



Queensland

Health and Other Legislation Amendment Bill 2008



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2008

A Bill

for

An Act to amend the *Chiropractors Registration Act 2001*, the *Dental Practitioners Registration Act 2001*, the *Dental Technicians and Dental Prosthetists Registration Act 2001*, the *Health Practitioners (Professional Standards) Act 1999*, the *Health Quality and Complaints Commission Act 2006*, the *Health Services Act 1991*, the *Medical Practitioners Registration Act 2001*, the *Medical Radiation Technologists Registration Act 2001*, the *Nursing Act 1992*, the *Occupational Therapists Registration Act 2001*, the *Optometrists Registration Act 2001*, the *Osteopaths Registration Act 2001*, the *Pharmacists Registration Act 2001*, the *Physiotherapists Registration Act 2001*, the *Podiatrists Registration Act 2001*, the *Police Powers and Responsibilities Act 2000*, the *Psychologists Registration Act 2001*, the *Public Health Act 2005*, the *Speech Pathologists Registration Act 2001*, the *Tobacco and Other Smoking Products Act 1998* and the *Workers' Compensation and Rehabilitation Act 2003* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Health and Other Legislation
Amendment Act 2008*. 4
5

Clause 2 Commencement 6

- (1) Sections 163 and 165(2) are taken to have commenced on 16 7
January 2006. 8
- (2) Parts 19 (other than sections 163 and 165(2)) and 22 9
commence on assent. 10
- (3) The remainder of the Act commences on a day fixed by 11
proclamation. 12

**Part 2 Amendment of Chiropractors
Registration Act 2001** 13
14

Clause 3 Act amended in pt 2 15

This part amends the *Chiropractors Registration Act 2001*. 16

Clause 4 Amendment of s 64 (Period) 17

Section 64, ‘6 months’— 18
omit, insert— 19
‘12 months’. 20

Clause 5	Replacement of s 82 (Ground for cancellation)	1
	Section 82—	2
	<i>omit, insert—</i>	3
'82	Grounds for cancellation	4
	'A general registration may be cancelled, under this division, on the following grounds—	5 6
	(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	7 8 9
	(i) was materially false, within the meaning given by section 210(1), at the time it was given; or	10 11
	(ii) became materially false, within the meaning given by section 210(1), after it was given;	12 13
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration.'	14 15
Clause 6	Amendment of s 96 (Failure by board to make decision on application)	16 17
	(1) Section 96(1) and (3), 'remove'—	18
	<i>omit, insert—</i>	19
	'confirm'.	20
	(2) Section 96(4)—	21
	<i>omit.</i>	22
Clause 7	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	23 24
	(1) Section 97(1) and (3), 'remove'—	25
	<i>omit, insert—</i>	26
	'confirm'.	27
	(2) Section 97(4)—	28
	<i>omit.</i>	29

[s 8]

Clause 8	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	1 2
	(1) Section 99(4)—	3
	<i>omit, insert—</i>	4
	‘(4) Subsection (5) applies if a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration.’	5 6 7
	(2) Section 99(5), ‘or taken to have been made’—	8
	<i>omit.</i>	9
Clause 9	Amendment of s 113 (Grounds for cancellation)	10
	Section 113(e)—	11
	<i>omit, insert—</i>	12
	‘(e) the registration happened because the board was given, by the registrant or someone else, information or a document that—	13 14 15
	(i) was materially false, within the meaning given by section 210(1), at the time it was given; or	16 17
	(ii) became materially false, within the meaning given by section 210(1), after it was given;	18 19
	(f) the registrant ceases to have, or does not have, the qualifications necessary for registration.’	20 21
Clause 10	Replacement of s 210 (False or misleading information or documents)	22 23
	Section 210—	24
	<i>omit, insert—</i>	25
‘210	False or misleading information or documents	26
	‘(1) For this section—	27
	(a) information is taken to be materially false if—	28

-
- (i) the information is false or misleading in a material particular; or 1
2
- (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 3
4
5
6
- (b) a document is taken to be materially false if— 7
- (i) the document contains or conveys information that is materially false; or 8
9
- (ii) the document contains or conveys information that, by the time the document is given to the board, has become materially false; or 10
11
12
- (iii) the document— 13
- (A) is, or purports to be, a copy of an original document; and 14
15
- (B) is not, in a material particular, a true, accurate and complete copy of the original document; or 16
17
18
- (iv) the document— 19
- (A) is, or purports to be, an extract from or summary of an original document; and 20
21
- (B) fails, in a material particular, to convey a true, accurate and complete representation of the information contained in the original document. 22
23
24
25
- ‘(2) A person must not give the board— 26
- (a) information that is materially false to the knowledge of the person; or 27
28
- (b) a document that is materially false to the knowledge of the person. 29
30
- Maximum penalty—200 penalty units. 31

[s 10]

- ‘(3) A person must not contravene subsection (2) in connection with an application for registration by the person or someone else. 1
2
3
Maximum penalty—2000 penalty units or 3 years imprisonment. 4
5
- ‘(4) A person must convey the relevant facts to the board as soon as reasonably practicable after the person— 6
7
- (a) being a registrant, becomes aware that information or a document that was given to the board in connection with the person’s registration— 8
9
10
- (i) was materially false when it was given to the board; or 11
12
- (ii) has since become materially false; or 13
- (b) being a person who previously gave information or a document to the board, becomes aware that the information or document— 14
15
16
- (i) was materially false when it was given to the board; or 17
18
- (ii) has since become materially false. 19
- Maximum penalty—200 penalty units. 20
- ‘(5) A registrant must not act or practise as a registrant, or continue to do so, if— 21
22
- (a) the registrant committed a contravention of subsection (2) in connection with the registrant’s application for registration; or 23
24
25
- (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 26
27
28
- (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— 29
30
31
32

-
- (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—
- (a) granting or refusing the application; or
- (b) deciding the capacity in which the applicant may be registered; or
- (c) imposing a condition, qualification or restriction on registration granted to the applicant; or
- (d) fixing the period of the registration granted to the applicant; or
- (e) making further inquiries or conducting further investigations in connection with the application.
- registration* means—
- (a) registration as a registrant; or
- (b) renewal of registration as a registrant; or
- (c) restoration of registration as a registrant.’.

[s 11]

Part 3	Amendment of Dental Practitioners Registration Act 2001	1
		2
		3

Clause 11	Act amended in pt 3	4
	This part amends the <i>Dental Practitioners Registration Act 2001</i> .	5
		6

Clause 12	Amendment of s 64 (Period)	7
	Section 64, ‘6 months’—	8
	<i>omit, insert—</i>	9
	‘12 months’.	10

Clause 13	Replacement of s 82 (Ground for cancellation)	11
	Section 82—	12
	<i>omit, insert—</i>	13

‘82	Grounds for cancellation	14
	‘A general registration may be cancelled, under this division, on the following grounds—	15
	(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	16
	(i) was materially false, within the meaning given by section 232(1), at the time it was given; or	17
	(ii) became materially false, within the meaning given by section 232(1), after it was given;	18
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration.’.	19
		20
		21
		22
		23
		24
		25

Clause 14	Amendment of s 96 (Failure by board to make decision on application)	1 2
(1)	Section 96(1) and (3), ‘remove’— <i>omit, insert—</i> ‘confirm’.	3 4 5
(2)	Section 96(4)— <i>omit.</i>	6 7
Clause 15	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	8 9
(1)	Section 97(1) and (3), ‘remove’— <i>omit, insert—</i> ‘confirm’.	10 11 12
(2)	Section 97(4)— <i>omit.</i>	13 14
Clause 16	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	15 16
(1)	Section 99(4)— <i>omit, insert—</i>	17 18
‘(4)	Subsection (5) applies if a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration.’.	19 20 21
(2)	Section 99(5), ‘or taken to have been made’— <i>omit.</i>	22 23
Clause 17	Amendment of s 132 (Grounds for cancellation)	24
	Section 132(e)— <i>omit, insert—</i>	25 26

[s 18]

- ‘(e) the registration happened because the board was given, 1
by the registrant or someone else, information or a 2
document that— 3
 - (i) was materially false, within the meaning given by 4
section 232(1), at the time it was given; or 5
 - (ii) became materially false, within the meaning given 6
by section 232(1), after it was given; 7
- (f) the registrant ceases to have, or does not have, the 8
qualifications necessary for registration.’. 9

**Clause 18 Replacement of s 232 (False or misleading information or 10
documents) 11**

Section 232— 12

omit, insert— 13

‘232 False or misleading information or documents 14

‘(1) For this section— 15

(a) information is taken to be materially false if— 16

(i) the information is false or misleading in a material 17
particular; or 18

(ii) regardless of the literal truth of the information, it 19
has a propensity to mislead or deceive the board in 20
a material particular, including through the 21
omission of other material information; and 22

(b) a document is taken to be materially false if— 23

(i) the document contains or conveys information that 24
is materially false; or 25

(ii) the document contains or conveys information that, 26
by the time the document is given to the board, has 27
become materially false; or 28

(iii) the document— 29

(A) is, or purports to be, a copy of an original 30
document; and 31

-
- (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—
- (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—

[s 18]

(i) was materially false when it was given to the board; or 1
 2

(ii) has since become materially false. 3

Maximum penalty—200 penalty units. 4

‘(5) A registrant must not act or practise as a registrant, or 5
 continue to do so, if— 6

(a) the registrant committed a contravention of subsection 7
 (2) in connection with the registrant’s application for 8
 registration; or 9

(b) the registrant was knowingly concerned in, or a party to, 10
 a contravention of subsection (2) in connection with the 11
 registrant’s application for registration; or 12

(c) the registrant has failed to convey the relevant facts to 13
 the board after becoming aware that information or a 14
 document that was given to the board in connection with 15
 the registrant’s registration— 16

(i) was materially false when it was given to the 17
 board; or 18

(ii) has since become materially false. 19

Maximum penalty—2000 penalty units or 3 years 20
 imprisonment. 21

‘(6) To remove any doubt, it is declared that in this section— 22

material particular, in relation to an application for 23
 registration, is not limited to a particular that would have been 24
 determinative of the application, but includes any particular 25
 that, had it been known to the board at the relevant time, might 26
 have influenced the board, a member, the executive officer or 27
 a member of the office’s staff in— 28

(a) granting or refusing the application; or 29

(b) deciding the capacity in which the applicant may be 30
 registered; or 31

(c) imposing a condition, qualification or restriction on 32
 registration granted to the applicant; or 33

-
- (d) fixing the period of the registration granted to the applicant; or 1
2
- (e) making further inquiries or conducting further investigations in connection with the application. 3
4
- registration** means— 5
- (a) registration as a registrant; or 6
- (b) renewal of registration as a registrant; or 7
- (c) restoration of registration as a registrant.’. 8

Part 4 **Amendment of Dental Technicians and Dental Prosthetists Registration Act 2001** 9
10
11
12

Clause 19 Act amended in pt 4 13

This part amends the *Dental Technicians and Dental Prosthetists Registration Act 2001*. 14
15

Clause 20 Amendment of s 64 (Period) 16

Section 64, ‘6 months’— 17

omit, insert— 18

‘12 months’. 19

Clause 21 Replacement of s 83 (Ground for cancellation) 20

Section 83— 21

omit, insert— 22

[s 22]

‘83	Grounds for cancellation	1
	‘A general registration may be cancelled, under this division, on the following grounds—	2 3
	(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	4 5 6
	(i) was materially false, within the meaning given by section 214(1), at the time it was given; or	7 8
	(ii) became materially false, within the meaning given by section 214(1), after it was given;	9 10
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration.’.	11 12

Clause 22	Amendment of s 98 (Failure by board to make decision on application)	13 14
	(1) Section 98(1) and (3), ‘remove’— <i>omit, insert—</i> ‘confirm’.	15 16 17
	(2) Section 98(4)— <i>omit.</i>	18 19

Clause 23	Amendment of s 99 (Failure by board to make decision on review agreed to under s 91)	20 21
	(1) Section 99(1) and (3), ‘remove’— <i>omit, insert—</i> ‘confirm’.	22 23 24
	(2) Section 99(4)— <i>omit.</i>	25 26

Clause 24	Amendment of s 101 (Amending, replacing, or issuing new, certificate of general registration)	1 2
	(1) Section 101(4)—	3
	<i>omit, insert—</i>	4
	‘(4) Subsection (5) applies if a general registrant receives a notice, under section 95(5), about a decision to remove the conditions of the registration.’	5 6 7
	(2) Section 101(5), ‘or taken to have been made’—	8
	<i>omit.</i>	9
Clause 25	Amendment of s 115 (Grounds for cancellation)	10
	Section 115(e)—	11
	<i>omit, insert—</i>	12
	‘(e) the registration happened because the board was given, by the registrant or someone else, information or a document that—	13 14 15
	(i) was materially false, within the meaning given by section 214(1), at the time it was given; or	16 17
	(ii) became materially false, within the meaning given by section 214(1), after it was given;	18 19
	(f) the registrant ceases to have, or does not have, the qualifications necessary for registration.’	20 21
Clause 26	Replacement of s 214 (False or misleading information or documents)	22 23
	Section 214—	24
	<i>omit, insert—</i>	25
‘214	False or misleading information or documents	26
	‘(1) For this section—	27
	(a) information is taken to be materially false if—	28

[s 26]

- | | | |
|-------|---|----------------------|
| (i) | the information is false or misleading in a material particular; or | 1
2 |
| (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 | 3
4
5
6 |
| (b) | a document is taken to be materially false if— | 7 |
| (i) | the document contains or conveys information that is materially false; or | 8
9 |
| (ii) | the document contains or conveys information that, by the time the document is given to the board, has become materially false; or | 10
11
12 |
| (iii) | the document— | 13 |
| (A) | is, or purports to be, a copy of an original document; and | 14
15 |
| (B) | is not, in a material particular, a true, accurate and complete copy of the original document; or | 16
17
18 |
| (iv) | the document— | 19 |
| (A) | is, or purports to be, an extract from or summary of an original document; and | 20
21 |
| (B) | fails, in a material particular, to convey a true, accurate and complete representation of the information contained in the original document. | 22
23
24
25 |
| ‘(2) | A person must not give the board— | 26 |
| (a) | information that is materially false to the knowledge of the person; or | 27
28 |
| (b) | a document that is materially false to the knowledge of the person. | 29
30 |
| | Maximum penalty—200 penalty units. | 31 |

-
- ‘(3) A person must not contravene subsection (2) in connection with an application for registration by the person or someone else. 1
2
3
Maximum penalty—2000 penalty units or 3 years imprisonment. 4
5
- ‘(4) A person must convey the relevant facts to the board as soon as reasonably practicable after the person— 6
7
- (a) being a registrant, becomes aware that information or a document that was given to the board in connection with the person’s registration— 8
9
10
- (i) was materially false when it was given to the board; or 11
12
- (ii) has since become materially false; or 13
- (b) being a person who previously gave information or a document to the board, becomes aware that the information or document— 14
15
16
- (i) was materially false when it was given to the board; or 17
18
- (ii) has since become materially false. 19
- Maximum penalty—200 penalty units. 20
- ‘(5) A registrant must not act or practise as a registrant, or continue to do so, if— 21
22
- (a) the registrant committed a contravention of subsection (2) in connection with the registrant’s application for registration; or 23
24
25
- (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 26
27
28
- (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— 29
30
31
32
-

[s 26]

- (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—
- (a) granting or refusing the application; or
 - (b) deciding the capacity in which the applicant may be registered; or
 - (c) imposing a condition, qualification or restriction on registration granted to the applicant; or
 - (d) fixing the period of the registration granted to the applicant; or
 - (e) making further inquiries or conducting further investigations in connection with the application.
- registration* means—
- (a) registration as a registrant; or
 - (b) renewal of registration as a registrant; or
 - (c) restoration of registration as a registrant.’.

Part 5	Amendment of Health Practitioners (Professional Standards) Act 1999	1 2 3
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Clause 27	Act amended in pt 5	4
	This part amends the <i>Health Practitioners (Professional Standards) Act 1999</i> .	5 6

Clause 28	Amendment of s 12 (Delegation of certain powers)	7
	(1) Section 12(1)(c), from ‘registration’—	8
	<i>omit, insert—</i>	9
	‘registration; or’.	10
	(2) Section 12(1)(d)—	11
	<i>omit, insert—</i>	12
	‘(d) to make a decision to enter into an undertaking with a registrant in relation to disciplinary proceedings; or’.	13 14
	(3) Section 12(2)—	15
	<i>insert—</i>	16
	‘(d) a committee of the board established under a relevant health practitioners registration Act, that contains at least 1 member of the board, if the power delegated is—	17 18 19
	(i) to make a decision to enter into an undertaking with a registrant, other than an undertaking in relation to disciplinary proceedings; or	20 21 22
	(ii) to order a registrant to attend for a further health assessment.’.	23 24
	(4) Section 12(3)—	25
	<i>insert—</i>	26
	‘(d) a committee of the board, that contains at least 1 member of the board, if the power delegated is—	27 28

[s 29]

- (i) to make a decision to enter into an undertaking with a registrant, other than an undertaking in relation to disciplinary proceedings; or
- (ii) to order a registrant to attend for a further health assessment.’.

Clause 29 Insertion of new s 40A

After section 40—
insert—

‘40A Temporary appointment of panel of assessors

- ‘(1) This section applies if the Minister reasonably believes that it is necessary to urgently appoint an individual as a member of a professional panel of assessors because—
 - (a) the secretary or registrar considers a disciplinary matter is likely to raise issues of a specialist or technical nature, whether on the basis of advice received under section 19(1) or 33(1) from a board or otherwise; and
 - (b) the secretary or registrar has advised the Minister that—
 - (i) none of the panel members have the desirable professional background or skills; or
 - (ii) panel members who do have the desirable professional background or skills will not be available to hear the matter.
- ‘(2) Despite section 40(1), the Minister may appoint an individual to a professional panel of assessors for a period of not more than 6 months.
- ‘(3) An individual is qualified for appointment to a panel under this section only if the individual is qualified for appointment to the panel under section 40(4).’.

Clause 30 Amendment of s 42 (Procedure for recommending members of panels of assessors)

Section 42(4), after ‘assessors’—

insert— 1
‘under section 40(1)(b)’. 2

Clause 31 Amendment of s 55 (Notice to be given if complaint rejected) 3
4
Section 55(1), ‘within 14 days of’— 5
omit, insert— 6
‘as soon as practicable after’. 7

Clause 32 Amendment of s 63 (When investigation of registrant may be conducted on board’s initiative) 8
9
(1) Section 63(2) and (3)— 10
renumber as section 63(3) and (4). 11
(2) Section 63(1)— 12
omit, insert— 13
‘(1) A registrant’s board may investigate the registrant if it 14
reasonably believes that an aspect of the registrant’s conduct 15
or practice, or another matter relating to the registrant, may 16
provide a ground for disciplinary action against the registrant. 17
‘(2) Subsection (1) applies whether or not the board has received a 18
complaint under the complaints part about the aspect of the 19
registrant’s conduct, practice or other matter.’. 20
(3) Section 63(4), as renumbered, ‘Subsection (2)’— 21
omit, insert— 22
‘Subsection (3)’. 23

Clause 33 Amendment of s 134 (Powers of board to refer matter to panel or tribunal etc.) 24
25
Section 134(1), ‘a hearing’— 26
omit, insert— 27
‘disciplinary proceedings’. 28

[s 34]

Clause 34	Amendment of s 135 (Powers of disciplinary committee to refer to panel or tribunal etc.)	1 2
	Section 135(1), ‘a hearing’—	3
	<i>omit, insert—</i>	4
	‘disciplinary proceedings’.	5
Clause 35	Amendment of s 164 (Decision about whether ground for disciplinary action established)	6 7
	Section 164(1), ‘within 14 days’—	8
	<i>omit.</i>	9
Clause 36	Amendment of s 168 (Notification of decision)	10
	Section 168(4)—	11
	<i>omit, insert—</i>	12
	‘(4) The decision takes effect on the day the board or disciplinary committee makes its decision or, if the board or disciplinary committee’s decision is to take effect on a later day, on the later day.	13 14 15 16
	‘(5) However, if the registrant or the registrant’s representative is not present when the board or disciplinary committee makes its decision, the decision takes effect on the later of—	17 18 19
	(a) the day the notice is given to the registrant; or	20
	(b) the day of effect stated in the notice.’.	21
Clause 37	Amendment of s 205 (Notification of decision of panel)	22
	Section 205(4)—	23
	<i>omit, insert—</i>	24
	‘(4) The decision takes effect on the day the panel makes its decision or, if the panel’s decision is to take effect on a later day, on the later day.	25 26 27

-
- ‘(5) However, if the registrant or the registrant’s representative is
not present when the panel makes its decision, the decision
takes effect on the later of—
- (a) the day the notice is given to the registrant; or
- (b) the day of effect stated in the notice.’.

- Clause 38 Amendment of s 255 (Costs)**
- Section 255—
- insert—*
- ‘(4) If an order is made about costs—
- (a) the order may be filed in the registry of a District Court;
and
- (b) on being filed, is taken to be an order made by a District
Court and may be enforced accordingly.’.

- Clause 39 Amendment of s 278 (Notification of board’s decision)**
- Section 278(3)—
- omit, insert—*
- ‘(3) The decision takes effect on the following day—
- (a) if the decision is a decision to enter into an undertaking
with a registrant under section 276(2)(a)—on the day
the undertaking is approved by the board;
- (b) otherwise—the day the notice is given to the registrant
or the day of effect stated in the notice, whichever is
later.’.

- Clause 40 Amendment of s 306 (Registrant may request further
health assessment)**
- Section 306—
- insert—*

[s 41]

‘(3) The further assessment of the registrant must be conducted at the registrant’s expense.’. 1
2

Clause 41 Amendment of s 377 (Certain investigations not to be conducted or continued) 3
4

Section 377— 5

insert— 6

‘(1A) A board may also decide not to continue an investigation of a registrant if the board becomes aware that it is investigating the wrong registrant.’. 7
8
9

Clause 42 Amendment of s 392 (Confidentiality) 10

(1) Section 392(3)(ba) to (j)— 11

renumber as section 392(3)(d) to (l). 12

(2) Section 392(3)— 13

insert— 14

‘(c) if the disclosure is to the Queensland Nursing Council or the Nursing Tribunal and the disclosure is necessary for the Queensland Nursing Council or the Nursing Tribunal to perform their functions under the *Nursing Act 1992*; or’. 15
16
17
18
19

(3) Section 392(3)(k), as renumbered, ‘paragraph (j)’— 20

omit, insert— 21

‘paragraph (l)’.

Clause 43 Amendment of schedule (Dictionary) 23

Schedule— 24

insert— 25

‘*Nursing Tribunal* see the *Nursing Act 1992*, section 4. 26

Queensland Nursing Council means the council established under the *Nursing Act 1992*, section 6.’. 27
28

Part 6	Amendment of Health Quality and Complaints Commission Act 2006	1 2 3
Clause 44	Act amended in pt 6	4
	This part amends the <i>Health Quality and Complaints Commission Act 2006</i> .	5 6
Clause 45	Amendment of s 22 (Commission may make standards)	7
	Section 22(5)— <i>omit.</i>	8 9
Clause 46	Insertion of new s 22A	10
	After section 22— <i>insert—</i>	11 12
‘22A	Process for making or amending standards	13
	‘(1) This section applies if the commission intends to—	14
	(a) make a standard under section 22; or	15
	(b) amend a standard made under section 22, other than by an amendment of a minor nature only.	16 17
	‘(2) The commission must prepare a statement (an <i>impact assessment statement</i>) about the standard or the amended standard, that includes the following information—	18 19 20
	(a) the name of the standard or the amended standard;	21
	(b) the subject matter of the standard or the amended standard;	22 23
	(c) a brief statement of any benefits and costs to a provider or a user of a health service in the provider complying with the standard or the amended standard.	24 25 26

[s 46]

- ‘(3) If the costs mentioned in subsection (2)(c) are likely to be appreciable, the statement must also—
- (a) quantify the benefits and costs to the extent that it is practicable to do so; and
 - (b) compare the benefits with the costs; and
 - (c) assess whether the benefits exceed the costs.
- ‘(4) The commission must publish on its website, for at least 14 days—
- (a) a copy of the impact assessment statement; and
 - (b) a notice—
 - (i) inviting anyone to comment on the impact assessment statement; and
 - (ii) stating how and when comment may be made.
- ‘(5) In deciding whether to make or amend a standard, the commission must have regard to the information included in the impact assessment statement and to any comments made in relation to it.
- ‘(6) The commission must not make or amend a standard under section 22(1) until at least 30 days after the commission first publishes the copy of the impact assessment statement and notice for the standard or the amendment under subsection (4).
- ‘(7) The commission may make or amend a standard before the end of the 30 days mentioned in subsection (6) if the Minister approves a lesser period for the making or amending of the standard on the basis that the lesser period will help protect the health and well being of the users of the health service.
- ‘(8) Failure to comply with this section does not affect the validity of the standard or amendment.’.

Part 7	Amendment of Health Services Act 1991	1 2
Clause 47	Act amended in pt 7	3
	This part amends the <i>Health Services Act 1991</i> .	4
Clause 48	Insertion of new s 62IA	5
	After section 62I—	6
	<i>insert—</i>	7
‘62IA	Disclosure for the protection, safety or wellbeing of a child	8 9
	‘Section 62A(1) does not apply to the disclosure of confidential information by a designated person if—	10 11
	(a) the disclosure is to a person for the protection, safety or wellbeing of a child; and	12 13
	(b) the confidential information relates to someone other than the child mentioned in paragraph (a).’.	14 15
Clause 49	Insertion of new s 62KA	16
	After section 62K—	17
	<i>insert—</i>	18
‘62KA	Disclosure to or by chief executive	19
	‘(1) Section 62A(1) does not apply to the disclosure of confidential information by a designated person if the disclosure is to the chief executive for achieving the objects of this Act under section 4.	20 21 22 23
	‘(2) Section 62A(1) does not apply to the disclosure of confidential information by the chief executive if the disclosure is for a function of the chief executive under section 7.’.	24 25 26 27

[s 50]

Clause 50	Insertion of new s 62PA	1
	After section 62P—	2
	<i>insert—</i>	3
	‘62PA Disclosure to State lawyers	4
	‘Section 62A(1) does not apply to the disclosure of confidential information by the chief executive if—	5
		6
	(a) the disclosure is to a lawyer in relation to a matter; and	7
	(b) the lawyer is representing the State in relation to the matter.’.	8
		9
 Part 8	 Amendment of Medical Practitioners Registration Act 2001	 10
		11
		12
 Clause 51	 Act amended in pt 8	 13
	This part amends the <i>Medical Practitioners Registration Act 2001</i> .	14
		15
 Clause 52	 Amendment of s 66 (Period)	 16
	Section 66, ‘6 months’—	17
	<i>omit, insert—</i>	18
	‘12 months’.	19
 Clause 53	 Amendment of 84 (Grounds for cancellation)	 20
	(1) Section 84(b) to (e)—	21
	<i>renumber</i> as section 84(c) to (f).	22
	(2) Section 84—	23
	<i>insert—</i>	24

‘(b) the registrant ceases to have, or does not have, the
qualifications necessary for registration;’. 1
2

Clause 54 Amendment of s 92 (Board to give notice to internship nominee or supervisor) 3
4

(1) Section 92(1)— 5
omit, insert— 6

‘(1) If a registrant’s registration is subject to internship conditions, 7
the board— 8

(a) must, as soon as practicable after receiving the 9
registrant’s notice under section 91(1); or 10

(b) may, while the registrant is undertaking the prescribed 11
internship; 12

give a notice to the internship nominee for the program 13
undertaken by the registrant.’. 14

(2) Section 92(4)— 15
omit, insert— 16

‘(4) If a registrant’s registration is subject to supervised practice 17
program conditions, the board— 18

(a) must, as soon as practicable after receiving the 19
registrant’s notice under section 91(2); or 20

(b) may, while the registrant is undertaking the supervised 21
practice program; 22

give a notice to the person (the *supervisor*) supervising the 23
registrant at the time the registrant completed the program or 24
at the time the notice was given.’. 25

Clause 55 Amendment of s 96 (Failure by board to make decision) 26

(1) Section 96(2), ‘remove’— 27
omit, insert— 28
‘confirm’. 29

[s 56]

- | | | |
|-----|--------------------------|---|
| (2) | Section 96(4), ‘remove’— | 1 |
| | <i>insert—</i> | 2 |
| | ‘confirm’. | 3 |
| (3) | Section 96(5)— | 4 |
| | <i>omit.</i> | 5 |

- | | | |
|------------------|---|----------------|
| Clause 56 | Amendment of s 97 (Issuing new certificate of general registration) | 6
7 |
| (1) | Section 97(1)— | 8 |
| | <i>omit, insert—</i> | 9 |
| ‘(1) | This section applies if a general registrant receives notice, under section 94(4)(b), about a decision to remove probationary conditions of the registration.’. | 10
11
12 |
| (2) | Section 97(2), ‘or taken to have been made’— | 13 |
| | <i>omit.</i> | 14 |

- | | | |
|------------------|--|----------|
| Clause 57 | Amendment of s 106 (Failure by board to make decision on application) | 15
16 |
| (1) | Section 106(1) and (3), ‘remove’— | 17 |
| | <i>omit, insert—</i> | 18 |
| | ‘confirm’. | 19 |
| (2) | Section 106(4)— | 20 |
| | <i>omit.</i> | 21 |

- | | | |
|------------------|---|----------|
| Clause 58 | Amendment of s 107 (Failure by board to make decision on review agreed to under s 100) | 22
23 |
| (1) | Section 107(1) and (3), ‘remove’— | 24 |
| | <i>omit, insert—</i> | 25 |
| | ‘confirm’. | 26 |

(2) Section 107(4)— 1
omit. 2

Clause 59 Amendment of s 109 (Amending, replacing, or issuing new, certificate of general registration) 3
4

(1) Section 109(4)— 5
omit, insert— 6

‘(4) Subsection (5) applies if a general registrant receives a notice, 7
under section 104(5), about a decision to remove the 8
conditions of the registration.’. 9

(2) Section 109(5), ‘or taken to have been made’— 10
omit. 11

Clause 60 Amendment of s 149 (Grounds for cancellation) 12
Section 149(1)— 13
insert— 14

‘(f) the registrant ceases to have, or does not have, the 15
qualifications necessary for registration.’. 16

Clause 61 Insertion of new pt 4, div 2 17
After section 165— 18
insert— 19

‘Division 2 Reportable misconduct 20

‘166 Registrant must give notice about reportable misconduct 21
22

‘(1) Subsection (2) applies if, in the practice of the profession, a 23
registrant (the *first registrant*) becomes aware, or reasonably 24
suspects, that another registrant (the *second registrant*) has 25
engaged in reportable misconduct. 26

[s 62]

- ‘(2) The first registrant must, as soon as practicable, give the board
a written notice stating the following information—
- (a) the first registrant’s name and address;
 - (b) the second registrant’s name;
 - (c) details about the following—
 - (i) the nature of the reportable misconduct;
 - (ii) when the reportable misconduct happened, if known by the registrant;
 - (iii) where the reportable misconduct happened, if known by the registrant.
- Note—*
- A contravention of subsection (2) by a registrant is conduct forming the basis for a ground for disciplinary action against the registrant under the *Health Practitioners (Professional Standards) Act 1999*, section 124(1)(f).
- ‘(3) A notice given to the board under subsection (2) is taken to be a complaint about the second registrant made under the *Health Practitioners (Professional Standards) Act 1999*, part 3.
- ‘(4) In this section—
- harm***, to a person, means any detrimental effect of a significant nature on the person’s physical or psychological wellbeing.
- reportable misconduct*** means conduct by a registrant—
- (a) causing, or that is likely to cause, harm to a person receiving professional services from the registrant; or
 - (b) that would reasonably be considered to be sexual misconduct and relates, directly or indirectly, to the registrant’s practice of the profession.’.

Clause 62 Amendment of s 173 (Reprisal and grounds for reprisals)

Section 173(1)(a) and (b), after ‘division 1’—

<i>insert—</i>	1
‘, division 2’.	2

Clause 63	Amendment of s 178 (Definition for pt 5)	3
	Section 178, definition <i>program</i> , after ‘means’—	4
	<i>insert—</i>	5
	‘all or part of’.	6

Clause 64	Amendment of s 182 (Decision)	7
	Section 182(3), after ‘program’—	8
	<i>insert—</i>	9
	‘or to accredit only part of the program applied for’.	10

Clause 65	Amendment of s 189 (Decision)	11
	Section 189—	12
	<i>insert—</i>	13
	‘(5) If it decides to renew only part of the accreditation applied for, it must as soon as practicable—	14 15
	(a) give the applicant an information notice about the decision; and	16 17
	(b) either—	18
	(i) endorse the existing accreditation certificate for the program; or	19 20
	(ii) cancel the existing certificate and issue another accreditation certificate for the program.’.	21 22

Clause 66	Amendment of s 195 (Return of accreditation certificate to board)	23 24
	(1) Section 195(1), after ‘cancelled’—	25
	<i>insert—</i>	26

[s 67]

	‘all or part of’.	1
(2)	Section 195—	2
	<i>insert—</i>	3
‘(3)	If the board has cancelled part of the accreditation for a	4
	program, the board must issue to the holder another	5
	accreditation certificate for any part of the accreditation that is	6
	not cancelled.’.	7
Part 9	Amendment of Medical	8
	Radiation Technologists	9
	Registration Act 2001	10
Clause 67	Act amended in pt 9	11
	This part amends the <i>Medical Radiation Technologists</i>	12
	<i>Registration Act 2001</i> .	13
Clause 68	Amendment of s 68 (Period)	14
	Section 68, ‘6 months’—	15
	<i>omit, insert—</i>	16
	‘12 months’.	17
Clause 69	Amendment of 86 (Grounds for cancellation)	18
(1)	Section 86(b) to (d)—	19
	<i>renumber</i> as section 86(c) to (e).	20
(2)	Section 86(a)—	21
	<i>omit, insert—</i>	22
	‘(a) the registration happened because the board was given,	23
	by the registrant or someone else, information or a	24
	document that—	25

[s 70]

- | | | |
|--|--|---|
| | (i) was materially false, within the meaning given by | 1 |
| | section 226(1), at the time it was given; or | 2 |
| | (ii) became materially false, within the meaning given | 3 |
| | by section 226(1), after it was given; | 4 |
| | (b) the registrant ceases to have, or does not have, the | 5 |
| | qualifications necessary for registration;’. | 6 |

Clause 70	Amendment of s 94 (Board to give notice to supervisor)	7
	Section 94(1)—	8
	<i>omit, insert—</i>	9
	‘(1) The board—	10
	(a) must, as soon as practicable after receiving the	11
	probationary registrant’s notice under section 93; or	12
	(b) may, while the registrant is undertaking the supervised	13
	practice program;	14
	give a notice to the registrant’s supervisor.’.	15

Clause 71	Amendment of s 99 (Failure by board to make decision)	16
	(1) Section 99(2) and (4), ‘remove’—	17
	<i>omit, insert—</i>	18
	‘confirm’.	19
	(2) Section 99(5)—	20
	<i>omit.</i>	21

Clause 72	Amendment of s 101 (Amending, replacing, or issuing new, certificate of general registration)	22
	(1) Section 101(4)—	23
	<i>omit, insert—</i>	24
		25

[s 73]

- ‘(4) Subsection (5) applies if a probationary registrant receives a notice, under section 97(5)(c), about a decision to remove the probationary conditions of the registration.’. 1
2
3
- (2) Section 101(5), ‘or taken to have been made’— 4
omit. 5

- Clause 73 Amendment of s 110 (Failure by board to make decision on application)** 6
7
- (1) Section 110(1) and (3), ‘remove’— 8
omit, insert— 9
‘confirm’. 10
- (2) Section 110(4)— 11
omit. 12

- Clause 74 Amendment of s 111 (Failure by board to make decision on review agreed to under s 104)** 13
14
- (1) Section 111(1) and (3), ‘remove’— 15
omit, insert— 16
‘confirm’. 17
- (2) Section 111(4)— 18
omit. 19

- Clause 75 Amendment of s 113 (Amending, replacing, or issuing new, certificate of general registration)** 20
21
- (1) Section 113(4)— 22
omit, insert— 23
- ‘(4) Subsection (5) applies if a general registrant receives a notice, under section 108(5), about a decision to remove the conditions of the registration.’. 24
25
26

- (2) Section 113(5), ‘or taken to have been made’— 1
omit. 2

- Clause 76 Amendment of s 128 (Grounds for cancellation)** 3
Section 128(e)— 4
omit, insert— 5
‘(e) the registration happened because the board was given, 6
by the registrant or someone else, information or a 7
document that— 8
(i) was materially false, within the meaning given by 9
section 226(1), at the time it was given; or 10
(ii) became materially false, within the meaning given 11
by section 226(1), after it was given; 12
(f) the registrant ceases to have, or does not have, the 13
qualifications necessary for registration.’. 14

- Clause 77 Replacement of s 226 (False or misleading information or documents)** 15
Section 226— 16
omit, insert— 17
‘226 False or misleading information or documents 18
19
‘(1) For this section— 20
(a) information is taken to be materially false if— 21
(i) the information is false or misleading in a material 22
particular; or 23
(ii) regardless of the literal truth of the information, it 24
has a propensity to mislead or deceive the board in 25
a material particular, including through the 26
omission of other material information; and 27
(b) a document is taken to be materially false if— 28

[s 77]

- | | | |
|-------|--|----------------------|
| (i) | the document contains or conveys information that is materially false; or | 1
2 |
| (ii) | the document contains or conveys information that, by the time the document is given to the board, has become materially false; or | 3
4
5 |
| (iii) | the document— | 6 |
| | (A) is, or purports to be, a copy of an original document; and | 7
8 |
| | (B) is not, in a material particular, a true, accurate and complete copy of the original document; or | 9
10
11 |
| (iv) | the document— | 12 |
| | (A) is, or purports to be, an extract from or summary of an original document; and | 13
14 |
| | (B) fails, in a material particular, to convey a true, accurate and complete representation of the information contained in the original document. | 15
16
17
18 |
| ‘(2) | A person must not give the board— | 19 |
| | (a) information that is materially false to the knowledge of the person; or | 20
21 |
| | (b) a document that is materially false to the knowledge of the person. | 22
23 |
| | Maximum penalty—200 penalty units. | 24 |
| ‘(3) | A person must not contravene subsection (2) in connection with an application for registration by the person or someone else. | 25
26
27 |
| | Maximum penalty—2000 penalty units or 3 years imprisonment. | 28
29 |
| ‘(4) | A person must convey the relevant facts to the board as soon as reasonably practicable after the person— | 30
31 |

[s 77]

-
- | | |
|---|---|
| <p>(a) being a registrant, becomes aware that information or a document that was given to the board in connection with the person's registration—</p> <p style="padding-left: 40px;">(i) was materially false when it was given to the board; or</p> <p style="padding-left: 40px;">(ii) has since become materially false;</p> <p>(b) being a person who previously gave information or a document to the board, becomes aware that the information or document—</p> <p style="padding-left: 40px;">(i) was materially false when it was given to the board; or</p> <p style="padding-left: 40px;">(ii) has since become materially false.</p> <p>Maximum penalty—200 penalty units.</p> | <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> |
| <p>‘(5) A registrant must not act or practise as a registrant, or continue to do so, if—</p> <p style="padding-left: 40px;">(a) the registrant committed a contravention of subsection (2) in connection with the registrant's application for registration; or</p> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(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—</p> <p style="padding-left: 80px;">(i) was materially false when it was given to the board; or</p> <p style="padding-left: 80px;">(ii) has since become materially false.</p> <p>Maximum penalty—2000 penalty units or 3 years imprisonment.</p> | <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p> <p>30</p> |
| <p>‘(6) To remove any doubt, it is declared that in this section—</p> <p style="padding-left: 40px;"><i>material particular</i>, in relation to an application for registration, is not limited to a particular that would have been</p> | <p>31</p> <p>32</p> <p>33</p> |
-

[s 78]

- 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—
- (a) granting or refusing the application; or
 - (b) deciding the capacity in which the applicant may be
registered; or
 - (c) imposing a probationary condition or other condition,
qualification or restriction on registration granted to the
applicant; or
 - (d) fixing the period of the registration granted to the
applicant; or
 - (e) making further inquiries or conducting further
investigations in connection with the application.
- registration** means—
- (a) registration as a registrant; or
 - (b) renewal of registration as a registrant; or
 - (c) restoration of registration as a registrant.’.

Part 10 Amendment of Nursing Act
1992

Clause 78 Act amended in pt 10
This part amends the *Nursing Act 1992*.

Clause 79 Amendment of s 4 (Definitions)
Section 4, definitions *health practitioner registration Act* and
health professional—
omit.

Clause 80	Amendment of s 77B (Definitions for pt 3A)	1
	Section 77B, definitions <i>health practitioner registration Act</i>	2
	and <i>health professional</i> —	3
	<i>relocate</i> to section 4.	4
Clause 81	Amendment of s 96 (Constitution of tribunal for particular proceeding)	5
	(1) Section 96(3)(j) to (m)—	6
	<i>renumber</i> as section 96(3)(k) to (n).	7
	(2) Section 96(3)—	8
	<i>insert</i> —	9
	‘(j) the discovery or inspection of documents;’.	10
		11
Clause 82	Insertion of new pt 7, div 2, sdiv 1 and pt 7, div 2, sdiv 2, hdg	12
	Part 7, division 2—	13
	<i>insert</i> —	14
	‘Subdivision 1 Power to obtain information	15
	‘127A Power to require information or attendance	16
	‘For conducting an investigation, an inspector may, by written	17
	notice given to a person, require the person—	18
	(a) to give stated information to the inspector within a	19
	stated reasonable time and in a stated reasonable way; or	20
	(b) to attend before the inspector at a stated reasonable time	21
	and place—	22
	(i) to answer questions; or	23
	(ii) to produce a stated thing.	24
		25

[s 82]

‘127B Offences

- ‘(1) A person required to give stated information to an inspector under section 127A must not fail, without reasonable excuse, to give the information as required by the notice.

Maximum penalty—50 penalty units.

- ‘(2) A person given a notice to attend before an inspector must not fail, without reasonable excuse, to—

- (a) attend as required by the notice; or
- (b) continue to attend as required by the inspector until excused from further attendance; or
- (c) answer a question the person is required to answer by the inspector; or
- (d) produce a thing the person is required to produce by the notice.

Maximum penalty—50 penalty units.

‘127C Self-incrimination

‘For section 127B, it is a reasonable excuse for an individual to fail to give stated information, answer a question or to produce a stated thing, if giving the information, answering the question or producing the thing might tend to incriminate the individual.

‘127D Inspection of produced things

- ‘(1) If a thing is produced to an inspector, whether under a notice under section 127A or otherwise, the inspector may inspect it.

- ‘(2) The inspector may do all or any of the following if the inspector reasonably considers the thing may be relevant to the investigation being conducted by the inspector—

- (a) photograph the thing;
- (b) for a document—make a copy of, or take an extract from, it;

[s 83]

- (c) keep the thing while it is necessary for the investigation. 1
- ‘(3) If the inspector keeps the thing, the inspector must permit a 2
person otherwise entitled to possession of the thing to— 3
- (a) for a document—inspect, make a copy of, or take an 4
extract from, the document, at the reasonable time and 5
place the inspector decides; and 6
- (b) for another thing—inspect or photograph the thing, at 7
the reasonable time and place the inspector decides. 8

‘Subdivision 2 Entry of places by inspector’. 9

- Clause 83 Amendment of s 139 (Confidentiality of documents and 10
information) 11**
- (1) Section 139(1)— 12
insert— 13
‘**health professional’s board** means the board responsible for 14
administering the health practitioner registration Act under 15
which the health practitioner is registered.’. 16
 - (2) Section 139— 17
insert— 18
 - ‘(2B) Also, if the protected document or protected information 19
relates to a health professional, a person to whom this section 20
applies may disclose the protected document or protected 21
information to the health professional’s board if it is necessary 22
for the board to perform its functions.’. 23

[s 84]

Part 11	Amendment of Occupational Therapists Registration Act 2001	1
		2
		3

Clause 84	Act amended in pt 11	4
	This part amends the <i>Occupational Therapists Registration Act 2001</i> .	5
		6

Clause 85	Amendment of s 64 (Period)	7
	Section 64, ‘6 months’—	8
	<i>omit, insert—</i>	9
	‘12 months’.	10

Clause 86	Replacement of s 82 (Ground for cancellation)	11
	Section 82—	12
	<i>omit, insert—</i>	13

‘82	Grounds for cancellation	14
	‘A general registration may be cancelled, under this division, on the following grounds—	15
	(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	16
	(i) was materially false, within the meaning given by section 210(1), at the time it was given; or	17
	(ii) became materially false, within the meaning given by section 210(1), after it was given;	18
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration.’.	19
		20
		21
		22
		23
		24
		25

Clause 87	Amendment of s 96 (Failure by board to make decision on application)	1 2
(1)	Section 96(1) and (3), ‘remove’— <i>omit, insert—</i> ‘confirm’.	3 4 5
(2)	Section 96(4)— <i>omit.</i>	6 7
Clause 88	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	8 9
(1)	Section 97(1) and (3), ‘remove’— <i>omit, insert—</i> ‘confirm’.	10 11 12
(2)	Section 97(4)— <i>omit.</i>	13 14
Clause 89	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	15 16
(1)	Section 99(4)— <i>omit, insert—</i>	17 18
‘(4)	Subsection (5) applies if a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration.’.	19 20 21
(2)	Section 99(5), ‘or taken to have been made’— <i>omit.</i>	22 23
Clause 90	Amendment of s 113 (Grounds for cancellation)	24
	Section 113(e)— <i>omit, insert—</i>	25 26

[s 91]

- ‘(e) the registration happened because the board was given, 1
by the registrant or someone else, information or a 2
document that— 3
 - (i) was materially false, within the meaning given by 4
section 210(1), at the time it was given; or 5
 - (ii) became materially false, within the meaning given 6
by section 210(1), after it was given; 7
- (f) the registrant ceases to have, or does not have, the 8
qualifications necessary for registration.’. 9

**Clause 91 Replacement of s 210 (False or misleading information or 10
documents) 11**

Section 210— 12

omit, insert— 13

‘210 False or misleading information or documents 14

‘(1) For this section— 15

(a) information is taken to be materially false if— 16

(i) the information is false or misleading in a material 17
particular; or 18

(ii) regardless of the literal truth of the information, it 19
has a propensity to mislead or deceive the board in 20
a material particular, including through the 21
omission of other material information; and 22

(b) a document is taken to be materially false if— 23

(i) the document contains or conveys information that 24
is materially false; or 25

(ii) the document contains or conveys information that, 26
by the time the document is given to the board, has 27
become materially false; or 28

(iii) the document— 29

(A) is, or purports to be, a copy of an original 30
document; and 31

-
- (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—
- (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—

[s 91]

- (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—
 - (a) granting or refusing the application; or
 - (b) deciding the capacity in which the applicant may be registered; or
 - (c) imposing a condition, qualification or restriction on registration granted to the applicant; or

- (d) fixing the period of the registration granted to the applicant; or 1
2
- (e) making further inquiries or conducting further investigations in connection with the application. 3
4
- registration** means— 5
- (a) registration as a registrant; or 6
- (b) renewal of registration as a registrant; or 7
- (c) restoration of registration as a registrant.’. 8

Part 12 Amendment of Optometrists Registration Act 2001 9 10

Clause 92 Act amended in pt 12 11
This part amends the *Optometrists Registration Act 2001*. 12

Clause 93 Amendment of s 64 (Period) 13
Section 64, ‘6 months’— 14
omit, insert— 15
‘12 months’. 16

Clause 94 Replacement of s 82 (Ground for cancellation) 17
Section 82— 18
omit, insert— 19
‘82 Grounds for cancellation 20
‘A general registration may be cancelled, under this division, 21
on the following grounds— 22

[s 95]

- | | | |
|------|---|-------------|
| (a) | the registration happened because the board was given,
by the registrant or someone else, information or a
document that— | 1
2
3 |
| (i) | was materially false, within the meaning given by
section 207(1), at the time it was given; or | 4
5 |
| (ii) | became materially false, within the meaning given
by section 207(1), after it was given; | 6
7 |
| (b) | the registrant ceases to have, or does not have, the
qualifications necessary for registration.’. | 8
9 |

Clause 95	Amendment of s 96 (Failure by board to make decision on application)	10 11
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- | | | |
|-----|--|----------------|
| (1) | Section 96(1) and (3), ‘remove’—
<i>omit, insert—</i>
‘confirm’. | 12
13
14 |
| (2) | Section 96(4)—
<i>omit.</i> | 15
16 |

Clause 96	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	17 18
------------------	---	----------

- | | | |
|-----|--|----------------|
| (1) | Section 97(1) and (3), ‘remove’—
<i>omit, insert—</i>
‘confirm’. | 19
20
21 |
| (2) | Section 97(4)—
<i>omit.</i> | 22
23 |

Clause 97	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	24 25
------------------	---	----------

- | | | |
|-----|--|----------|
| (1) | Section 99(4)—
<i>omit, insert—</i> | 26
27 |
|-----|--|----------|

[s 98]

- ‘(4) Subsection (5) applies if a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration.’. 1
2
3
- (2) Section 99(5), ‘or taken to have been made’— 4
omit. 5

- Clause 98 Amendment of s 113 (Grounds for cancellation)** 6
- Section 113(e)— 7
omit, insert— 8
- ‘(e) the registration happened because the board was given, by the registrant or someone else, information or a document that— 9
10
11
- (i) was materially false, within the meaning given by section 207(1), at the time it was given; or 12
13
- (ii) became materially false, within the meaning given by section 207(1), after it was given; 14
15
- (f) the registrant ceases to have, or does not have, the qualifications necessary for registration.’. 16
17

- Clause 99 Replacement of s 207 (False or misleading information or documents)** 18
19
- Section 207— 20
omit, insert— 21
- ‘207 False or misleading information or documents** 22
- ‘(1) For this section— 23
- (a) information is taken to be materially false if— 24
- (i) the information is false or misleading in a material particular; or 25
26
- (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 27
28
29
30

[s 99]

- (b) a document is taken to be materially false if— 1
 - (i) the document contains or conveys information that 2
is materially false; or 3
 - (ii) the document contains or conveys information that, 4
by the time the document is given to the board, has 5
become materially false; or 6
 - (iii) the document— 7
 - (A) is, or purports to be, a copy of an original 8
document; and 9
 - (B) is not, in a material particular, a true, 10
accurate and complete copy of the original 11
document; or 12
 - (iv) the document— 13
 - (A) is, or purports to be, an extract from or 14
summary of an original document; and 15
 - (B) fails, in a material particular, to convey a 16
true, accurate and complete representation of 17
the information contained in the original 18
document. 19
- ‘(2) A person must not give the board— 20
 - (a) information that is materially false to the knowledge of 21
the person; or 22
 - (b) a document that is materially false to the knowledge of 23
the person. 24

Maximum penalty—200 penalty units. 25
- ‘(3) A person must not contravene subsection (2) in connection 26
with an application for registration by the person or someone 27
else. 28

Maximum penalty—2000 penalty units or 3 years 29
imprisonment. 30
- ‘(4) A person must convey the relevant facts to the board as soon 31
as reasonably practicable after the person— 32

-
- (a) being a registrant, becomes aware that information or a document that was given to the board in connection with the person's registration—
 - (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
-

[s 100]

determinative of the application, but includes any particular	1
that, had it been known to the board at the relevant time, might	2
have influenced the board, a member, the executive officer or	3
a member of the office's staff in—	4
(a) granting or refusing the application; or	5
(b) deciding the capacity in which the applicant may be	6
registered; or	7
(c) imposing a condition, qualification or restriction on	8
registration granted to the applicant; or	9
(d) fixing the period of the registration granted to the	10
applicant; or	11
(e) making further inquiries or conducting further	12
investigations in connection with the application.	13
registration means—	14
(a) registration as a registrant; or	15
(b) renewal of registration as a registrant; or	16
(c) restoration of registration as a registrant.’.	17

Part 13	Amendment of Osteopaths	18
	Registration Act 2001	19

Clause 100	Act amended in pt 13	20
	This part amends the <i>Osteopaths Registration Act 2001</i> .	21

Clause 101	Amendment of s 64 (Period)	22
	Section 64, ‘6 months’—	23
	<i>omit, insert—</i>	24
	‘12 months’.	25

Clause 102	Replacement of s 82 (Ground for cancellation)	1
	Section 82—	2
	<i>omit, insert—</i>	3
'82	Grounds for cancellation	4
	'A general registration may be cancelled, under this division, on the following grounds—	5 6
	(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	7 8 9
	(i) was materially false, within the meaning given by section 210(1), at the time it was given; or	10 11
	(ii) became materially false, within the meaning given by section 210(1), after it was given;	12 13
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration.'	14 15
Clause 103	Amendment of s 96 (Failure by board to make decision on application)	16 17
	(1) Section 96(1) and (3), 'remove'—	18
	<i>omit, insert—</i>	19
	'confirm'.	20
	(2) Section 96(4)—	21
	<i>omit.</i>	22
Clause 104	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	23 24
	(1) Section 97(1) and (3), 'remove'—	25
	<i>omit, insert—</i>	26
	'confirm'.	27
	(2) Section 97(4)—	28
	<i>omit.</i>	29

[s 105]

Clause 105	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	1 2
	(1) Section 99(4)—	3
	<i>omit, insert—</i>	4
	‘(4) Subsection (5) applies if a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration.’	5 6 7
	(2) Section 99(5), ‘or taken to have been made’—	8
	<i>omit.</i>	9
Clause 106	Amendment of s 113 (Grounds for cancellation)	10
	Section 113(e)—	11
	<i>omit, insert—</i>	12
	‘(e) the registration happened because the board was given, by the registrant or someone else, information or a document that—	13 14 15
	(i) was materially false, within the meaning given by section 210(1), at the time it was given; or	16 17
	(ii) became materially false, within the meaning given by section 210(1), after it was given;	18 19
	(f) the registrant ceases to have, or does not have, the qualifications necessary for registration.’	20 21
Clause 107	Replacement of s 210 (False or misleading information or documents)	22 23
	Section 210—	24
	<i>omit, insert—</i>	25
‘210	False or misleading information or documents	26
	‘(1) For this section—	27
	(a) information is taken to be materially false if—	28

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- | | |
|--|----------------------|
| (i) the information is false or misleading in a material particular; or | 1
2 |
| (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 | 3
4
5
6 |
| (b) a document is taken to be materially false if— | 7 |
| (i) the document contains or conveys information that is materially false; or | 8
9 |
| (ii) the document contains or conveys information that, by the time the document is given to the board, has become materially false; or | 10
11
12 |
| (iii) the document— | 13 |
| (A) is, or purports to be, a copy of an original document; and | 14
15 |
| (B) is not, in a material particular, a true, accurate and complete copy of the original document; or | 16
17
18 |
| (iv) the document— | 19 |
| (A) is, or purports to be, an extract from or summary of an original document; and | 20
21 |
| (B) fails, in a material particular, to convey a true, accurate and complete representation of the information contained in the original document. | 22
23
24
25 |
| ‘(2) A person must not give the board— | 26 |
| (a) information that is materially false to the knowledge of the person; or | 27
28 |
| (b) a document that is materially false to the knowledge of the person. | 29
30 |
| Maximum penalty—200 penalty units. | 31 |
-

[s 107]

- ‘(3) A person must not contravene subsection (2) in connection with an application for registration by the person or someone else. 1
2
3
Maximum penalty—2000 penalty units or 3 years imprisonment. 4
5
- ‘(4) A person must convey the relevant facts to the board as soon as reasonably practicable after the person— 6
7
- (a) being a registrant, becomes aware that information or a document that was given to the board in connection with the person’s registration— 8
9
10
- (i) was materially false when it was given to the board; or 11
12
- (ii) has since become materially false; or 13
- (b) being a person who previously gave information or a document to the board, becomes aware that the information or document— 14
15
16
- (i) was materially false when it was given to the board; or 17
18
- (ii) has since become materially false. 19
- Maximum penalty—200 penalty units. 20
- ‘(5) A registrant must not act or practise as a registrant, or continue to do so, if— 21
22
- (a) the registrant committed a contravention of subsection (2) in connection with the registrant’s application for registration; or 23
24
25
- (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 26
27
28
- (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— 29
30
31
32

-
- (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—
- (a) granting or refusing the application; or
- (b) deciding the capacity in which the applicant may be registered; or
- (c) imposing a condition, qualification or restriction on registration granted to the applicant; or
- (d) fixing the period of the registration granted to the applicant; or
- (e) making further inquiries or conducting further investigations in connection with the application.
- registration* means—
- (a) registration as a registrant; or
- (b) renewal of registration as a registrant; or
- (c) restoration of registration as a registrant.’.

[s 108]

Part 14	Amendment of Pharmacists Registration Act 2001	1 2
Clause 108	Act amended in pt 14	3
	This part amends the <i>Pharmacists Registration Act 2001</i> .	4
Clause 109	Amendment of s 68 (Period)	5
	Section 68, ‘6 months’—	6
	<i>omit, insert—</i>	7
	‘12 months’.	8
Clause 110	Replacement of s 86 (Ground for cancellation)	9
	Section 86—	10
	<i>omit, insert—</i>	11
‘86	Grounds for cancellation	12
	‘A general registration may be cancelled, under this division, on the following grounds—	13 14
	(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	15 16 17
	(i) was materially false, within the meaning given by section 212(1), at the time it was given; or	18 19
	(ii) became materially false, within the meaning given by section 212(1), after it was given;	20 21
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration.’.	22 23
Clause 111	Amendment of s 100 (Failure by board to make decision on application)	24 25
	(1) Section 100(1) and (3), ‘remove’—	26

<i>omit, insert—</i>	1
<i>‘confirm’.</i>	2
(2) Section 100(4)—	3
<i>omit.</i>	4

Clause	112	Amendment of s 101 (Failure by board to make decision on review agreed to under s 94)	5 6
		(1) Section 101(1) and (3), ‘remove’—	7
		<i>omit, insert—</i>	8
		<i>‘confirm’.</i>	9
		(2) Section 101(4)—	10
		<i>omit.</i>	11

Clause	113	Amendment of s 103 (Amending, replacing, or issuing new, certificate of general registration)	12 13
		(1) Section 103(4)—	14
		<i>omit, insert—</i>	15
		‘(4) Subsection (5) applies if a general registrant receives a notice, under section 98(5), about a decision to remove the conditions of the registration.’.	16 17 18
		(2) Section 103(5), ‘or taken to have been made’—	19
		<i>omit.</i>	20

Clause	114	Amendment of s 117 (Grounds for cancellation)	21
		Section 117(e)—	22
		<i>omit, insert—</i>	23
		‘(e) the registration happened because the board was given, by the registrant or someone else, information or a document that—	24 25 26

[s 115]

- (i) was materially false, within the meaning given by section 212(1), at the time it was given; or 1
2
- (ii) became materially false, within the meaning given by section 212(1), after it was given; 3
4
- (f) the registrant ceases to have, or does not have, the qualifications necessary for registration.’. 5
6

Clause 115	Replacement of s 212 (False or misleading information or documents)	7 8
	Section 212—	9
	<i>omit, insert—</i>	10
‘212	False or misleading information or documents	11
	‘(1) For this section—	12
	(a) information is taken to be materially false if—	13
	(i) the information is false or misleading in a material particular; or	14 15
	(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	16 17 18 19
	(b) a document is taken to be materially false if—	20
	(i) the document contains or conveys information that is materially false; or	21 22
	(ii) the document contains or conveys information that, by the time the document is given to the board, has become materially false; or	23 24 25
	(iii) the document—	26
	(A) is, or purports to be, a copy of an original document; and	27 28
	(B) is not, in a material particular, a true, accurate and complete copy of the original document; or	29 30 31

-
- (iv) the document— 1
- (A) is, or purports to be, an extract from or 2
summary of an original document; and 3
- (B) fails, in a material particular, to convey a 4
true, accurate and complete representation of 5
the information contained in the original 6
document. 7
- ‘(2) A person must not give the board— 8
- (a) information that is materially false to the knowledge of 9
the person; or 10
- (b) a document that is materially false to the knowledge of 11
the person. 12
- Maximum penalty—200 penalty units. 13
- ‘(3) A person must not contravene subsection (2) in connection 14
with an application for registration by the person or someone 15
else. 16
- Maximum penalty—2000 penalty units or 3 years 17
imprisonment. 18
- ‘(4) A person must convey the relevant facts to the board as soon 19
as reasonably practicable after the person— 20
- (a) being a registrant, becomes aware that information or a 21
document that was given to the board in connection with 22
the person’s registration— 23
- (i) was materially false when it was given to the 24
board; or 25
- (ii) has since become materially false; or 26
- (b) being a person who previously gave information or a 27
document to the board, becomes aware that the 28
information or document— 29
- (i) was materially false when it was given to the 30
board; or 31
- (ii) has since become materially false. 32
-

[s 115]

- Maximum penalty—200 penalty units. 1
- ‘(5) A registrant must not act or practise as a registrant, or 2
continue to do so, if— 3
- (a) the registrant committed a contravention of subsection 4
(2) in connection with the registrant’s application for 5
registration; or 6
 - (b) the registrant was knowingly concerned in, or a party to, 7
a contravention of subsection (2) in connection with the 8
registrant’s application for registration; or 9
 - (c) the registrant has failed to convey the relevant facts to 10
the board after becoming aware that information or a 11
document that was given to the board in connection with 12
the registrant’s registration— 13
 - (i) was materially false when it was given to the 14
board; or 15
 - (ii) has since become materially false. 16
- Maximum penalty—2000 penalty units or 3 years 17
imprisonment. 18
- ‘(6) To remove any doubt, it is declared that in this section— 19
- material particular*, in relation to an application for 20
registration, is not limited to a particular that would have been 21
determinative of the application, but includes any particular 22
that, had it been known to the board at the relevant time, might 23
have influenced the board, a member, the executive officer or 24
a member of the office’s staff in— 25
- (a) granting or refusing the application; or 26
 - (b) deciding the capacity in which the applicant may be 27
registered; or 28
 - (c) imposing a condition, qualification or restriction on 29
registration granted to the applicant; or 30
 - (d) fixing the period of the registration granted to the 31
applicant; or 32

[s 116]

- | | |
|---|---|
| (e) making further inquiries or conducting further investigations in connection with the application. | 1 |
| | 2 |

<i>registration</i> means—	3
----------------------------	---

(a) registration as a registrant; or	4
--------------------------------------	---

(b) renewal of registration as a registrant; or	5
---	---

(c) restoration of registration as a registrant.’.	6
--	---

Part 15	Amendment of Physiotherapists Registration Act 2001	7 8 9
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Clause	116	Act amended in pt 15 This part amends the <i>Physiotherapists Registration Act 2001</i> .	10 11
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Clause	117	Amendment of s 64 (Period) Section 64, ‘6 months’— <i>omit, insert—</i> ‘12 months’.	12 13 14 15
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Clause	118	Replacement of s 82 (Ground for cancellation) Section 82— <i>omit, insert—</i>	16 17 18
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‘82	Grounds for cancellation	‘A general registration may be cancelled, under this division, on the following grounds— (a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	19 20 21 22 23 24
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[s 119]

- (i) was materially false, within the meaning given by section 210(1), at the time it was given; or
- (ii) became materially false, within the meaning given by section 210(1), after it was given;
- (b) the registrant ceases to have, or does not have, the qualifications necessary for registration.’.

Clause 119	Amendment of s 96 (Failure by board to make decision on application)	7
		8
	(1) Section 96(1) and (3), ‘remove’—	9
	<i>omit, insert—</i>	10
	‘confirm’.	11
	(2) Section 96(4)—	12
	<i>omit.</i>	13
Clause 120	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	14
		15
	(1) Section 97(1) and (3), ‘remove’—	16
	<i>omit, insert—</i>	17
	‘confirm’.	18
	(2) Section 97(4)—	19
	<i>omit.</i>	20
Clause 121	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	21
		22
	(1) Section 99(4)—	23
	<i>omit, insert—</i>	24
	‘(4) Subsection (5) applies if a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration.’.	25
		26
		27

- (2) Section 99(5), ‘or taken to have been made’— 1
omit. 2

Clause 122 Amendment of s 100 (Undertaking of special activities relating to the profession) 3
4

Section 100— 5
insert— 6

- ‘(2) A person may also obtain special purpose registration to 7
undertake any 1 of the following activities (also *special* 8
activities)— 9
- (a) practise the profession, under supervision approved by 10
the board, for the purpose of preparing for and 11
completing a written and clinical examination in the 12
practice of the profession, conducted by the Australian 13
Physiotherapy Council; 14
 - (b) practise the profession, under supervision approved by 15
the board, for the purpose of preparing for and 16
completing a clinical examination in the practice of the 17
profession, conducted by the Australian Physiotherapy 18
Council; 19
 - (c) practise the profession, under supervision approved by 20
the board, if the person holds a masters degree in 21
clinical postgraduate studies in physiotherapy from a 22
university in Queensland; 23
 - (d) practise the profession, under supervision approved by 24
the board, if the person holds a current working holiday 25
visa.’. 26

Clause 123 Replacement of s 102 (Eligibility) 27

Section 102— 28
omit, insert— 29

[s 124]

‘102	Eligibility for special purpose registration under s 100(1)	1
		2
‘(1)	This section applies to an applicant for special purpose registration under section 100(1).	3
		4
‘(2)	The applicant is eligible for special purpose registration if the applicant—	5
		6
(a)	has a qualification required for special purpose registration; and	7
		8
(b)	is a suitable person to be a special purpose registrant.’.	9
 Clause 124	 Insertion of new s 102A	 10
	After section 102—	11
	<i>insert—</i>	12
‘102A	Eligibility for special purpose registration under s 100(2)	13
		14
‘(1)	An applicant for special purpose registration under section 100(2)(a) is eligible for special purpose registration if the applicant—	15
		16
		17
(a)	has been accepted by the Australian Physiotherapy Council as a candidate for a written examination in the practice of the profession conducted by the Australian Physiotherapy Council; and	18
		19
		20
		21
(b)	has a qualification required by the board from a country prescribed under a regulation; and	22
		23
(c)	was registered or licensed to practise as a physiotherapist in the place where the qualification was obtained; and	24
		25
		26
(d)	is fit to practise the profession under section 45.	27
‘(2)	An applicant for special purpose registration under section 100(2)(b) is eligible for special purpose registration if the applicant—	28
		29
		30
(a)	holds a current certificate, issued by the Australian Physiotherapy Council, that the applicant successfully	31
		32

-
- | | |
|--|----|
| completed a written examination in the practice of the | 1 |
| profession conducted by the Australian Physiotherapy | 2 |
| Council; and | 3 |
| (b) has a qualification required by the board from a country | 4 |
| other than Australia; and | 5 |
| (c) was registered or licensed to practise as a | 6 |
| physiotherapist in the place where the qualification was | 7 |
| obtained; and | 8 |
| (d) is fit to practise the profession under section 45. | 9 |
| ‘(3) An applicant for special purpose registration under section | 10 |
| 100(2)(c) is eligible for special purpose registration if the | 11 |
| applicant— | 12 |
| (a) has successfully completed a masters degree in clinical | 13 |
| postgraduate studies in physiotherapy from a university | 14 |
| in Queensland that is approved by the board; and | 15 |
| (b) is fit to practise the profession under section 45. | 16 |
| ‘(4) An applicant for special purpose registration under section | 17 |
| 100(2)(d) is eligible for special purpose registration if the | 18 |
| applicant— | 19 |
| (a) holds a current working holiday visa; and | 20 |
| (b) has a qualification required by the board from a country | 21 |
| prescribed under a regulation; and | 22 |
| (c) was registered or licensed to practise as a | 23 |
| physiotherapist in the place where the qualification was | 24 |
| obtained; and | 25 |
| (d) has completed a period of employment in the profession | 26 |
| of at least 12 months that is not more than 2 years before | 27 |
| the date of the applicant’s application for special | 28 |
| purpose registration; and | 29 |
| (e) is fit to practise the profession under section 45.’. | 30 |

[s 125]

Clause 125	Amendment of s 104 (Suitability to be a special purpose registrant)	1 2
(1)	Section 104(d)— <i>renumber</i> as section 104(e).	3 4
(2)	Section 104— <i>insert</i> —	5 6
	‘(d) if the applicant is applying for special purpose registration under section 100(2)—the nature of any supervision to be given to the applicant under that section;’.	7 8 9 10
Clause 126	Insertion of new ss 106A–106C	11
	After section 106— <i>insert</i> —	12 13
‘106A	Condition for special purpose registration under s 100(2)	14 15
	‘In addition to any condition imposed under section 106, a special purpose registration under section 100(2) is also subject to a condition that—	16 17 18
(a)	the registrant must only practise the profession under a supervised practice plan that—	19 20
	(i) accompanied the application for the special purpose registration; or	21 22
	(ii) is approved by the board for the registrant under section 106B; and	23 24
(b)	for special purpose registration under section 100(2)(a)—the registrant must not continue to practise the profession for more than 3 continuous years under the special purpose registration without obtaining general registration; and	25 26 27 28 29
(c)	for special purpose registration under section 100(2)(b)—the registrant must not continue to practise the profession for more than 2 continuous years under	30 31 32

the special purpose registration without obtaining general registration; and	1 2
(d) for special purpose registration under section 100(2)(c)—	3 4
(i) the registrant must only practise the profession in the area of the profession to which the registration relates; and	5 6 7
(ii) the registrant must not continue to practise the profession for more than 3 continuous years under the special purpose registration; and	8 9 10
(e) for special purpose registration under section 100(2)(d)—the registrant must not continue to practise the profession, under a working holiday visa, in a particular place of work for more than 6 months.	11 12 13 14
‘106B Supervised practice plans approved by the board	15
‘(1) This section applies to an applicant for special purpose registration under section 100(2) who intends to commence a position that will require the applicant to practise the profession under a supervised practice plan that is different to the plan under which the applicant is currently practising the profession.	16 17 18 19 20 21
‘(2) The applicant must apply to the board for approval of a supervised practice plan that is relevant to the position.	22 23
‘(3) The application must be—	24
(a) in the approved form; and	25
(b) accompanied by the proposed supervised practice plan that is relevant to the position.	26 27
‘(4) The board must consider the application and decide to approve, or refuse to approve, the proposed supervised practice plan.	28 29 30
‘(5) If the board decides to refuse to approve the proposed supervised practice plan, it must as soon as practicable give the applicant an information notice about the decision.	31 32 33

[s 127]

- ‘(6) If the board fails to decide the application within 14 days after
its receipt, the failure is taken to be a decision by the board to
approve the proposed supervised practice plan.

**‘106C Board may ask for information under supervised
practice plan**

‘The board may ask a person involved in the supervision of a
registrant under a supervised practice plan to give information
to the board about the supervised practice of the registrant.’.

**Clause 127 Replacement of s 107A (Non-application of sdiv 2 to
short-term registration)**

Section 107A—

omit, insert—

‘107A Non-application of sdiv 2 to particular registrations

‘This subdivision does not apply to—

- (a) a short-term registration; or
(b) a special purpose registration under section 100(2)(d).’.

**Clause 128 Amendment of s 109 (Matters that may be considered in
deciding whether to renew special purpose registrations)**

Section 109—

insert—

- ‘(2) Also, in deciding whether to renew a special purpose
registration under section 100(2)(a) or (b), the board must be
satisfied the registrant has made reasonable progress towards
being qualified for general registration under section 44.’.

Clause 129 Amendment of s 113 (Grounds for cancellation)

Section 113(e)—

omit, insert—

[s 130]

- ‘(e) the registration happened because the board was given,
by the registrant or someone else, information or a
document that—
- (i) was materially false, within the meaning given by
section 210(1), at the time it was given; or
- (ii) became materially false, within the meaning given
by section 210(1), after it was given;
- (f) the registrant ceases to have, or does not have, the
qualifications necessary for registration.’.

Clause 130 Insertion of new s 209A

After section 209—

insert—

‘209A Protection for persons involved in supervising registrants

- ‘(1) This section applies to a person who, honestly and on
reasonable grounds, gives information to the board—
- (a) about a registrant in the person’s capacity as the
registrant’s supervisor under a supervised practice plan;
or
- (b) in response to a request made under section 106C.
- ‘(2) The person is not liable, civilly, criminally or under an
administrative process, for giving the information.
- ‘(3) Without limiting subsection (2)—
- (a) in a proceeding for defamation the person has a defence
of absolute privilege for publishing the information; and
- (b) if the person would otherwise be required to maintain
confidentiality about the given information under an
Act, oath, rule of law or practice, the person—
- (i) does not contravene the Act, oath, rule of law or
practice by giving the information; and

[s 131]

	(ii) is not liable to disciplinary action for giving the information.’.	1 2
Clause 131	Replacement of s 210 (False or misleading information or documents)	3 4
	Section 210—	5
	<i>omit, insert—</i>	6
‘210	False or misleading information or documents	7
	‘(1) For this section—	8
	(a) information is taken to be materially false if—	9
	(i) the information is false or misleading in a material particular; or	10 11
	(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	12 13 14 15
	(b) a document is taken to be materially false if—	16
	(i) the document contains or conveys information that is materially false; or	17 18
	(ii) the document contains or conveys information that, by the time the document is given to the board, has become materially false; or	19 20 21
	(iii) the document—	22
	(A) is, or purports to be, a copy of an original document; and	23 24
	(B) is not, in a material particular, a true, accurate and complete copy of the original document; or	25 26 27
	(iv) the document—	28
	(A) is, or purports to be, an extract from or summary of an original document; and	29 30

-
- (B) fails, in a material particular, to convey a true, accurate and complete representation of the information contained in the original document. 1 2 3 4
- ‘(2) A person must not give the board— 5
- (a) information that is materially false to the knowledge of the person; or 6 7
- (b) a document that is materially false to the knowledge of the person. 8 9
- Maximum penalty—200 penalty units. 10
- ‘(3) A person must not contravene subsection (2) in connection with an application for registration by the person or someone else. 11 12 13
- Maximum penalty—2000 penalty units or 3 years imprisonment. 14 15
- ‘(4) A person must convey the relevant facts to the board as soon as reasonably practicable after the person— 16 17
- (a) being a registrant, becomes aware that information or a document that was given to the board in connection with the person’s registration— 18 19 20
- (i) was materially false when it was given to the board; or 21 22
- (ii) has since become materially false; or 23
- (b) being a person who previously gave information or a document to the board, becomes aware that the information or document— 24 25 26
- (i) was materially false when it was given to the board; or 27 28
- (ii) has since become materially false. 29
- Maximum penalty—200 penalty units. 30
- ‘(5) A registrant must not act or practise as a registrant, or continue to do so, if— 31 32
-

[s 131]

-
- (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—
- (a) granting or refusing the application; or
 - (b) deciding the capacity in which the applicant may be registered; or
 - (c) imposing a condition, qualification or restriction on registration granted to the applicant; or
 - (d) fixing the period of the registration granted to the applicant; or
 - (e) making further inquiries or conducting further investigations in connection with the application.
- registration*** means—
- (a) registration as a registrant; or

-
- (b) renewal of registration as a registrant; or 1
 - (c) restoration of registration as a registrant.’. 2

Clause 132 Amendment of pt 10, div 2, hdg (Transitional provisions) 3

Part 10, division 2, heading, after ‘provisions’— 4

insert— 5

‘for Act No. 13 of 2001’. 6

Clause 133 Insertion of new pt 10, div 3 7

After section 237— 8

insert— 9

‘Division 3 Transitional provisions for the 10

Health and Other Legislation 11

Amendment Act 2008 12

‘238 Particular registrants taken to be registered under 13

s 100(2)(b) 14

‘(1) This section applies to a person who— 15

- (a) immediately before the commencement was a general 16
- registrant on conditions relating to the undertaking of 17
- training in preparation for a clinical examination in the 18
- practice of the profession, conducted by the Australian 19
- Physiotherapy Council; and 20
- (b) on the commencement is eligible for special purpose 21
- registration under section 100(2)(b). 22

‘(2) The person is taken to be a special purpose registrant under 23

section 100(2)(b). 24

‘239 Existing applications for general registration 25

‘(1) This section applies to a person— 26

[s 134]

- (a) whose application for general registration is not finally dealt with under the Act before the commencement; and
 - (b) who, on the commencement, is eligible for special purpose registration under section 100(2).
- ‘(2) The person’s application for general registration is taken to be an application for the class of special purpose registration that the person is eligible for under section 100(2).’.

Clause 134 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

‘Australian Physiotherapy Council means the Australian Physiotherapy Council ACN 108 663 896.

proposed supervisor, of an applicant for special purpose registration under section 100(2), means the registrant who will have primary responsibility for the applicant’s supervision under the special purpose registration.

supervised practice plan, for an applicant for special purpose registration under section 100(2), means a plan prepared by the applicant, in consultation with the applicant’s proposed supervisor, that—

- (a) is in the approved form; and
- (b) has been signed by the applicant and the applicant’s proposed supervisor.

university means a higher education institution established or recognised as a university under an Act.

working holiday visa means a subclass 417 working holiday visa under the *Migration Regulations 1994*, schedule 2 (Cwlth).’.

Part 16	Amendment of Podiatrists Registration Act 2001	1 2
Clause 135	Act amended in pt 16	3
	This part amends the <i>Podiatrists Registration Act 2001</i> .	4
Clause 136	Amendment of s 64 (Period)	5
	Section 64, ‘6 months’—	6
	<i>omit, insert—</i>	7
	‘12 months’.	8
Clause 137	Replacement of s 82 (Ground for cancellation)	9
	Section 82—	10
	<i>omit, insert—</i>	11
‘82	Grounds for cancellation	12
	‘A general registration may be cancelled, under this division, on the following grounds—	13 14
	(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	15 16 17
	(i) was materially false, within the meaning given by section 210(1), at the time it was given; or	18 19
	(ii) became materially false, within the meaning given by section 210(1), after it was given;	20 21
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration.’.	22 23
Clause 138	Amendment of s 96 (Failure by board to make decision on application)	24 25
	(1) Section 96(1) and (3), ‘remove’—	26

[s 139]

omit, insert— 1
‘confirm’. 2
(2) Section 96(4)— 3
omit. 4

Clause 139 Amendment of s 97 (Failure by board to make decision on review agreed to under s 90) 5
6
(1) Section 97(1) and (3), ‘remove’— 7
omit, insert— 8
‘confirm’. 9
(2) Section 97(4)— 10
omit. 11

Clause 140 Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration) 12
13
(1) Section 99(4)— 14
omit, insert— 15
‘(4) Subsection (5) applies if a general registrant receives a notice, 16
under section 94(5), about a decision to remove the conditions 17
of the registration.’. 18
(2) Section 99(5), ‘or taken to have been made’— 19
omit. 20

Clause 141 Amendment of s 113 (Grounds for cancellation) 21
Section 113(e)— 22
omit, insert— 23
‘(e) the registration happened because the board was given, 24
by the registrant or someone else, information or a 25
document that— 26

[s 142]

- (i) was materially false, within the meaning given by section 210(1), at the time it was given; or
- (ii) became materially false, within the meaning given by section 210(1), after it was given;
- (f) the registrant ceases to have, or does not have, the qualifications necessary for registration.’.

Clause 142	Replacement of s 210 (False or misleading information or documents)	7
		8
	Section 210—	9
	<i>omit, insert—</i>	10
‘210	False or misleading information or documents	11
	‘(1) For this section—	12
	(a) information is taken to be materially false if—	13
	(i) the information is false or misleading in a material particular; or	14
	(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	15
	(b) a document is taken to be materially false if—	16
	(i) the document contains or conveys information that is materially false; or	17
	(ii) the document contains or conveys information that, by the time the document is given to the board, has become materially false; or	18
	(iii) the document—	19
	(A) is, or purports to be, a copy of an original document; and	20
	(B) is not, in a material particular, a true, accurate and complete copy of the original document; or	21
		22
		23
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		31

[s 142]

- | | |
|---|----|
| (iv) the document— | 1 |
| (A) is, or purports to be, an extract from or | 2 |
| summary of an original document; and | 3 |
| (B) fails, in a material particular, to convey a | 4 |
| true, accurate and complete representation of | 5 |
| the information contained in the original | 6 |
| document. | 7 |
| ‘(2) A person must not give the board— | 8 |
| (a) information that is materially false to the knowledge of | 9 |
| the person; or | 10 |
| (b) a document that is materially false to the knowledge of | 11 |
| the person. | 12 |
| Maximum penalty—200 penalty units. | 13 |
| ‘(3) A person must not contravene subsection (2) in connection | 14 |
| with an application for registration by the person or someone | 15 |
| else. | 16 |
| Maximum penalty—2000 penalty units or 3 years | 17 |
| imprisonment. | 18 |
| ‘(4) A person must convey the relevant facts to the board as soon | 19 |
| as reasonably practicable after the person— | 20 |
| (a) being a registrant, becomes aware that information or a | 21 |
| document that was given to the board in connection with | 22 |
| the person’s registration— | 23 |
| (i) was materially false when it was given to the | 24 |
| board; or | 25 |
| (ii) has since become materially false; or | 26 |
| (b) being a person who previously gave information or a | 27 |
| document to the board, becomes aware that the | 28 |
| information or document— | 29 |
| (i) was materially false when it was given to the | 30 |
| board; or | 31 |
| (ii) has since become materially false. | 32 |

-
- Maximum penalty—200 penalty units. 1
- ‘(5) A registrant must not act or practise as a registrant, or 2
continue to do so, if— 3
- (a) the registrant committed a contravention of subsection 4
(2) in connection with the registrant’s application for 5
registration; or 6
 - (b) the registrant was knowingly concerned in, or a party to, 7
a contravention of subsection (2) in connection with the 8
registrant’s application for registration; or 9
 - (c) the registrant has failed to convey the relevant facts to 10
the board after becoming aware that information or a 11
document that was given to the board in connection with 12
the registrant’s registration— 13
 - (i) was materially false when it was given to the 14
board; or 15
 - (ii) has since become materially false. 16
- Maximum penalty—2000 penalty units or 3 years 17
imprisonment. 18
- ‘(6) To remove any doubt, it is declared that in this section— 19
- material particular*, in relation to an application for 20
registration, is not limited to a particular that would have been 21
determinative of the application, but includes any particular 22
that, had it been known to the board at the relevant time, might 23
have influenced the board, a member, the executive officer or 24
a member of the office’s staff in— 25
- (a) granting or refusing the application; or 26
 - (b) deciding the capacity in which the applicant may be 27
registered; or 28
 - (c) imposing a condition, qualification or restriction on 29
registration granted to the applicant; or 30
 - (d) fixing the period of the registration granted to the 31
applicant; or 32
-

[s 143]

- (e) making further inquiries or conducting further investigations in connection with the application. 1
2
- registration* means— 3
- (a) registration as a registrant; or 4
- (b) renewal of registration as a registrant; or 5
- (c) restoration of registration as a registrant.’. 6

Part 17 **Amendment of Police Powers and Responsibilities Act 2000** 7
8

Clause 143 **Act amended in pt 17** 9

This part amends the *Police Powers and Responsibilities Act 2000*. 10
11

Clause 144 **Amendment of s 42 (Power for age-related offences and for particular motor vehicle related purposes)** 12
13

(1) Section 42(1)(c)— 14

insert— 15

‘(vi) deciding whether another person is contravening 16
the *Tobacco and Other Smoking Products Act* 17
1998, section 26VC.’. 18

(2) After section 42(5)— 19

insert— 20

‘(6) A person in a motor vehicle does not commit an offence 21
against section 791 if the person was required to state his or 22
her correct date of birth for deciding whether another person 23
is contravening the *Tobacco and Other Smoking Products Act* 24
1998, section 26VC, and the other person is not proved to 25
have contravened the section.’. 26

Clause 145	Amendment of s 60 (Stopping vehicles for prescribed purposes)	1
		2
	Section 60(3), after paragraph (h)—	3
	<i>insert—</i>	4
	‘(i) for enforcing the <i>Tobacco and Other Smoking Products Act 1998</i> , section 26VC.’.	5
		6

Part 18	Amendment of Psychologists Registration Act 2001	7
		8

Clause 146	Act amended in pt 18	9
	This part amends the <i>Psychologists Registration Act 2001</i> .	10

Clause 147	Amendment of s 70 (Period)	11
	Section 70, ‘6 months’—	12
	<i>omit, insert—</i>	13
	‘12 months’.	14

Clause 148	Amendment of s 88 (Grounds for cancellation)	15
	(1) Section 88(b) to (e)—	16
	<i>renumber</i> as section 88(c) to (f).	17
	(2) Section 88(a)—	18
	<i>omit, insert—</i>	19
	‘(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	20
		21
		22
	(i) was materially false, within the meaning given by section 227(1), at the time it was given; or	23
		24

[s 149]

	(ii) became materially false, within the meaning given by section 227(1), after it was given;	1 2
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration;’.	3 4
Clause 149	Amendment of s 96 (Board to give notice to supervisor)	5
	Section 96(1)—	6
	<i>omit, insert—</i>	7
	‘(1) The board—	8
	(a) must, as soon as practicable after receiving the probationary registrant’s notice under section 95; or	9 10
	(b) may, while the registrant is undertaking the supervised practice program;	11 12
	give a notice to the registrant’s supervisor.’.	13
Clause 150	Amendment of s 100 (Failure by board to make decision on application)	14 15
	(1) Section 100(2) and (4), ‘remove’—	16
	<i>omit, insert—</i>	17
	‘confirm’.	18
	(2) Section 100(5)—	19
	<i>omit.</i>	20
Clause 151	Amendment of s 102 (Amending, replacing, or issuing new, certificate of general registration)	21 22
	(1) Section 102(4)—	23
	<i>omit, insert—</i>	24
	‘(4) Subsection (5) applies if a probationary registrant receives a notice, under section 98(5)(c), about a decision to remove the probationary conditions of the registration.’.	25 26 27

(2) Section 102(5), ‘or taken to have been made’— 1
omit. 2

Clause 152 Amendment of s 111 (Failure by board to make decision on application) 3
4

(1) Section 111(1) and (3), ‘remove’— 5
omit, insert— 6
‘confirm’. 7
(2) Section 111(4)— 8
omit. 9

Clause 153 Amendment of s 112 (Failure by board to make decision on review agreed to under s 105) 10
11

(1) Section 112(1) and (3), ‘remove’— 12
omit, insert— 13
‘confirm’. 14
(2) Section 112(4)— 15
omit. 16

Clause 154 Amendment of s 114 (Amending, replacing, or issuing new, certificate of general registration) 17
18

(1) Section 114(4)— 19
omit, insert— 20
‘(4) Subsection (5) applies if a general registrant receives a notice, 21
under section 109(5), about a decision to remove the 22
conditions of the registration.’ 23
(2) Section 114(5), ‘or taken to have been made’— 24
omit. 25

[s 155]

Clause 155	Amendment of s 129 (Grounds for cancellation)	1
	Section 129(e)—	2
	<i>omit, insert—</i>	3
	‘(e) the registration happened because the board was given, by the registrant or someone else, information or a document that—	4 5 6
	(i) was materially false, within the meaning given by section 227(1), at the time it was given; or	7 8
	(ii) became materially false, within the meaning given by section 227(1), after it was given;	9 10
	(f) the registrant ceases to have, or does not have, the qualifications necessary for registration.’.	11 12
Clause 156	Replacement of s 227 (False or misleading information or documents)	13 14
	Section 227—	15
	<i>omit, insert—</i>	16
‘227	False or misleading information or documents	17
	‘(1) For this section—	18
	(a) information is taken to be materially false if—	19
	(i) the information is false or misleading in a material particular; or	20 21
	(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	22 23 24 25
	(b) a document is taken to be materially false if—	26
	(i) the document contains or conveys information that is materially false; or	27 28
	(ii) the document contains or conveys information that, by the time the document is given to the board, has become materially false; or	29 30 31

-
- (iii) the document— 1
- (A) is, or purports to be, a copy of an original 2
document; and 3
- (B) is not, in a material particular, a true, 4
accurate and complete copy of the original 5
document; or 6
- (iv) the document— 7
- (A) is, or purports to be, an extract from or 8
summary of an original document; and 9
- (B) fails, in a material particular, to convey a 10
true, accurate and complete representation of 11
the information contained in the original 12
document. 13
- ‘(2) A person must not give the board— 14
- (a) information that is materially false to the knowledge of 15
the person; or 16
- (b) a document that is materially false to the knowledge of 17
the person. 18
- Maximum penalty—200 penalty units. 19
- ‘(3) A person must not contravene subsection (2) in connection 20
with an application for registration by the person or someone 21
else. 22
- Maximum penalty—2000 penalty units or 3 years 23
imprisonment. 24
- ‘(4) A person must convey the relevant facts to the board as soon 25
as reasonably practicable after the person— 26
- (a) being a registrant, becomes aware that information or a 27
document that was given to the board in connection with 28
the person’s registration— 29
- (i) was materially false when it was given to the 30
board; or 31
- (ii) has since become materially false; or 32

[s 156]

- (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—

 - (a) granting or refusing the application; or

[s 157]

- | | | |
|-----|---|-------------|
| (b) | deciding the capacity in which the applicant may be registered; or | 1
2 |
| (c) | imposing a probationary condition or other condition, qualification or restriction on registration granted to the applicant; or | 3
4
5 |
| (d) | fixing the period of the registration granted to the applicant; or | 6
7 |
| (e) | making further inquiries or conducting further investigations in connection with the application. | 8
9 |
| | registration means— | 10 |
| (a) | registration as a registrant; or | 11 |
| (b) | renewal of registration as a registrant; or | 12 |
| (c) | restoration of registration as a registrant.’. | 13 |

Part 19	Amendment of Public Health Act 2005	14 15
----------------	--	----------

Clause 157	Act amended in pt 19	16
	This part amends the <i>Public Health Act 2005</i> .	17

Clause 158	Amendment of s 11 (Meaning of <i>public health risk</i>)	18
	Section 11(1), example, ‘paragraph (vi)’—	19
	<i>omit, insert—</i>	20
	‘ <i>paragraph (viii)</i> ’.	21

Clause 159	Amendment of s 107 (Disclosure under Act or with written consent etc.)	22 23
	Section 107(b), after ‘written’—	24

[s 160]

insert—

‘or oral’.

Clause 160 Insertion of new s 108A

After section 108—

insert—

‘108A Disclosure for contact tracing purposes

‘(1) Section 105(1) does not apply if the disclosure of the confidential information by a relevant person is to a provider for the purpose of contacting another person (the *traced person*) who has, or may have, contracted a notifiable condition, to—

- (a) provide the traced person with information to prevent or minimise transmission of the notifiable condition; or
- (b) enable the traced person to seek medical examination or treatment.

‘(2) In this section—

health practitioner means a person who carries on, and is entitled to carry on, an occupation involving the provision of care for another person’s physical or mental health or wellbeing.

Examples of a health practitioner—

- a doctor
- a psychologist
- a social worker
- a registered nurse

provider, in relation to a person, means any of the following—

- (a) a health practitioner involved in the treatment or care of the person or a health practitioner nominated by the person;
- (b) if the person is a child—the person’s parent or a person exercising parental responsibility for the child, including

[s 161]

	a person who, under Aboriginal tradition or Island custom, is regarded as the parent of the child;	1
		2
	(c) the person's legal guardian;	3
	(d) an entity from another jurisdiction that is responsible for preventing or controlling the spread of communicable diseases in that jurisdiction;	4
		5
		6
	(e) another entity prescribed under a regulation.'.	7
Clause 161	Replacement of ch 6, pt 4, div 1, hdg	8
	Chapter 6, part 4, division 1, heading—	9
	<i>omit, insert—</i>	10
	'Division 1 Preliminary'.	11
Clause 162	Insertion of new s 279A	12
	Chapter 6, part 4, division 1—	13
	<i>insert—</i>	14
	'279A Application of pt 4	15
	'This part applies to health information held by the department if—	16
		17
	(a) the information relates to an individual; and	18
	(b) the individual could be identified from the information.'.	19
Clause 163	Insertion of new s 280A	20
	Chapter 6, part 4, division 1—	21
	<i>insert—</i>	22
	'280A Part does not prevent disclosure under other Act	23
	'This part does not prevent health information held by the department being disclosed under this or another Act.'.	24
		25

[s 164]

Clause 164	Amendment of s 282 (Application to chief executive for information)	1 2
(1)	Section 282(2)(d) to (h)— <i>renumber</i> as section 282(2)(e) to (i).	3 4
(2)	Section 282(b) and (c)— <i>omit, insert—</i>	5 6
	‘(b) the type of information required;	7
	(c) the reasons the information is required;	8
	(d) how the privacy of any individual identified will be protected;’.	9 10
 Clause 165	 Amendment of s 284 (Decision about application)	 11
(1)	Section 284(2) and (3)— <i>omit, insert—</i>	12 13
‘(2)	The chief executive may grant the application only if the chief executive is satisfied—	14 15
	(a) the giving of the health information held by the department is in the public interest, having regard to—	16 17
	(i) the opportunities the research will provide for increased knowledge and improved health outcomes; and	18 19 20
	(ii) the privacy of individuals to whom the health information relates; and	21 22
	(b) the identification of any person by the information is necessary for the relevant research.’.	23 24
(2)	Section 284— <i>insert—</i>	25 26
‘(8)	The chief executive is not required to consult with an individual to whom the information relates before granting an application.’.	27 28 29

Part 20	Amendment of Speech Pathologists Registration Act 2001	1
		2
		3
Clause 166	Act amended in pt 20	4
	This part amends the <i>Speech Pathologists Registration Act 2001</i> .	5
		6
Clause 167	Amendment of s 64 (Period)	7
	Section 64, ‘6 months’—	8
	<i>omit, insert—</i>	9
	‘12 months’.	10
Clause 168	Replacement of s 82 (Ground for cancellation)	11
	Section 82—	12
	<i>omit, insert—</i>	13
‘82	Grounds for cancellation	14
	‘A general registration may be cancelled, under this division, on the following grounds—	15
		16
	(a) the registration happened because the board was given, by the registrant or someone else, information or a document that—	17
		18
		19
	(i) was materially false, within the meaning given by section 207(1), at the time it was given; or	20
		21
	(ii) became materially false, within the meaning given by section 207(1), after it was given;	22
		23
	(b) the registrant ceases to have, or does not have, the qualifications necessary for registration.’.	24
		25

[s 169]

Clause 169	Amendment of s 96 (Failure by board to make decision on application)	1 2
(1)	Section 96(1) and (3), ‘remove’— <i>omit, insert—</i> ‘confirm’.	3 4 5
(2)	Section 96(4)— <i>omit.</i>	6 7
Clause 170	Amendment of s 97 (Failure by board to make decision on review agreed to under s 90)	8 9
(1)	Section 97(1) and (3), ‘remove’— <i>omit, insert—</i> ‘confirm’.	10 11 12
(2)	Section 97(4)— <i>omit.</i>	13 14
Clause 171	Amendment of s 99 (Amending, replacing, or issuing new, certificate of general registration)	15 16
(1)	Section 99(4)— <i>omit, insert—</i>	17 18
‘(4)	Subsection (5) applies if a general registrant receives a notice, under section 94(5), about a decision to remove the conditions of the registration.’.	19 20 21
(2)	Section 99(5), ‘or taken to have been made’— <i>omit.</i>	22 23
Clause 172	Amendment of s 113 (Grounds for cancellation)	24
	Section 113(e)— <i>omit, insert—</i>	25 26

[s 173]

-
- ‘(e) the registration happened because the board was given,
by the registrant or someone else, information or a
document that—
 - (i) was materially false, within the meaning given by
section 207(1), at the time it was given; or
 - (ii) became materially false, within the meaning given
by section 207(1), after it was given;
 - (f) the registrant ceases to have, or does not have, the
qualifications necessary for registration.’.

Clause 173 Replacement of s 207 (False or misleading information or documents)

Section 207—

omit, insert—

‘207 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—

(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

[s 173]

- (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—
 - (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—
- (a) granting or refusing the application; or
- (b) deciding the capacity in which the applicant may be registered; or
- (c) imposing a condition, qualification or restriction on registration granted to the applicant; or
-

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- (d) fixing the period of the registration granted to the applicant; or 1
2
 - (e) making further inquiries or conducting further investigations in connection with the application. 3
4
- registration** means— 5
- (a) registration as a registrant; or 6
 - (b) renewal of registration as a registrant; or 7
 - (c) restoration of registration as a registrant.’. 8

Part 21 **Amendment of Tobacco and** 9
Other Smoking Products Act 10
1998 11

Clause 174 **Act amended in pt 21** 12

This part amends the *Tobacco and Other Smoking Products Act 1998*. 13
14

Clause 175 **Amendment of s 25 (Definitions for pt 2A)** 15

(1) Section 25, definition *smoking product*, ‘cigarette papers’— 16
omit, insert— 17
‘smoking related product’. 18

(2) Section 25— 19
insert— 20

‘**smoking related product** means a product, prescribed under a regulation, that is used primarily in the consumption of a tobacco product, herbal cigarette or loose smoking blend.’. 21
22
23

Clause 176	Amendment of s 26L (Supply of object or entitlement that promotes smoking product etc.)	1 2
	(1) Section 26L(3)—	3
	<i>renumber</i> as section 26L(4).	4
	(2) Section 26L—	5
	<i>insert</i> —	6
	‘(3) Subsection (1) does not apply to an object if—	7
	(a) the primary purpose of the object is not to promote a thing mentioned in subsection (1); and	8 9
	(b) the object was—	10
	(i) lawfully available for supply in Queensland on or after 31 May 2002 and before 31 December 2005; or	11 12 13
	(ii) substantially the same, and made by the same person, as an object under subparagraph (i).’.	14 15
Clause 177	Insertion of new s 26PB	16
	Part 2B, before section 26Q—	17
	<i>insert</i> —	18
	‘26PB Application of pt 2B	19
	‘This part does not apply to a motor vehicle under part 2BA.’.	20
Clause 178	Amendment of s 26Q (Definitions for pt 2B)	21
	Section 26Q, definition <i>exempt vehicle</i> —	22
	<i>omit</i> .	23
Clause 179	Amendment of s 26R (Person must not smoke in an enclosed place)	24 25
	(1) Section 26R(2)(c)—	26
	<i>omit</i> .	27

[s 180]

- (2) Section 26R(2), paragraphs (d) and (f)— 1
renumber as paragraphs (c) and (d). 2

Clause 180 Insertion of new pt 2BA 3
After section 26V— 4
insert— 5

‘Part 2BA Smoke-free motor vehicles 6

‘26VA Definitions for pt 2BA 7

‘In this part— 8

motor vehicle means a motor vehicle within the meaning of 9
the *Transport Operations (Road Use Management) Act 1995*, 10
schedule 4 other than the following— 11

- (a) a trailer attached to the motor vehicle; 12
(b) an aircraft; 13
(c) a boat; 14
(d) a train. 15

road see *Transport Operations (Road Use Management) Act* 16
1995, schedule 4. 17

road-related area see the *Transport Operations (Road Use* 18
Management—Road Rules) Regulation 1999, section 13. 19

**‘26VB Person must not smoke in motor vehicle being used 20
for business use if anyone else in the vehicle** 21

‘A person must not smoke in a motor vehicle if— 22

- (a) the vehicle is on a road or road-related area; and 23
(b) the vehicle is being used for business use; and 24
(c) another person is in the vehicle. 25

Maximum penalty—20 penalty units. 26

‘26VC Person must not smoke in motor vehicle if person under 16 in the vehicle	1 2
‘A person must not smoke in a motor vehicle if—	3
(a) the vehicle is on a road or road-related area; and	4
(b) another person in the vehicle is under 16 years of age.	5
Maximum penalty—20 penalty units.	6
 ‘26VD Defence for s 26VC	 7
‘It is a defence to a charge for an offence against section 26VC for the defendant to prove that at the time of the offence the defendant honestly and reasonably believed that no person in the vehicle was under 16 years of age.	8 9 10 11
 ‘26VE Evidentiary provisions	 12
‘(1) This section applies to a proceeding for an offence under this part.	13 14
‘(2) A statement in a charge of any of the following, in relation to the time or date mentioned in the charge, is evidence of the matter—	15 16 17
(a) a person was under 16 years of age;	18
(b) a thing was a smoking product;	19
(c) a thing was a motor vehicle;	20
(d) a place was a road or road-related area.	21
‘(3) Subsection (4) applies if a defendant intends to challenge either of the following at the hearing of a charge under this part—	22 23 24
(a) that a person was under 16 years of age;	25
(b) a thing was a smoking product.	26
‘(4) The defendant must, at least 14 days before the day fixed for the hearing, give notice of the challenge to the prosecution in the approved form signed by the defendant.	27 28 29

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- ‘(5) Evidence by a police officer of his or her belief of any matter mentioned in subsection (6) must be accepted by the court as proof of the matter if —
 - (a) the court considers the belief to be reasonable; and
 - (b) there is no evidence to the contrary.
- ‘(6) The matters to which the previous subsection applies are—
 - (a) a person seen by the police officer in a motor vehicle was under 16 years of age; and
 - (b) a thing being smoked by someone in a motor vehicle was a smoking product.’.

Clause 181 Insertion of new pt 2C, div 4

After section 26ZP—

insert—

‘Division 4 Prohibition on smoking at public transport waiting points and malls by local governments

‘26ZPA Definitions for div 4

‘In this division—

ferry service see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

local government see the *Local Government Act 1993*, schedule 2.

local government area see the *Local Government Act 1993*, schedule 2.

local law see the *Local Government Act 1993*, schedule 2.

outdoor pedestrian mall means any of the following—

- (a) a mall established under the *Local Government Act 1993*;

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-
- (b) the Chinatown Mall established under the *Local Government (Chinatown and Valley Malls) Act 1984*;
1
2
 - (c) the Valley Mall established under the *Local Government (Chinatown and Valley Malls) Act 1984*;
3
4
 - (d) the Queen Street Mall established under the *Local Government (Queen Street Mall) Act 1981*.
5
6
 - public passenger service** see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.
7
8
 - public transport waiting point** means any of the following —
9
 - (a) a transit terminal for public passenger services;
10
 - (b) a ferry terminal, jetty, pontoon or landing for ferry services;
11
12
 - (c) a bus stop, bus shelter, bus station or bus lay-by;
13
 - (d) a taxi rank, limousine rank or limousine standing area.
14

‘26ZPB Local government may make local laws prohibiting smoking at certain places 15
16

- ‘(1) A local government may make a local law prohibiting smoking at all or part of the following places in the local government’s local government area—
17
18
19
- (a) a public transport waiting point that is not in an enclosed place if the place is under local government control;
20
21
- (b) an outdoor pedestrian mall.
22
- ‘(2) A local law made under subsection (1) must not provide for a penalty of more than 20 penalty units for a contravention of the law.
23
24
25

‘26ZPC When local law prevails 26

- ‘(1) This section applies if—
27
- (a) a local government makes a local law under this division about an outdoor pedestrian mall; and
28
29

[s 182]

(b) the mall is prescribed under section 26ZJ(3)(b) as a mall
to which section 26ZJ(1) does not apply. 1
2

‘(2) The local law applies despite a regulation made under section
26ZJ(3)(b). 3
4

**‘26ZPD State may require report from local government
about local law 5
6**

‘(1) This section applies to a local law made by a local government
under this division. 7
8

‘(2) The chief executive, by written notice, may ask a local
government to give the chief executive information about the
local government’s administration and enforcement of the
local law. 9
10
11
12

‘(3) The local government must comply with the request. 13

**‘26ZPE Fines payable for contravention of local law payable
to local government 14
15**

‘(1) This section applies if— 16

(a) a proceeding for an offence is taken for a contravention
of a local law made by a local government under this
division; and 17
18
19

(b) a court imposes a fine for the offence. 20

‘(2) The fine must be paid to the local government.’. 21

**Clause 182 Renumbering of s 26ZPA (Sale, supply and display of ice
pipes) 22
23**

Section 26ZPA— 24

renumber as section 26ZPF. 25

Clause 183 Amendment of schedule 26

(1) Schedule, definition *exempt vehicle*— 27

omit. 28

- (2) Schedule— 1
insert— 2
'smoking related product, for part 2A, see section 25.' 3

Part 22 **Amendment of Workers' Compensation and Rehabilitation Act 2003** 4
5
6

Clause 184 **Act amended in pt 22** 7
This part amends the *Workers' Compensation and Rehabilitation Act 2003*. 8
9

Clause 185 **Amendment of s 132 (Applying for compensation)** 10
Section 132(3)(a)— 11
omit, insert— 12
'(a) a certificate in the approved form given by— 13
(i) a doctor who attended the claimant; or 14
(ii) if the application relates to a minor injury—a nurse 15
practitioner who attended the claimant and who is 16
acting in accordance with the workers' 17
compensation certificate protocol.' 18

Clause 186 **Amendment of s 141 (Time from which compensation payable)** 19
20
(1) Section 141(1)(b)— 21
renumber as section 141(1)(c). 22
(2) Section 141(1)— 23
insert— 24

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- ‘(b) if the injury is a minor injury—a nurse practitioner acting in accordance with the workers’ compensation certificate protocol; or’.
- (3) Section 141(2)(a) and (b), after ‘doctor’—
insert—
 ‘, nurse practitioner’.

Clause 187 Amendment of sch 6 (Dictionary)

- Schedule 6—
insert—
 ‘**chief executive (health)** means the chief executive of the department administering the *Health Act 1937*.
minor injury means an injury of a person that does not require the hospitalisation of the person as an in-patient to properly treat the injury.
nurse practitioner means a registered nurse under the *Nursing Act 1992* whose annual licence certificate under that Act is endorsed to show authorisation to practice as a nurse practitioner.
workers’ compensation certificate protocol means a document stating the circumstances or conditions under which a nurse practitioner may issue a certificate under section 132(3)(a), that is—
 (a) certified by the Authority’s chief executive officer appointed under section 355 and the chief executive (health); and
 (b) published by the department, including by being published on the department’s website and elsewhere.’.