



Medical Board (Administration) Act 2006

Reprinted as in force on 2 November 2009

Reprint No. 1B

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Information about this reprint

This Act is reprinted as at 2 November 2009. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Medical Board (Administration) Act 2006

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Medical Board (Administration) Act 2006

[as amended by all amendments that commenced on or before 2 November 2009]

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

Part 1 Preliminary

1 Short title

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

2 Commencement

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

3 Main object of Act

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

4 Definitions

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

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5 The legislative scheme

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

6 Act binds State

This Act binds the State.

Part 2 Office of the Medical Board of Queensland

Division 1 Establishment

7 Establishment of office

- (1) The Office of the Medical Board of Queensland is established.
- (2) The office consists of the executive officer and the staff of the office.

Division 2 Office's function

8 Function of office

The office's function is to provide the administrative and operational support necessary or convenient to—

- (a) help the board to perform its functions; and
- (b) help the executive officer to perform his or her functions and exercise his or her powers.

Division 3 Minister's powers in relation to office

9 Minister's powers to give directions

- (1) The Minister may give the executive officer a written direction about the administration and operation of the office if the Minister is satisfied it is necessary to give the direction in the public interest.
- (2) Without limiting subsection (1), a direction may be to provide reports and information.
- (3) The executive officer must comply with the direction.

Division 4 The executive officer

10 Appointment of executive officer

- (1) There is to be an executive officer of the office.
- (2) The executive officer is to be appointed by the Governor in Council.
- (3) The executive officer is appointed for the term stated in the instrument of appointment, and is eligible for reappointment.
- (4) The stated term must not be longer than 5 years.
- (5) The *Public Service Act 2008* does not apply to the appointment of the executive officer.

11 Terms of appointment

- (1) The executive officer is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) The executive officer holds office on terms, not provided for by this Act, decided by the Governor in Council.

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12 Functions of executive officer

- (1) The executive officer is to control the office and is responsible for its efficient and effective administration and operation.
- (2) Without limiting subsection (1), the executive officer is responsible for—
 - (a) the management of the office including financial management; and
 - (b) the negotiation of service agreements; and
 - (c) the implementation of service agreements; and
 - (d) providing training for members of the board, when first appointed, about their role and the legislative scheme.
- (3) The executive officer may also perform other functions given to or conferred on the executive officer under another Act, including, for example, any Act in the legislative scheme.

13 Powers of executive officer

- (1) The executive officer has power to do anything necessary or convenient for the performance of the office's function or executive officer's functions.
- (2) Without limiting subsection (1), the executive officer may—
 - (a) enter into a service agreement with the board; and
 - (b) engage suitably qualified persons external to the office to help it perform its function including, for example, by providing it with services, information and advice.
- (3) The executive officer may exercise a power delegated to the executive officer under the *Medical Practitioners Registration Act 2001*, section 135.
- (4) The executive officer may also exercise other powers conferred on the executive officer under another Act including, for example, any Act in the legislative scheme.

14 State and executive officer

The executive officer represents the State.

15 Delegation by executive officer

- (1) The executive officer may delegate the executive officer's functions under this Act to an appropriately qualified member of the office's staff.
- (2) However, the executive officer may not delegate—
 - (a) the power to enter into a service agreement with the board; or
 - (b) a power delegated to the executive officer under the *Medical Practitioners Registration Act 2001*, section 135.
- (3) In this section—

appropriately qualified includes having the qualifications, experience or standing appropriate to exercise the power.

Example of standing—

a person's classification level in the office

functions includes powers.

16 Resignation

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

17 Ending of appointment

- (1) The Governor in Council may end the appointment of the executive officer if the executive officer—
 - (a) is convicted of an indictable offence; or
 - (b) is guilty of misconduct that could warrant dismissal from the public service if the executive officer were a public service officer; or

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- (c) is guilty of neglect of duty or incompetence; or
 - (d) becomes incapable of satisfactorily performing the executive officer's functions.
- (2) In this section—
- convicted* means found guilty, or having a plea of guilty accepted by a court, whether or not a conviction is recorded.

18 Preservation of rights

- (1) This section applies if a public service officer is appointed as the executive officer.
- (2) The person retains and is entitled to all rights that have accrued to the person because of employment as a public service officer, or that would accrue in the future to the person because of that employment, as if service as executive officer were a continuation of service as a public service officer.
- (3) At the end of the person's term of appointment or on resignation—
 - (a) the person is entitled to be employed as a public service officer—
 - (i) at the classification level at which the person would have been employed if the person had continued in employment as a public service officer; and
 - (ii) on the remuneration to which the person would have been entitled if the person had continued in employment as a public service officer; and
 - (b) the person's service as executive officer is taken to be service of a like nature in the public service for deciding the person's rights as a public service officer.

19 Superannuation for executive officer who was previously an officer of the public service

- (1) This section applies if a public service officer is appointed as the executive officer and immediately before the appointment the public service officer was a member of the State Public Sector Superannuation Scheme under the *Superannuation (State Public Sector) Act 1990*.
- (2) The person continues to be eligible to be, and to be, a member of the scheme.

20 Acting executive officer

The Minister may appoint a person to act as executive officer—

- (a) during a vacancy in that office; or
- (b) during any period, or during all periods, when the executive officer is absent from duty or can not, for another reason, perform the functions of that office.

Division 5 Staff of the office

21 Office staff

The staff of the office are to be employed under the *Public Service Act 2008*.

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Part 3 Office's relationship with the board

Division 1 Administrative and operational support to the board

22 Office to provide administrative and operational support under a service agreement

The office must provide administrative and operational support to the board under a service agreement.

23 Board to use office for administrative and operational support

- (1) The board must obtain all administrative and operational support from the office.
- (2) Subsection (1) does not limit the following powers of the board—
 - (a) power under the *Medical Practitioners Registration Act 2001* or the *Health Practitioners (Professional Standards) Act 1999* to establish a committee to advise the board on anything within the scope of the board's functions;
 - (b) power under the *Health Practitioners (Professional Standards) Act 1999* to appoint an inspector or investigator, or a person to carry out a health assessment;
 - (c) power under the *Health Practitioners (Professional Standards) Act 1999* to engage a person to provide expert advice to the board;
 - (d) power under the *Medical Practitioners Registration Act 2001* to appoint an inspector or a person to conduct a health assessment.

-
- (3) Also, subsection (1) does not prevent a member of the board from advising or informing the board about anything.
 - (4) Further, despite subsection (1), the board may engage a person to help the board in negotiating a service agreement.

24 Minister may authorise other support

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

25 Minister may give directions to give effect to authorisation

- (1) To give effect to an authorisation under section 24, the Minister may give the executive officer or board written directions.
- (2) Without limiting subsection (1), the directions may be about the following—
 - (a) varying the existing service agreement or entering into a new service agreement;

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- (b) adjusting the amounts paid or payable to the office by the board under the existing service agreement.
- (3) The executive officer or board must comply with the directions.

Division 2 Form of service agreements

26 Agreement to be in writing

A service agreement must be in writing.

27 What must be included in a service agreement

- (1) The service agreement must state anything the executive officer and board consider necessary to ensure the provision of the administrative and operational support necessary to help the board to perform its functions.
- (2) Without limiting subsection (1), the service agreement must include the following—
 - (a) details of the services to be provided by the office;
 - (b) the amount payable to the office by the board for the provision of the services;
 - (c) how the amount payable is to be calculated;
 - (d) how the amount payable is to be paid, for example, by instalments, and the amount and timing of the instalments;
 - (e) an arrangement by which the executive officer reports to the board about the office's performance under the agreement;
 - (f) an arrangement by which the executive officer accounts to the board for moneys collected, managed and disbursed for the board by the office;

- (g) the term of the agreement, which must not be more than 3 years;
- (h) how the agreement may be varied.

Division 3 Negotiation of subsequent service agreements

28 Negotiation of subsequent service agreements

- (1) The executive officer and board must, at least 3 months before the existing service agreement between the executive officer and board is to end, enter into negotiations for a subsequent service agreement.
- (2) The executive officer and board must endeavour to reach agreement on the subsequent service agreement as soon as practicable and in any event at least 1 month before the existing service agreement is to end.

29 Special procedures for subsequent service agreements

- (1) This section applies if the subsequent service agreement has not been entered into between the executive officer and board at least 1 month before the existing service agreement is to end.
- (2) The executive officer must immediately inform the Minister of the circumstances mentioned in subsection (1).
- (3) The Minister may give the executive officer or board written directions to take particular steps in relation to the subsequent service agreement.
- (4) Without limiting subsection (3), a direction may be about the subsequent service agreement's terms.
- (5) The executive officer or board must immediately comply with the directions.

Part 4 **Miscellaneous**

30 **Financial administration**

- (1) The office is a statutory body under the *Financial Accountability Act 2009*.
- (2) For the application of that Act to the office as a statutory body—
 - (a) anything done in the name of, or on behalf of, the office by the executive officer is taken to have been done by the office; and
 - (b) the executive officer must ensure the office complies with that Act; and
 - (c) the executive officer is taken to be the chairperson of the office; and
 - (d) section 46G(4) of that Act is taken to require the executive officer to consider the annual financial statements and the auditor-general's report mentioned in the subsection as soon as practicable after they are received by the office; and
 - (e) section 46H of that Act is taken to require the executive officer to consider any observations, suggestions or comments given to the executive officer under section 93(4) of that Act as soon as practicable after the executive officer receives them.

31 **Office is statutory body under the Statutory Bodies Financial Arrangements Act 1982**

- (1) The office is a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*.
- (2) For the application of that Act to the office as a statutory body—
 - (a) anything done in the name of, or on behalf of, the office by the executive officer is taken to have been done by the office; and

- (b) the executive officer must ensure the office complies with that Act.

32 Annual reports to include ministerial directions

The office's annual report for a financial year prepared under the *Financial Accountability Act 2009* must include copies of all ministerial directions given to the executive officer under section 9(1), 25(1), 29(3), 36(3) or 40(1) of this Act during the financial year.

33 Regulation-making power

The Governor in Council may make regulations under this Act.

Part 5 Transitional provisions

34 Definitions for pt 5

In this part—

commencement means commencement of this section.

initial service agreement means the first service agreement entered into between the executive officer and board.

OHPRB means the Office of Health Practitioner Registration Boards established under the *Health Practitioner Registration Boards (Administration) Act 1999*.

previous agreement means the service agreement, in force immediately before the commencement, between the OHPRB and board under the *Health Practitioner Registration Boards (Administration) Act 1999*.

transition period means the period from the commencement until the initial service agreement starts.

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35 Negotiation of initial service agreement

The executive officer and board must enter into negotiations for an initial service agreement as soon as practicable after the commencement.

36 Special procedures for initial service agreement

- (1) This section applies if an initial service agreement has not been entered into between the executive officer and board within 3 months after the commencement.
- (2) The executive officer must immediately inform the Minister of the circumstances mentioned in subsection (1).
- (3) The Minister may give the executive officer or board written directions to take particular steps in relation to the initial service agreement.
- (4) Without limiting subsection (3), a direction may be about the initial service agreement's terms.
- (5) The executive officer or board must immediately comply with the directions.

37 Termination of previous agreement

- (1) The previous agreement is terminated.
- (2) Despite the termination of the previous agreement, any rights accrued under the agreement to a party to the agreement continue to be enforceable by that party against the other party to the agreement.

38 Support by office to board during transition period

- (1) This section applies despite section 22.
- (2) Also, this section applies only for the transition period.
- (3) During the transition period, the office must provide to the board—

-
- (a) administrative and operational support of the type that, before the commencement, was being provided to the board by the OHPRB under the previous agreement; and
 - (b) other administrative and operational support necessary or convenient to help the board to perform its functions under the *Medical Practitioners Registration Act 2001* and the *Health Practitioners (Professional Standards) Act 1999*.

39 Minister may authorise other support

- (1) However, the Minister may authorise the board to obtain administrative and operational support from another source approved by the Minister, if the Minister is satisfied the office can not provide the administrative and operational support necessary to help the board to perform its functions during the transition period.
- (2) Without limiting subsection (1), the Minister may authorise the board to obtain support from the OHPRB on the same terms as the previous agreement.
- (3) The Minister must, before authorising the board to obtain administrative and operational support from another source, consider—
 - (a) the board's functions under the *Medical Practitioners Registration Act 2001*, the *Health Practitioners (Professional Standards) Act 1999* and any other Act; and
 - (b) the extent to which the office can provide the administrative and operational support necessary to help the board to perform its functions.

40 Minister may give directions to executive officer or board to give effect to authorisation

- (1) To give effect to an authorisation under section 39, the Minister may give the executive officer or board written directions.

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- (2) The executive officer or board must comply with the directions.

41 Minister may give directions to executive officer of OHPRB etc.

- (1) This section applies if, under section 39, the Minister authorises the board to obtain support from the OHPRB on the same terms as the previous agreement.
- (2) To give effect to the authorisation, the Minister may give the executive officer of the OHPRB written directions.
- (3) The executive officer of the OHPRB must comply with the directions.
- (4) Also, despite the *Health Practitioner Registration Boards (Administration) Act 1999*, section 8, to give effect to the authorisation, the OHPRB is to provide administrative and operational support to the board.

Schedule 2 Dictionary

section 4

administrative and operational support, in relation to the board, includes the following—

- (a) maintaining the board's register;
- (b) collecting moneys payable to the board and managing and disbursing moneys held for the board;
- (c) providing and maintaining accommodation and equipment for use by the board;
- (d) providing secretariat services to the board;
- (e) providing advice to the board about the operation of the legislative scheme;
- (f) helping the board to meet its statutory financial obligations including, for example, under the *Financial Accountability Act 2009*;
- (g) exercising powers conferred on or delegated to the executive officer or staff of the office under the *Health Practitioners (Professional Standards) Act 1999*, the *Medical Practitioners Registration Act 2001* or another Act.

board means the Medical Board of Queensland established under the *Medical Practitioners Registration Act 2001*.

commencement, for part 5, see section 34.

executive officer means the executive officer of the office.

existing service agreement, for the executive officer and board, means the current service agreement between the executive officer and board.

health practitioner registration Act means any of the following Acts—

- *Chiropractors Registration Act 2001*
- *Dental Practitioners Registration Act 2001*
- *Dental Technicians and Dental Prosthetists Registration Act 2001*
- *Medical Practitioners Registration Act 2001*
- *Medical Radiation Technologists Registration Act 2001*
- *Occupational Therapists Registration Act 2001*
- *Optometrists Registration Act 2001*
- *Osteopaths Registration Act 2001*
- *Pharmacists Registration Act 2001*
- *Physiotherapists Registration Act 2001*
- *Podiatrists Registration Act 2001*
- *Psychologists Registration Act 2001*
- *Speech Pathologists Registration Act 2001.*

initial service agreement, for part 5, see section 34.

legislative scheme see section 5.

office means the Office of the Medical Board of Queensland.

OHPRB, for part 5, see section 34.

previous agreement, for part 5, see section 34.

service agreement means an agreement made under this Act between the executive officer and board for the provision of administrative and operational support by the office to the board.

transition period, for part 5, see section 34.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 2 November 2009. Future amendments of the Medical Board (Administration) Act 2006 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 July 2007	
1A	2009 Act No. 9	1 July 2009	
1B	2009 Act No. 25	2 November 2009	

5 List of legislation

Medical Board (Administration) Act 2006 No. 56

date of assent 7 December 2006

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2007 (2007 SL No. 141)

amending legislation—

Financial Accountability Act 2009 No. 9 ss 1, 2(2), 136 sch 1

date of assent 28 May 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2009 (2009 SL No. 80)

Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009 No. 25 pt 1, s 83 sch

date of assent 11 August 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 2 November 2009 (2009 SL No. 241)

6 List of annotations

Appointment of executive officer

s 10 amd 2009 No. 25 s 83 sch

Office staff

s 21 amd 2009 No. 25 s 83 sch

Financial administration

s 30 amd 2009 No. 9 s 136 sch 1

Annual reports to include ministerial directions

s 32 amd 2009 No. 9 s 136 sch 1

PART 6—AMENDMENT OF ACTS

pt hdg om R1 (see RA s (7)(1)(k))

Consequential and other amendments of Acts

s 42 om R1 (see RA s 40)

SCHEDULE 1—CONSEQUENTIAL AND OTHER AMENDMENTS OF ACTS

om R1 (see RA s 40)

SCHEDULE 2—DICTIONARY

def “**administrative and operational support**” amd 2009 No. 9 s 136 sch 1

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