



Queensland

Health Practitioner Regulation National Law (Surgeons) Amendment Act 2023

Act No. 22 of 2023

An Act to amend the Health Practitioner Regulation National Law Act 2009
for particular purposes

[Assented to 20 September 2023]



Queensland

Health Practitioner Regulation National Law (Surgeons) Amendment Act 2023

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The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Health Practitioner Regulation National Law (Surgeons) Amendment Act 2023*.

2 Law amended

This Act amends the Health Practitioner Regulation National Law set out in the schedule to the *Health Practitioner Regulation National Law Act 2009*.

3 Amendment of s 5 (Definitions)

Section 5, definition *prohibition order*, paragraphs (a) and (b), after ‘section 196(4)(b)’—

insert—

or (c)

4 Insertion of new s 115A

After section 115—

insert—

115A Claims by persons as to membership of surgical class

(1) A medical practitioner who is not a member of a surgical class must not knowingly or recklessly do any of the following—

- (a) take or use the title “surgeon”;
- (b) take or use a title, name, initial, symbol, word or description that, having regard to the circumstances in which it is taken or used, indicates or could be reasonably

[s 4]

understood to indicate the practitioner is a member of a surgical class;

- (c) claim to be, or hold out as being, a member of a surgical class.

Maximum penalty—\$60,000 or 3 years imprisonment or both.

- (2) A person must not knowingly or recklessly do any of the following in relation to a medical practitioner who is not a member of a surgical class—

- (a) take or use the title “surgeon” in relation to the practitioner;

- (b) take or use a title, name, initial, symbol, word or description that, having regard to the circumstances in which it is taken or used, indicates or could be reasonably understood to indicate the practitioner is a member of a surgical class;

- (c) claim the practitioner is, or hold the practitioner out as being, a member of a surgical class.

Maximum penalty—

- (a) in the case of an individual—\$60,000 or 3 years imprisonment or both; or

- (b) in the case of a body corporate—\$120,000.

- (3) Subsections (1)(a) and (2)(a)—

- (a) apply whether or not the title “surgeon” is taken or used with or without any other words and whether in English or any other language; but

- (b) do not apply to, or in relation to, a medical practitioner who is not a member of a surgical class if the practitioner—

- (i) holds registration in the dentists division of the dental profession; or

- (ii) is permitted under this Law, or another law of a State or Territory, to take or use the title “surgeon” for practising a profession other than the medical profession.
- (4) Before making regulations prescribing a class of medical practitioner as a surgical class, the Ministerial Council must have regard to—
 - (a) any advice the National Board for the medical profession gives to the Ministerial Council about prescribing the class; and
 - (b) the surgical training required to be undertaken by members of the proposed class.
- (5) In this section—

surgical class means the following classes of medical practitioners—

 - (a) a medical practitioner holding specialist registration in the recognised specialty of surgery;
 - (b) a medical practitioner holding specialist registration in the recognised specialty of obstetrics and gynaecology;
 - (c) a medical practitioner holding specialist registration in the recognised specialty of ophthalmology;
 - (d) a medical practitioner holding specialist registration in another recognised specialty in the medical profession with the word “surgeon” in a specialist title for the specialty;
 - (e) another class of medical practitioner prescribed as a surgical class by regulations made by the Ministerial Council.

[s 5]

5 Amendment of s 196 (Decision by responsible tribunal about registered health practitioner)

Section 196(4)—

omit, insert—

- (4) If the tribunal decides to cancel a person's registration under this Law or the person does not hold registration under this Law, the tribunal may also decide to do one or more of the following—
 - (a) disqualify the person from applying for registration as a registered health practitioner for a specified period;
 - (b) prohibit the person, either permanently or for a stated period, from doing either or both of the following—
 - (i) providing any health service or a specified health service;
 - (ii) using any title or a specified title;
 - (c) impose restrictions, either permanently or for a stated period, on the provision of any health service or a specified health service by the person.

6 Insertion of new pt 15

After part 14—

insert—

Part 15

**Transitional provision
for Health Practitioner
Regulation National
Law (Surgeons)
Amendment Act 2023**

326 Application of ss 196A, 222, 223 and 227 to particular prohibition orders

- (1) This section applies in relation to a prohibition order that is—
 - (a) a decision by a responsible tribunal of this jurisdiction under section 196(4)(c); or
 - (b) a decision by a responsible tribunal of another participating jurisdiction under section 196(4)(c) as it applies in the other jurisdiction.
- (2) Sections 196A, 222, 223 and 227 apply in relation to the prohibition order even if the order was made before the commencement.

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