

Health and Other Legislation Amendment Bill 2009

Amendments agreed to during Consideration

1 Clause 42 (Amendment of s 392 (Confidentiality))

Page 34, lines 15 to 19—

omit, insert—

‘(c) if the disclosure is to the Queensland Nursing Council and the disclosure is necessary for the Queensland Nursing Council to perform its functions under the *Nursing Act 1992*; or’.

2 Clause 43 (Amendment of schedule (Dictionary))

Page 34, lines 26 to 28—

omit, insert—

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

3 After clause 60—

Page 41, after line 16—

insert—

‘60A Replacement of pt 3, div 10A, heading

Part 3, division 10A, heading—

omit, insert—

‘Division 10A Limited registrations and non-practising registrations’.

‘60B Insertion of new pt 3, div 10A, sdiv 1AA

Part 3, division 10A, before subdivision 1—

insert—

‘Subdivision 1AA Limited registration

‘150AD Limitation on right to practise

- ‘(1) This section applies to a person registered as a general or specialist registrant who has had the person’s registration fee waived by the board (before or after the commencement of this section) under a regulation (a *limited registrant*).
- ‘(2) A limited registrant’s registration is subject to the condition that the registrant must not practise the profession except to—
 - (a) refer a person to another registrant; or
 - (b) prescribe a scheduled medicine for a person that has been previously prescribed for the person, within the last 12 months, by another registrant who is not a limited registrant.
- ‘(3) The board may impose further conditions on the limited registrant’s registration that the board considers necessary or desirable for the registrant to competently and safely practise the profession to the extent allowed by this section.
- ‘(4) A limited registrant may apply to the board in writing for a review of a condition imposed under subsection (3).
- ‘(5) A limited registrant may not otherwise apply for a review or appeal to a court or tribunal in relation to the following—
 - (a) the imposition of a condition under subsection (3);
 - (b) the board’s decision on an application for a review of a condition under subsection (4).
- ‘(6) Subsection (5) does not limit the *Judicial Review Act 1991*.
- ‘(7) In this section—
controlled drug see the *Health (Drugs and Poisons) Regulation 1996*, appendix 9.

poison see the *Health (Drugs and Poisons) Regulation 1996*, appendix 9.

prescribe see the *Health (Drugs and Poisons) Regulation 1996*, appendix 9.

restricted drug see the *Health (Drugs and Poisons) Regulation 1996*, appendix 9.

restricted drug of dependency see the *Health (Drugs and Poisons) Regulation 1996*, appendix 9.

scheduled medicine means a restricted drug (other than a restricted drug of dependency) and does not include a controlled drug or a poison.

standard see the *Health (Drugs and Poisons) Regulation 1996*, appendix 9.'.'.

4 Clause 61 (Insertion of new pt 4, div 2)—

Page 42, lines 20 to 23—

omit, insert—

- '(4) Subsection (2) does not apply if the first registrant knows, or reasonably believes, that a written notice under subsection (2) about the reportable misconduct has already been given to the Board.
- '(5) For subsection (1), the first registrant does not form the relevant suspicion about the second registrant in the practice of the profession if—
 - (a) the first registrant—
 - (i) is employed or otherwise engaged by an insurer that provides professional indemnity insurance that relates to the second registrant; and
 - (ii) forms the relevant suspicion as a result of a disclosure made by a person to the first registrant in the course of legal proceedings or the provision of legal advice arising from the insurance policy; or

- (b) the first registrant forms the relevant suspicion in the course of providing advice about the reportable misconduct for the purposes of a legal proceeding or the preparation of legal advice; or
- (c) the first registrant is a lawyer and forms the relevant suspicion in the course of providing legal services to the second registrant in relation to a legal proceeding or the preparation of legal advice in which the reportable misconduct is an issue.

‘(6) In this section—

forms the relevant suspicion, about the second registrant, means becomes aware, or reasonably suspects, that the second registrant has engaged in reportable misconduct.

harm, to a person, means any detrimental effect on the person’s physical or psychological wellbeing.’.

5 Clause 61 (Insertion of new pt 4, div 2)—

Page 43, line 1, ‘cause, harm’—

omit, insert—

‘cause, significant harm’.

6 Clause 61 (Insertion of new pt 4, div 2)—

Page 43, line 5, ‘departs’—

omit, insert—

‘significantly departs’.