



Queensland

Medical Practitioners Registration Amendment Act 2005

Act No. 30 of 2005



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Medical Practitioners Registration Amendment Act 2005

Act No. 30 of 2005

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

[Assented to 10 June 2005]

The Parliament of Queensland enacts—

1 Short title

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

2 Act amended

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

3 Amendment of s 84 (Grounds for cancellation)

Section 84(a)—

omit, insert—

‘(a) that 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 273(1), at the time it was given; or
- (ii) became materially false, within the meaning given by section 273(1), after it was given;’.

4 Amendment of s 149 (Grounds for cancellation)

Section 149(e)—

omit, insert—

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

5 Amendment of s 150J (Grounds for cancellation)

Section 150J(d)—

omit, insert—

‘(d) 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 273(1), at the time it was given; or
- (ii) became materially false, within the meaning given by section 273(1), after it was given.’.

6 Replacement of s 161 (Claims by persons as to registration)

Section 161—

omit, insert—

‘161 Claims by persons as to registration and prohibited conduct by non-registrants

‘(1) A person who is not a registrant must not—

- (a) claim, or hold himself or herself out, to be registered under this Act; or
- (b) allow himself or herself to be held out as being registered under this Act; or
- (c) claim, or hold himself or herself out, to be eligible to be registered under this Act; or
- (d) allow himself or herself to be held out as being eligible to be registered under this Act.

Maximum penalty—1000 penalty units.

‘(2) A person who is not a registrant must not, by means of any conduct in contravention of subsection (1)—

- (a) under colour or pretence of being registered under this Act or of being eligible to be registered under this Act—
 - (i) obtain any employment; or

- (ii) obtain access to a hospital, clinic, medical practice or other place; or
 - (iii) carry out, or purport to carry out, a surgical operation, procedure or treatment; or
 - (iv) conduct, or purport to conduct, a medical consultation with a person or a medical examination of a person; or
 - (v) diagnose, or purport to diagnose, an illness or the absence of an illness; or
 - (vi) prescribe or recommend a drug, vitamin, herb or other medication, substance, treatment, remedy or cure for an illness; or
 - (vii) perform or provide a medical service or purport to perform or provide a medical service; or
 - (viii) sign, or give to a person, a medical document or document that purports to be a medical document; or
 - (ix) conduct, or purport to conduct, an autopsy or post mortem examination or otherwise diagnose or determine, or purport to diagnose or determine, a cause of death or the circumstances relating to a death; or
- (b) offer, promise or agree to do anything mentioned in paragraph (a); or
 - (c) charge, recover or retain a fee or other consideration for doing or purporting to do, or promising or agreeing to do, anything mentioned in paragraph (a); or
 - (d) claim, recover or retain a fee or other consideration from a health insurance fund or other entity for doing or purporting to do, or promising or agreeing to do, anything mentioned in paragraph (a).

Maximum penalty—2000 penalty units or 3 years imprisonment.

(3) In this section—

illness means an actual or supposed physical or mental illness.

medical document means—

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

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

7 Amendment of s 246 (Indictable and summary offences)

Section 246(1), ‘section 174’—

omit, insert—

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

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

Section 273—

omit, insert—

‘273 False or misleading information or documents

‘(1) For this section—

- (a) information is taken to be materially false if—
 - (i) the information is false or misleading in a material particular; or
 - (ii) regardless of the literal truth of the information, it has a propensity to mislead or deceive the board in a material particular, including through the omission of other material information; and
- (b) a document is taken to be materially false if—

- (i) the document contains or conveys information that is materially false; or
 - (ii) the document contains or conveys information that, by the time the document is given to the board, has become materially false; or
 - (iii) the document—
 - (A) is, or purports to be, a copy of an original document; and
 - (B) is not, in a material particular, a true, accurate and complete copy of the original document; or
 - (iv) the document—
 - (A) is, or purports to be, an extract from or summary of an original document; and
 - (B) fails, in a material particular, to convey a true, accurate and complete representation of the information contained in the original document.
- ‘(2) A person must not give the board—
- (a) information that is materially false to the knowledge of the person; or
 - (b) a document that is materially false to the knowledge of the person.
- Maximum penalty—200 penalty units.
- ‘(3) A person must not contravene subsection (2) in connection with an application for registration by the person or someone else.
- Maximum penalty—2000 penalty units or 3 years imprisonment.
- ‘(4) A person must convey the relevant facts to the board as soon as reasonably practicable after the person—
- (a) being a registrant, becomes aware that information or a document that was given to the board in connection with the person’s registration—

- (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, whether as a general registrant, provisional general registrant, specialist registrant, special purpose registrant or non-practising registrant; 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.

registrant means a person registered under part 3, including a general registrant, provisional general registrant, specialist registrant, special purpose registrant and non-practising registrant, whether or not the registration is on probationary conditions or other conditions.

registration means—

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