



Queensland

# **Medical Practitioners Registration Amendment Bill 2005**





Queensland

# Medical Practitioners Registration Amendment Bill 2005

## Contents

---

|   |                                                                                             | Page |
|---|---------------------------------------------------------------------------------------------|------|
| 1 | Short title .....                                                                           | 4    |
| 2 | Act amended .....                                                                           | 4    |
| 3 | Amendment of s 84 (Grounds for cancellation) .....                                          | 4    |
| 4 | Amendment of s 149 (Grounds for cancellation) .....                                         | 4    |
| 5 | Amendment of s 150J (Grounds for cancellation) .....                                        | 5    |
| 6 | Replacement of s 161 (Claims by persons as to registration) . . .                           | 5    |
|   | 161 Claims by persons as to registration and prohibited<br>conduct by non-registrants ..... | 5    |
| 7 | Amendment of s 246 (Indictable and summary offences) .....                                  | 7    |
| 8 | Replacement of s 273 (False or misleading information or<br>documents) .....                | 7    |
|   | 273 False or misleading information or documents .....                                      | 7    |



**2005**

---

**A Bill**

for

**An Act to amend the *Medical Practitioners Registration Act*  
*2001***

---

*Medical Practitioners Registration Amendment  
Bill 2005*

---

**The Parliament of Queensland enacts—**

1

**Clause 1      Short title**

2

This Act may be cited as the *Medical Practitioners  
Registration Amendment Act 2005*.

3

4

**Clause 2      Act amended**

5

This Act amends the *Medical Practitioners Registration Act  
2001*.

6

7

**Clause 3      Amendment of s 84 (Grounds for cancellation)**

8

Section 84(a)—

9

*omit, insert—*

10

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

11

12

13

(i) was materially false, within the meaning given by  
section 273(1), at the time it was given; or

14

15

(ii) became materially false, within the meaning given  
by section 273(1), after it was given;’.

16

17

**Clause 4      Amendment of s 149 (Grounds for cancellation)**

18

Section 149(e)—

19

*omit, insert—*

20

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

21

22

23

(i) was materially false, within the meaning given by  
section 273(1), at the time it was given; or

24

25

(ii) became materially false, within the meaning given  
by section 273(1), after it was given;’.

26

27

*Medical Practitioners Registration Amendment  
Bill 2005*

---

|                 |                                                                                       |    |
|-----------------|---------------------------------------------------------------------------------------|----|
| <b>Clause 5</b> | <b>Amendment of s 150J (Grounds for cancellation)</b>                                 | 1  |
|                 | Section 150J(d)—                                                                      | 2  |
|                 | <i>omit, insert—</i>                                                                  | 3  |
|                 | ‘(d) the registration happened because the board was given,                           | 4  |
|                 | by the registrant or someone else, information or a                                   | 5  |
|                 | document that—                                                                        | 6  |
|                 | (i) was materially false, within the meaning given by                                 | 7  |
|                 | section 273(1), at the time it was given; or                                          | 8  |
|                 | (ii) became materially false, within the meaning given                                | 9  |
|                 | by section 273(1), after it was given.’.                                              | 10 |
| <b>Clause 6</b> | <b>Replacement of s 161 (Claims by persons as to registration)</b>                    | 11 |
|                 | Section 161—                                                                          | 12 |
|                 | <i>omit, insert—</i>                                                                  | 13 |
| <b>‘161</b>     | <b>Claims by persons as to registration and prohibited conduct by non-registrants</b> | 14 |
|                 | ‘(1) A person who is not a registrant must not—                                       | 15 |
|                 | (a) claim, or hold himself or herself out, to be registered                           | 16 |
|                 | under this Act; or                                                                    | 17 |
|                 | (b) allow himself or herself to be held out as being                                  | 18 |
|                 | registered under this Act; or                                                         | 19 |
|                 | (c) claim, or hold himself or herself out, to be eligible to be                       | 20 |
|                 | registered under this Act; or                                                         | 21 |
|                 | (d) allow himself or herself to be held out as being eligible                         | 22 |
|                 | to be registered under this Act.                                                      | 23 |
|                 | Maximum penalty—1000 penalty units.                                                   | 24 |
|                 | ‘(2) A person who is not a registrant must not, by means of any                       | 25 |
|                 | conduct in contravention of subsection (1)—                                           | 26 |
|                 | (a) under colour or pretence of being registered under this                           | 27 |
|                 | Act or of being eligible to be registered under this Act—                             | 28 |
|                 | (i) obtain any employment; or                                                         | 29 |
|                 |                                                                                       | 30 |
|                 |                                                                                       | 31 |

*Medical Practitioners Registration Amendment  
Bill 2005*

---

- |                                                                                                                                                                                                                   |                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| (ii) obtain access to a hospital, clinic, medical practice or other place; or                                                                                                                                     | 1<br>2                     |
| (iii) carry out, or purport to carry out, a surgical operation, procedure or treatment; or                                                                                                                        | 3<br>4                     |
| (iv) conduct, or purport to conduct, a medical consultation with a person or a medical examination of a person; or                                                                                                | 5<br>6<br>7                |
| (v) diagnose, or purport to diagnose, an illness or the absence of an illness; or                                                                                                                                 | 8<br>9                     |
| (vi) prescribe or recommend a drug, vitamin, herb or other medication, substance, treatment, remedy or cure for an illness; or                                                                                    | 10<br>11<br>12             |
| (vii) perform or provide a medical service or purport to perform or provide a medical service; or                                                                                                                 | 13<br>14                   |
| (viii) sign, or give to a person, a medical document or document that purports to be a medical document; or                                                                                                       | 15<br>16<br>17             |
| (ix) conduct, or purport to conduct, an autopsy or post mortem examination or otherwise diagnose or determine, or purport to diagnose or determine, a cause of death or the circumstances relating to a death; or | 18<br>19<br>20<br>21<br>22 |
| (b) offer, promise or agree to do anything mentioned in paragraph (a); or                                                                                                                                         | 23<br>24                   |
| (c) charge, recover or retain a fee or other consideration for doing or purporting to do, or promising or agreeing to do, anything mentioned in paragraph (a); or                                                 | 25<br>26<br>27             |
| (d) claim, recover or retain a fee or other consideration from a health insurance fund or other entity for doing or purporting to do, or promising or agreeing to do, anything mentioned in paragraph (a).        | 28<br>29<br>30<br>31       |
| Maximum penalty—2000 penalty units or 3 years imprisonment.                                                                                                                                                       | 32<br>33                   |
| ‘(3) In this section—                                                                                                                                                                                             | 34                         |
| <i>illness</i> means an actual or supposed physical or mental illness.                                                                                                                                            | 35                         |



*Medical Practitioners Registration Amendment  
Bill 2005*

---

***medical document*** means—

- (a) a pharmaceutical prescription; or
- (b) a referral to a medical practitioner; or
- (c) a birth certificate, death certificate or certificate that life is extinct; or
- (d) another document that purports to be issued by a medical practitioner or with the authority of a medical practitioner.

***medical service*** includes a surgical service, gynaecological or obstetric service, psychiatric service, radiological service, service relating to nuclear medicine or pathology service.’.

**Clause 7      Amendment of s 246 (Indictable and summary offences)**

Section 246(1), ‘section 174’—

*omit, insert—*

‘section 161(2), 174 or 273(3) or (5)’.

**Clause 8      Replacement of s 273 (False or misleading information or documents)**

Section 273—

*omit, insert—*

**‘273      False or misleading information or documents**

‘(1) For this section—

- (a) information is taken to be materially false if—
  - (i) the information is false or misleading in a material particular; or
  - (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
- (b) a document is taken to be materially false if—

*Medical Practitioners Registration Amendment  
Bill 2005*

---

- (i) the document contains or conveys information that is materially false; or
  - (ii) the document contains or conveys information that, by the time the document is given to the board, has become materially false; or
  - (iii) the document—
    - (A) is, or purports to be, a copy of an original document; and
    - (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—

*Medical Practitioners Registration Amendment  
Bill 2005*

---

- (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—
    - (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—

*Medical Practitioners Registration Amendment  
Bill 2005*

---

- (a) granting or refusing the application; or 1
  - (b) deciding the capacity in which the applicant may be 2  
registered, whether as a general registrant, provisional 3  
general registrant, specialist registrant, special purpose 4  
registrant or non-practising registrant; or 5
  - (c) imposing a probationary condition or other condition, 6  
qualification or restriction on registration granted to the 7  
applicant; or 8
  - (d) fixing the period of the registration granted to the 9  
applicant; or 10
  - (e) making further inquiries or conducting further 11  
investigations in connection with the application. 12
- registrant** means a person registered under part 3, including a 13  
general registrant, provisional general registrant, specialist 14  
registrant, special purpose registrant and non-practising 15  
registrant, whether or not the registration is on probationary 16  
conditions or other conditions. 17
- registration** means— 18
- (a) registration as a registrant; or 19
  - (b) renewal of registration as a registrant; or 20
  - (c) restoration of registration as a registrant.’. 21