



Queensland

Medical Board (Administration) Bill 2006



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2006

A Bill

for

**An Act to provide for administrative arrangements for the
Medical Board of Queensland, and for other purposes**

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

1 Short title 3

This Act may be cited as the *Medical Board (Administration) Act 2006*. 4
5

2 Commencement 6

This Act commences on a day to be fixed by proclamation. 7

3 Main object of Act 8

- (1) The main object of this Act is to establish administrative arrangements to help the board to perform its functions. 9
10
- (2) The object is primarily achieved by establishing the Office of the Medical Board of Queensland. 11
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4 Definitions 13

The dictionary in schedule 2 defines particular words used in this Act. 14
15

5 The legislative scheme 16

This Act is part of a legislative scheme (the *legislative scheme*) consisting of this Act, the health practitioner registration Acts, the *Health Practitioner Registration Boards (Administration) Act 1999* and the *Health Practitioners (Professional Standards) Act 1999*. 17
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6 Act binds State 22

This Act binds the State. 23

Part 2	Office of the Medical Board of Queensland	1 2
Division 1	Establishment	3
7	Establishment of office	4
	(1) The Office of the Medical Board of Queensland is established.	5 6
	(2) The office consists of the executive officer and the staff of the office.	7 8
Division 2	Office's function	9
8	Function of office	10
	The office's function is to provide the administrative and operational support necessary or convenient to—	11 12
	(a) help the board to perform its functions; and	13
	(b) help the executive officer to perform his or her functions and exercise his or her powers.	14 15
Division 3	Minister's powers in relation to office	16 17
9	Minister's powers to give directions	18
	(1) The Minister may give the executive officer a written direction about the administration and operation of the office if the Minister is satisfied it is necessary to give the direction in the public interest.	19 20 21 22
	(2) Without limiting subsection (1), a direction may be to provide reports and information.	23 24
	(3) The executive officer must comply with the direction.	25

Division 4	The executive officer	1
10	Appointment of executive officer	2
(1)	There is to be an executive officer of the office.	3
(2)	The executive officer is to be appointed by the Governor in Council.	4 5
(3)	The executive officer is appointed for the term stated in the instrument of appointment, and is eligible for reappointment.	6 7
(4)	The stated term must not be longer than 5 years.	8
(5)	The <i>Public Service Act 1996</i> does not apply to the appointment of the executive officer.	9 10
11	Terms of appointment	11
(1)	The executive officer is to be paid the remuneration and allowances decided by the Governor in Council.	12 13
(2)	The executive officer holds office on terms, not provided for by this Act, decided by the Governor in Council.	14 15
12	Functions of executive officer	16
(1)	The executive officer is to control the office and is responsible for its efficient and effective administration and operation.	17 18
(2)	Without limiting subsection (1), the executive officer is responsible for—	19 20
(a)	the management of the office including financial management; and	21 22
(b)	the negotiation of service agreements; and	23
(c)	the implementation of service agreements; and	24
(d)	providing training for members of the board, when first appointed, about their role and the legislative scheme.	25 26
(3)	The executive officer may also perform other functions given to or conferred on the executive officer under another Act, including, for example, any Act in the legislative scheme.	27 28 29

13	Powers of executive officer	1
(1)	The executive officer has power to do anything necessary or convenient for the performance of the office's function or executive officer's functions.	2 3 4
(2)	Without limiting subsection (1), the executive officer may—	5
(a)	enter into a service agreement with the board; and	6
(b)	engage suitably qualified persons external to the office to help it perform its function including, for example, by providing it with services, information and advice.	7 8 9
(3)	The executive officer may exercise a power delegated to the executive officer under the <i>Medical Practitioners Registration Act 2001</i> , section 135. ¹	10 11 12
(4)	The executive officer may also exercise other powers conferred on the executive officer under another Act including, for example, any Act in the legislative scheme.	13 14 15
14	State and executive officer	16
	The executive officer represents the State.	17
15	Delegation by executive officer	18
(1)	The executive officer may delegate the executive officer's functions under this Act to an appropriately qualified member of the office's staff.	19 20 21
(2)	However, the executive officer may not delegate—	22
(a)	the power to enter into a service agreement with the board; or	23 24
(b)	a power delegated to the executive officer under the <i>Medical Practitioners Registration Act 2001</i> , section 135.	25 26 27
(3)	In this section—	28
	<i>appropriately qualified</i> includes having the qualifications, experience or standing appropriate to exercise the power.	29 30

1 *Medical Practitioners Registration Act 2001*, section 135 (Practice in area of need)

Example of standing—

a person's classification level in the office

functions includes powers.

16 Resignation

The executive officer may resign by signed notice given to the Minister.

17 Ending of appointment

(1) The Governor in Council may end the appointment of the executive officer if the executive officer—

(a) is convicted of an indictable offence; or

(b) is guilty of misconduct that could warrant dismissal from the public service if the executive officer were a public service officer; or

(c) is guilty of neglect of duty or incompetence; or

(d) becomes incapable of satisfactorily performing the executive officer's functions.

(2) In this section—

convicted means found guilty, or having a plea of guilty accepted by a court, whether or not a conviction is recorded.

18 Preservation of rights

(1) This section applies if a public service officer is appointed as the executive officer.

(2) The person retains and is entitled to all rights that have accrued to the person because of employment as a public service officer, or that would accrue in the future to the person because of that employment, as if service as executive officer were a continuation of service as a public service officer.

(3) At the end of the person's term of appointment or on resignation—

(a) the person is entitled to be employed as a public service officer—

	(i) at the classification level at which the person would have been employed if the person had continued in employment as a public service officer; and	1 2 3 4
	(ii) on the remuneration to which the person would have been entitled if the person had continued in employment as a public service officer; and	5 6 7
	(b) the person's service as executive officer is taken to be service of a like nature in the public service for deciding the person's rights as a public service officer.	8 9 10
19	Superannuation for executive officer who was previously an officer of the public service	11 12
	(1) This section applies if a public service officer is appointed as the executive officer and immediately before the appointment the public service officer was a member of the State Public Sector Superannuation Scheme under the <i>Superannuation (State Public Sector) Act 1990</i> .	13 14 15 16 17
	(2) The person continues to be eligible to be, and to be, a member of the scheme.	18 19
20	Acting executive officer	20
	The Minister may appoint a person to act as executive officer—	21 22
	(a) during a vacancy in that office; or	23
	(b) during any period, or during all periods, when the executive officer is absent from duty or can not, for another reason, perform the functions of that office.	24 25 26
Division 5	Staff of the office	27
21	Office staff	28
	The staff of the office are to be employed under the <i>Public Service Act 1996</i> .	29 30

Part 3	Office's relationship with the board	1 2
Division 1	Administrative and operational support to the board	3 4
22	Office to provide administrative and operational support under a service agreement	5 6
	The office must provide administrative and operational support to the board under a service agreement.	7 8
23	Board to use office for administrative and operational support	9 10
(1)	The board must obtain all administrative and operational support from the office.	11 12
(2)	Subsection (1) does not limit the following powers of the board—	13 14
(a)	power under the <i>Medical Practitioners Registration Act 2001</i> or the <i>Health Practitioners (Professional Standards) Act 1999</i> to establish a committee to advise the board on anything within the scope of the board's functions;	15 16 17 18 19
(b)	power under the <i>Health Practitioners (Professional Standards) Act 1999</i> to appoint an inspector or investigator, or a person to carry out a health assessment;	20 21 22 23
(c)	power under the <i>Health Practitioners (Professional Standards) Act 1999</i> to engage a person to provide expert advice to the board;	24 25 26
(d)	power under the <i>Medical Practitioners Registration Act 2001</i> to appoint an inspector or a person to conduct a health assessment.	27 28 29
(3)	Also, subsection (1) does not prevent a member of the board from advising or informing the board about anything.	30 31

- (4) Further, despite subsection (1), the board may engage a person to help the board in negotiating a service agreement. 1
2

24 Minister may authorise other support 3

- (1) However, the Minister may authorise the board to obtain administrative and operational support from another source approved by the Minister, if the Minister is satisfied the office can not provide the administrative and operational support necessary to help the board to perform its functions. 4
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- (2) The Minister must, before authorising the board to obtain administrative and operational support from another source, consider— 9
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- (a) the board's functions under the *Medical Practitioners Registration Act 2001*, the *Health Practitioners (Professional Standards) Act 1999* and any other Act; and 12
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15
- (b) the services to be provided to the board as stated in the existing service agreement concerning the board; and 16
17
- (c) the extent to which the office can provide the administrative and operational support necessary to help the board to perform its functions. 18
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25 Minister may give directions to give effect to authorisation 21 22

- (1) To give effect to an authorisation under section 24, the Minister may give the executive officer or board written directions. 23
24
25
- (2) Without limiting subsection (1), the directions may be about the following— 26
27
- (a) varying the existing service agreement or entering into a new service agreement; 28
29
- (b) adjusting the amounts paid or payable to the office by the board under the existing service agreement. 30
31
- (3) The executive officer or board must comply with the directions. 32
33

Division 2	Form of service agreements	1
26	Agreement to be in writing	2
	A service agreement must be in writing.	3
27	What must be included in a service agreement	4
(1)	The service agreement must state anything the executive officer and board consider necessary to ensure the provision of the administrative and operational support necessary to help the board to perform its functions.	5 6 7 8
(2)	Without limiting subsection (1), the service agreement must include the following—	9 10
(a)	details of the services to be provided by the office;	11
(b)	the amount payable to the office by the board for the provision of the services;	12 13
(c)	how the amount payable is to be calculated;	14
(d)	how the amount payable is to be paid, for example, by instalments, and the amount and timing of the instalments;	15 16 17
(e)	an arrangement by which the executive officer reports to the board about the office's performance under the agreement;	18 19 20
(f)	an arrangement by which the executive officer accounts to the board for moneys collected, managed and disbursed for the board by the office;	21 22 23
(g)	the term of the agreement, which must not be more than 3 years;	24 25
(h)	how the agreement may be varied.	26

Division 3	Negotiation of subsequent service agreements	1 2
28	Negotiation of subsequent service agreements	3
(1)	The executive officer and board must, at least 3 months before the existing service agreement between the executive officer and board is to end, enter into negotiations for a subsequent service agreement.	4 5 6 7
(2)	The executive officer and board must endeavour to reach agreement on the subsequent service agreement as soon as practicable and in any event at least 1 month before the existing service agreement is to end.	8 9 10 11
29	Special procedures for subsequent service agreements	12
(1)	This section applies if the subsequent service agreement has not been entered into between the executive officer and board at least 1 month before the existing service agreement is to end.	13 14 15 16
(2)	The executive officer must immediately inform the Minister of the circumstances mentioned in subsection (1).	17 18
(3)	The Minister may give the executive officer or board written directions to take particular steps in relation to the subsequent service agreement.	19 20 21
(4)	Without limiting subsection (3), a direction may be about the subsequent service agreement's terms.	22 23
(5)	The executive officer or board must immediately comply with the directions.	24 25
Part 4	Miscellaneous	26
30	Financial administration	27
(1)	The office is a statutory body under the <i>Financial Administration and Audit Act 1977</i> .	28 29

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|--------|--|----------------------------|
| (2) | For the application of that Act to the office as a statutory body— | 1
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| (a) | anything done in the name of, or on behalf of, the office by the executive officer is taken to have been done by the office; and | 3
4
5 |
| (b) | the executive officer must ensure the office complies with that Act; and | 6
7 |
| (c) | the executive officer is taken to be the chairperson of the office; and | 8
9 |
| (d) | section 46G(4) of that Act is taken to require the executive officer to consider the annual financial statements and the auditor-general's report mentioned in the subsection as soon as practicable after they are received by the office; and | 10
11
12
13
14 |
| (e) | section 46H of that Act is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer under section 93(4) of that Act as soon as practicable after the executive officer receives them. | 15
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Office is statutory body under the Statutory Bodies Financial Arrangements Act 1982 |
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21 |
| (1) | The office is a statutory body under the <i>Statutory Bodies Financial Arrangements Act 1982</i> . | 22
23 |
| (2) | For the application of that Act to the office as a statutory body— | 24
25 |
| (a) | anything done in the name of, or on behalf of, the office by the executive officer is taken to have been done by the office; and | 26
27
28 |
| (b) | the executive officer must ensure the office complies with that Act. | 29
30 |
|
32 |
Annual reports to include ministerial directions |
31 |
| | The office's annual report for a financial year prepared under the <i>Financial Administration and Audit Act 1977</i> must include copies of all ministerial directions given to the executive | 32
33
34 |

	officer under section 9(1), 25(1), 29(3), 36(3) or 40(1) ² of this Act during the financial year.	1 2
33	Regulation-making power	3
	The Governor in Council may make regulations under this Act.	4 5
Part 5	Transitional provisions	6
34	Definitions for pt 5	7
	In this part—	8
	<i>commencement</i> means commencement of this section.	9
	<i>initial service agreement</i> means the first service agreement entered into between the executive officer and board.	10 11
	<i>OHPRB</i> means the Office of Health Practitioner Registration Boards established under the <i>Health Practitioner Registration Boards (Administration) Act 1999</i> .	12 13 14
	<i>previous agreement</i> means the service agreement, in force immediately before the commencement, between the OHPRB and board under the <i>Health Practitioner Registration Boards (Administration) Act 1999</i> .	15 16 17 18
	<i>transition period</i> means the period from the commencement until the initial service agreement starts.	19 20
35	Negotiation of initial service agreement	21
	The executive officer and board must enter into negotiations for an initial service agreement as soon as practicable after the commencement.	22 23 24

2 Section 9 (Minister's powers to give directions), 25 (Minister may give directions to give effect to authorisation), 29 (Special procedures for subsequent service agreements), 36 (Special procedures for initial service agreement) or 40 (Minister may give directions to executive officer or board to give effect to authorisation)

36	Special procedures for initial service agreement	1
(1)	This section applies if an initial service agreement has not been entered into between the executive officer and board within 3 months after the commencement.	2 3 4
(2)	The executive officer must immediately inform the Minister of the circumstances mentioned in subsection (1).	5 6
(3)	The Minister may give the executive officer or board written directions to take particular steps in relation to the initial service agreement.	7 8 9
(4)	Without limiting subsection (3), a direction may be about the initial service agreement's terms.	10 11
(5)	The executive officer or board must immediately comply with the directions.	12 13
37	Termination of previous agreement	14
(1)	The previous agreement is terminated.	15
(2)	Despite the termination of the previous agreement, any rights accrued under the agreement to a party to the agreement continue to be enforceable by that party against the other party to the agreement.	16 17 18 19
38	Support by office to board during transition period	20
(1)	This section applies despite section 22. ³	21
(2)	Also, this section applies only for the transition period.	22
(3)	During the transition period, the office must provide to the board—	23 24
(a)	administrative and operational support of the type that, before the commencement, was being provided to the board by the OHPRB under the previous agreement; and	25 26 27
(b)	other administrative and operational support necessary or convenient to help the board to perform its functions under the <i>Medical Practitioners Registration Act 2001</i>	28 29 30

3 Section 22 (Office to provide administrative and operational support under a service agreement)

and the *Health Practitioners (Professional Standards) Act 1999*.

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| 39 | Minister may authorise other support | 3 |
| | (1) However, the Minister may authorise the board to obtain administrative and operational support from another source approved by the Minister, if the Minister is satisfied the office can not provide the administrative and operational support necessary to help the board to perform its functions during the transition period. | 4
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9 |
| | (2) Without limiting subsection (1), the Minister may authorise the board to obtain support from the OHPRB on the same terms as the previous agreement. | 10
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12 |
| | (3) The Minister must, before authorising the board to obtain administrative and operational support from another source, consider— | 13
14
15 |
| | (a) the board's functions under the <i>Medical Practitioners Registration Act 2001</i> , the <i>Health Practitioners (Professional Standards) Act 1999</i> and any other Act; and | 16
17
18
19 |
| | (b) the extent to which the office can provide the administrative and operational support necessary to help the board to perform its functions. | 20
21
22 |
| 40 | Minister may give directions to executive officer or board to give effect to authorisation | 23
24 |
| | (1) To give effect to an authorisation under section 39, the Minister may give the executive officer or board written directions. | 25
26
27 |
| | (2) The executive officer or board must comply with the directions. | 28
29 |
| 41 | Minister may give directions to executive officer of OHPRB etc. | 30
31 |
| | (1) This section applies if, under section 39, the Minister authorises the board to obtain support from the OHPRB on the same terms as the previous agreement. | 32
33
34 |

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|-----|---|------------------|
| (2) | To give effect to the authorisation, the Minister may give the executive officer of the OHPRB written directions. | 1
2 |
| (3) | The executive officer of the OHPRB must comply with the directions. | 3
4 |
| (4) | Also, despite the <i>Health Practitioner Registration Boards (Administration) Act 1999</i> , section 8, to give effect to the authorisation, the OHPRB is to provide administrative and operational support to the board. | 5
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Part 6	Amendment of Acts	9
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|-----------|---|----|
| 42 | Consequential and other amendments of Acts | 10 |
| | Schedule 1 amends the Acts mentioned in it. | 11 |

Schedule 1	Consequential and other amendments of Acts	1 2
	section 42	3
	Health Practitioner Registration Boards (Administration) Act 1999	4 5
1	Section 5, after ‘this Act’— <i>insert—</i> ‘, the health practitioner registration Acts, the <i>Medical Board (Administration) Act 2006</i> ’.	6 7 8 9
2	Section 13(3)— <i>omit.</i>	10 11
3	Section 13(4)— <i>renumber</i> as section 13(3).	12 13
4	Section 15(2)— <i>omit, insert—</i> ‘(2) However, the executive officer may not delegate the power to enter into a service agreement with a board.’.	14 15 16 17
5	Schedule, definition <i>health practitioner registration Act</i>, ‘<i>Medical Practitioners Registration Act 2001</i>’— <i>omit.</i>	18 19 20

Schedule 1 (continued)

Health Practitioners (Professional Standards) Act 1999	1 2
1 Section 4, after ‘registration Acts’—	3
<i>insert—</i>	4
‘, the <i>Medical Board (Administration) Act 2006</i> ’.	5
2 Section 12(2), before ‘may’—	6
<i>insert—</i>	7
‘, other than the medical board,’.	8
3 Section 12(3)—	9
<i>renumber</i> as section 12(4).	10
4 Section 12—	11
<i>insert—</i>	12
‘(3) The medical board may delegate its powers to—	13
(a) a member of the board; or	14
(b) the executive officer (medical); or	15
(c) with the agreement of the executive officer	16
(medical)—an appropriately qualified member of the	17
staff of the office (medical).’.	18
5 Section 12(4), as renumbered, definition <i>appropriately qualified</i>, ‘subsection (2)(c)’—	19 20
<i>omit, insert—</i>	21
‘this section’.	22

Schedule 1 (continued)

6	Section 12(4), as renumbered—	1
	<i>insert—</i>	2
	‘ <i>appropriately qualified</i> , for a member of the staff of the	3
	office (medical), includes having the qualifications,	4
	experience or standing appropriate to exercise the power.	5
	<i>Example of standing—</i>	6
	the staff member’s classification level in the office (medical)’.	7
7	Section 23(2)(c), after ‘office’—	8
	<i>insert—</i>	9
	‘or office (medical)’.	10
8	Section 25(g), after ‘officer’—	11
	<i>insert—</i>	12
	‘or executive officer (medical)’.	13
9	Section 29, from ‘District Courts’ to ‘10.’ and footnote—	14
	<i>omit, insert—</i>	15
	‘the District Court of Queensland appointed under the <i>District</i>	16
	<i>Court of Queensland Act 1967</i> , section 10.’.	17
10	Section 73(b) and (c)—	18
	<i>omit, insert—</i>	19
	‘(b) if—	20
	(i) the board is the medical board—the executive	21
	officer (medical); or	22
	(ii) the board is not the medical board—the executive	23
	officer;	24

Schedule 1 (continued)

	(c) if—	1
	(i) the board is the medical board and the executive officer (medical) agrees—a member of the staff of the office (medical) the board considers has the necessary expertise or experience to be an investigator; or	2 3 4 5 6
	(ii) the board is not the medical board and the executive officer agrees—a member of the office's staff the board considers has the necessary expertise or experience to be an investigator;'.	7 8 9 10
11	Section 76—	11
	<i>omit, insert—</i>	12
'76	Failure to return identity card	13
	'A person who ceases to be an investigator must give the person's identity card—	14 15
	(a) if the person was appointed as an investigator by the medical board—to the executive officer (medical) within 7 days after the person ceases to be an investigator, unless the person has a reasonable excuse; or	16 17 18 19 20
	(b) otherwise—to the executive officer within 7 days after the person ceases to be an investigator, unless the person has a reasonable excuse.	21 22 23
	Maximum penalty—10 penalty units.'.	24
12	Section 98(1), from 'by'—	25
	<i>omit, insert—</i>	26
	'by—	27
	(a) if the investigator was appointed as an investigator by the medical board—the executive officer (medical) as the executive officer (medical) considers appropriate; or	28 29 30

Schedule 1 (continued)

	(b) otherwise—the executive officer as the executive officer considers appropriate.’.	1 2
13	Section 98(2), after ‘officer’—	3
	<i>insert—</i>	4
	‘or executive officer (medical)’.	5
14	Section 263(1), ‘board or disciplinary committee’—	6
	<i>omit, insert—</i>	7
	‘board, other than the medical board or a disciplinary committee established by a board, other than the medical board’.	8 9
15	Section 263(1)(b) and (c)—	10
	<i>renumber</i> as section 263(1)(c) and (d).	11
16	Section 263(1)—	12
	<i>insert—</i>	13
	‘(b) if the disciplinary body is the medical board or a disciplinary committee established by the medical board—the executive officer (medical); and’.	14 15 16
17	Section 263(3)—	17
	<i>omit, insert—</i>	18
	‘(3) The secretary or registrar must give a copy of a record kept by the secretary or registrar under subsection (1)—	19 20
	(a) if the registrant to whom the disciplinary proceedings related is or was registered under the <i>Medical Practitioners Registration Act 2001</i> —to the executive officer (medical) within 7 days after notice of the decision is given to the registrant; or	21 22 23 24 25

Schedule 1 (continued)

	(b) otherwise—to the executive officer within 7 days after notice of the decision is given to the registrant to whom the disciplinary proceedings related.’.	1 2 3
18	Section 263(4), (6) and (7), after ‘officer’— <i>insert—</i> ‘or executive officer (medical)’.	4 5 6
19	Section 263(6)(a), after ‘office’— <i>insert—</i> ‘or office (medical)’.	7 8 9
20	Section 358(1)(b) and (c)— <i>omit, insert—</i> ‘(b) if— (i) the board is the medical board—the executive officer (medical); or (ii) the board is not the medical board—the executive officer; (c) if— (i) the board is the medical board and the executive officer (medical) agrees—a member of the staff of the office (medical) the board considers has the necessary expertise or experience to be an inspector; or (ii) the board is not the medical board and the executive officer agrees—a member of the office’s staff the board considers has the necessary expertise or experience to be an inspector;’.	10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26
21	Section 361(b)— <i>renumber as section 361(c).</i>	27 28

Schedule 1 (continued)

22	Section 361(a)—	1
	<i>omit, insert—</i>	2
	‘(a) if the person was appointed as an inspector by the	3
	medical board, and is not the secretary—to the executive	4
	officer (medical) within 7 days after the person ceases to	5
	be an inspector, unless the person has a reasonable	6
	excuse; or	7
	(b) if the person was appointed as an inspector by a board,	8
	other than the medical board, and is not the	9
	secretary—to the executive officer within 7 days after	10
	the person ceases to be an inspector, unless the person	11
	has a reasonable excuse; or’.	12
23	Section 367B(2), definition <i>relevant person</i>, paragraphs	13
	(g) to (j)—	14
	<i>renumber</i> as paragraphs (h) to (k).	15
24	Section 367B(2), definition <i>relevant person</i>—	16
	<i>insert—</i>	17
	‘(g) the executive officer (medical) or a member of the staff	18
	of the office (medical);’.	19
25	Section 367C, ‘or a member of the staff of the office’—	20
	<i>omit, insert—</i>	21
	‘, the executive officer (medical) or a member of the staff of the	22
	office or office (medical)’.	23
26	Section 367D(1), after ‘officer’—	24
	<i>insert—</i>	25
	‘or executive officer (medical)’.	26

Schedule 1 (continued)

27	Section 375(2)—	1
	<i>renumber</i> as section 375(3).	2
28	Section 375(1)—	3
	<i>omit, insert—</i>	4
	‘(1) The executive officer (medical) must keep copies of codes of practice developed or adopted by the medical board and approved under section 374 open for inspection at the office (medical) by members of the public during ordinary office hours.’	5 6 7 8 9
	‘(2) The executive officer must keep copies of codes of practice developed or adopted by a board, other than the medical board, and approved under section 374 open for inspection at the office by members of the public during ordinary office hours.’.	10 11 12 13 14
29	Section 375(3), as renumbered, ‘the board’—	15
	<i>omit, insert—</i>	16
	‘a board’.	17
30	Section 382, heading, ‘or executive officer’—	18
	<i>omit, insert—</i>	19
	‘, executive officer or executive officer (medical)’.	20
31	Section 382(1), after ‘officer’—	21
	<i>insert—</i>	22
	‘or executive officer (medical)’.	23
32	Section 382(2), ‘or executive officer’—	24
	<i>omit, insert—</i>	25
	‘, executive officer or executive officer (medical)’.	26

Schedule 1 (continued)

33	Section 386A(2)—	1
	<i>insert—</i>	2
	‘(f) for an official who is the executive officer (medical)—the medical board.’.	3 4
34	Section 386A(3), definition <i>official</i>, paragraph (g), after ‘officer’—	5 6
	<i>insert—</i>	7
	‘or executive officer (medical)’.	8
35	Section 392(5), definition <i>relevant person</i>, paragraphs (j) to (k)—	9 10
	<i>renumber</i> as paragraphs (k) to (m).	11
36	Section 392(5), definition <i>relevant person</i>—	12
	<i>insert—</i>	13
	‘(j) the executive officer (medical) or a member of the staff of the office (medical); or’.	14 15
37	After section 405H—	16
	<i>insert—</i>	17
‘Division 4	Provisions for Medical Board (Administration) Act 2006	18 19
‘405I	Definitions for div 4	20
	‘In this division—	21
	<i>commencement</i> means commencement of this section.	22
	<i>pre-amended Act</i> means this Act as in force before the commencement of the <i>Medical Board (Administration) Act</i> 2006, section 42 and schedule 1.	23 24 25

Schedule 1 (continued)

‘405J Keeping of records	1
‘(1) This section applies if, immediately before the commencement, the executive officer was keeping records under section 263 of the pre-amended Act relating to a person who is or was registered under the <i>Medical Practitioners Registration Act 2001</i> .	2 3 4 5 6
‘(2) The executive officer must give the records to the executive officer (medical).	7 8
‘(3) The executive officer (medical) must keep the records under section 263 and otherwise comply with that section in relation to the records.	9 10 11
‘405K Continuing appointment of inspector or investigator	12
‘(1) This section applies if, immediately before the commencement, there was in force an appointment by the medical board of one of the following persons as an inspector or investigator under the pre-amended Act—	13 14 15 16
(a) the executive officer;	17
(b) a member of the office’s staff.	18
‘(2) Despite sections 73(b)(i) and (c)(i) and 358(1)(b)(i) and (c)(i), the appointment continues in force.’.	19 20
38 Schedule, definition <i>commencement</i>—	21
<i>omit.</i>	22
39 Schedule—	23
<i>insert—</i>	24
‘commencement—	25
(a) for part 13, division 3—see section 405A; or	26
(b) for part 13, division 4—see section 405I.	27
<i>executive officer (medical)</i> means the executive officer appointed under the <i>Medical Board (Administration) Act 2006</i> .	28 29

Schedule 1 (continued)

	<i>medical board</i> means the Medical Board of Queensland established under the <i>Medical Practitioners Registration Act 2001</i> .	1 2
	<i>office (medical)</i> means the Office of the Medical Board of Queensland established under the <i>Medical Board (Administration) Act 2006</i> .	3 4 5
	<i>pre-amended Act</i> , for part 13, division 4, see section 405I.’.	6
40	Schedule, definition <i>notice of review</i>, paragraph (b), ‘division 3’—	7 8
	<i>omit, insert—</i>	9
	‘division 4’.	10

Health Quality and Complaints Commission Act 2006 11

1	Section 68(1)(c), after ‘the’—	12
	<i>insert—</i>	13
	‘Medical Board of Queensland or’.	14
2	Section 68(1)(d)—	15
	<i>renumber</i> as section 68(1)(e).	16
3	Section 68(1)—	17
	<i>insert—</i>	18
	‘(d) for the Medical Board of Queensland—	19
	(i) the executive officer of the Office of the Medical Board of Queensland; or	20 21
	(ii) with the agreement of the executive officer of the Office of the Medical Board of Queensland—another member of the staff of the Office of the Medical Board of Queensland; or’.	22 23 24 25

Schedule 1 (continued)

4	Section 68(2)—	1
	<i>insert—</i>	2
	‘ <i>Office of the Medical Board of Queensland</i> means the	3
	Office of the Medical Board of Queensland established under	4
	the <i>Medical Board (Administration) Act 2006</i> .’	5
	 Medical Practitioners Registration Act 2001	6
1	Section 4, after ‘(Administration) Act 1999’—	7
	<i>insert—</i>	8
	‘, the <i>Medical Board (Administration) Act 2006</i> .’	9
2	Section 13(2), ‘Health Practitioner Registration Boards	10
	(Administration) Act 1999’—	11
	<i>omit, insert—</i>	12
	‘ <i>Medical Board (Administration) Act 2006</i> .’	13
3	After section 302—	14
	<i>insert—</i>	15
‘Division 4	Transitional provision for Medical	16
	Board (Administration) Act 2006	17
‘303	Continuing appointment of inspector	18
	‘(1) This section applies if, immediately before the	19
	commencement, there was in force an appointment by the	20
	board of one of the following persons as an inspector under	21
	the pre-amended Act—	22
	(a) the executive officer under the <i>Health Practitioner</i>	23
	<i>Registration Boards (Administration) Act 1999</i> ;	24

Schedule 1 (continued)

	(b) a member of the staff of the office under the <i>Health Practitioner Registration Boards (Administration) Act 1999</i> .	1 2 3
	‘(2) Despite section 201(b) and (c), the appointment continues in force.	4 5
	‘(3) In this section— <i>commencement</i> means commencement of this section. <i>pre-amended Act</i> means this Act as in force before the commencement of the <i>Medical Board (Administration) Act 2006</i> , section 42 and schedule 1.’.	6 7 8 9 10
4	Schedule 3, definitions <i>executive officer</i> (first occurring) and <i>service agreement</i>, ‘<i>Health Practitioner Registration Boards (Administration) Act 1999</i>’— <i>omit, insert—</i> ‘ <i>Medical Board (Administration) Act 2006</i> ’.	11 12 13 14 15
5	Schedule 3, definition <i>office</i>— <i>omit, insert—</i> ‘ <i>office</i> means the Office of the Medical Board of Queensland established under the <i>Medical Board (Administration) Act 2006</i> .’.	16 17 18 19 20

Schedule 2	Dictionary	1
	section 4	2
<i>administrative and operational support</i> , in relation to the board, includes the following—		3 4
(a) maintaining the board's register;		5
(b) collecting moneys payable to the board and managing and disbursing moneys held for the board;		6 7
(c) providing and maintaining accommodation and equipment for use by the board;		8 9
(d) providing secretariat services to the board;		10
(e) providing advice to the board about the operation of the legislative scheme;		11 12
(f) helping the board to meet its statutory financial obligations including, for example, under the <i>Financial Administration and Audit Act 1977</i> ;		13 14 15
(g) exercising powers conferred on or delegated to the executive officer or staff of the office under the <i>Health Practitioners (Professional Standards) Act 1999</i> , the <i>Medical Practitioners Registration Act 2001</i> or another Act.		16 17 18 19 20
<i>board</i> means the Medical Board of Queensland established under the <i>Medical Practitioners Registration Act 2001</i> .		21 22
<i>commencement</i> , for part 5, see section 34.		23
<i>executive officer</i> means the executive officer of the office.		24
<i>existing service agreement</i> , for the executive officer and board, means the current service agreement between the executive officer and board.		25 26 27
<i>health practitioner registration Act</i> means any of the following Acts—		28 29
• <i>Chiropractors Registration Act 2001</i>		30
• <i>Dental Practitioners Registration Act 2001</i>		31

Schedule 2 (continued)

• <i>Dental Technicians and Dental Prosthetists Registration Act 2001</i>	1 2
• <i>Medical Practitioners Registration Act 2001</i>	3
• <i>Medical Radiation Technologists Registration Act 2001</i>	4
• <i>Occupational Therapists Registration Act 2001</i>	5
• <i>Optometrists Registration Act 2001</i>	6
• <i>Osteopaths Registration Act 2001</i>	7
• <i>Pharmacists Registration Act 2001</i>	8
• <i>Physiotherapists Registration Act 2001</i>	9
• <i>Podiatrists Registration Act 2001</i>	10
• <i>Psychologists Registration Act 2001</i>	11
• <i>Speech Pathologists Registration Act 2001.</i>	12
<i>initial service agreement</i> , for part 5, see section 34.	13
<i>legislative scheme</i> see section 5.	14
<i>office</i> means the Office of the Medical Board of Queensland.	15
<i>OHPRB</i> , for part 5, see section 34.	16
<i>previous agreement</i> , for part 5, see section 34.	17
<i>service agreement</i> means an agreement made under this Act between the executive officer and board for the provision of administrative and operational support by the office to the board.	18 19 20 21
<i>transition period</i> , for part 5, see section 34.	22