

I hereby certify that this PUBLIC BILL has finally passed the Legislative Assembly of Queensland.

Legislative Assembly Chamber,
Brisbane,

The Clerk of the Parliament.

9 April 2025

In the name and on behalf of the King, I assent to this Bill.

Government House,
Brisbane,

John Young

9th April 2025.



Queensland

No. 6 of 2025
A BILL for

An Act to amend the Health Ombudsman Act 2013 and the Health Practitioner Regulation National Law Act 2009 for particular purposes



Queensland

Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2025

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2025

A Bill

for

An Act to amend the Health Ombudsman Act 2013 and the Health Practitioner Regulation National Law Act 2009 for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2025*.

2 Commencement

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

Part 2 Amendment of Health Ombudsman Act 2013

3 Act amended

This part amends the *Health Ombudsman Act 2013*.

4 Amendment of s 94 (QCAT's jurisdiction)

(1) Section 94(2), after paragraph (a)—

insert—

(aa) hear an application made by a disqualified person for a reinstatement order under the National Law, section 198A; and

(2) Section 94(2)(aa) and (b)—

renumber as section 94(2)(b) and (c).

(3) Section 94(5), '(2)(b)'—

omit, insert—

(2)(c)

5 Amendment of s 96 (Orders that QCAT may make)

(1) Section 96—

insert—

(2A) The National Law, part 8, division 12A provides for the orders that QCAT may make after hearing an application made by a disqualified person for a reinstatement order under the National Law, section 198A.

(2) Section 96(2A) and (3)—

renumber as section 96(3) and (4).

6 Amendment of s 97 (Constitution of QCAT)

Section 97(2)—

insert—

(d) an application made by a disqualified person for a reinstatement order under the National Law, section 198A.

7 Amendment of s 107 (Decision about registered health practitioner other than student)

(1) Section 107(4), after ‘decide to’—

insert—

do 1 or more of the following

(2) Section 107(4)(a)—

omit, insert—

(a) disqualify the practitioner from applying for registration as a registered health practitioner;

[s 8]

- (aa) impose a restriction on the person, either permanently or for a stated period, from applying to QCAT for a reinstatement order;

8 Insertion of new s 125A

Before section 126—

insert—

125A Application of division

This division applies in relation to a disciplinary proceeding relating to—

- (a) a registered health practitioner; or
- (b) an application made by a disqualified person for a reinstatement order under the National Law, section 198A.

9 Amendment of s 126 (Tribunal to be assisted by assessors)

- (1) Section 126(1), ‘relating to a registered health practitioner’—

omit.

- (2) Section 126(1)(b), ‘2 assessors’—

omit, insert—

for a proceeding relating to a registered health practitioner—2 assessors

- (3) Section 126(1)—

insert—

- (c) for a proceeding relating to an application made by a disqualified person for a reinstatement order under the National Law, section 198A—2 assessors chosen by the principal registrar from the professional panel of assessors for the profession to which the application relates.

10 Amendment of s 261 (Reprisal and grounds for reprisals)

(1) Section 261(1), from ‘person—’—

omit, insert—

person has taken, or intends to take, protected action.

(2) Section 261—

insert—

(2A) Also, a person must not—

(a) use threats or intimidation to attempt to persuade another person not to take protected action; or

(b) dismiss, or refuse to employ, another person because, or in the belief that, the other person has taken, or intends to take, protected action.

(3) Section 261(3) and (4), after ‘subsection (1)’—

insert—

or (3)

(4) Section 261(5), ‘subsection (3)’—

omit, insert—

subsection (4)

(5) Section 261(2A) to (5)—

renumber as section 261(3) to (6).

(6) Section 261—

insert—

(7) In this section—

protected action means—

(a) making either of the following, in good faith—

(i) a health service complaint;

[s 11]

- (ii) a notification under the National Law, part 8, division 2 or 3; or
- (b) giving information, documents or other assistance in the course of an investigation or for another purpose under this Act or the National Law to a person performing functions under this Act or the National Law.

11 Amendment of s 262 (Offence for taking reprisal)

Section 262, penalty—

omit, insert—

Maximum penalty—

- (a) for an individual—375 penalty units or 2 years imprisonment; or
- (b) for a corporation—750 penalty units.

12 Insertion of new s 263A

After section 263—

insert—

263A Non-disclosure agreements

- (1) A provision of a non-disclosure agreement is void to the extent it prevents or limits a person from—
 - (a) making either of the following, in good faith—
 - (i) a health service complaint;
 - (ii) a notification under the National Law, part 8, division 2 or 3; or
 - (b) giving information, documents or other assistance in the course of an investigation or for another purpose under this Act or the National Law to a person performing

functions under this Act or the National Law.

- (2) A relevant person must not enter into a non-disclosure agreement unless the agreement sets out, clearly and in writing, that the agreement does not limit a person from—
- (a) making either of the following, in good faith—
 - (i) a health service complaint;
 - (ii) a notification under the National Law, part 8, division 2 or 3; or
 - (b) giving information, documents or other assistance in the course of an investigation or for another purpose under this Act or the National Law to a person performing functions under this Act or the National Law.

Maximum penalty—

- (a) for an individual—30 penalty units; or
 - (b) for a corporation—60 penalty units.
- (3) In this section—

non-disclosure agreement means a contract or other agreement that prohibits or restricts the disclosure of information or documents by a person in relation to the health, conduct or performance of a health service provider or former health service provider.

relevant person means the following—

- (a) an employer or former employer of a health service provider or former health service provider;
- (b) a health service provider.

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13 Insertion of new pt 21, div 4

Part 21—

insert—

Division 4 Transitional provision for Health Practitioner Regulation National Law and Other Legislation Amendment Act 2025

320I Application of s 263A

Section 263A(1) applies—

- (a) to a non-disclosure agreement, within the meaning of section 263A(3), whether entered into before or after the commencement; and
- (b) in relation to the health, conduct or performance of a health service provider or former health service provider (the *relevant issue*), whether the relevant issue occurred before or after the commencement.

14 Amendment of sch 1 (Dictionary)

Schedule 1—

insert—

disqualified person see the National Law, section 5.

reinstatement order see the National Law, section 5.

Part 3 **Amendment of Health Practitioner Regulation National Law**

15 **Law amended**

This part amends the Health Practitioner Regulation National Law set out in the schedule to the *Health Practitioner Regulation National Law Act 2009*.

16 **Amendment of s 5 (Definitions)**

Section 5—

insert—

disqualified person means a person—

- (a) whose registration has been cancelled by a responsible tribunal; or
- (b) who has been disqualified by a responsible tribunal from applying for registration, or being registered, in a health profession.

reinstatement order means an order of a responsible tribunal that a disqualified person is eligible to apply to a National Board for registration under Part 7.

17 **Insertion of new s 77A**

After section 77—

insert—

77A Restriction on disqualified persons applying for registration

Despite any other provision of this Law, a disqualified person cannot apply for registration under this Law unless a responsible tribunal has made a reinstatement order under this Law in

[s 18]

relation to the disqualified person.

18 Amendment of s 196 (Decision by responsible tribunal about registered health practitioner)

(1) Section 196(1)(b)(v), ‘particular; or’—

omit, insert—

particular.

(2) Section 196(4)(a), ‘for a specified period’—

omit.

(3) Section 196(4), after paragraph (a)—

insert—

(aa) impose a period during which the person may not apply to a responsible tribunal for a reinstatement order;

19 Amendment of s 197 (Decision by responsible tribunal about student)

Section 197(2), after ‘the tribunal may decide’—

insert—

to

20 Insertion of new pt 8, div 12A

Part 8, after division 12—

insert—

Division 12A Reinstatement orders

198A Application for reinstatement order

(1) A disqualified person may apply to a responsible tribunal for a reinstatement order.

- (2) For the purposes of subsection (1), the appropriate responsible tribunal for an application for a reinstatement order is the responsible tribunal for the participating jurisdiction in which the decision that resulted in the person becoming a disqualified person was made.

198B Hearing of application for reinstatement order

- (1) At a hearing of an application for a reinstatement order, the responsible tribunal must determine whether, at the time of the hearing, the making of a reinstatement order is appropriate.
- (2) Without limiting subsection (1), in determining whether it is appropriate to make the reinstatement order, the tribunal may consider whether the person is—
 - (a) a fit and proper person to hold registration in the health profession; and
 - (b) able to practise the health profession competently and safely.
- (3) The responsible tribunal must take into account a complaint or notification made about the person, whether the complaint or notification was made before or after the decision that resulted in the person becoming a disqualified person.

198C Parties to proceedings

The parties to proceedings relating to the hearing of an application for a reinstatement order are—

- (a) the disqualified person; and
- (b) the National Board that registered the person before the decision that resulted in the person becoming a disqualified person.

198D Costs

The responsible tribunal may make any order about costs the tribunal considers appropriate for the proceedings.

198E Decision about application for reinstatement order

- (1) A responsible tribunal that hears an application for a reinstatement order may—
 - (a) make an order dismissing the application; or
 - (b) grant the reinstatement order.
- (2) If the responsible tribunal grants the reinstatement order, the tribunal may decide conditions to which the person's registration must be subject if a National Board decides to re-register the person under this Law.
- (3) If the responsible tribunal decides to impose a condition on the person's registration, the tribunal must also decide a review period for the condition, commencing from the date of re-registration.
- (4) Any condition imposed on a person's registration by the National Board under Part 7 applies, but only to the extent it is not inconsistent with conditions imposed or changed by the responsible tribunal.
- (5) If the responsible tribunal makes an order dismissing the application, the tribunal may impose a period during which the person cannot make another application for a reinstatement order.
- (6) A person must not make an application for a reinstatement order in contravention of an order by the responsible tribunal under subsection (5).

21 Insertion of new ss 225A and 225B

After section 225—

insert—

225A Requirement for additional information to be recorded in National and Specialists Registers in certain circumstances

- (1) This section applies if a National Board is satisfied that, in relation to a health practitioner whose name is recorded in a National Register or Specialists Register kept by the Board—
 - (a) a responsible tribunal decided, on or after the participation day for the health profession, that the practitioner behaved in a way that constitutes professional misconduct; and
 - (b) a basis for the tribunal’s decision was that the practitioner engaged in sexual misconduct, whether occurring in connection with the practice of the practitioner’s profession or not.
- (2) For subsection (1)(b), it is immaterial that—
 - (a) sexual misconduct was not the sole or main basis for the tribunal’s decision; or
 - (b) if the matter involved other types of conduct—the tribunal did not consider or decide whether the sexual misconduct alone constituted professional misconduct.

Note—

See paragraph (b) of the definition of *professional misconduct*, which provides that professional misconduct may include more than one instance of unprofessional conduct in particular circumstances.

- (3) The National Board may be satisfied for subsection (1)(b)—

[s 21]

- (a) by necessary inference, taking into account the tribunal's decision and the reasons for the decision; and
 - (b) regardless of whether or not the tribunal's reasons for the decision expressly provide that sexual misconduct was a basis for the decision.
- (4) The National Board must record the information (the *additional information*) mentioned in section 225B in the National Register or Specialists Register.
- (5) However, the additional information must not be recorded in the National Register or Specialists Register, or must be removed from the register, if, on appeal, the responsible tribunal's decision regarding professional misconduct is—
 - (a) stayed or overturned; or
 - (b) modified to the extent it is no longer a decision to which this section applies.
- (6) Also, if recording the additional information in the National Register or Specialists Register would contravene an order of a court or tribunal, the National Board must not include, or must remove, the additional information to the extent the recording of the information in the register would contravene the order.
- (7) Section 226(1) and (2) apply to the requirement to record information under this section.
- (8) The additional information must remain on the National Register or Specialists Register permanently, unless otherwise authorised to be removed by this Law.
- (9) To the extent of any inconsistency between the requirements of this section and section 225B (the *relevant sections*) and section 232(2), the relevant sections prevail.

**225B Additional information to be recorded in
National and Specialists Registers for s 225A**

- (1) For section 225A(4), the additional information is—
 - (a) a statement of the following—
 - (i) the date of the tribunal’s decision;
 - (ii) the name of the tribunal;
 - (iii) that the tribunal decided the person behaved in a way that constitutes professional misconduct;
 - (iv) that the professional misconduct included sexual misconduct;
 - (v) any sanction imposed by the tribunal that—
 - (A) relates solely to the sexual misconduct; or
 - (B) if the sanction relates to more than one type of conduct—relates to the sexual misconduct and other types of conduct; and
 - (b) if the tribunal decision has been published—a copy of the decision or a link to the decision.
- (2) For section 225A(4), if the tribunal decided to cancel the person’s registration on the grounds of the professional misconduct, or if the health practitioner no longer holds registration, the additional information is also a statement of the following—
 - (a) if the tribunal decided to disqualify the person from applying for registration under section 196(4)(a)—
 - (i) that the tribunal decided to disqualify the person; and

[s 22]

- (ii) that the person may apply to the tribunal for a reinstatement order;
- (b) if the tribunal decided to set a period for which the person may not apply for a reinstatement order—the period for which the person may not apply for the order;
- (c) if the tribunal decided to prohibit the person from providing a health service or using a title under section 196(4)(b)—that the tribunal has prohibited the person from providing the service or using the title for a specified time or permanently;
- (d) if the tribunal decided to restrict the person from providing a health service under section 196(4)(c)—
 - (i) that the tribunal has restricted the person from providing the service; and
 - (ii) the period of the restriction or that the restriction is permanent.

22 Insertion of new ss 237A and 237B

After section 237—

insert—

237A Protection from reprisals for persons making notifications or otherwise providing information, documents or assistance

- (1) A person must not—
 - (a) use threats or intimidation to attempt to persuade another person not to take protected action; or
 - (b) dismiss, or refuse to employ, another person because, or in the belief that, the other person has taken, or intends to take, protected action; or

- (c) subject another person to other detriment or reprisal because, or in the belief that, the other person has taken, or intends to take, protected action.

Maximum penalty—

- (a) for an individual—\$60,000; or
- (b) for a body corporate—\$120,000.

- (2) In this section—

protected action means—

- (a) making a notification, in good faith, under this Law; or
- (b) giving information, documents or other assistance in the course of an investigation or for another purpose under this Law to a person exercising functions under this Law.

237B Non-disclosure agreements

- (1) A provision of a non-disclosure agreement is void to the extent it prevents or limits a person from—
 - (a) making a notification, in good faith, under this Law; or
 - (b) giving information, documents or other assistance in the course of an investigation or for another purpose under this Law to a person exercising functions under this Law.
- (2) A relevant person must not enter into a non-disclosure agreement unless the agreement sets out, clearly and in writing, that the agreement does not limit a person from—
 - (a) making a notification, in good faith, under this Law; or
 - (b) giving information, documents or other assistance in the course of an investigation

[s 23]

or for another purpose under this Law to a person exercising functions under this Law.

Maximum penalty—

- (a) for an individual—\$5,000; or
- (b) for a body corporate—\$10,000.

(3) In this section—

non-disclosure agreement means a contract or other agreement that prohibits or restricts the disclosure of information or documents by a person in relation to the health, conduct or performance of a registered health practitioner or former registered health practitioner.

relevant person means the following—

- (a) an employer or former employer of a registered health practitioner or a person who was registered under this Law;
- (b) a health service provider whose services are provided by registered health practitioners;
- (c) a registered health practitioner.

23 Insertion of new pt 16

After part 15—

insert—

Part 16

Transitional provisions for Health Practitioner Regulation National Law and Other Legislation Amendment Act 2025

327 Application of s 77A

Section 77A—

- (a) does not apply in relation to an application for registration made before the commencement of this section; but
- (b) applies to a disqualified person who makes an application for registration after the commencement of this section, regardless of when a responsible tribunal made the decision that resulted in the person becoming a disqualified person.

328 Application for reinstatement order

- (1) This section applies if, immediately before the commencement of this section—
 - (a) a person was disqualified from applying for registration as a registered practitioner for a specified period; and
 - (b) the period has not yet ended.
- (2) The person cannot apply under section 198A for a reinstatement order until the specified period has ended.

329 Application of s 237B

Section 237B(1) applies—

- (a) to a non-disclosure agreement, within the meaning of section 237B(3), whether entered into before or after the commencement of this section; and
- (b) in relation to the health, conduct or performance of a registered health practitioner or former registered health practitioner (the *relevant issue*), whether the

[s 24]

relevant issue occurred before or after the commencement of this section.

Part 4

Amendment of Health Practitioner Regulation National Law Act 2009

24 Act amended

This part amends the *Health Practitioner Regulation National Law Act 2009*.

Editor's note—

For a consolidated reprint of the National Law as it applies in Queensland, see the *Health Practitioner Regulation National Law (Queensland)*.

25 Insertion of new ss 51A and 51B

After section 51—

insert—

51A Amendment of s 198C (Parties to proceedings)

(1) National Law provisions, section 198C(b)—

omit, insert—

(b) either—

- (i) if the person became a disqualified person because of a decision made by the responsible tribunal after hearing a matter referred to the tribunal by a National Board under section 193B—the National Board; or
- (ii) if the person became a disqualified person because of a decision made by the responsible

tribunal after hearing a matter referred to the tribunal by the director of proceedings on behalf of the health ombudsman under the *Health Ombudsman Act 2013*, section 103—the health ombudsman.

(2) National Law provisions, section 198C—
insert—

(2) In this section—

director of proceedings see the *Health Ombudsman Act 2013*, schedule 1.

51B Omission of s 198D (Costs)

National Law provisions, section 198D—
omit.

26 Insertion of new s 55A

After section 55—

insert—

55A Amendment of s 225B (Additional information to be recorded in National and Specialists Registers for s 225A)

(1) National Law provisions, section 225B(2)(a), after ‘section 196(4)(a)’—

insert—

or the *Health Ombudsman Act 2013*, section 107(4)(a)

(2) National Law provisions, section 225B(2)(a)(ii)—

omit, insert—

[s 26]

- (ii) unless the tribunal decided to impose a permanent restriction on the person from applying to the tribunal for a reinstatement order, that the person may apply to the tribunal for a reinstatement order;
- (3) National Law provisions, section 225B(2)(c), after ‘section 196(4)(b)’—
insert—
or the *Health Ombudsman Act 2013*, section 107(4)(b)
- (4) National Law provisions, section 225B—
insert—
 - (3) Also, for section 225A(4), if the tribunal decided to impose a permanent restriction on the person from applying to the tribunal for a reinstatement order, the additional information is also a statement that the tribunal imposed a permanent restriction on the person from applying to the tribunal for a reinstatement order.
 - (4) Further, for section 225A(4), the additional information is also a statement of the following—
 - (a) if section 328(2) applies in relation to the person—the specified period during which the person cannot apply under the National Law, section 198A for a reinstatement order;
 - (b) if section 328(4) applies in relation to the person—that the person cannot apply under the National Law, section 198A for a reinstatement order.

27 Insertion of new s 56AA

After section 56—

insert—

56AA Omission of ss 237A and 237B

National Law provisions, sections 237A and 237B—

omit.

28 Insertion of new ss 58 and 59

After section 57—

insert—

58 Replacement of s 328 (Application for reinstatement order)

National Law provisions, section 328—

omit, insert—

328 Application for reinstatement order

- (1) Subsection (2) applies if, immediately before the commencement—
 - (a) a person was disqualified, under the *Health Ombudsman Act 2013* or the National Law, from applying for registration as a registered practitioner for a specified period; and
 - (b) the period had not yet ended.
- (2) The person cannot apply under the National Law, section 198A for a reinstatement order until the specified period has ended.
- (3) Subsection (4) applies if, immediately before the commencement, a person was disqualified, under the *Health Ombudsman Act 2013*, from applying for registration as a registered practitioner indefinitely.

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- (4) The person cannot apply under the National Law, section 198A for a reinstatement order.

59 Omission of s 329 (Application of s 237B)

National Law provisions, section 329—
omit.

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