

Queensland



Medical Act 1939

MEDICAL ASSESSMENT TRIBUNAL REGULATION 1987

**Reprinted as in force on 1 March 2002
(includes amendments up to SL No. 462 of 1997)**

This is the reprint current on the repeal date

Reprint No. 1B

This reprint is prepared by
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Warning—This reprint is not an authorised copy

Information about this reprint

This regulation is reprinted as at 1 March 2002. 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.

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

Also see endnotes for information about—

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

Queensland



**MEDICAL ASSESSMENT TRIBUNAL
REGULATION 1987**

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	3
2	Definitions	3
4	Forms	3
5	Fees	3
PART 2—PREHEARING PROCEDURES		
6	Notice of charge	4
7	Service of notice	4
8	5
PART 3—APPEALS		
9	Notice of appeal	5
10	Date and place of hearing	5
PART 4—GENERAL		
11	Directions	5
SCHEDULE 1		
SCHEDULE 2		
FEE PAYABLE TO ASSESSORS		
ENDNOTES		
1	Index to endnotes	10
2	Date to which amendments incorporated	10
3	Key	10
4	Table of earlier reprints	11

5	Tables in earlier reprints	11
6	List of legislation	11
7	List of annotations	11

MEDICAL ASSESSMENT TRIBUNAL REGULATION 1987

[as amended by all amendments that commenced on or before 1 March 2002]

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Medical Assessment Tribunal Regulation 1987*.

Definitions

2. In this regulation—

“**afternoon session**” means the session, conducted by the tribunal on a sitting day, starting after midday.

“**morning session**” means the session, conducted by the tribunal on a sitting day, starting before midday.

“**preparatory work**”, for a sitting day, means the perusal by an assessor of material, given to the assessor by the registrar, relating to matters set down to be dealt with by the tribunal on the sitting day.

Forms

4.(1) The forms set forth in schedule 1 shall be used for the purposes for which they are respectively applicable.

(2) A form prescribed by this regulation shall be completed in accordance with such directions as are specified in the prescribed form.

Fees

5. The fees payable to an assessor, other than a public service officer, are set out in schedule 2.

PART 2—PREHEARING PROCEDURES

Notice of charge

6.(1) For the purpose of charging a medical practitioner before the tribunal, the registrar shall—

- (a) cause to be served on the medical practitioner a notice informing the medical practitioner of the intention of the board to charge the medical practitioner before the tribunal.

The notice shall give particulars of the grounds on which the medical practitioner is to be charged;

- (b) inform the judge constituting the tribunal of the intention of the board to charge the medical practitioner before the tribunal.

The judge thereupon shall fix a day and place for the hearing and shall notify the registrar accordingly;

- (c) give at least 7 days notice to the medical practitioner concerned of the day and place of the hearing.

(2) On the application of the medical practitioner to be charged the registrar shall, if so directed by the tribunal, make available to the medical practitioner, but at the medical practitioner's own expense, a copy of the record of the proceedings before the board relating to the medical practitioner's case, other than the deliberations of the board.

Service of notice

7.(1) A notice referred to in section 6(1)(a) shall, where practicable, be served personally upon the medical practitioner, but otherwise shall be posted to the medical practitioner by registered letter to the medical practitioner's address as shown in the register or, if there be no such address, to the medical practitioner's lastknown address.

(2) If the medical practitioner does not appear at the hearing before the tribunal, then, upon proof of the notice having been duly served the tribunal may proceed to hear and determine the charge in the medical practitioner's absence.

8. The board shall pay expenses to witnesses other than employees of the Crown in accordance with the scale of allowances payable in respect of witnesses appearing in the Supreme Court.

PART 3—APPEALS

Notice of appeal

9.(1) Any person wishing to appeal from a decision of the board, pursuant to either section 24 or section 48(7) of the Act, shall, within 28 clear days of the day on which the decision from which the person desires to appeal was given, or within such further time as the tribunal may direct, file with the registrar a notice of appeal.

(2) A copy of the notice shall within the like time be served, where the appeal is under section 24 of this Act, on the registrar and, where the appeal is under section 48(7), also on the other party to the appeal.

(3) The notice of appeal shall be in writing and shall state the grounds on which the appellant relies and shall be signed by the appellant.

Date and place of hearing

10. The judge constituting the tribunal shall, at the request of the registrar, fix a date and place of hearing and the registrar shall notify the parties to the appeal accordingly.

PART 4—GENERAL

Directions

11.(1) The tribunal may hold a conference (a “**directions conference**”) for considering or giving directions for any matter or proceeding within its jurisdiction.

Medical Assessment Tribunal Regulation 1987

(2) At or after the conference, the tribunal may give the directions with respect to the matter or proceeding that it considers proper.

(3) A directions conference may be held, and directions given—

(a) at any time; and

(b) on the application of a party or by the tribunal on its own initiative.

(4) A directions conference may be conducted, and directions given, by telephone, video-link or another form of communication.

(5) The assessors may take part in a directions conference if the tribunal considers that it is necessary or desirable for them to take part in the conference.

SCHEDULE 1 (continued)

Medical Act 1939

Medical Assessment Tribunal Regulation 1987

NOTICE OF DAY AND PLACE OF HEARING

To—(Name and address of medical practitioner).

Take notice that the charge, as specified in the notice given by the registrar of the Medical Board and dated the _____ day of _____, will be heard and determined by the Medical Assessment Tribunal constituted under the provisions of the *Medical Act 1939* on the _____ day of _____, at (place of hearing).

Dated this _____ day of _____, .

Registrar of Medical Tribunal.

Form 4

Medical Act 1939

Medical Assessment Tribunal Regulation 1987

NOTICE OF APPEAL

To—

The registrar of the Medical Assessment Tribunal of Queensland.

And to—

The registrar of the Medical Board of Queensland.

And to—(Name of any other party to the appeal).

(Appeal under section 48(7)).

Take notice that (name of appellant) intends to appeal to the Medical Assessment Tribunal, on a day and at a place to be fixed, against the decision of the Medical Board given on the _____ day of _____, directing (here set out decision including (if any) findings or order of the Medical Board) on the grounds (here set out grounds in numbered paragraphs).

Dated this _____ day of _____, .

Appellant.

SCHEDULE 2

FEES PAYABLE TO ASSESSORS

section 5

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- | | | |
|----|---|--------|
| 1. | Attending a morning session | 340.00 |
| 2. | Attending an afternoon session | 340.00 |
| 3. | Carrying out preparatory work for a sitting day | 340.00 |

ENDNOTES**1 Index to endnotes**

		Page
2	Date to which amendments incorporated	10
3	Key	10
4	Table of earlier reprints	11
5	Tables in earlier reprints	11
6	List of legislation	11
7	List of annotations	11

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 1 March 2002.

3 Key**Key to abbreviations in list of legislation and annotations**

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

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 62 of 1996	11 July 1996
1A	to SL No. 462 of 1977	18 February 1998

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Obsolete and redundant provisions	1

6 List of legislation

Medical Assessment Tribunal Regulation 1987 (prev Medical Assessment Tribunal Rules 1987)

made by the Governor in Council on 25 June 1987
pubd gaz 27 June 1987 pp 2325–8
commenced 1 July 1987 (see s 2)
rep 1 March 2002 (2001 No. 7 s 279)

amending legislation—

Medical Assessment Tribunal Amendment Regulation (No. 1) 1996 SL No. 62

notfd gaz 4 April 1996 pp 1533–4
commenced on date of notification

Medical Assessment Tribunal Amendment Regulation (No. 1) 1997 SL No. 462

notfd gaz 19 December 1997 pp 1770–7
commenced on date of notification

7 List of annotations

Short title

s 1 sub 1996 SL No. 62 s 3

Definitions

s 2 prev s 2 om R1 (see RA s 37)
 pres s 2 ins 1997 SL No. 462 s 3

Arrangement

s 3 om 1996 SL No. 62 s 4

Fees

s 5 sub 1997 SL No. 462 s 4

PART 4—GENERAL

pt hdg ins 1996 SL No. 62 s 5

Directions

s 11 ins 1996 SL No. 62 s 5

SCHEDULE 2—FEES PAYABLE TO ASSESSORS

 sub 1997 SL No. 462 s 5