



Queensland

Health Practitioner Registration and Other Legislation Amendment Bill 2012



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2012

A Bill

for

An Act to amend the *Ambulance Service Act 1991*, the *Child Protection Act 1999*, the *Commission for Children and Young People and Child Guardian Act 2000*, the *Disability Services Act 2006*, the *Forensic Disability Act 2011*, the *Health Act 1937*, the *Health Practitioners (Professional Standards) Act 1999*, the *Health Practitioners (Special Events Exemption) Act 1998*, the *Health Quality and Complaints Commission Act 2006*, the *Hospital and Health Boards Act 2011*, the *Integrity Act 2009*, the *Public Health Act 2005*, the *Public Service Act 2008*, the *Queensland Civil and Administrative Tribunal Act 2009*, the *Queensland Civil and Administrative Tribunal Regulation 2009*, the *Radiation Safety Act 1999* and the *Victims of Crime Assistance Act 2009*, for particular purposes and to repeal the *Dental Technicians Registration Act 2001*, the *Health Practitioner Registration Boards (Administration) Act 1999* and *Speech Pathologists Registration Act 2001*

[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 Practitioner Registration and Other Legislation Amendment Act 2012*. 4
5

Clause 2 Commencement 6

(1) This Act, other than section 54 to the extent it repeals a notification of imminent expiry provision, commences on a day to be fixed by proclamation. 7
8
9

(2) In this section— 10

notification of imminent expiry provision means— 11

(a) the *Dental Technicians Registration Act 2001*, section 69; or 12
13

(b) the *Speech Pathologists Registration Act 2001*, section 69. 14
15

Part 2 Amendment of Ambulance Service Act 1991 16
17

Clause 3 Act amended 18

This part amends the *Ambulance Service Act 1991*. 19

Clause 4	Amendment of s 36K (Stopping conduct of RCA of reportable event—commissioning authority)	1 2
	(1) Section 36K(6), definition <i>relevant entity</i> , paragraph (c)— <i>omit.</i>	3 4
	(2) Section 36K(6), definition <i>relevant entity</i> , paragraphs (d), (e) and (f)— <i>renumber</i> as paragraphs (c), (d) and (e).	5 6 7
Clause 5	Amendment of s 36ZB (RCA report not admissible in evidence)	8 9
	Section 36ZB(1)(c), ‘ <i>Health Practitioners (Professional Standards) Act 1999</i> ’— <i>omit, insert—</i> ‘ <i>Health Practitioners (Disciplinary Proceedings) Act 1999</i> ’.	10 11 12 13
Part 3	Amendment of Child Protection Act 1999	14 15
Clause 6	Act amended	16
	This part amends the <i>Child Protection Act 1999</i> .	17
Clause 7	Amendment of sch 3 (Dictionary)	18
	Schedule 3, definition <i>health practitioner</i> , paragraph (b)— <i>omit, insert—</i>	19 20
	‘(b) a person who is eligible for practising membership of The Speech Pathology Association of Australia Limited ACN 008 393 440; or’.	21 22 23

Part 4	Amendment of Commission for Children and Young People and Child Guardian Act 2000	1 2 3
Clause 8	Act amended	4
	This part amends the <i>Commission for Children and Young People and Child Guardian Act 2000</i> .	5 6
Clause 9	Insertion of new ch 11, pt 15	7
	Chapter 11—	8
	<i>insert—</i>	9
‘Part 15	Provision for Health Practitioner Registration and Other Legislation Amendment Act 2012	10 11 12 13
‘509	Application of ch 8 to former registered health practitioners	14 15
	‘(1) Schedule 1, part 3, section 28 continues to apply to the employment or the carrying on of a business of a former registered health practitioner to the extent mentioned in that section for a period of 3 months after the commencement of this section.	16 17 18 19 20
	‘(2) In this section—	21
	<i>former registered health practitioner</i> means a person who, immediately before the commencement of this section, was registered under the repealed <i>Speech Pathologists Registration Act 2001</i> .’.	22 23 24 25

Clause 10	Amendment of sch 7 (Dictionary)	1
(1)	Schedule 7, definition <i>disciplinary information</i> , paragraph (g), '(Professional Standards) Act 1999, section 384A'—	2
	<i>omit, insert—</i>	3
	<i>omit, insert—</i>	4
	'(Disciplinary Proceedings) Act 1999, repealed section 384A'.	5
(2)	Schedule 7, definition <i>registered health practitioner</i> , from 'any 1 of the following—'—	6
	<i>omit, insert—</i>	7
	<i>omit, insert—</i>	8
	'the Health Practitioner Regulation National Law, other than as a student.'	9
		10

Part 5	Amendment of Disability Services Act 2006	11
		12

Clause 11	Act amended	13
	This part amends the <i>Disability Services Act 2006</i> .	14

Clause 12	Amendment of s 123ZZG (Definitions for sdiv 3)	15
	Section 123ZZG, definition <i>health professional</i> , paragraph (b), 'dietician or social worker'—	16
	<i>omit, insert—</i>	17
	<i>omit, insert—</i>	18
	'dietician, social worker or speech pathologist'.	19

Clause 13	Insertion of new pt 16, div 7	20
	Part 16—	21
	<i>insert—</i>	22

[s 14]

‘Division 7	Provision for the Health Practitioner Registration and Other Legislation Amendment Act 2012	1 2 3
‘294	Application of pt 10 to former registered speech pathologist	4 5
	‘(1) Section 76B continues to apply to the engagement of a former registered speech pathologist to the extent mentioned in that section for a period of 3 months after the commencement.	6 7 8
	‘(2) In this section— <i>commencement</i> means the commencement of this section. <i>former registered speech pathologist</i> means a person who, immediately before the commencement, was registered under the repealed <i>Speech Pathologists Registration Act 2001</i> .’.	9 10 11 12 13
Clause 14	Amendment of sch 7 (Dictionary)	14
	Schedule 7, definition <i>registered health practitioner</i> , from ‘any 1 of the following—’—	15 16
	<i>omit, insert—</i>	17
	‘the Health Practitioner Regulation National Law.’.	18
Part 6	Amendment of Forensic Disability Act 2011	19 20
Clause 15	Act amended	21
	This part amends the <i>Forensic Disability Act 2011</i> .	22

Clause 16	Amendment of s 32 (Visiting and assessing client and consulting about client’s care and support)	1 2
(1)	Section 32(1), after ‘A registered health practitioner’— <i>insert—</i> ‘, speech pathologist’.	3 4 5
(2)	Section 32(3), after ‘The registered health practitioner,’— <i>insert—</i> ‘speech pathologist,’.	6 7 8
Clause 17	Amendment of s 106 (Appointment of authorised officers)	9
	Section 106(1), after ‘health practitioner,’— <i>insert—</i> ‘speech pathologist,’.	10 11 12
Clause 18	Amendment of sch 2 (Dictionary)	13
(1)	Schedule 2, definition <i>registered health practitioner</i> , from ‘means—’— <i>omit, insert—</i> ‘means a person registered under the Health Practitioner Regulation National Law to practise any of the following professions, other than as a student— (a) medical; (b) nursing; (c) occupational therapy; (d) physiotherapy; (e) psychology.’.	14 15 16 17 18 19 20 21 22 23 24
(2)	Schedule 2— <i>insert—</i>	25 26

Part 8	Amendment of Health Practitioners (Professional Standards) Act 1999	1
		2
		3
Clause 21	Act amended	4
	This Act amends the <i>Health Practitioners (Professional Standards) Act 1999</i> .	5
		6
Clause 22	Amendment of long title	7
	Long title, from ‘establish’ to ‘NRAS registrants’—	8
	<i>omit, insert—</i>	9
	‘provide for NRAS disciplinary proceedings before the tribunal and for particular matters about tribunal proceedings and reviews, and appeals relating to NRAS registrants’.	10
		11
		12
		13
Clause 23	Amendment of s 1 (Short title)	14
	Section 1, ‘ <i>(Professional Standards)</i> ’—	15
	<i>omit, insert—</i>	16
	<i>‘(Disciplinary Proceedings)’.</i>	17
Clause 24	Omission of ss 4 and 5	18
	Sections 4 and 5—	19
	<i>omit.</i>	20
Clause 25	Amendment of s 6 (Main objects of Act)	21
	Section 6(a) to (e)—	22
	<i>omit, insert—</i>	23
	‘(a) to establish arrangements for the tribunal to hear NRAS disciplinary proceedings and reviews; and	24
		25

[s 26]

(b) to provide for appeals relating to NRAS registrants.’. 1

Clause 26	Omission of s 7 (How main objects of this Act are to be primarily achieved)	2 3
	Section 7—	4
	<i>omit.</i>	5
Clause 27	Omission of pt 1, div 4 (Application of Act to former registrants)	6 7
	Part 1, division 4—	8
	<i>omit.</i>	9
Clause 28	Amendment of pt 2 hdg (Administration)	10
	Part 2, heading, ‘Administration’—	11
	<i>omit, insert—</i>	12
	‘Panels of assessors’.	13
Clause 29	Omission of pt 2, divs 1–4	14
	Part 2, divisions 1 to 4—	15
	<i>omit.</i>	16
Clause 30	Omission of pt 2, div 5 hdg (Panels of assessors)	17
	Part 2, division 5, heading—	18
	<i>omit.</i>	19
Clause 31	Amendment of s 39 (Panels of assessors)	20
	Section 39(b)(i) and (ii)—	21
	<i>omit, insert—</i>	22

	‘(i) Aboriginal and Torres Strait Islander health practitioners panel of assessors;	1 2
	(ii) Chinese medicine practitioners panel of assessors;	3
	(iii) a chiropractors panel of assessors;	4
	(iv) a dental auxiliaries panel of assessors;	5
	(v) a dentists panel of assessors;	6
	(vi) a dental prosthetists panel of assessors;	7
	(vii) a medical practitioners panel of assessors;	8
	(viii) a medical radiation practitioners panel of assessors;	9 10
	(ix) a nursing and midwifery panel of assessors;	11
	(x) an occupational therapists panel of assessors;	12
	(xi) an optometrists panel of assessors;	13
	(xii) an osteopaths panel of assessors;	14
	(xiii) a pharmacists panel of assessors;	15
	(xiv) a physiotherapists panel of assessors;	16
	(xv) a podiatrists panel of assessors;	17
	(xvi) a psychologists panel of assessors.’.	18
Clause 32	Amendment of s 40 (Appointment of individuals to panels of assessors)	19 20
(1)	Section 40(2)(a), ‘and be members of professional conduct review panels’—	21 22
	<i>omit.</i>	23
(2)	Section 40(3), ‘and members of professional conduct review panels’—	24 25
	<i>omit.</i>	26
(3)	Section 40(4)(a)—	27
	<i>omit, insert—</i>	28

[s 33]

‘(a) the individual is registered with the national board for
the profession for which the panel is established; and’.

(4) Section 40(4)(b), ‘and members of professional conduct
review panels’—

omit.

Clause 33 Amendment of s 40A (Temporary appointment of panel of assessors)

(1) Section 40A(1)(a)—

omit, insert—

‘(a) the principal registrar considers an NRAS disciplinary
matter is likely to raise issues of a specialist or technical
nature, whether on the basis of advice received under
section 398P(1) or otherwise; and’.

(2) Section 40A(1)(b), ‘secretary or’—

omit.

Clause 34 Amendment of s 41 (Disqualification from membership of panel of assessors)

(1) Section 41(1)(a)(i) to (iii)—

omit, insert—

(i) the individual is a member of a national board; or

(ii) the individual is, or has been, an NRAS registrant;
or

(iii) the individual is, or has been, registered as a health
practitioner under a law of a foreign country or a
former law of a State that corresponds to the
National Law; or’.

(2) Section 41(1)(b)(i), before ‘board’—

omit, insert—

‘national’.

(3) Section 41(1)(b)(ii), ‘a registrant’—	1
<i>omit, insert</i> —	2
‘an NRAS registrant’.	3
(4) Section 41(1)(b)(ii)(C), ‘registrant’s’—	4
<i>omit, insert</i> —	5
‘NRAS registrant’s’.	6
(5) Section 41(1)(b)(iii)—	7
<i>omit.</i>	8
(6) Section 41(2), definitions <i>board</i> , <i>registrant</i> and <i>registrant’s board</i> —	9
<i>omit.</i>	10
(7) Section 41(2)—	12
<i>insert</i> —	13
‘ health service provider means any of the following—	14
• acupuncturist	15
• ambulance officer	16
• audiologist	17
• audiometrist	18
• child guidance therapist	19
• dental technician	20
• dietitian	21
• naturopath	22
• optical dispenser	23
• orthoptist	24
• psychotherapist	25
• social worker engaged in the provision of a health service	26
• speech pathologist	27
	28

[s 35]

• therapeutic counsellor.’ 1

(8) Section 41(2), definition *registration*, ‘, in relation to an 2
NRAS registrant,’— 3

omit. 4

**Clause 35 Amendment of s 42 (Procedure for recommending 5
members of panels of assessors) 6**

(1) Section 42(2)(a), ‘the board’— 7

omit, insert— 8

‘the national board’. 9

(2) Section 42(4)(a)— 10

omit, insert— 11

‘(a) the principal registrar considers an NRAS disciplinary 12
matter is likely to raise issues of a specialist or technical 13
nature, whether on the basis of advice received under 14
section 398P(1) or otherwise; and’. 15

(3) Section 42(4)(b), ‘secretary or’— 16

omit. 17

Clause 36 Amendment of s 43 (Duration of appointment) 18

Section 43— 19

insert— 20

‘*Note—* 21

See also section 40A(2) for a member of a panel appointed under that 22
section.’. 23

Clause 37 Amendment of s 45 (Vacation of office) 24

Section 45(2)(b), example, ‘this Act or’— 25

omit. 26

Clause 38	Insertion of new s 45A	1
	Part 2, division 5—	2
	<i>insert</i> —	3
‘45A	Payment of assessors	4
	‘An assessor assisting the tribunal in a hearing of an NRAS disciplinary proceeding is entitled to be paid the remuneration and allowances decided by the Governor in Council.’	5 6 7
Clause 39	Omission of pts 3 to 11	8
	Parts 3 to 11—	9
	<i>omit.</i>	10
Clause 40	Omission of pt 12, divs 1–5	11
	Part 12, divisions 1 to 5—	12
	<i>omit.</i>	13
Clause 41	Omission of pt 12, div 6 hdg (Miscellaneous)	14
	Part 12, division 6, heading—	15
	<i>omit.</i>	16
Clause 42	Amendment of s 394 (Board etc. may give combined notice)	17 18
	(1) Section 394, heading, ‘Board etc.’—	19
	<i>omit, insert</i> —	20
	‘Principal registrar’.	21
	(2) Section 394(1), ‘a board or the secretary or’—	22
	<i>omit, insert</i> —	23
	‘the’.	24
	(3) Section 394(2), ‘board, secretary or’—	25

[s 43]

omit.

1

Clause 43 Omission of ss 395 and 397

2

Sections 395 and 397—

3

omit.

4

Clause 44 Amendment of s 398 (Regulation-making power)

5

Section 398(2)—

6

omit.

7

Clause 45 Amendment of s 398B (Definitions for pt 12A)

8

(1) Section 398B—

9

insert—

10

‘appealable decision means—

11

(a) a decision under the National Law (Queensland), section 196(1)(b) about an NRAS registered health practitioner; or

12

13

14

(b) a decision to take action under the National Law (Queensland), section 196(2) against an NRAS registered health practitioner; or

15

16

17

(c) a decision under the National Law (Queensland), section 197(1)(a) about an NRAS student; or

18

19

(d) a decision to take action under the National Law (Queensland), section 197(2) against an NRAS student; or

20

21

22

(e) a decision under section 398H; or

23

(f) a final decision in a proceeding for the review of a reviewable decision; or

24

25

(g) a decision about costs in an NRAS disciplinary proceeding.’.

26

27

	(2) Section 398B, definition <i>panel of assessors</i> , ‘section 398ZL’—	1 2
	<i>omit, insert</i> —	3
	‘section 39’.	4
	(3) Section 398B, definition <i>professional panel of assessors</i> , ‘section 398ZL(2)’—	5 6
	<i>omit, insert</i> —	7
	‘section 39’.	8
Clause 46	Amendment of s 398K (Constitution of the tribunal)	9
	Section 398K—	10
	<i>insert</i> —	11
	‘(2) In this section—	12
	‘ <i>judicial member</i> see the QCAT Act, schedule 3.’.	13
Clause 47	Amendment of 398M (Choosing assessors generally)	14
	Section 398M(2)—	15
	<i>insert</i> —	16
	‘ <i>QCAT registry</i> means the registry under the QCAT Act.’.	17
Clause 48	Amendment of s 398O (Requirement about gender balance)	18 19
	Section 398O—	20
	<i>insert</i> —	21
	‘(4) In this section—	22
	<i>entity acting on behalf of a user</i> means—	23
	(a) an entity chosen by the user to act on the user’s behalf;	24
	or	25

[s 49]

(b) if it would be difficult or impossible for the user to
choose an entity to act on the user’s behalf—an entity
that has a sufficient interest in the health or welfare of
the user.’. 1
2
3
4

Clause 49 Amendment of s 398V (Particular hearings to be held in private) 5
6

Section 398V(1), ‘a impairment’— 7
omit, insert— 8
‘an impairment’. 9

Clause 50 Amendment of s 398Z (Evidence and findings etc. in other proceedings may be received or adopted) 10
11

Section 398Z— 12
insert— 13
‘(2) In this section— 14
disciplinary body means a disciplinary body under this Act as
in force from time to time before the commencement of this
definition.’. 15
16
17

Clause 51 Amendment of s 398ZI (NRAS registrant or national board may appeal to Court of Appeal) 18
19

Section 398ZI(4)— 20
omit. 21

Clause 52 Omission of pt 12A, div 8 (General matters) 22

Part 12A, division 8— 23
omit. 24

Clause 53 Insertion of new pt 13, div 7 25

Part 13— 26

<i>insert—</i>	1	
‘Division 7	Provisions for the Health	2
	Practitioner Registration and Other	3
	Legislation Amendment Act 2012	4
‘Subdivision 1	Provisions for amendment of Health	5
	Practitioners (Professional	6
	Standards) Act 1999	7
‘406	Definition for sdiv 1	8
	‘In this subdivision—	9
	<i>commencement</i> means commencement of this section.	10
	<i>pre-amended Act</i> means this Act as in force immediately	11
	before the commencement.	12
‘407	Existing disciplinary proceedings not finally dealt with	13
	‘(1) This section applies if disciplinary proceedings under the	14
	pre-amended Act against a person were started but not finally	15
	dealt with before the commencement.	16
	‘(2) The chief executive must give the person written notice stating	17
	that—	18
	(a) the person may make an election to continue the	19
	disciplinary proceedings by giving the chief executive	20
	written notice of the election within 28 days after	21
	receiving the notice; and	22
	(b) if the chief executive does not receive the notice within	23
	the time mentioned in paragraph (a), the disciplinary	24
	proceedings lapse.	25
	‘(3) The person may make an election to continue the disciplinary	26
	proceeding by giving the chief executive written notice of the	27
	election within 28 days of receiving the notice.	28

[s 53]

- ‘(4) If the person does not make an election within the time mentioned in subsection (3), the disciplinary proceedings lapse. 1
2
3
- ‘(5) If the person makes an election under subsection (3), the disciplinary proceedings must continue under the pre-amended Act as applied by subsection (6). 4
5
6
- ‘(6) For subsection (5), the pre-amended Act applies— 7
- (a) as if a reference in the pre-amended Act to— 8
- (i) a board or a disciplinary body, other than the tribunal, is taken to be a reference to the chief executive; or 9
10
11
- (ii) a registrant is taken to be a reference to the former registrant; and 12
13
- (b) with any other necessary changes. 14
- Example for subsection (6)(a)—* 15
- A reference in the pre-amended Act, section 384A(8) to the board is taken to be a reference to the chief executive. 16
17
- ‘(7) In this section— 18
- former registrant*** means a person who, immediately before the commencement, was a registrant under the pre-amended Act. 19
20
21

‘408 Chief executive to give children’s commissioner further information 22
23

- ‘(1) This section applies if— 24
- (a) before the commencement, a former board gave the children’s commissioner a notice, about disciplinary action, immediate suspension or section 311 action in relation to a person, under section 384A(3) of the pre-amended Act; and 25
26
27
28
29
- (b) the children’s commissioner— 30

-
- (i) requests further information about the disciplinary action, immediate suspension or section 311 action; and
- (ii) notifies the chief executive that the person is an applicant for, or holder of, a prescribed notice or exemption notice under the commissioner’s Act.
- ‘(2) The chief executive must give the children’s commissioner a written notice stating the following—
- (a) for a notice about disciplinary action—the form of disciplinary action taken;
- (b) when the conduct happened that constituted a ground for the disciplinary action, immediate suspension or section 311 action;
- (c) the nature of the conduct that constituted a ground for the disciplinary action, immediate suspension or section 311 action;
- (d) any other information about the disciplinary action, immediate suspension or section 311 action the chief executive considers may be relevant to employment screening under the commissioner’s Act, chapter 8, including, for example, details about the nature of the disciplinary action, immediate suspension or section 311 action.
- ‘(3) If a written notice is given under subsection (2) about a disciplinary action, ground for the immediate suspension or section 311 action relating to a particular child, the notice must not contain information that identifies, or is likely to identify, the child.
- ‘(4) If the chief executive gives the children’s commissioner information under subsection (2) about disciplinary action, immediate suspension or section 311 action, and the action or suspension is set aside on review or appeal under the pre-amended Act as applied by section 407(6), the chief executive must notify the commissioner of the following—
- (a) that the action or suspension has been set aside;
-

[s 53]

(b) the reasons given by the chief executive for setting it aside.	1 2
‘(5) In this section—	3
<i>children’s commissioner</i> means the Commissioner for Children and Young People and Child Guardian under the commissioner’s Act.	4 5 6
<i>commissioner’s Act</i> means the <i>Commission for Children and Young People and Child Guardian Act 2000</i> .	7 8
<i>former board</i> means a board under the pre-amended Act.	9
<i>immediate suspension</i> see section 384A(2)(a) of the pre-amended Act.	10 11
<i>section 311 action</i> see section 384A(2)(b) of the pre-amended Act.	12 13
‘Subdivision 2 Provisions relating to the repeal of Dental Technicians Registration Act 2001 and Speech Pathologists Registration Act 2001	14 15 16 17
‘409 Definitions for sdiv 2	18
‘In this subdivision—	19
<i>commencement</i> means the commencement of this section.	20
<i>former board</i> means a board established under a repealed Act.	21
<i>repealed Act</i> means the <i>Dental Technicians Registration Act 2001</i> or <i>Speech Pathologists Registration Act 2001</i> repealed by section 416.	22 23 24
‘410 Assets and liabilities etc.	25
‘On the commencement—	26

(a)	anything that was an asset or liability of a former board immediately before the commencement becomes an asset or liability of the office; and	1 2 3
(b)	any property that was, immediately before the commencement, held by a former board on trust or subject to conditions continues to be held by the office on the same trusts or subject to the same conditions.	4 5 6 7
‘411	Records	8
	‘On the commencement—	9
(a)	all records of the former board are transferred to the office; and	10 11
(b)	if a health complaint, within the meaning of the <i>Health Quality and Complaints Commission Act 2006</i> (the <i>HQCC Act</i>), has not been finally dealt with under a repealed Act—the executive officer must give a copy of any information relating to the health complaint to the commission under the HQCC Act.	12 13 14 15 16 17
‘Subdivision 3	Provisions relating to the repeal of Health Practitioner Registration (Administration) Act 1999	18 19 20
‘412	Definitions for sdiv 3	21
	‘In this subdivision—	22
	<i>commencement</i> means the commencement of this section.	23
	<i>repealed Act</i> means the <i>Health Practitioner Registration Boards (Administration) Act 1999</i> repealed by section 416.	24 25
‘413	Assets and liabilities etc.	26
	‘On the commencement—	27

[s 54]

- (a) anything that was an asset or liability of the office immediately before the commencement becomes an asset or liability of the State; and
- (b) any property that was, immediately before the commencement, held by the office on trust or subject to conditions continues to be held by the State on the same trusts or subject to the same conditions.

‘414 Records

‘On the commencement all records of the office, including the records mentioned in section 411, are transferred to the department.

‘415 Refund of proportion of registration fee

- ‘(1) As soon as practicable after the commencement the chief executive may refund a former registrant a proportion of the registration fee for the registration period for the final financial year for the board.
- ‘(2) The amount of the refund must be proportionate starting from the commencement to the end of the registration period for the final financial year.
- ‘(3) In this section—
former registrant means a person who, immediately before the commencement, was a general registrant or special purpose registrant under the repealed *Dental Technicians Registration Act 2001* or *Speech Pathologists Registration Act 2001*.’.

Clause 54 Replacement of pt 14 (Validation provision)

Part 14—
omit, insert—

[s 55]

- decision, review and appeal part, review panel, secretary, suspected matter, suspended decision, tribunal review decision, unsatisfactory professional conduct, warrant form, wellbeing of vulnerable persons—* 1
2
3
4
- omit.* 5
- (2) Schedule— 6
- insert—* 7
- ‘*assessor*, for part 12A, see section 398B. 8
- panel of assessors*, for part 12A, see section 398B. 9
- pre-amended Act—* 10
- (a) for part 13, division 4, see section 405I; or 11
- (b) for part 13, division 7, subdivision 1, see section 406. 12
- professional panel of assessors* means a panel of assessors 13
mentioned in section 398B. 14
- repealed Act—* 15
- (a) for part 13, division 3, see section 405A; or 16
- (b) for part 13, division 7, subdivision 1, see section 406; or 17
- (c) for part 13, division 7. subdivision 2, see section 409; or 18
- (d) for part 13, division 7. subdivision 3, see section 412. 19
- reviewable decision*, for part 12A, see section 398B. 20
- tribunal review decision*, for part 12A, see section 398B.’. 21
- (3) Schedule, definition *appealable decision*, ‘division 7, see 22
section 398ZI(4)’— 23
- omit, insert—* 24
- ‘see section 398B’. 25
- (4) Schedule, definition *commencement—* 26
- insert—* 27
- ‘(e) for part 13, division 7, subdivision 1—see section 406A; 28
or 29

-
- (f) for part 13, division 7, subdivision 2—see section 409.’. 1
- (5) Schedule, definition *executive officer*, ‘the *Health*’— 2
omit, insert— 3
‘the repealed *Health*’. 4
- (6) Schedule, definition *former board*— 5
insert— 6
‘(d) for part 13, division 7, subdivision 2, see section 409.’. 7
- (7) Schedule, definition *health practitioner registration Act*, 8
paragraphs (a) and (b), after ‘the’— 9
insert— 10
‘repealed’. 11
- (8) Schedule definition *office*, before ‘*Health Practitioner*’— 12
insert— 13
‘repealed’. 14
- (9) Schedule, definition *profession*, from ‘means the 15
following’— 16
omit, insert— 17
‘, for an NRAS registrant, means the health profession (as 18
defined under the National Law) in which the registrant is 19
registered to practise under the National Law. 20
Example— 21
If an NRAS registrant is registered under the National Law to practise 22
the chiropractic profession, the registrant’s profession is the chiropractic 23
profession.’. 24
- (10) Schedule, definition *user*, ‘a registrant or’— 25
omit, insert— 26
‘an’. 27

[s 56]

Part 9	Amendment of Health Practitioners (Special Events Exemption) Act 1998	1
		2
		3
Clause 56	Act amended	4
	This part amends the <i>Health Practitioners (Special Events Exemption) Act 1998</i> .	5
		6
Clause 57	Amendment of s 12 (Exemptions relating to offences)	7
	Section 12(1) and editor's note, 'a health registration Act'—	8
	<i>omit, insert—</i>	9
	'the Health Practitioner Regulation National Law (Queensland)'.	10
		11
Clause 58	Amendment of s 15 (Complaints about visiting health practitioners)	12
	Section 15(3), 'a health registration Act'—	13
	<i>omit, insert—</i>	14
	'the Health Practitioner Regulation National Law'.	15
		16
Clause 59	Amendment of schedule (Dictionary)	17
	(1) Schedule, definition <i>health care services</i> , from 'dental technicians,'—	18
	<i>omit, insert—</i>	19
	'dentists, medical practitioners, medical radiation technologists, nurses, occupational therapists, optometrists, osteopaths, pharmacists, physiotherapists, podiatrists and psychologists.'	20
		21
		22
		23
		24
	(2) Schedule, definition <i>health registration Act</i> —	25
	<i>omit.</i>	26

-
- (3) Schedule, definition *local health practitioner*, ‘a health registration Act’— 1
2
omit, insert— 3
‘the Health Practitioner Regulation National Law’. 4

Part 10 **Amendment of Health Quality and Complaints Commission Act 2006** 5
6
7

- Clause 60** **Act amended** 8
This part amends the *Health Quality and Complaints Commission Act 2006*. 9
10

- Clause 61** **Amendment of s 15 (Commission’s functions—information)** 11
12
Section 15(b), ‘registration boards’— 13
omit, insert— 14
‘national boards’. 15

- Clause 62** **Amendment of s 17 (Cooperation with other entities)** 16
Section 17(b)(viii), ‘registration board’— 17
omit, insert— 18
‘national board’. 19

- Clause 63** **Amendment of s 24 (Action by commission for contravention of s 20(1))** 20
21
Section 24(2)(d), ‘registration board’— 22
omit, insert— 23

[s 64]

‘national board’.

1

Clause 64 Amendment of s 37 (Meaning of *health service complaint*) 2

Section 37(1)(f), ‘the *Health Practitioners (Professional Standards) Act 1999* or’—

3

4

omit.

5

Clause 65 Amendment of s 49B (Preliminary assessment) 6

Section 49B(3)(d), ‘registration board’—

7

omit, insert—

8

‘national board’.

9

Clause 66 Amendment of s 50 (How commission must deal with a health quality complaint) 10
11

Section 50(2)(b), from ‘the *Health Practitioners*’ to ‘registration board’—

12

13

omit, insert—

14

‘the Health Practitioner Regulation National Law—refer it to the provider’s national board’.

15

16

Clause 67 Amendment of s 54 (Notice of decision to assess health service complaint) 17
18

(1) Section 54(1)(c), (3) and (5)—

19

omit.

20

(2) Section 54(4)—

21

renumber as section 54(3).

22

Clause 68 Omission of s 57 (Consultation with registration board) 23

Section 57—

24

omit.

25

Clause 69	Amendment of s 58 (Time limit on assessment)	1
	(1) Section 58(1)(b), ‘subsection (3)’—	2
	<i>omit, insert—</i>	3
	‘subsection (2)’.	4
	(2) Section 58(2)—	5
	<i>omit.</i>	6
	(3) Section 58(3)—	7
	<i>renumber</i> as section 58(2).	8
Clause 70	Amendment of s 61 (Action on acceptance of complaint about provider)	9
	Section 61(2)(c), ‘registration board’—	10
	<i>omit, insert—</i>	11
	‘national board’.	12
Clause 71	Amendment of s 62 (Matters about conciliation)	13
	(1) Section 62(1), ‘registration board’s’—	14
	<i>omit, insert—</i>	15
	‘national board’s’.	16
	(2) Section 62(2)(b) and (3), ‘registration board’—	17
	<i>omit, insert—</i>	18
	‘national board’.	19
Clause 72	Amendment of ch 5, pt 4, div 5 hdg (When commission must refer health service complaints to registration boards)	20
	Chapter 5, part 4, division 5, heading, ‘registration boards’—	21
	<i>omit, insert—</i>	22
	‘national boards’.	23

[s 73]

Clause 73	Amendment of s 66 (Referral to registration board in public interest)	1 2
	Section 66, ‘registration board’—	3
	<i>omit, insert</i> —	4
	‘national board’.	5
Clause 74	Omission of s 68 (Registration board may delegate function under s 57)	6 7
	Section 68—	8
	<i>omit.</i>	9
Clause 75	Amendment of s 76 (Action by commission on becoming aware of public interest issue)	10 11
	Section 76(1)(a), (2) to (4), (5)(b) and (6), ‘registration board’—	12 13
	<i>omit, insert</i> —	14
	‘national board’.	15
Clause 76	Amendment of s 80 (Action on report of unsuccessful conciliation)	16 17
	Section 80(1)(a)(i), (2), (3) and (4), ‘registration board’—	18
	<i>omit, insert</i> —	19
	‘national board’.	20
Clause 77	Amendment of s 81 (Ending conciliation by commission)	21
	Section 81(3)(a)(i), (4), (5) and (6), ‘registration board’—	22
	<i>omit, insert</i> —	23
	‘national board’.	24

Clause 78	Amendment of s 91 (Commission’s report about investigation)	1
	Section 91(2), ‘registration board’—	2
	<i>omit, insert—</i>	3
	‘national board’.	4
Clause 79	Amendment of s 92 (To whom report may be given)	5
	Section 92(e), ‘registration board’—	6
	<i>omit, insert—</i>	7
	‘national board’.	8
Clause 80	Amendment of s 149 (Assistant commissioners)	9
	(1) Section 149(4), definition <i>health practitioner registration Act</i> —	10
	<i>omit.</i>	11
	(2) Section 149(4), definition <i>registered provider</i> , from ‘of another State’—	12
	<i>omit, insert—</i>	13
	‘of a foreign country that provides for the same matter as a provision of the Health Practitioner Regulation National Law.’.	14
		15
		16
		17
		18
		19
Clause 81	Amendment of s 164 (Other directions by Minister)	20
	Section 164(1)(d), ‘190 or’—	21
	<i>omit.</i>	22
Clause 82	Amendment of ch 12 hdg (Registration boards)	23
	Chapter 12, heading, ‘Registration boards’—	24
	<i>omit, insert—</i>	25
	‘National boards’.	26

[s 83]

Clause 83	Amendment of s 188 (Information from registration board)	1 2
	Section 188, ‘registration board’ —	3
	<i>omit, insert—</i>	4
	‘national board’.	5
Clause 84	Amendment of s 189 (Registration board may ask commission for information)	6 7
	(1) Section 189, heading, ‘Registration board’ —	8
	<i>omit, insert—</i>	9
	‘ National board ’.	10
	(2) Section 189(1), ‘registration board may at any time’ —	11
	<i>omit, insert—</i>	12
	‘national board may, at any time,’.	13
	(3) Section 189(1) and (2), ‘registration board’s’ —	14
	<i>omit, insert—</i>	15
	‘national board’s’.	16
Clause 85	Omission of s 190 (Commission may intervene in disciplinary proceeding under Health Practitioners (Professional Standards) Act 1999)	17 18 19
	Section 190—	20
	<i>omit.</i>	21
Clause 86	Amendment of s 209 (Form of consultation between commission and registration board)	22 23
	(1) Section 209, heading, ‘registration board’—	24
	<i>omit, insert—</i>	25
	‘ national board ’.	26

-
- (2) Section 209(1), ‘registration board required under section 57(1),’— 1
2
omit, insert— 3
‘national board required under section’. 4

- Clause 87 Amendment of s 210 (Commission may provide information)** 5
6
Section 210(1), ‘registration board’— 7
omit, insert— 8
‘national board’. 9

- Clause 88 Amendment of s 214 (Preservation of confidentiality)** 10
11
Section 214(1)(c), ‘(*Professional Standards*)’— 11
omit, insert— 12
‘(*Disciplinary Proceedings*)’. 13
14

- Clause 89 Insertion of new ch 15, pt 4** 15
Chapter 15— 16
insert— 17

‘Part 4 Provision for Health Practitioner Registration and Other Legislation Amendment Act 2012 18
19
20
21

- ‘234 How commission may continue health quality complaint or health service complaint** 22
23
(1) This section applies if, on the commencement, a copy of any 24
information relating to a health complaint about a former 25
registered provider is given to the commission under the 26

[s 90]

Health Practitioners (Disciplinary Proceedings) Act 1999, section 411. 1
2

- ‘(2) The commission may continue to deal with the health complaint under this Act as if, at the time the action by the person that provided the ground for the health complaint happened, the person were a person who provided a health service but not as a registered provider. 3
4
5
6
7

Note— 8

See the *Health Practitioners (Disciplinary Proceedings) Act 1999*, section 411. 9
10

- ‘(3) In this section— 11

commencement means the commencement of this section. 12

former registered provider means a person who, immediately before the commencement, was a registered provider registered by a State board.’. 13
14
15

Clause 90 Amendment of sch 5 (Dictionary) 16

- (1) Schedule 5, definitions *disciplinary committee*, *professional conduct review panel*, *registration board*, *State board* and *State health law—* 17
18
19

omit. 20

- (2) Schedule 5, definition *completion notice—* 21

omit, insert— 22

‘***completion notice***, for an entity for a complaint, means a notice that the entity has finished dealing with the complaint.’ 23
24

- (3) Schedule 5, definition *disciplinary body*, paragraphs (a) to (e)— 25
26

omit, insert— 27

‘(a) QCAT; or 28

(b) a national board under the *Health Practitioners (Disciplinary Proceedings) Act 1999*.’. 29
30

-
- (4) Schedule 5, definition *registered provider*, from 1
‘registration’— 2
omit, insert— 3
‘national board.’. 4

Part 11 **Amendment of Hospital and** 5
Health Boards Act 2011 6

- Clause 91** **Act amended** 7
This part amends the *Hospital and Health Boards Act 2011*. 8

- Clause 92** **Amendment of s 87 (Protection for documents and** 9
information) 10
Section 87(4), definition *proceeding*, paragraph (c), ‘a 11
disciplinary proceeding under the *Health Practitioners* 12
(Professional Standards) Act 1999 or’— 13
omit. 14

- Clause 93** **Amendment of s 103 (Stopping conduct of RCA of** 15
reportable event—commissioning authority) 16
Section 103(6), definition *relevant entity*, paragraph (c), ‘a 17
health practitioner registration Act’— 18
omit, insert— 19
‘the Health Practitioner Regulation National Law’. 20

[s 94]

Clause 94	Amendment of s 119 (Protection for documents and information)	1 2
	Section 119(5), definition <i>proceeding</i> , paragraph (c), ‘a disciplinary proceeding under the <i>Health Practitioners (Professional Standards) Act 1999</i> or’—	3 4 5
	<i>omit.</i>	6
Clause 95	Amendment of s 138 (Protection for reports)	7
	Section 138(4), definition <i>proceeding</i> , paragraph (c), ‘a disciplinary proceeding under the <i>Health Practitioners (Professional Standards) Act 1999</i> or’—	8 9 10
	<i>omit.</i>	11
Clause 96	Amendment of s 155 (Disclosure to health practitioner registration board)	12 13
	(1) Section 155, ‘a health practitioner registration Act’—	14
	<i>omit, insert—</i>	15
	‘the Health Practitioner Regulation National Law’.	16
	(2) Section 155(a) and (b), ‘health practitioner registration Act’—	17
	<i>omit, insert—</i>	18
	‘Health Practitioner Regulation National Law’.	19
Clause 97	Amendment of sch 2 (Dictionary)	20
	(1) Schedule 2, definition <i>health practitioner registration Act</i> —	21
	<i>omit.</i>	22
	(2) Schedule 2, definition <i>health professional</i> , paragraph (a), ‘a health practitioner registration Act’—	23 24
	<i>omit, insert—</i>	25
	‘the Health Practitioner Regulation National Law’.	26

Part 12	Amendment of Integrity Act 2009	1
		2
Clause 98	Act amended	3
	This part amends the <i>Integrity Act 2009</i> .	4
Clause 99	Amendment of sch 1 (Statutory office holders for section 72C)	5
	Schedule 1, entry for <i>Health Practitioner Registration Boards (Administration) Act 1999</i> —	6
	<i>omit.</i>	7
		8
		9
Part 13	Amendment of Public Health Act 2005	10
		11
Clause 100	Act amended	12
	This part amends the <i>Public Health Act 2005</i> .	13
Clause 101	Amendment of s 213D (Chief executive may report contravention)	14
	(1) Section 213D(2), definition <i>relevant entity</i> , paragraph (b)—	15
	<i>omit.</i>	16
		17
	(2) Section 213D(2), definition <i>relevant entity</i> , paragraphs (c) and (d)—	18
	<i>renumber</i> as paragraphs (b) and (c).	19
		20

[s 102]

Part 14	Amendment of Public Service Act 2008	1 2
Clause 102	Act amended	3
	This part amends the <i>Public Service Act 2008</i> .	4
Clause 103	Amendment of sch 1 (Public service offices and their heads)	5 6
	Schedule 1, entry for Office of Health Practitioner Registration Boards—	7 8
	<i>omit.</i>	9
Part 15	Amendment of Queensland Civil and Administrative Tribunal Act 2009	10 11 12
Clause 104	Act amended	13
	This part amends the <i>Queensland Civil and Administrative Tribunal Act 2009</i> .	14 15
Clause 105	Amendment of s 10 (Generally)	16
	Section 10(2), note, paragraph (b)—	17
	<i>omit, insert—</i>	18
	‘(b) the <i>Health Practitioners (Disciplinary Proceedings) Act 1999</i> , section 398C.’	19 20

Part 16	Amendment of Queensland Civil and Administrative Tribunal Regulation 2009	1 2 3
Clause 106	Regulation amended <i>This part amends the Queensland Civil and Administrative Tribunal Regulation 2009.</i>	4 5 6
Clause 107	Amendment of sch 1 (Enabling Acts and provisions) (1) Schedule 1, part 1, entries for <i>Dental Technicians Registration Act 2001</i> and <i>Speech Pathologists Registration Act 2001</i> — <i>omit.</i> (2) Schedule 1, part 1, entry for <i>Health Practitioners (Professional Standards) Act 1999</i> — <i>omit, insert—</i> <i>‘Health Practitioners (Disciplinary Proceedings) Act 1999,</i> <i>section 398F’.</i>	7 8 9 10 11 12 13 14 15
Part 17	Amendment of Radiation Safety Act 1999	16 17
Clause 108	Act amended <i>This part amends the Radiation Safety Act 1999.</i>	18 19
Clause 109	Amendment of s 209 (Confidentiality of information) Section 209(3)(a)(iv), from ‘to a board established under a health practitioner’ to ‘ <i>Practitioners (Professional Standards) Act 1999</i> or’— <i>omit.</i>	20 21 22 23 24

[s 110]

Clause 110	Amendment of sch 2 (Dictionary)	1
	(1) Schedule 2, definition <i>health practitioner</i> , paragraph (b)— <i>omit.</i>	2 3
	(2) Schedule 2, definition <i>health practitioner</i> , paragraph (c)— <i>renumber</i> as paragraph (b).	4 5
	(3) Schedule 2, definition <i>health practitioner registration Act</i> — <i>omit.</i>	6 7
Part 18	Amendment of Victims of Crime Assistance Act 2009	8 9
Clause 111	Act amended	10
	This part amends the <i>Victims of Crime Assistance Act 2009</i> .	11
Clause 112	Insertion of new ch 7	12
	After section 195—	13
	<i>insert</i> —	14

‘Chapter 7	Validation provision for	1
	Health Practitioner	2
	Registration and Other	3
	Legislation Amendment Act	4
	2012	5
‘196	Definition <i>health practitioner</i>—retrospective operation	6
	and validation	7
‘(1)	This section applies in relation to the period from the	8
	commencement of the 2010 amendment until the	9
	commencement of this section (the <i>validation period</i>).	10
	<i>Note—</i>	11
	The 2010 amendment commenced on 1 July 2010.	12
‘(2)	It is declared that—	13
	(a) for this Act, a person is taken to have been a health	14
	practitioner for any time during the validation period	15
	that the person was registered under the Health	16
	Practitioner Regulation National Law to practise in the	17
	dentists division of the dental profession, other than as a	18
	student; and	19
	(b) anything done or omitted to be done by a person is taken	20
	to be, and to have always been, as valid and lawful as it	21
	would be, or would have been, if the amended definition	22
	had been in force throughout the validation period.	23
‘(3)	In this section—	24
	2010 amendment means the substitution of the definition	25
	<i>health practitioner</i> in schedule 3 by the <i>Health Legislation</i>	26
	<i>(Health Practitioner Regulation National Law) Amendment</i>	27
	<i>Act 2010</i> .	28
	amended definition means the definition <i>health practitioner</i>	29
	in schedule 3 as in force immediately after the	30
	commencement of this section.’	31

[s 113]

Clause 113	Amendment of sch 3 (Dictionary)	1
(1)	Schedule 3, definition <i>health practitioner</i> , paragraph (a)(ii)—	2
	<i>insert—</i>	3
	‘(D) dentist;’.	4
(2)	Schedule 3, definition <i>health practitioner</i> , paragraph (b)—	5
	<i>omit, insert—</i>	6
	‘(b) a person who is eligible for practising membership of	7
	The Speech Pathology Association of Australia Limited	8
	ACN 008 393 440.’.	9

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