

Queensland



Medical Act 1939

MEDICAL BOARD OF QUEENSLAND BY-LAW 1987

**Reprinted as in force on 1 March 2002
(includes amendments up to SL No. 141 of 2001)**

This is the reprint current on the repeal date

Reprint No. 2D

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This by-law 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 BOARD OF QUEENSLAND
BY-LAW 1987**

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MEDICAL BOARD OF QUEENSLAND BY-LAW 1987

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

PART 1—PRELIMINARY

1 Short title

This by-law may be cited as the *Medical Board of Queensland By-law 1987*.

5 Fees

The fees payable under the Act are in the schedule.

5A Waiver of annual registration fees

(2) If a person is first registered as a medical practitioner on or after 1 July in a registration year, the annual registration fee for the following registration year is waived.

(3) The board may also waive the annual registration fee for a person for a registration year if the person—

- (a) does not earn any income from the practise of medicine; and
- (b) applies to the board for a waiver of the fee before the registration year starts; and
- (c) is at least 70 on the day of applying for the waiver.

(4) In this section—

“**registration year**” means a period of 12 months beginning on 1 October.

PART 2—CONDUCT OF BUSINESS OF BOARD

6 Notice of meeting

The registrar shall complete and thereafter shall, in accordance with the requirements of section 11(9) of the Act, deliver notice of any meeting or adjourned meeting of the board other than a special meeting and shall include in that notice—

- (a) details of all motions or resolutions intended to be proposed at the meeting as given to the registrar in writing at least 7 clear days prior to the date of the meeting; and
- (b) only to the extent which it is practicable so to do, any other motions or resolutions intended to be proposed at the meeting as given to the registrar in writing less than 7 clear days prior to the date of the meeting.

7 General functions and duties of registrar

(1) The registrar shall act as secretary to the board, and shall bring before the board all matters and things necessary to ensure that the requirements of the Act are complied with.

(2) The registrar shall write up the minutes of all meetings of the board, conduct all correspondence as directed by the board, keep a correct record in the proper books of all accounts, receipts, payments, vouchers, reports, documents, papers, correspondence and proceedings connected with the business of the board, and generally do all the clerical work of the board and superintend all business and affairs of the board, subject to the board's direction.

(3) The registrar shall consult the president of the board with regard to any business requiring urgent attention between 1 meeting and the next.

(4) The registrar shall be responsible for and shall control the safe keeping of all receipts, papers, cheques, chequebooks, books, documents and property belonging to the board but the registrar shall make any such material available to the board or any member thereof for examination.

8 Board's funds

(1) An amount payable to the board must be given to the registrar.

(2) The registrar must deposit the amount in an account kept by the board in accordance with the *Statutory Bodies Financial Arrangements Act 1982*, section 31.¹

9 Honorary treasurer

(1) Where the board appoints a member of the board to be honorary treasurer the registrar shall provide the honorary treasurer with an account of all moneys received.

(1A) All accounts of the board shall be paid by cheque and, subject to instructions of the board to the contrary, be signed by the president or honorary treasurer, and the registrar.

(2) The honorary treasurer shall, in the month of July in each year, present to the board an annual balance sheet showing the exact financial position of the affairs of the board.

PART 3—CUSTODY OF AND USE OF SEAL OF BOARD

10 Custody and use of seal

(1) The registrar shall have the custody of the seal of the board, which shall be used only as hereinafter provided.

(2) The registrar shall cause the seal of the board to be affixed—

- (a) to certificates of registration; and
- (b) to any other instruments or documents where the affixing is authorised by a resolution passed for that purpose and entered upon the minutes of the proceedings of the board.

¹ *Statutory Bodies Financial Arrangements Act 1982*, section 31 (General banking powers for day-to-day operations)

(3) Whenever the seal of the board is affixed as provided in subsection (2)(b) the registrar shall append thereto a certificate as follows—

‘Affixed by order of the board this
day of , 19 .

Registrar.’

PART 4—SERVICE AS AN INTERN

11 Service as an intern

(1) For the purposes of section 19(1)(d) of the Act the aggregate amount of the period or periods that a person shall serve as an intern shall be 12 months which shall include—

- (a) a minimum of 22 weeks experience in medicine; and
- (b) a minimum of 22 weeks experience in surgery.

(2) However, experience in obstetrics shall constitute experience in either medicine or surgery but shall not exceed 8 weeks of the aggregate amount of 12 months.

PART 5—ADVERTISING

12 Definitions for pt 5

In this part—

“**medical practitioner**” includes a medical company.

13 Prohibition on medical practitioners advertising in certain ways

A medical practitioner must not advertise, or authorise another person to advertise, about the professional services provided by the medical practitioner if the advertisement—

- (a) is false, misleading or deceptive or likely to be misleading or deceptive; or
- (b) unfavourably compares the professional services provided by another medical practitioner with the professional services provided by the medical practitioner; or
- (c) contains testimonials or other endorsements of the medical practitioner; or
- (d) is vulgar or sensational in a way that would be likely to affect adversely the standing of the medical profession.

Maximum penalty—30 penalty units.

14 Advertising about area of expertise

A medical practitioner must not advertise, or authorise another person to advertise, the medical practitioner as having expertise in an area of medicine if the medical practitioner does not have the appropriate qualifications, training, skills or knowledge to practise in the area.

Maximum penalty—30 penalty units.

PART 6—MEDICAL CALL SERVICES

Division 1—Preliminary

23 Definitions for part

In this part—

“approved area” means, in respect of a medical call service, the area within which the medical call service is to be conducted as described in a certificate of approval.

“headquarters” means the premises from which an approved medical call service is operated.

“principal” means each medical practitioner whose practice is serviced by a medical call service established and conducted under a certificate of approval.

24 Refund of fees

If the board refuses an application for a certificate of approval or a renewal of the certificate, it may refund to the applicant up to one-half of the application fee.

*Division 2—Areas of service***25 Area of operation**

A person shall not establish, conduct or participate in a medical call service except within an approved area.

26 Approved area

The board shall, in respect of each medical call service, determine the approved area having regard to—

- (a) the number of proposed principals; and
- (b) the population and extent of the areas serviced by the medical practices of the proposed principals; and
- (c) such other matters as the board considers relevant with respect to the effective and efficient operation of medical call services in Queensland.

*Division 3—Periods of operation***27 Hours of operation**

Except on public holidays, a person shall not provide medical services in respect of a medical call service during the following hours—

- (a) weekdays other than Saturdays—8.00 a.m. to 6.00 p.m.;
- (b) Saturdays—8.00 a.m. to 12.00 midday.

Division 4—Medical practitioner participants**28 Obligations of medical directors and employed medical practitioners**

(1) A medical director shall—

- (a) ensure that every medical practitioner employed in the medical call service is a legally qualified medical practitioner; and
- (b) reside at a place within the approved area from which the medical director is able to supervise the medical call service adequately; and
- (c) supervise the medical call service and ensure that it is conducted in a proper and lawful manner.

(2) A medical practitioner employed in a medical call service shall be on call within the approved area or at the headquarters of the medical call service when rostered for duty.

Division 5—Headquarters**29 Requirements for headquarters**

The headquarters of each medical call service shall—

- (a) be established in premises located within the approved area; and
- (b) contain an area of rest for the medical practitioner on duty; and
- (c) contain suitable facilities for carrying out minor surgery.

Division 6—Staffing, transport and support services**30 Requirements for certificates of approval**

A responsible person shall, when making application for a certificate of approval, submit to the board evidence that—

- (a) an adequate number of medical practitioners will be employed; and
- (b) adequate transport is available; and

- (c) a two-way radio or similar system of communication is available to ensure the effective and efficient operation of the proposed medical call service, at all times; and
- (d) adequate supportive services, including additional medical practitioners are available to ensure the effective and efficient operation of the proposed medical call service at all times.

Division 7—Patients

31 Additional obligations of medical directors

(1) A medical director shall ensure that the medical services provided by the medical call service are restricted to patients of the principals.

(1A) However, medical attention shall not be refused to a patient who has no regular medical practitioner or in case of emergency.

(2) A medical director shall ensure that—

- (a) an adequate return of clinical information is provided to the principals at the times required by the principals;
- (b) adequate medical records are kept;
- (c) arrangements are made for the proper care of each patient by—
 - (i) communicating with the principal concerned and passing the care of the patient back to that principal in sufficient time for the principal to arrange whatever further care is necessary; or
 - (ii) where necessary, passing the care of the patient to another medical practitioner, including a specialist or medical practitioner in a hospital;
- (d) arrangements are maintained with the appropriate hospital authorities for the admission, accommodation and medical care of patients of the medical call service and that all medical practitioners employed in the service are familiar with such arrangements.

Division 9—Miscellaneous**39 Duties of responsible person and medical director**

In respect of a medical call service, the responsible person and the medical director must ensure compliance with this part.

40 Cancellation and suspension of certificates of approval

The following circumstances are prescribed for the purpose of subsection 58(1)(c) of the Act—

- (a) if the certificate was issued or renewed upon false or misleading particulars;
- (b) if the medical call service in respect of which the certificate was issued or renewed—
 - (i) ceases to have a medical director;
 - (ii) ceases to be provided with adequate headquarters;
 - (iii) ceases to be provided with adequate staff, transport and supportive services.

PART 7—BREACHES OF BY-LAW**41 Offences**

(1) A person who contravenes or fails to comply with a provision of this by-law commits a breach of this by-law.

(2) A person who fails to do that which the person is directed to do or does that which the person is forbidden to do by a person acting under the authority of this by-law commits a breach of this by-law.

(3) A person who commits a breach of this by-law shall be liable to a maximum penalty of 30 penalty units.

SCHEDULE**FEES**

section 5

	\$
1. Application for registration as a medical practitioner	50.00
2. Application for registration as a specialist.	110.00
3. Application for registration as a medical practitioner and as a specialist	160.00
4. Annual registration fee	276.00
5. Application to record additional particulars in register . . .	15.00
6. Restoration of name to register	25.00
7. Inspection of register	10.00
8. Application for a certificate of approval to establish or conduct a medical call service	500.00
9. Application for renewal of a certificate of approval to establish or conduct a medical call service	100.00

ENDNOTES**1 Index to 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 1 March 2002.

Note—This new by-law includes provisions relocated from several older by-laws (see list of legislation). The list of annotations does not include information about the history of any provision before its relocation to the Medical Board of Queensland By-law 1987.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	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
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 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

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. 204 of 1996	23 August 1996
2	to SL No. 403 of 1997	8 January 1998
2A	to SL No. 261 of 1999	15 November 1999
2B	to SL No. 215 of 2000	29 August 2000
2C	to SL No. 141 of 2001	31 August 2001

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Renumbered provisions	1

6 List of legislation

Medical Board of Queensland By-law 1987

made by the Medical Board of Queensland on 25 June 1987

pubd gaz 27 June 1987 pp 2329–35

commenced 1 July 1987 (see s 2)

rep 1 March 2001 (2001 No. 7 s 279)

amending legislation—

by-law published gazette (pre SL series)—

14 December 1987 p 1040

commenced on date of publication

3 December 1988 p 1592

commenced on date of publication

22 December 1990 pp 2332–3

commenced on date of publication

Medical Board of Queensland Amendment By-law 1992 SL No. 28

pubd gaz 29 February 1992 pp 1257–9

commenced on date of publication

Medical Board of Queensland Amendment By-law (No. 1) 1994 SL No. 338

notfd gaz 16 September 1994 pp 262–3

commenced on date of notification

Medical Board of Queensland Amendment By-law (No. 1) 1995 SL No. 272

notfd gaz 22 September 1995 pp 413–16

commenced on date of notification

Medical Board of Queensland Legislation Amendment By-law 1996 SL No. 204 pts 1–2, s 26 sch

notfd gaz 9 August 1996 pp 1751–2

commenced on date of notification

list of legislation to Medical Board of Queensland Advertising By-law 1990—before relocation of ss 3–14 to Medical Board of Queensland By-law 1987 pt 5 ss 12–22, pt 7 s 41 (see 1996 SL No. 204 s 16)

Medical Board of Queensland Advertising By-law 1990

pubd gaz 7 April 1990 pp 1766–71

commenced on date of publication

amending legislation—

Medical Board of Queensland Legislation Amendment By-law 1996 SL No. 204 pts 1, 3, s 26 sch

notfd gaz 9 August 1996 pp 1751–2

commenced on date of notification

list of legislation to Medical Call Service By-law 1984—before relocation of ss 3–21 to Medical Board of Queensland By-law 1987 pt 6 div 1 ss 23–24, pt 6 div 2 ss 25–26, pt 6 div 3 s 27, pt 6 div 4 s 28, pt 6 div 5 s 29, pt 6 div 6 s 30, pt 6 div 7 s 31, pt 6 div 8 ss 32–38, pt 6 div 9 ss 39–40 (see 1996 SL No. 204 s 27)

Medical Call Service By-law 1984

pubd gaz 15 September 1984 pp 228–35

commenced 15 September 1984 (see s 1)

exempted from application of Regulatory Reform Act 1986 by o in c pubd gaz 6 May 1989 pp 208–9

amending legislation—

Medical Board of Queensland Legislation Amendment By-law 1996 SL No. 204 pts 1, 4, s 26 sch

notfd gaz 9 August 1996 pp 1751–2

commenced on date of notification

amending legislation to Medical Board of Queensland By-law 1987—after relocation of Medical Board of Queensland Advertising By-law 1990, ss 3–14 and Medical Call Service By-law 1984, ss 3–21

Medical Board of Queensland Amendment By-law (No. 1) 1997 SL No. 341

notfd gaz 17 October 1997 pp 671–3

commenced on date of notification

Medical Board of Queensland Amendment By-law (No. 2) 1997 SL No. 403

notfd gaz 28 November 1997 pp 1408–10

commenced on day of notification

Medical Board of Queensland Amendment By-law (No. 1) 1999 SL No. 261

notfd gaz 5 November 1999 pp 918–21

commenced on date of notification

Medical Board of Queensland Amendment By-law (No. 1) 2000 SL No. 215

notfd gaz 18 August 2000 pp 1394–5

commenced on date of notification

Medical Board of Queensland Amendment By-law (No. 1) 2001 SL No. 141

notfd gaz 17 August 2001 pp 1455–6

commenced on date of notification

7 List of annotations

Commencement

s 2 om R1 (see RA s 37)

Board's funds

s 8 sub 1997 SL No. 403 s 3

Definitions for pt 5

s 12 sub 1997 SL No. 341 s 3

Prohibition on medical practitioners advertising in certain ways

s 13 sub 1997 SL No. 341 s 3

Advertising about area of expertise

s 14 sub 1997 SL No. 341 s 3

Announcements

s 15 om 1997 SL No. 341 s 3

Directory entries

s 16 om 1997 SL No. 341 s 3

Stationery

s 17 om 1997 SL No. 341 s 3

Envelopes

s 18 om 1997 SL No. 341 s 3

Signs

s 19 om 1997 SL No. 341 s 3

Advertisement Language

s 20 om 1997 SL No. 341 s 3

Directions

s 21 om 1997 SL No. 341 s 3

Compliance

s 22 om 1997 SL No. 341 s 3

Division 8—Advertising

div 8 (ss 32–38) om 1997 SL No. 341 s 4

SCHEDULE—FEES

amd 1999 SL No. 261 s 3; 2000 SL No. 215 s 3; 2001 SL No. 141 s 3