction on
registration granted to the applicant; or
 - (d) fixing the period of the registration granted to the
applicant; or
 - (e) making further inquiries or conducting further
investigations in connection with the application.

registration means—

- (a) registration as a registrant; or
- (b) renewal of registration as a registrant; or
- (c) restoration of registration as a registrant.’.

Clause 132 Amendment of pt 10, div 2, hdg (Transitional provisions)

Part 10, division 2, heading, after ‘provisions’—

insert—

‘for Act No. 13 of 2001’.

Clause 133 Insertion of new pt 10, div 3

After section 237—

insert—

**‘Division 3 Transitional provisions for the
Health and Other Legislation
Amendment Act 2008**

**‘238 Particular registrants taken to be registered under
s 100(2)(b)**

‘(1) This section applies to a person who—

- (a) immediately before the commencement was a general registrant on conditions relating to the undertaking of training in preparation for a clinical examination in the practice of the profession, conducted by the Australian Physiotherapy Council; and
- (b) on the commencement is eligible for special purpose registration under section 100(2)(b).

‘(2) The person is taken to be a special purpose registrant under section 100(2)(b).

[s 134]

‘239 Existing applications for general registration	1
‘(1) This section applies to a person—	2
(a) whose application for general registration is not finally dealt with under the Act before the commencement; and	3 4
(b) who, on the commencement, is eligible for special purpose registration under section 100(2).	5 6
‘(2) The person’s application for general registration is taken to be an application for the class of special purpose registration that the person is eligible for under section 100(2).’.	7 8 9
Clause 134 Amendment of sch 4 (Dictionary)	10
Schedule 4—	11
<i>insert—</i>	12
‘ <i>Australian Physiotherapy Council</i> means the Australian Physiotherapy Council ACN 108 663 896.	13 14
<i>proposed supervisor</i> , of an applicant for special purpose registration under section 100(2), means the registrant who will have primary responsibility for the applicant’s supervision under the special purpose registration.	15 16 17 18
<i>supervised practice plan</i> , for an applicant for special purpose registration under section 100(2), means a plan prepared by the applicant, in consultation with the applicant’s proposed supervisor, that—	19 20 21 22
(a) is in the approved form; and	23
(b) has been signed by the applicant and the applicant’s proposed supervisor.	24 25
<i>university</i> means a higher education institution established or recognised as a university under an Act.	26 27
<i>working holiday visa</i> means a subclass 417 working holiday visa under the <i>Migration Regulations 1994</i> , schedule 2 (Cwlth).’.	28 29 30

Part 16	Amendment of Podiatrists Registration Act 2001	1 2
Clause 135	Act amended in pt 16	3
	This part amends the <i>Podiatrists Registration Act 2001</i> .	4
Clause 136	Amendment of s 64 (Period)	5
	Section 64, ‘6 months’—	6
	<i>omit, insert—</i>	7
	‘12 months’.	8
Clause 137	Replacement of s 82 (Ground for cancellation)	9
	Section 82—	10
	<i>omit, insert—</i>	11
‘82	Grounds for cancellation	12
	‘A general registration may be cancelled, under this division, on the following grounds—	13 14
	(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	15 16 17
	(i) was materially false, within the meaning given by section 210(1), at the time it was given; or	18 19
	(ii) became materially false, within the meaning given by section 210(1), after it was given;	20 21
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration.’.	22 23
Clause 138	Amendment of s 96 (Failure by board to make decision on application)	24 25
	(1) Section 96(1) and (3), ‘remove’—	26

[s 139]

omit, insert— 1

‘confirm’. 2

(2) Section 96(4)— 3

omit. 4

Clause 139 Amendment of s 97 (Failure by board to make decision on review agreed to under s 90) 5
6

(1) Section 97(1) and (3), ‘remove’— 7

omit, insert— 8

‘confirm’. 9

(2) Section 97(4)— 10

omit. 11

Clause 140 Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration) 12
13

(1) Section 99(4)— 14

omit, insert— 15

‘(4) Subsection (5) applies if a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration.’ 16
17
18

(2) Section 99(5), ‘or taken to have been made’— 19

omit. 20

Clause 141 Amendment of s 113 (Grounds for cancellation) 21

Section 113(e)— 22

omit, insert— 23

‘(e) the registration happened because the board was given, by the registrant or someone else, information or a document that— 24
25
26

-
- (i) was materially false, within the meaning given by section 210(1), at the time it was given; or
 - (ii) became materially false, within the meaning given by section 210(1), after it was given;
 - (f) the registrant ceases to have, or does not have, the qualifications necessary for registration.’.

Clause 142	Replacement of s 210 (False or misleading information or documents)	7
	Section 210—	9
	<i>omit, insert—</i>	10
‘210	False or misleading information or documents	11
	‘(1) For this section—	12
	(a) information is taken to be materially false if—	13
	(i) the information is false or misleading in a material particular; or	14
	(ii) regardless of the literal truth of the information, it has a propensity to mislead or deceive the board in a material particular, including through the omission of other material information; and	16
	(b) a document is taken to be materially false if—	20
	(i) the document contains or conveys information that is materially false; or	21
	(ii) the document contains or conveys information that, by the time the document is given to the board, has become materially false; or	23
	(iii) the document—	26
	(A) is, or purports to be, a copy of an original document; and	27
	(B) is not, in a material particular, a true, accurate and complete copy of the original document; or	29

[s 142]

- (iv) the document— 1
- (A) is, or purports to be, an extract from or 2
summary of an original document; and 3
- (B) fails, in a material particular, to convey a 4
true, accurate and complete representation of 5
the information contained in the original 6
document. 7
- ‘(2) A person must not give the board— 8
- (a) information that is materially false to the knowledge of 9
the person; or 10
- (b) a document that is materially false to the knowledge of 11
the person. 12
- Maximum penalty—200 penalty units. 13
- ‘(3) A person must not contravene subsection (2) in connection 14
with an application for registration by the person or someone 15
else. 16
- Maximum penalty—2000 penalty units or 3 years 17
imprisonment. 18
- ‘(4) A person must convey the relevant facts to the board as soon 19
as reasonably practicable after the person— 20
- (a) being a registrant, becomes aware that information or a 21
document that was given to the board in connection with 22
the person’s registration— 23
- (i) was materially false when it was given to the 24
board; or 25
- (ii) has since become materially false; or 26
- (b) being a person who previously gave information or a 27
document to the board, becomes aware that the 28
information or document— 29
- (i) was materially false when it was given to the 30
board; or 31
- (ii) has since become materially false. 32

-
- Maximum penalty—200 penalty units. 1
- ‘(5) A registrant must not act or practise as a registrant, or 2
continue to do so, if— 3
- (a) the registrant committed a contravention of subsection 4
(2) in connection with the registrant’s application for 5
registration; or 6
 - (b) the registrant was knowingly concerned in, or a party to, 7
a contravention of subsection (2) in connection with the 8
registrant’s application for registration; or 9
 - (c) the registrant has failed to convey the relevant facts to 10
the board after becoming aware that information or a 11
document that was given to the board in connection with 12
the registrant’s registration— 13
 - (i) was materially false when it was given to the 14
board; or 15
 - (ii) has since become materially false. 16
- Maximum penalty—2000 penalty units or 3 years 17
imprisonment. 18
- ‘(6) To remove any doubt, it is declared that in this section— 19
- material particular*, in relation to an application for 20
registration, is not limited to a particular that would have been 21
determinative of the application, but includes any particular 22
that, had it been known to the board at the relevant time, might 23
have influenced the board, a member, the executive officer or 24
a member of the office’s staff in— 25
- (a) granting or refusing the application; or 26
 - (b) deciding the capacity in which the applicant may be 27
registered; or 28
 - (c) imposing a condition, qualification or restriction on 29
registration granted to the applicant; or 30
 - (d) fixing the period of the registration granted to the 31
applicant; or 32

[s 143]

(e) making further inquiries or conducting further investigations in connection with the application. 1
2

registration means— 3

(a) registration as a registrant; or 4

(b) renewal of registration as a registrant; or 5

(c) restoration of registration as a registrant.’. 6

Part 17 **Amendment of Police Powers and Responsibilities Act 2000** 7 8

Clause 143 **Act amended in pt 17** 9

This part amends the *Police Powers and Responsibilities Act 2000*. 10
11

Clause 144 **Amendment of s 42 (Power for age-related offences and for particular motor vehicle related purposes)** 12
13

(1) Section 42(1)(c)— 14

insert— 15

‘(vi) deciding whether another person is contravening the *Tobacco and Other Smoking Products Act 1998*, section 26VC.’. 16
17
18

(2) After section 42(5)— 19

insert— 20

‘(6) A person in a motor vehicle does not commit an offence against section 791 if the person was required to state his or her correct date of birth for deciding whether another person is contravening the *Tobacco and Other Smoking Products Act 1998*, section 26VC, and the other person is not proved to have contravened the section.’. 21
22
23
24
25
26

Clause 145	Amendment of s 60 (Stopping vehicles for prescribed purposes)	1
		2
	Section 60(3), after paragraph (h)—	3
	<i>insert</i> —	4
	‘(i) for enforcing the <i>Tobacco and Other Smoking Products Act 1998</i> , section 26VC.’.	5
		6

Part 18	Amendment of Psychologists Registration Act 2001	7
		8

Clause 146	Act amended in pt 18	9
	This part amends the <i>Psychologists Registration Act 2001</i> .	10

Clause 147	Amendment of s 70 (Period)	11
	Section 70, ‘6 months’—	12
	<i>omit, insert</i> —	13
	‘12 months’.	14

Clause 148	Amendment of s 88 (Grounds for cancellation)	15
	(1) Section 88(b) to (e)—	16
	<i>renumber</i> as section 88(c) to (f).	17
	(2) Section 88(a)—	18
	<i>omit, insert</i> —	19
	‘(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	20
		21
		22
	(i) was materially false, within the meaning given by section 227(1), at the time it was given; or	23
		24

[s 149]

	(ii) became materially false, within the meaning given by section 227(1), after it was given;	1 2
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration;’.	3 4
Clause 149	Amendment of s 96 (Board to give notice to supervisor)	5
	Section 96(1)—	6
	<i>omit, insert</i> —	7
	‘(1) The board—	8
	(a) must, as soon as practicable after receiving the probationary registrant’s notice under section 95; or	9 10
	(b) may, while the registrant is undertaking the supervised practice program;	11 12
	give a notice to the registrant’s supervisor.’.	13
Clause 150	Amendment of s 100 (Failure by board to make decision on application)	14 15
	(1) Section 100(2) and (4), ‘remove’—	16
	<i>omit, insert</i> —	17
	‘confirm’.	18
	(2) Section 100(5)—	19
	<i>omit</i> .	20
Clause 151	Amendment of s 102 (Amending, replacing, or issuing new, certificate of general registration)	21 22
	(1) Section 102(4)—	23
	<i>omit, insert</i> —	24
	‘(4) Subsection (5) applies if a probationary registrant receives a notice, under section 98(5)(c), about a decision to remove the probationary conditions of the registration.’.	25 26 27

	(2) Section 102(5), ‘or taken to have been made’—	1
	<i>omit.</i>	2
Clause 152	Amendment of s 111 (Failure by board to make decision on application)	3
		4
	(1) Section 111(1) and (3), ‘remove’—	5
	<i>omit, insert—</i>	6
	‘confirm’.	7
	(2) Section 111(4)—	8
	<i>omit.</i>	9
Clause 153	Amendment of s 112 (Failure by board to make decision on review agreed to under s 105)	10
		11
	(1) Section 112(1) and (3), ‘remove’—	12
	<i>omit, insert—</i>	13
	‘confirm’.	14
	(2) Section 112(4)—	15
	<i>omit.</i>	16
Clause 154	Amendment of s 114 (Amending, replacing, or issuing new, certificate of general registration)	17
		18
	(1) Section 114(4)—	19
	<i>omit, insert—</i>	20
	‘(4) Subsection (5) applies if a general registrant receives a notice, under section 109(5), about a decision to remove the conditions of the registration.’	21
		22
		23
	(2) Section 114(5), ‘or taken to have been made’—	24
	<i>omit.</i>	25

[s 155]

Clause 155	Amendment of s 129 (Grounds for cancellation)	1
	Section 129(e)—	2
	<i>omit, insert—</i>	3
	‘(e) the registration happened because the board was given, by the registrant or someone else, information or a document that—	4 5 6
	(i) was materially false, within the meaning given by section 227(1), at the time it was given; or	7 8
	(ii) became materially false, within the meaning given by section 227(1), after it was given;	9 10
	(f) the registrant ceases to have, or does not have, the qualifications necessary for registration.’	11 12
Clause 156	Replacement of s 227 (False or misleading information or documents)	13 14
	Section 227—	15
	<i>omit, insert—</i>	16
‘227	False or misleading information or documents	17
	‘(1) For this section—	18
	(a) information is taken to be materially false if—	19
	(i) the information is false or misleading in a material particular; or	20 21
	(ii) regardless of the literal truth of the information, it has a propensity to mislead or deceive the board in a material particular, including through the omission of other material information; and	22 23 24 25
	(b) a document is taken to be materially false if—	26
	(i) the document contains or conveys information that is materially false; or	27 28
	(ii) the document contains or conveys information that, by the time the document is given to the board, has become materially false; or	29 30 31

-
- (iii) the document— 1
- (A) is, or purports to be, a copy of an original 2
document; and 3
- (B) is not, in a material particular, a true, 4
accurate and complete copy of the original 5
document; or 6
- (iv) the document— 7
- (A) is, or purports to be, an extract from or 8
summary of an original document; and 9
- (B) fails, in a material particular, to convey a 10
true, accurate and complete representation of 11
the information contained in the original 12
document. 13
- ‘(2) A person must not give the board— 14
- (a) information that is materially false to the knowledge of 15
the person; or 16
- (b) a document that is materially false to the knowledge of 17
the person. 18
- Maximum penalty—200 penalty units. 19
- ‘(3) A person must not contravene subsection (2) in connection 20
with an application for registration by the person or someone 21
else. 22
- Maximum penalty—2000 penalty units or 3 years 23
imprisonment. 24
- ‘(4) A person must convey the relevant facts to the board as soon 25
as reasonably practicable after the person— 26
- (a) being a registrant, becomes aware that information or a 27
document that was given to the board in connection with 28
the person’s registration— 29
- (i) was materially false when it was given to the 30
board; or 31
- (ii) has since become materially false; or 32

[s 156]

- (b) being a person who previously gave information or a document to the board, becomes aware that the information or document—
- (i) was materially false when it was given to the board; or
 - (ii) has since become materially false.
- Maximum penalty—200 penalty units.
- ‘(5) A registrant must not act or practise as a registrant, or continue to do so, if—
- (a) the registrant committed a contravention of subsection (2) in connection with the registrant’s application for registration; or
 - (b) the registrant was knowingly concerned in, or a party to, a contravention of subsection (2) in connection with the registrant’s application for registration; or
 - (c) the registrant has failed to convey the relevant facts to the board after becoming aware that information or a document that was given to the board in connection with the registrant’s registration—
 - (i) was materially false when it was given to the board; or
 - (ii) has since become materially false.
- Maximum penalty—2000 penalty units or 3 years imprisonment.
- ‘(6) To remove any doubt, it is declared that in this section—
- material particular*, in relation to an application for registration, is not limited to a particular that would have been determinative of the application, but includes any particular that, had it been known to the board at the relevant time, might have influenced the board, a member, the executive officer or a member of the office’s staff in—
- (a) granting or refusing the application; or

[s 160]

insert— 1
'or oral'. 2

Clause 160 Insertion of new s 108A 3

After section 108— 4

insert— 5

'108A Disclosure for contact tracing purposes 6

'(1) Section 105(1) does not apply if the disclosure of the 7
confidential information by a relevant person is to a provider 8
for the purpose of contacting another person (the *traced* 9
person) who has, or may have, contracted a notifiable 10
condition, to— 11

(a) provide the traced person with information to prevent or 12
minimise transmission of the notifiable condition; or 13

(b) enable the traced person to seek medical examination or 14
treatment. 15

'(2) In this section— 16

health practitioner means a person who carries on, and is 17
entitled to carry on, an occupation involving the provision of 18
care for another person's physical or mental health or 19
wellbeing. 20

Examples of a health practitioner— 21

- a doctor 22
- a psychologist 23
- a social worker 24
- a registered nurse 25

provider, in relation to a person, means any of the following— 26

(a) a health practitioner involved in the treatment or care of 27
the person or a health practitioner nominated by the 28
person; 29

(b) if the person is a child—the person's parent or a person 30
exercising parental responsibility for the child, including 31

	a person who, under Aboriginal tradition or Island custom, is regarded as the parent of the child;	1
		2
	(c) the person’s legal guardian;	3
	(d) an entity from another jurisdiction that is responsible for preventing or controlling the spread of communicable diseases in that jurisdiction;	4
		5
		6
	(e) another entity prescribed under a regulation.’.	7
Clause 161	Replacement of ch 6, pt 4, div 1, hdg	8
	Chapter 6, part 4, division 1, heading—	9
	<i>omit, insert—</i>	10
	‘Division 1 Preliminary’.	11
Clause 162	Insertion of new s 279A	12
	Chapter 6, part 4, division 1—	13
	<i>insert—</i>	14
	‘279A Application of pt 4	15
	‘This part applies to health information held by the department if—	16
		17
	(a) the information relates to an individual; and	18
	(b) the individual could be identified from the information.’.	19
Clause 163	Insertion of new s 280A	20
	Chapter 6, part 4, division 1—	21
	<i>insert—</i>	22
	‘280A Part does not prevent disclosure under other Act	23
	‘This part does not prevent health information held by the department being disclosed under this or another Act.’.	24
		25

[s 164]

Clause 164	Amendment of s 282 (Application to chief executive for information)	1 2
(1)	Section 282(2)(d) to (h)— <i>renumber</i> as section 282(2)(e) to (i).	3 4
(2)	Section 282(b) and (c)— <i>omit, insert—</i>	5 6
	‘(b) the type of information required;	7
	(c) the reasons the information is required;	8
	(d) how the privacy of any individual identified will be protected;’.	9 10
Clause 165	Amendment of s 284 (Decision about application)	11
(1)	Section 284(2) and (3)— <i>omit, insert—</i>	12 13
‘(2)	The chief executive may grant the application only if the chief executive is satisfied—	14 15
	(a) the giving of the health information held by the department is in the public interest, having regard to—	16 17
	(i) the opportunities the research will provide for increased knowledge and improved health outcomes; and	18 19 20
	(ii) the privacy of individuals to whom the health information relates; and	21 22
	(b) the identification of any person by the information is necessary for the relevant research.’.	23 24
(2)	Section 284— <i>insert—</i>	25 26
‘(8)	The chief executive is not required to consult with an individual to whom the information relates before granting an application.’.	27 28 29

Part 20	Amendment of Speech Pathologists Registration Act 2001	1
		2
		3
Clause 166	Act amended in pt 20	4
	This part amends the <i>Speech Pathologists Registration Act 2001</i> .	5
		6
Clause 167	Amendment of s 64 (Period)	7
	Section 64, ‘6 months’—	8
	<i>omit, insert—</i>	9
	‘12 months’.	10
Clause 168	Replacement of s 82 (Ground for cancellation)	11
	Section 82—	12
	<i>omit, insert—</i>	13
‘82	Grounds for cancellation	14
	‘A general registration may be cancelled, under this division, on the following grounds—	15
		16
	(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	17
		18
		19
	(i) was materially false, within the meaning given by section 207(1), at the time it was given; or	20
		21
	(ii) became materially false, within the meaning given by section 207(1), after it was given;	22
		23
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration.’.	24
		25

[s 169]

Clause 169	Amendment of s 96 (Failure by board to make decision on application)	1 2
	(1) Section 96(1) and (3), ‘remove’—	3
	<i>omit, insert—</i>	4
	‘confirm’.	5
	(2) Section 96(4)—	6
	<i>omit.</i>	7
Clause 170	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	8 9
	(1) Section 97(1) and (3), ‘remove’—	10
	<i>omit, insert—</i>	11
	‘confirm’.	12
	(2) Section 97(4)—	13
	<i>omit.</i>	14
Clause 171	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	15 16
	(1) Section 99(4)—	17
	<i>omit, insert—</i>	18
	‘(4) Subsection (5) applies if a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration.’	19 20 21
	(2) Section 99(5), ‘or taken to have been made’—	22
	<i>omit.</i>	23
Clause 172	Amendment of s 113 (Grounds for cancellation)	24
	Section 113(e)—	25
	<i>omit, insert—</i>	26

-
- '(e) the registration happened because the board was given, 1
by the registrant or someone else, information or a 2
document that— 3
 - (i) was materially false, within the meaning given by 4
section 207(1), at the time it was given; or 5
 - (ii) became materially false, within the meaning given 6
by section 207(1), after it was given; 7
 - (f) the registrant ceases to have, or does not have, the 8
qualifications necessary for registration.' 9

Clause 173 Replacement of s 207 (False or misleading information or documents) 10
11

Section 207— 12

omit, insert— 13

'207 False or misleading information or documents 14

'(1) For this section— 15

(a) information is taken to be materially false if— 16

(i) the information is false or misleading in a material 17
particular; or 18

(ii) regardless of the literal truth of the information, it 19
has a propensity to mislead or deceive the board in 20
a material particular, including through the 21
omission of other material information; and 22

(b) a document is taken to be materially false if— 23

(i) the document contains or conveys information that 24
is materially false; or 25

(ii) the document contains or conveys information that, 26
by the time the document is given to the board, has 27
become materially false; or 28

(iii) the document— 29

(A) is, or purports to be, a copy of an original 30
document; and 31

[s 173]

- (B) is not, in a material particular, a true, accurate and complete copy of the original document; or 1
2
3
- (iv) the document— 4
- (A) is, or purports to be, an extract from or summary of an original document; and 5
6
- (B) fails, in a material particular, to convey a true, accurate and complete representation of the information contained in the original document. 7
8
9
10
- ‘(2) A person must not give the board— 11
- (a) information that is materially false to the knowledge of the person; or 12
13
- (b) a document that is materially false to the knowledge of the person. 14
15
- Maximum penalty—200 penalty units. 16
- ‘(3) A person must not contravene subsection (2) in connection with an application for registration by the person or someone else. 17
18
19
- Maximum penalty—2000 penalty units or 3 years imprisonment. 20
21
- ‘(4) A person must convey the relevant facts to the board as soon as reasonably practicable after the person— 22
23
- (a) being a registrant, becomes aware that information or a document that was given to the board in connection with the person’s registration— 24
25
26
- (i) was materially false when it was given to the board; or 27
28
- (ii) has since become materially false; or 29
- (b) being a person who previously gave information or a document to the board, becomes aware that the information or document— 30
31
32

-
- (i) was materially false when it was given to the board; or
- (ii) has since become materially false.
- Maximum penalty—200 penalty units.
- ‘(5) A registrant must not act or practise as a registrant, or continue to do so, if—
- (a) the registrant committed a contravention of subsection (2) in connection with the registrant’s application for registration; or
- (b) the registrant was knowingly concerned in, or a party to, a contravention of subsection (2) in connection with the registrant’s application for registration; or
- (c) the registrant has failed to convey the relevant facts to the board after becoming aware that information or a document that was given to the board in connection with the registrant’s registration—
- (i) was materially false when it was given to the board; or
- (ii) has since become materially false.
- Maximum penalty—2000 penalty units or 3 years imprisonment.
- ‘(6) To remove any doubt, it is declared that in this section—
- material particular*, in relation to an application for registration, is not limited to a particular that would have been determinative of the application, but includes any particular that, had it been known to the board at the relevant time, might have influenced the board, a member, the executive officer or a member of the office’s staff in—
- (a) granting or refusing the application; or
- (b) deciding the capacity in which the applicant may be registered; or
- (c) imposing a condition, qualification or restriction on registration granted to the applicant; or

[s 174]

- (d) fixing the period of the registration granted to the applicant; or 1
2
 - (e) making further inquiries or conducting further investigations in connection with the application. 3
4
- registration** means— 5
- (a) registration as a registrant; or 6
 - (b) renewal of registration as a registrant; or 7
 - (c) restoration of registration as a registrant.’. 8

Part 21 **Amendment of Tobacco and** 9
Other Smoking Products Act 10
1998 11

Clause 174 **Act amended in pt 21** 12

This part amends the *Tobacco and Other Smoking Products Act 1998*. 13
14

Clause 175 **Amendment of s 25 (Definitions for pt 2A)** 15

- (1) Section 25, definition *smoking product*, ‘cigarette papers’— 16
omit, insert— 17
‘smoking related product’. 18
- (2) Section 25— 19
insert— 20
‘smoking related product means a product, prescribed under 21
a regulation, that is used primarily in the consumption of a 22
tobacco product, herbal cigarette or loose smoking blend.’. 23

Clause 176	Amendment of s 26L (Supply of object or entitlement that promotes smoking product etc.)	1 2
(1)	Section 26L(3)— <i>renumber</i> as section 26L(4).	3 4
(2)	Section 26L— <i>insert</i> —	5 6
‘(3)	Subsection (1) does not apply to an object if—	7
(a)	the primary purpose of the object is not to promote a thing mentioned in subsection (1); and	8 9
(b)	the object was—	10
(i)	lawfully available for supply in Queensland on or after 31 May 2002 and before 31 December 2005; or	11 12 13
(ii)	substantially the same, and made by the same person, as an object under subparagraph (i).’.	14 15
Clause 177	Insertion of new s 26PB	16
	Part 2B, before section 26Q— <i>insert</i> —	17 18
	‘26PB Application of pt 2B	19
	‘This part does not apply to a motor vehicle under part 2BA.’.	20
Clause 178	Amendment of s 26Q (Definitions for pt 2B)	21
	Section 26Q, definition <i>exempt vehicle</i> — <i>omit</i> .	22 23
Clause 179	Amendment of s 26R (Person must not smoke in an enclosed place)	24 25
(1)	Section 26R(2)(c)— <i>omit</i> .	26 27

[s 180]

- (2) Section 26R(2), paragraphs (d) and (f)— 1
renumber as paragraphs (c) and (d). 2

Clause 180 Insertion of new pt 2BA 3

After section 26V— 4

insert— 5

‘Part 2BA Smoke-free motor vehicles 6

‘26VA Definitions for pt 2BA 7

‘In this part— 8

motor vehicle means a motor vehicle within the meaning of 9
the *Transport Operations (Road Use Management) Act 1995*, 10
schedule 4 other than the following— 11

(a) a trailer attached to the motor vehicle; 12

(b) an aircraft; 13

(c) a boat; 14

(d) a train. 15

road see *Transport Operations (Road Use Management) Act* 16
1995, schedule 4. 17

road-related area see the *Transport Operations (Road Use* 18
Management—Road Rules) Regulation 1999, section 13. 19

**‘26VB Person must not smoke in motor vehicle being used 20
for business use if anyone else in the vehicle** 21

‘A person must not smoke in a motor vehicle if— 22

(a) the vehicle is on a road or road-related area; and 23

(b) the vehicle is being used for business use; and 24

(c) another person is in the vehicle. 25

Maximum penalty—20 penalty units. 26

‘26VC Person must not smoke in motor vehicle if person under 16 in the vehicle	1 2
‘A person must not smoke in a motor vehicle if—	3
(a) the vehicle is on a road or road-related area; and	4
(b) another person in the vehicle is under 16 years of age.	5
Maximum penalty—20 penalty units.	6
‘26VD Defence for s 26VC	7
‘It is a defence to a charge for an offence against section 26VC for the defendant to prove that at the time of the offence the defendant honestly and reasonably believed that no person in the vehicle was under 16 years of age.	8 9 10 11
‘26VE Evidentiary provisions	12
‘(1) This section applies to a proceeding for an offence under this part.	13 14
‘(2) A statement in a charge of any of the following, in relation to the time or date mentioned in the charge, is evidence of the matter—	15 16 17
(a) a person was under 16 years of age;	18
(b) a thing was a smoking product;	19
(c) a thing was a motor vehicle;	20
(d) a place was a road or road-related area.	21
‘(3) Subsection (4) applies if a defendant intends to challenge either of the following at the hearing of a charge under this part—	22 23 24
(a) that a person was under 16 years of age;	25
(b) a thing was a smoking product.	26
‘(4) The defendant must, at least 14 days before the day fixed for the hearing, give notice of the challenge to the prosecution in the approved form signed by the defendant.	27 28 29

[s 181]

- ‘(5) Evidence by a police officer of his or her belief of any matter mentioned in subsection (6) must be accepted by the court as proof of the matter if —
- (a) the court considers the belief to be reasonable; and
 - (b) there is no evidence to the contrary.
- ‘(6) The matters to which the previous subsection applies are—
- (a) a person seen by the police officer in a motor vehicle was under 16 years of age; and
 - (b) a thing being smoked by someone in a motor vehicle was a smoking product.’.

Clause 181 Insertion of new pt 2C, div 4 11

After section 26ZP— 12

insert— 13

‘Division 4 Prohibition on smoking at public transport waiting points and malls by local governments 14
15
16

‘26ZPA Definitions for div 4 17

‘In this division— 18

ferry service see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3. 19
20

local government see the *Local Government Act 1993*, schedule 2. 21
22

local government area see the *Local Government Act 1993*, schedule 2. 23
24

local law see the *Local Government Act 1993*, schedule 2. 25

outdoor pedestrian mall means any of the following— 26

- (a) a mall established under the *Local Government Act 1993*; 27
28

(b) the Chinatown Mall established under the <i>Local Government (Chinatown and Valley Malls) Act 1984</i> ;	1 2
(c) the Valley Mall established under the <i>Local Government (Chinatown and Valley Malls) Act 1984</i> ;	3 4
(d) the Queen Street Mall established under the <i>Local Government (Queen Street Mall) Act 1981</i> .	5 6
public passenger service see the <i>Transport Operations (Passenger Transport) Act 1994</i> , schedule 3.	7 8
public transport waiting point means any of the following —	9
(a) a transit terminal for public passenger services;	10
(b) a ferry terminal, jetty, pontoon or landing for ferry services;	11 12
(c) a bus stop, bus shelter, bus station or bus lay-by;	13
(d) a taxi rank, limousine rank or limousine standing area.	14
‘26ZPB Local government may make local laws prohibiting smoking at certain places	15 16
‘(1) A local government may make a local law prohibiting smoking at all or part of the following places in the local government’s local government area—	17 18 19
(a) a public transport waiting point that is not in an enclosed place if the place is under local government control;	20 21
(b) an outdoor pedestrian mall.	22
‘(2) A local law made under subsection (1) must not provide for a penalty of more than 20 penalty units for a contravention of the law.	23 24 25
‘26ZPC When local law prevails	26
‘(1) This section applies if—	27
(a) a local government makes a local law under this division about an outdoor pedestrian mall; and	28 29

[s 182]

(b) the mall is prescribed under section 26ZJ(3)(b) as a mall
to which section 26ZJ(1) does not apply. 1
2

‘(2) The local law applies despite a regulation made under section
26ZJ(3)(b). 3
4

**‘26ZPD State may require report from local government
about local law 5
6**

‘(1) This section applies to a local law made by a local government
under this division. 7
8

‘(2) The chief executive, by written notice, may ask a local
government to give the chief executive information about the
local government’s administration and enforcement of the
local law. 9
10
11
12

‘(3) The local government must comply with the request. 13

**‘26ZPE Fines payable for contravention of local law payable
to local government 14
15**

‘(1) This section applies if— 16

(a) a proceeding for an offence is taken for a contravention
of a local law made by a local government under this
division; and 17
18
19

(b) a court imposes a fine for the offence. 20

‘(2) The fine must be paid to the local government.’. 21

**Clause 182 Renumbering of s 26ZPA (Sale, supply and display of ice
pipes) 22
23**

Section 26ZPA— 24

renumber as section 26ZPF. 25

Clause 183 Amendment of schedule 26

(1) Schedule, definition *exempt vehicle*— 27

omit. 28

-
- (2) Schedule— 1
insert— 2
'*smoking related product*, for part 2A, see section 25.'. 3

Part 22 **Amendment of Workers' Compensation and Rehabilitation Act 2003** 4
5
6

- Clause 184** **Act amended in pt 22** 7
This part amends the *Workers' Compensation and Rehabilitation Act 2003*. 8
9

- Clause 185** **Amendment of s 132 (Applying for compensation)** 10
Section 132(3)(a)— 11
omit, insert— 12
'(a) a certificate in the approved form given by— 13
(i) a doctor who attended the claimant; or 14
(ii) if the application relates to a minor injury—a nurse practitioner who attended the claimant and who is acting in accordance with the workers' compensation certificate protocol.'. 15
16
17
18

- Clause 186** **Amendment of s 141 (Time from which compensation payable)** 19
20
(1) Section 141(1)(b)— 21
renumber as section 141(1)(c). 22
(2) Section 141(1)— 23
insert— 24

[s 187]

‘(b) if the injury is a minor injury—a nurse practitioner acting in accordance with the workers’ compensation certificate protocol; or’.

(3) Section 141(2)(a) and (b), after ‘doctor’—
insert—
‘, nurse practitioner’.

Clause 187 Amendment of sch 6 (Dictionary)

Schedule 6—

insert—

‘**chief executive (health)** means the chief executive of the department administering the *Health Act 1937*.

minor injury means an injury of a person that does not require the hospitalisation of the person as an in-patient to properly treat the injury.

nurse practitioner means a registered nurse under the *Nursing Act 1992* whose annual licence certificate under that Act is endorsed to show authorisation to practice as a nurse practitioner.

workers’ compensation certificate protocol means a document stating the circumstances or conditions under which a nurse practitioner may issue a certificate under section 132(3)(a), that is—

(a) certified by the Authority’s chief executive officer appointed under section 355 and the chief executive (health); and

(b) published by the department, including by being published on the department’s website and elsewhere.’.