



Queensland

Health Practitioner Regulation National Law (Surgeons) Amendment Bill 2023



Queensland

Health Practitioner Regulation National Law (Surgeons) Amendment Bill 2023

Contents

		Page
1	Short title	4
2	Law amended	4
3	Amendment of s 5 (Definitions)	4
4	Insertion of new s 115A	4
	115A Claims by persons as to membership of surgical class	4
5	Amendment of s 196 (Decision by responsible tribunal about registered health practitioner)	7
6	Insertion of new pt 15	7
	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	8

2023

A Bill

for

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

	The Parliament of Queensland enacts—	1
Clause 1	Short title	2
	This Act may be cited as the <i>Health Practitioner Regulation National Law (Surgeons) Amendment Act 2023</i> .	3 4
Clause 2	Law amended	5
	This Act amends the Health Practitioner Regulation National Law set out in the schedule to the <i>Health Practitioner Regulation National Law Act 2009</i> .	6 7 8
Clause 3	Amendment of s 5 (Definitions)	9
	Section 5, definition <i>prohibition order</i> , paragraphs (a) and (b), after ‘section 196(4)(b)’—	10 11
	<i>insert—</i>	12
	or (c)	13
Clause 4	Insertion of new s 115A	14
	After section 115—	15
	<i>insert—</i>	16
	115A Claims by persons as to membership of surgical class	17 18
	(1) A medical practitioner who is not a member of a surgical class must not knowingly or recklessly do any of the following—	19 20 21
	(a) take or use the title “surgeon”;	22
	(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	23 24 25 26

-
- understood to indicate the practitioner is a member of a surgical class; 1
2
- (c) claim to be, or hold out as being, a member of a surgical class. 3
4
- Maximum penalty—\$60,000 or 3 years imprisonment or both. 5
6
- (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— 7
8
9
10
- (a) take or use the title “surgeon” in relation to the practitioner; 11
12
- (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; 13
14
15
16
17
18
- (c) claim the practitioner is, or hold the practitioner out as being, a member of a surgical class. 19
20
21
- Maximum penalty— 22
- (a) in the case of an individual—\$60,000 or 3 years imprisonment or both; or 23
24
- (b) in the case of a body corporate—\$120,000. 25
- (3) Subsections (1)(a) and (2)(a)— 26
- (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 27
28
29
30
- (b) do not apply to, or in relation to, a medical practitioner who is not a member of a surgical class if the practitioner— 31
32
33
- (i) holds registration in the dentists division of the dental profession; or 34
35

[s 4]

- (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. 1
2
3
4
5
- (4) Before making regulations prescribing a class of medical practitioner as a surgical class, the Ministerial Council must have regard to— 6
7
8
- (a) any advice the National Board for the medical profession gives to the Ministerial Council about prescribing the class; and 9
10
11
- (b) the surgical training required to be undertaken by members of the proposed class. 12
13
14
- (5) In this section— 15
- surgical class* means the following classes of medical practitioners— 16
17
- (a) a medical practitioner holding specialist registration in the recognised specialty of surgery; 18
19
20
- (b) a medical practitioner holding specialist registration in the recognised specialty of obstetrics and gynaecology; 21
22
23
- (c) a medical practitioner holding specialist registration in the recognised specialty of ophthalmology; 24
25
26
- (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; 27
28
29
30
31
- (e) another class of medical practitioner prescribed as a surgical class by regulations made by the Ministerial Council. 32
33
34

Clause 5	Amendment of s 196 (Decision by responsible tribunal about registered health practitioner)	1 2
	Section 196(4)—	3
	<i>omit, insert—</i>	4
	(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—	5 6 7 8
	(a) disqualify the person from applying for registration as a registered health practitioner for a specified period;	9 10 11
	(b) prohibit the person, either permanently or for a stated period, from doing either or both of the following—	12 13 14
	(i) providing any health service or a specified health service;	15 16
	(ii) using any title or a specified title;	17
	(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.	18 19 20 21
 Clause 6	 Insertion of new pt 15	 22
	After part 14—	23
	<i>insert—</i>	24
	Part 15	25
	Transitional provision for Health Practitioner Regulation National Law (Surgeons) Amendment Act 2023	26 27 28 29

[s 6]

326 Application of ss 196A, 222, 223 and 227 to particular prohibition orders	1
	2
(1) This section applies in relation to a prohibition order that is—	3
	4
(a) a decision by a responsible tribunal of this jurisdiction under section 196(4)(c); or	5
	6
(b) a decision by a responsible tribunal of another participating jurisdiction under section 196(4)(c) as it applies in the other jurisdiction.	7
	8
	9
	10
(2) Sections 196A, 222, 223 and 227 apply in relation to the prohibition order even if the order was made before the commencement.	11
	12
	13

© State of Queensland 2023