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QUEENSLAND

**MEDICAL ASSESSMENT
TRIBUNAL RULES 1987**

WITH

AN INDEX

(Compiled to 1 August, 1990)

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MEDICAL ASSESSMENT TRIBUNAL RULES 1987

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QUEENSLAND

MEDICAL ASSESSMENT TRIBUNAL RULES 1987

[Reprinted as at 1 August, 1990]

[Regulations published Gazette 27 June 1987, pp. 2325-2328.]

Department of Health
Brisbane, 25th June, 1987

HIS Excellency the Governor, acting by and with the advice of the Executive Council and on the recommendation of the Judge constituting the Medical Assessment Tribunal, has, in pursuance of the provisions of the *Medical Act 1939-1987*, been pleased to make the following rules.

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PART I—PRELIMINARY

1. Short Title. These rules may be cited as the Medical Assessment Tribunal Rules 1987.

2. Commencement. These rules shall come into operation on 1st July, 1987.

3. Arrangement. These rules are arranged as follows:—

PART I—PRELIMINARY

PART II—PRE-HEARING PROCEDURES

PART III—APPEALS

FIRST SCHEDULE

SECOND SCHEDULE

4. Forms. (1) The forms set forth in the First Schedule to these rules shall be used for the purposes for which they are respectively applicable.

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

5. Fees. The fees payable to any assessor (other than an officer of the Crown) sitting with the judge for the time being constituting the Tribunal for attendance at sittings of the Tribunal shall be as set out in the Second Schedule to these rules.

PART II—PRE-HEARING PROCEDURES

6. Notice of charge. (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 him of the intention of the Board to charge him before the Tribunal. The notice shall give particulars of the grounds on which he 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 seven 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 his own expense, a copy of the record of the proceedings before the Board relating to his case, other than the deliberations of the Board.

7. Service of notice. (1) A notice referred to in rule 6 (1) (a) shall, where practicable, be served personally upon the medical practitioner, but otherwise shall be posted to him by registered letter to his address as shown in the register or, if there be no such address, to his last known 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 his 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 of Queensland.

PART III—APPEALS

9. Notice of Appeal. (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 twenty-eight clear days of the day on which the decision from which he 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.

10. Date and place of hearing. 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.

First Schedule

Form 1

Medical Act 1939-1987

Medical Assessment Tribunal Rules 1987

NOTICE OF CHARGE FOLLOWING COMPLAINT UNDER SECTION 37 (2)

To—(*Name and Address of Medical Practitioner.*)

Take notice that you are charged by the Medical Board of Queensland, constituted under the *Medical Act 1939-1987* according to the complaint of one (*insert name of complainant*), being a person aggrieved within the meaning of subsection 2 of section 37 of the said Act, which said complaint (*state whether made verbally or in writing*) is that you have been guilty of misconduct in a professional respect in that

(*Here set out particulars of charge.*)

Dated this _____ day of _____

Registrar of Medical Board
of Queensland.

Form 2

Medical Act 1939-1987

Medical Assessment Tribunal Rules 1987

NOTICE OF CHARGE UNDER SECTION 37 (1)

To—(*Name and Address of Medical Practitioner.*)

Take notice that you are charged by the Medical Board of Queensland, constituted under the *Medical Act 1939-1987* under the provisions of subsection 1 of section 37 of the said Act that you

(*Here give particulars of charge.*)

Dated this _____ day of _____

Registrar of Medical Board.

Form 3

Medical Act 1939-1987

Medical Assessment Tribunal Rules 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 1939-1987* on the _____ day of _____, at (place of hearing).

Dated this _____ day of _____,

Registrar of Medical Tribunal.

Form 4

Medical Act 1939-1987

Medical Assessment Tribunal Rules 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.**Second Schedule****Fees Payable to Assessors**

1. For attendance at any morning session—\$261.50.
2. For attendance at any afternoon session—\$261.50.

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