

Queensland



**HEALTH LEGISLATION  
AMENDMENT ACT (No. 2)  
1996**

**Act No. 61 of 1996**



Queensland



**HEALTH LEGISLATION AMENDMENT  
ACT (No. 2) 1996**

**TABLE OF PROVISIONS**

Section		Page
<b>PART 1—PRELIMINARY</b>		
1	Short title .....	8
2	Commencement .....	8
<b>PART 2—AMENDMENT OF HEALTH SERVICES ACT 1991</b>		
3	Act amended in pt 2 .....	8
4	Amendment of s 2 (Definitions) .....	8
5	Insertion of new s 2A .....	11
	2A Meaning of “health service” .....	11
6	Replacement of s 3 (Objects of Act) .....	12
	3 Objects of Act .....	12
	3A Act binds Crown .....	12
<b>PART 1A—HEALTH SERVICE DISTRICTS AND DISTRICT HEALTH COUNCILS</b>		
<i>Division 1—Declaration of districts and establishment of councils</i>		
4	Health service districts .....	13
4A	District health councils .....	13
<i>Division 2—Functions and membership of councils</i>		
4B	Functions .....	13
4C	Participation in selection of senior executives .....	14
4D	Appointment of members .....	15
4E	Chairperson of council .....	15
4F	Term of appointment .....	16
4G	Disqualification from membership .....	16

---

4H	Vacation of office . . . . .	16
4I	Remuneration of members . . . . .	17
<i>Division 3—Business and meetings of councils</i>		
4J	Conduct of business . . . . .	17
4K	Times and places of meetings . . . . .	17
4L	Quorum and voting at meetings . . . . .	17
4M	Attendance by manager . . . . .	17
4N	Minutes . . . . .	18
4O	Disclosure of interests . . . . .	18
<i>Division 4—Miscellaneous</i>		
4P	Managers for districts . . . . .	19
4Q	Consultative committees . . . . .	19
<b>PART 1B—HEALTH SERVICE EMPLOYEES</b>		
5	Appointment of health service employees . . . . .	19
6	Health service employees not public service employees . . . . .	20
7	Basis of employment . . . . .	20
8	Directives issued by Governor in Council . . . . .	20
9	Conditions of employment . . . . .	21
7	Omission of pt 2, div 1 . . . . .	21
8	Replacement of pts 3 and 4 . . . . .	21
<b>PART 3—CONTROL OF TRAFFIC AND CONDUCT ON HEALTH SERVICES LAND</b>		
<i>Division 1—Authorised persons and security officers</i>		
20	Appointment of authorised persons and security officers . . . . .	21
21	Terms of appointment . . . . .	22
22	Identity cards . . . . .	22
23	Proof of authority . . . . .	22
<i>Division 2—Traffic control</i>		
24	Authorised persons to control traffic on health services land . . . . .	23
25	Regulatory notice . . . . .	23
26	Information notices . . . . .	24
27	Removal and detention of illegally parked or abandoned vehicles . . . . .	24

---

28	Disposal of unclaimed vehicles . . . . .	25
29	Application of proceeds of sale . . . . .	26
	<i>Division 3—Conduct on health services land</i>	
30	Conduct causing a public nuisance . . . . .	26
31	Power to deal with persons causing a public nuisance . . . . .	27
32	Prohibition of smoking . . . . .	27
	<b>PART 4—ADMINISTRATION</b>	
	<i>Division 1—Officials</i>	
33	Appointment of officials . . . . .	28
34	Terms of appointment . . . . .	28
35	Functions of auditors . . . . .	28
36	Functions of investigators . . . . .	29
37	Power of officials to ask for documents . . . . .	29
38	Duty of confidentiality of officials . . . . .	29
	<i>Division 2—General</i>	
39	Ministerial advisory committees . . . . .	30
40	Responsibility of chief executive . . . . .	30
	<b>PART 4A—PROVISION OF FACILITIES FOR FOOD AND OTHER SERVICES</b>	
9	Amendment of s 62 (Confidentiality) . . . . .	30
10	Replacement of pt 8 (Savings and transitional provisions) . . . . .	32
78	Numbering and renumbering of Act . . . . .	32
	<b>PART 6—REPEALS, SAVINGS AND TRANSITIONAL PROVISIONS</b>	
	<i>Division 1—Repeals</i>	
79	Repeal of certain by-laws . . . . .	33
	<i>Division 2—Savings and transitional provisions for regional health authorities</i>	
80	Definition for pt 6, div 2 . . . . .	33
81	Authorities dissolved . . . . .	33
82	Assets and liabilities . . . . .	33
83	Proceedings . . . . .	34
84	Non-contract employees . . . . .	34
85	Contract employees . . . . .	35

---

86	Employees' rights and entitlements . . . . .	35
87	Directions by the chief executive . . . . .	36
88	Disciplinary action . . . . .	36
89	Entries in registers . . . . .	37
<b>PART 3—AMENDMENT OF QUEENSLAND INSTITUTE OF MEDICAL RESEARCH ACT 1945</b>		
11	Act amended in pt 3 . . . . .	37
12	Replacement of s 5 (Constitution of Council of The Queensland Institute of Medical Research) . . . . .	37
	5 Membership of Council . . . . .	37
	5A Nominee Council members . . . . .	38
	5B Council members' term of appointment . . . . .	39
	5C Chairperson and deputy chairperson . . . . .	39
13	Insertion of new s 6A . . . . .	39
	6A Nominee Council member vacancy . . . . .	39
14	Amendment of s 8B (Membership of Trust) . . . . .	40
<b>PART 4—MINOR AND CONSEQUENTIAL AMENDMENTS</b>		
15	Amendment of Acts . . . . .	40
<b>SCHEDULE . . . . .</b>		
<b>MINOR AND CONSEQUENTIAL AMENDMENTS OF ACTS</b>		
	AMBULANCE SERVICE ACT 1991 . . . . .	41
	DENTAL TECHNICIANS AND DENTAL PROSTHETISTS ACT 1991 . . . . .	41
	DRUGS MISUSE ACT 1986 . . . . .	42
	FOOD ACT 1981 . . . . .	42
	HEALTH ACT 1937 . . . . .	45
	HEALTH RIGHTS COMMISSION ACT 1991 . . . . .	46
	HEALTH SERVICES ACT 1991 . . . . .	46
	HOSPITALS FOUNDATIONS ACT 1982 . . . . .	49
	MEDICAL ACT 1939 . . . . .	53
	MENTAL HEALTH ACT 1974 . . . . .	53
	PENALTIES AND SENTENCES ACT 1992 . . . . .	56
	PUBLIC SERVICE SUPERANNUATION ACT 1958 . . . . .	56
	PUBLIC TRUSTEE ACT 1978 . . . . .	57

QUEENSLAND INSTITUTE OF MEDICAL RESEARCH ACT 1945 . . . .	57
STATE SERVICE SUPERANNUATION ACT 1972 . . . . .	59
WHISTLEBLOWERS PROTECTION ACT 1994 . . . . .	59
WORKERS' COMPENSATION ACT 1990 . . . . .	60





Queensland



**Health Legislation Amendment Act (No. 2)  
1996**

**Act No. 61 of 1996**

---

**An Act to amend certain Acts administered by the Minister for  
Health, and for other purposes**

*[Assented to 9 December 1996]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Health Legislation Amendment Act (No. 2) 1996*.

### **Commencement**

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

## **PART 2—AMENDMENT OF HEALTH SERVICES ACT 1991**

### **Act amended in pt 2**

3. This part amends the *Health Services Act 1991*.

### **Amendment of s 2 (Definitions)**

4.(1) Section 2, definitions “**authorised officer**”, “**authority**”, “**health service**”, “**inspector**”, “**private sector health service**”, “**professional association**”, “**public sector**”, “**public sector hospital**”, “**region**” and “**regional director**”—

*omit.*

(2) Section 2, definition “**public sector health service**”, ‘operated’ to ‘sector’—

*omit, insert—*

‘provided by the State’.

(3) Section 2—

*insert—*

“**applied law**”, for a health service employee, means the provisions of the *Public Service Act 1996* as applied, under a regulation under section 22 of that Act, to the employee.

“**appoint**”, a person as a health service employee, means—

- (a) for a person who is a public service officer or is already a tenured health service employee—promote or redeploy the officer or employee; or
- (b) for another person—employ the person as a health service employee.

“**auditor**” means a person holding office as an auditor under an appointment under section 33.

“**authorised person**” means a person holding office as an authorised person under an appointment under section 20.

“**award**” means an award under the *Industrial Relations Act 1990* or *Industrial Relations Act 1988* (Cwlth).

“**case mix funding arrangement**” means the arrangement for funding public sector health services that includes the system of funding based on the classification of patient care episodes.

“**casual health service employee**” see section 5.

“**chairperson**”, of a council, means the chairperson of the council.

“**contracted health service employee**” see section 5.

“**council**” means a district health council established under section 4A.

“**designated smoking area**” means an area designated as a smoking area by signs erected by the chief executive.

“**directive**” means—

- (a) a directive issued under section 8; or
- (b) a directive issued under the *Public Service Act 1996* that is binding on health service employees.

“**dissolved authority**” means a regional health authority formerly in

existence under this Act.

**“district”** means a health service district declared under section 4.

**“funding arrangement”**, for a public sector health service, means the arrangement for funding the health service, and includes—

- (a) the arrangement for funding public sector health services under the Medicare Agreement; and
- (b) the case mix funding arrangement.

**“health service”** see section 2A.

**“health service employee”** means a person appointed under section 5.

**“health services agreement”**, for a district, means an administrative arrangement between the chief executive and the manager for the district, about the delivery in the district of the public sector health services under the arrangement and funds for their delivery.

**“health services land”** means land and buildings from which public sector health services are delivered.

**“higher classification level”** means a classification level that is a higher classification level under a directive.

**“industrial agreement”** means an industrial agreement, certified agreement or enterprise flexibility agreement under the *Industrial Relations Act 1990*.

**“investigator”** means a person holding office as an investigator under an appointment under section 33.

**“lower classification level”** means a classification level that is a lower classification level under a directive.

**“manager”**, for a district, means the person appointed as the manager for the district under section 4P.

**“Medicare Agreement”** means the agreement between the Commonwealth and the State entered into under the *Health Insurance Act 1973* (Cwlth), section 24.

**“member”** means a member of a council.

**“official”** means an auditor or investigator.

**“official traffic sign”** has the meaning given by the *Traffic Act 1949*.

“**owner**”, of a vehicle, includes the person registered as the owner of the vehicle under—

- (a) the *Transport Infrastructure (Roads) Act 1991*; or
- (b) the corresponding law of another State or a Territory.

“**promote**”, a public service officer or tenured health service employee, means employ the officer or employee at a higher classification level (whether or not on different duties), other than temporarily.

“**public sector hospital**” means a hospital operated by the State.

“**public service officer**” means a public service officer within the department.

“**redeploy**”, a public service officer or tenured health service employee, means employ the officer or employee, with the officer or employee’s consent, at a lower classification level (whether or not on different duties), other than temporarily.

“**regulatory notice**” see section 25.

“**security officer**” means a person holding office as a security officer under an appointment under section 20.

“**temporarily**” means for a period limited by time, whether or not the time has been fixed.

“**temporary health service employee**” see section 5.

“**tenured health service employee**” see section 5.

“**vehicle**” has the meaning given by the *Traffic Act 1949*.’.

## Insertion of new s 2A

5. After section 2—

*insert—*

### ‘Meaning of “health service”

‘**2A.(1)** A “**health service**” is a service for maintaining, improving or restoring people’s health and wellbeing.

‘**(2)** Without limiting subsection (1), a health service includes—

- (a) a service provided to a person at a hospital, nursing home, community health facility or other place; and
- (b) a service dealing with public health, including a program or activity for—
  - (i) the prevention and control of disease or sickness; or
  - (ii) the prevention of injury.

*Example of health service mentioned in paragraph (b)—*

A childhood immunisation program.

‘(3) In addition, a health service includes any administrative or other support service directly related to a health service.

*Examples of support services—*

Catering and laundry services provided at a hospital.’.

## **Replacement of s 3 (Objects of Act)**

**6.** Section 3—

*omit, insert—*

### **‘Objects of Act**

‘**3.(1)** The objects of this Act are to—

- (a) help prevent illness; and
- (b) provide for the treatment of the sick.

‘**(2)** The objects are to be achieved primarily by—

- (a) establishing organisational arrangements for the delivery of public sector health services in the State; and
- (b) establishing district health councils to enable community participation in the planning and delivery of public sector health services in the State.

### **‘Act binds Crown**

‘**3A.** This Act binds the Crown in right of the State, and, as far as the

legislative power of the Parliament permits, the Crown in all its other capacities.

## **‘PART 1A—HEALTH SERVICE DISTRICTS AND DISTRICT HEALTH COUNCILS**

### *‘Division 1—Declaration of districts and establishment of councils*

#### **‘Health service districts**

- ‘4. The Governor in Council may, by gazette notice—
- (a) declare an area of the State, a public sector hospital or other public sector health service facility to be a health service district; and
  - (b) assign a name to the district.

#### **‘District health councils**

- ‘4A. There is to be a district health council for each district.

### *‘Division 2—Functions and membership of councils*

#### **‘Functions**

- ‘4B.(1) The functions of a council are to—
- (a) identify and assess the health service needs of people living in the council’s district or who may use public sector health services delivered in its district; and
  - (b) participate in the development of the department’s strategic plans for the delivery of public sector health services in the district; and
  - (c) monitor compliance with the strategic plans and health services agreements by the manager for the district; and
  - (d) monitor compliance by the manager for the district with the

budgets for the district; and

- (e) monitor the quality of public sector health services delivered in the district; and
- (f) decide priorities for minor capital works, and monitor the programs for the works and asset management, for the district; and
- (g) advise and make recommendations to the manager for the district about the matters mentioned in paragraphs (a) to (f); and
- (h) advise the manager for the district about the development of health services agreements for the district; and
- (i) within 1 month after the end of a financial year, give the Minister a written report on the performance of its other functions during the year; and
- (j) when directed by the Minister or on the council's own initiative, give the Minister a written report on any matter about its other functions; and
- (k) do anything necessary for, or incidental to, the performance of its other functions.

‘(2) In this section—

“**asset management**” means the acquisition, disposal or maintenance of assets.

“**delivery**”, of public sector health services in a district, means the delivery of the services under the health services agreement for the district.

“**minor capital works**” means capital works costing not more than the amount stated in the chief executive's delegation under the *Financial Administration and Audit Act 1977*, section 36A, to the manager for the district.

### ‘Participation in selection of senior executives

‘4C.(1) A council may, under this section, participate in the selection of a senior executive for the council's district.

‘(2) If a council decides to participate in the selection of a senior executive, the chairperson is to be a member of the selection panel for the



selection of the senior executive.

‘(3) However, the chairperson may nominate another council member to be a member of the selection panel instead of the chairperson.

‘(4) In this section—

“**senior executive**”, for a district, means—

- (a) the manager for the district; or
- (b) a member of a class of health service employee who—
  - (i) is employed in the delivery of public sector health services in the district; and
  - (ii) is declared to be a senior executive by the Minister.

#### ‘**Appointment of members**

‘**4D.(1)** A council is to consist of at least 8, but not more than 10, members appointed by the Governor in Council.

‘(2) Before making a recommendation to the Governor in Council for the appointment of members of a council, the Minister must have regard to—

- (a) the need for community representation on the council; and
- (b) the expertise and experience necessary for the exercise by the council of its functions.

‘(3) A council may include not more than 2 members from tertiary institutions involved in educating and training health practitioners at public sector health service facilities in the council’s district.

‘(4) In this section—

“**health practitioner**” means a person engaged, or to be engaged, in the delivery of a health service.

#### ‘**Chairperson of council**

‘**4E.(1)** The Governor in Council is to appoint a member as the chairperson of the council.

‘(2) The chairperson is to preside at all meetings of the council at which the chairperson is present.

‘(3) If the chairperson is not present at a meeting, a member chosen by the members present at the meeting is to preside.

### **‘Term of appointment**

‘4F. A member is to be appointed for a term of not more than 4 years.

### **‘Disqualification from membership**

‘4G.(1) A person cannot become, or continue as, a member if the person—

- (a) is under 18 years; or
- (b) is an undischarged bankrupt or is taking advantage of the laws about bankruptcy; or
- (c) is convicted of an indictable offence; or
- (d) is employed in the delivery of a public sector health service in the council’s district.

‘(2) The Minister may declare that subsection (1)(d) does not apply to a stated person if the Minister determines it is not otherwise possible to appoint the required number of members with the expertise and experience necessary for the exercise of the council’s functions, including, for example, because of the remoteness of a council’s district.

### **‘Vacation of office**

‘4H. A member is taken to have vacated office if the member—

- (a) dies; or
- (b) resigns from office; or
- (c) is disqualified from holding office; or
- (d) is removed from office; or
- (e) is absent without the council’s leave and without reasonable excuse from 3 consecutive meetings of the council.

**‘Remuneration of members**

‘4I.(1) A member is entitled to be paid the fees and allowances decided by the Governor in Council.

‘(2) However, a member may waive payment in whole or part.

***Division 3—Business and meetings of councils*****‘Conduct of business**

‘4J. Subject to this division, a council may conduct its business (including meetings) in the way it considers appropriate.

**‘Times and places of meetings**

‘4K.(1) Meetings of a council are to be held at least once every 2 months at the times and places the chairperson decides.

‘(2) However, the chairperson must call a meeting of the council to consider a matter, if directed to do so by the Minister, within the period stated by the Minister.

**‘Quorum and voting at meetings**

‘4L. At a meeting of a council—

- (a) a majority of the members of the council forms a quorum; and
- (b) a question is to be decided by a majority of the votes of the members present and voting; and
- (c) each member present has a vote on each question to be decided; and
- (d) the chairperson of the council has a deliberative vote and, if the votes are equal, also a casting vote.

**‘Attendance by manager**

‘4M. The manager for a district must attend meetings of the district’s council.

**‘Minutes**

‘4N.(1) A council must keep minutes of its meetings.

‘(2) The chairperson must provide copies of the minutes to the Minister, if requested by the Minister.

**‘Disclosure of interests**

‘4O.(1) This section applies if—

- (a) a member of a council has a direct or indirect personal interest in an issue being considered, or about to be considered, by the council; and
- (b) the interest could conflict with the proper performance of the member’s duties in considering the issue.

‘(2) The member must disclose the nature of the interest to a meeting of the council as soon as practicable after the member becomes aware of the possible conflict of interest.

‘(3) The disclosure must be recorded in the minutes of the meeting.

‘(4) Unless the council otherwise directs, the member must not—

- (a) be present when the council considers the issue; or
- (b) take part in a decision of the council on the issue.

‘(5) A member who makes a disclosure must not—

- (a) be present when the council is considering whether to give a direction under subsection (4); or
- (b) take part in the decision about giving the direction.

‘(6) If, because of this section, a member is not present at a council meeting for considering or deciding an issue, but there would be a quorum if the member were present, the remaining members present are a quorum for considering or deciding the issue at the meeting.

***‘Division 4—Miscellaneous*****‘Managers for districts**

‘**4P.(1)** There is to be a manager appointed for each district.

‘**(2)** The manager is to be a public service officer or health service employee.

‘**(3)** The manager’s functions are—

- (a) subject to the chief executive, to manage the delivery of public sector health services in the manager’s district in accordance with the health services agreement for the district; and
- (b) to consult and liaise with the council for the district on matters about the council’s functions.

‘**(4)** The manager for a district must ensure the council has the administrative support services reasonably required to carry out the council’s functions effectively and efficiently.

**‘Consultative committees**

‘**4Q.(1)** A council may establish consultative committees to provide a way for members of the public to express their views about the planning and delivery of public sector health services in the district.

‘**(2)** The Minister may give directions to a council about the establishment of, and its relationship with, a consultative committee.

‘**(3)** A member of a consultative committee is not to be paid any fees or allowances.

**‘PART 1B—HEALTH SERVICE EMPLOYEES****‘Appointment of health service employees**

‘**5.(1)** The chief executive may appoint a person, as a health service employee, in the department for the delivery of public sector health services.

‘(2) However, subsection (1) does not apply to a part of the department prescribed under a regulation for this subsection.

‘(3) Appointment as a health service employee is—

- (a) on tenure (a “**tenured health service employee**”); or
- (b) on contract for a fixed term (a “**contracted health service employee**”); or
- (c) on a temporary basis (a “**temporary health service employee**”); or
- (d) on a casual basis (a “**casual health service employee**”).

### ‘**Health service employees not public service employees**

‘6. A health service employee is not a public service employee.

### ‘**Basis of employment**

‘7.(1) Appointment as a tenured, contracted or temporary health service employee is on the basis of full-time or part-time employment.

‘(2) A person appointed as a contracted health service employee must enter into a written contract of employment with the chief executive.

### ‘**Directives issued by Governor in Council**

‘8.(1) The Governor in Council may issue directives about the employment of health service employees.

*Example of directive—*

A directive issued about the selection process for health service employees.

‘(2) A directive—

- (a) is to be issued by gazette notice; and
- (b) is binding on the employees to whom it applies.

‘(3) If a directive issued under this section is inconsistent with this or another Act or subordinate legislation under this or another Act, the Act or subordinate legislation prevails over the directive to the extent of the inconsistency.

**‘Conditions of employment**

**‘9.(1)** A health service employee’s conditions of employment are governed by—

- (a) the applied law; and
- (b) an award, industrial agreement or directive that is binding on the employee; and
- (c) if the employee is a contracted health service employee—the employee’s contract.

**‘(2)** In addition, the chief executive may make determinations about the conditions of employment of health service employees.

**‘(3)** A determination has effect subject to subsection (1).

**‘(4)** However, the chief executive may determine conditions of employment for health service employees that are more favourable than those contained in an award or industrial agreement binding on the employee.’.

**Omission of pt 2, div 1**

**7.** Part 2, division 1—

*omit.*

**Replacement of pts 3 and 4**

**8.** Parts 3 and 4—

*omit, insert—*

**‘PART 3—CONTROL OF TRAFFIC AND CONDUCT  
ON HEALTH SERVICES LAND*****‘Division 1—Authorised persons and security officers*****‘Appointment of authorised persons and security officers**

**‘20.(1)** The chief executive may, in writing, appoint a person who the

chief executive is satisfied has the necessary training, or knowledge and experience, to be an authorised person under this Act.

‘(2) The chief executive may, in writing, appoint a person who the chief executive is satisfied has the necessary training, or knowledge and experience, to be a security officer under this Act.

‘(3) A person may be appointed both an authorised person and a security officer.

### **‘Terms of appointment**

‘21.(1) An authorised person or security officer holds office on the conditions stated in the instrument of appointment.

‘(2) If the instrument provides for a term of appointment, the authorised person or security officer ceases to hold office at the end of the term.

‘(3) An authorised person or security officer may resign by signed notice given to the chief executive.

### **‘Identity cards**

‘22.(1) The chief executive must issue an identity card to each authorised person and security officer.

‘(2) The identity card must—

- (a) contain a recent photograph of the authorised person or security officer; and
- (b) be in a form approved by the chief executive; and
- (c) be signed by the authorised person or security officer.

‘(3) A person who ceases to be an authorised person or security officer must, as soon as practicable, return the person’s identity card to the chief executive, unless the person has a reasonable excuse for not returning it.

Maximum penalty for subsection (3)—10 penalty units.

### **‘Proof of authority**

‘23.(1) An authorised person or security officer may exercise a power



under this Act in relation to someone else only if the person or officer—

- (a) first produces his or her identity card for inspection by the other person; or
- (b) has his or her identity card displayed so that it is clearly visible.

‘(2) If, for any reason, it is not practicable to comply with subsection (1), the authorised person or security officer must produce the identity card for inspection by the person at the first reasonable opportunity.

‘(3) If subsection (2) is relevant and is complied with by an authorised person or security officer, the exercise of a power in relation to someone else by the authorised person or security officer is not invalid merely because of subsection (1).

### *‘Division 2—Traffic control*

#### **‘Authorised persons to control traffic on health services land**

‘**24.(1)** An authorised person may control traffic on health services land and, for this purpose, may give directions to a person on the land.

‘(2) The person must comply with the direction unless the person has a reasonable excuse for not complying with it.

Maximum penalty for subsection (2)—10 penalty units.

#### **‘Regulatory notice**

‘**25.(1)** The chief executive may erect or display on, or at or near any vehicular entrance to, health services land, a notice (a “**regulatory notice**”) regulating the driving, parking or standing of vehicles on the land, including, for example—

- (a) fixing a maximum speed limit; or
- (b) indicating a pedestrian crossing; or
- (c) indicating a place where the driving, parking or standing of a vehicle is restricted or prohibited.

‘(2) A person on health services land must comply with a regulatory notice, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—10 penalty units.

‘(3) A regulatory notice—

- (a) must state the limits of the area to which the notice applies; and
- (b) may state that a contravention of the notice is an offence against this Act and the penalty for the offence.

‘(4) Without limiting subsection (1), the chief executive may erect and display regulatory notices in the form of official traffic signs.

‘(5) Evidence that a regulatory notice was erected or displayed at a place mentioned in subsection (1) is evidence that the notice was erected or displayed by the chief executive.

‘(6) A regulatory notice erected or displayed under this section must be easily visible to passers by.

### **‘Information notices**

‘26.(1) This section applies if a regulatory notice does not state that a contravention of the notice is an offence against this Act and the penalty for the offence.

‘(2) The chief executive must erect or display at or near each vehicular entrance to health services land to which the regulatory notice relates, and other places the chief executive considers appropriate, information notices stating that a contravention of a regulatory notice is an offence and the penalty for the offence.

‘(3) An information notice may contain any other information the chief executive considers appropriate.

‘(4) An information notice erected or displayed under this section must be easily visible to passers by.

‘(5) In this section—

“**regulatory notice**” does not include an official traffic sign.

### **‘Removal and detention of illegally parked or abandoned vehicles**

‘27.(1) An authorised person may seize, remove and hold, a vehicle that the authorised person believes on reasonable grounds—

- (a) is parked in contravention of a regulatory notice; or
- (b) is abandoned.

‘(2) The vehicle must be held at a safe place.

‘(3) An authorised person may exercise the powers on the grounds mentioned in subsection (1)(a) only if—

- (a) the authorised person believes on reasonable grounds that it is necessary or desirable to seize and remove the vehicle having regard to the safety and convenience of traffic on health services land; and
- (b) the authorised person—
  - (i) cannot immediately locate the driver of the vehicle; or
  - (ii) believes on reasonable grounds that the driver of the vehicle is not willing or able to remove the vehicle immediately.

‘(4) As soon as is practicable and no later than 14 days after the vehicle is seized, the chief executive must give to the owner of the vehicle a written notice stating how the owner may recover the vehicle.

‘(5) If the owner cannot be ascertained or located within 14 days after the vehicle is seized, the notice may be given by publishing it in a newspaper circulating generally in the State.

‘(6) If the vehicle was parked in contravention of a regulatory notice, the owner of the vehicle must pay to the chief executive the cost of seizing, removing, holding and returning the vehicle.

‘(7) In this section—

“**vehicle**” includes a part of the vehicle and anything attached to, or contained in, the vehicle.

### ‘Disposal of unclaimed vehicles

‘28.(1) This section applies if the owner of a seized vehicle does not recover the vehicle within 2 months after notice is given to the owner under section 27(4) or (5).

‘(2) After publishing a notice in a newspaper circulating generally in the State, the chief executive may sell the vehicle by public auction.

‘(3) The notice must—

- (a) identify the vehicle; and
- (b) state that the vehicle is to be sold by auction; and
- (c) state how the owner may recover the vehicle before the auction; and
- (d) state the time and place of the auction.

‘(4) Compensation is not recoverable against the chief executive for the sale of a vehicle under this section.

‘(5) In this section—

“**vehicle**” includes a part of the vehicle and anything attached to, or contained in, the vehicle.

#### **‘Application of proceeds of sale**

‘29.(1) The proceeds of the sale must be applied in the following order—

- (a) in payment of the reasonable expenses incurred in the sale;
- (b) in payment of the reasonable cost of seizing, removing and holding the vehicle;
- (c) in payment of any balance to the owner.

‘(2) Compensation is not recoverable against the chief executive for a payment under this section.

### *‘Division 3—Conduct on health services land*

#### **‘Conduct causing a public nuisance**

‘30. A person must not be disorderly or create a disturbance on health services land.

Maximum penalty—20 penalty units.

**‘Power to deal with persons causing a public nuisance**

**‘31.(1)** This section applies if a security officer—

- (a) finds a person contravening section 30; or
- (b) finds a person in circumstances that leads the security officer to suspect on reasonable grounds that the person has just contravened section 30; or
- (c) has information that leads the security officer to suspect on reasonable grounds that a person has just contravened section 30; or
- (d) reasonably believes, having regard to the way a person is behaving, that the person’s presence may pose a threat to the safety of anyone else on or leaving the land; or
- (e) has information that leads the security officer to believe, on reasonable grounds, a person’s presence may pose a threat to the safety of anyone else on or leaving the land; or
- (f) reasonably believes a person is on the land without lawful justification or excuse.

**‘(2)** The security officer may direct the person to leave health services land or a part of health services land.

**‘(3)** The person must comply with the direction unless the person has a reasonable excuse for not complying with it.

Maximum penalty—10 penalty units.

**‘Prohibition of smoking**

**‘32.(1)** A person must not smoke on health services land other than in a designated smoking area.

**‘(2)** If an authorised person or security officer finds a person smoking on health services land in contravention of subsection (1), the authorised person or security officer may direct the person—

- (a) to stop or refrain from smoking; or
- (b) to leave the land or, if the person wishes to smoke, to smoke only in a designated smoking area.

‘(3) The person must comply with the direction unless the person has a reasonable excuse for not complying with it.

Maximum penalty for subsection (3)—10 penalty units.

## **‘PART 4—ADMINISTRATION**

### *‘Division 1—Officials*

#### **‘Appointment of officials**

‘**33.(1)** The chief executive may appoint a person as an auditor or investigator.

‘(2) A person may be appointed as an auditor only if, in the opinion of the chief executive, the person has the necessary expertise or experience to be an auditor.

‘(3) A person may be appointed as an investigator only if, in the opinion of the chief executive, the person has the necessary expertise or experience to be an investigator.

#### **‘Terms of appointment**

‘**34.(1)** An official holds office on the conditions stated in the instrument of appointment.

‘(2) If the instrument provides for a term of appointment, the official ceases to hold office at the end of the term.

‘(3) An official may resign by signed notice given to the chief executive.

#### **‘Functions of auditors**

‘**35.** The functions of an auditor are to verify patient and statistical data reported under a funding arrangement.

**‘Functions of investigators**

**‘36.** The functions of an investigator are to investigate and report to the chief executive on any matters relating to the management, administration or delivery of public sector health services, including, for example, matters relating to clinical practices and standards of health care in the delivery of public sector health services.

**‘Power of officials to ask for documents**

**‘37.(1)** An official may, in the exercise of the official’s functions, ask an officer or employee of the department to give to the official a document, including a document containing confidential information, that—

- (a) is relevant to the official’s functions stated in the official’s instrument of appointment; and
- (b) is in the possession or control of the officer or employee.

**‘(2)** The officer or employee must comply with the request.

**‘(3)** If requested by the officer or employee, the official must produce the official’s instrument of appointment to the officer or employee.

**‘(4)** The official may make copies of, and take extracts from, the document.

**‘(5)** In this section—

**“confidential information”** means any information that—

- (a) is about a person who is receiving or has received a public sector health service; and
- (b) identifies, or is likely to identify, the person.

**‘Duty of confidentiality of officials**

**‘38.(1)** This section applies to a person who—

- (a) is or has been an official; and
- (b) in that capacity was given information.

**‘(2)** A person to whom this section applies must not disclose the information to anyone else.

Maximum penalty—50 penalty units.

- ‘(3) However, a person may disclose the information to someone else—
- (a) to the extent necessary to perform the person’s functions under or in relation to this Act; or
  - (b) if the disclosure is otherwise required or permitted by law.

### *Division 2—General*

#### **‘Ministerial advisory committees**

‘39.(1) The Minister may establish as many advisory committees as the Minister considers appropriate for the administration of the Act.

‘(2) An advisory committee has the functions the Minister decides.

‘(3) A member of an advisory committee is entitled to be paid the fees and allowances decided by the Governor in Council.

‘(4) However, a member may waive payment in whole or part.

#### **‘Responsibility of chief executive**

‘40. The chief executive, subject to the Minister, has the overall responsibility for the management, administration and delivery of public sector health services in the State.

## **‘PART 4A—PROVISION OF FACILITIES FOR FOOD AND OTHER SERVICES’.**

#### **Amendment of s 62 (Confidentiality)**

- 9.(1) Section 62(1), ‘an authority or a public sector health service’—  
*omit, insert—*  
‘the department’.



**(2)** Section 62(1), ‘or has been’ to ‘services from,’—  
*omit, insert—*

‘receiving or has received’.

**(3)** Section 62(2)—

*insert—*

- (f) to the giving of information to an official that is relevant to the performance of the official’s functions stated in the official’s instrument of appointment; or
- (g) to the giving of information to the Commonwealth or a State, or an entity of the Commonwealth or a State, by the chief executive if the giving of the information—
  - (i) is determined by the chief executive to be in the public interest; and
  - (ii) is required to or may be given under an agreement that—
    - (A) is between Queensland and the Commonwealth, State or entity; and
    - (B) is prescribed under a regulation for this paragraph; or
- (h) to the giving of information to another officer, employee or agent of the department if—
  - (i) the other officer, employee or agent is authorised in writing by the chief executive to receive the information; and
  - (ii) the giving and receipt of the information is—
    - (A) to give effect to or manage a funding arrangement; or
    - (B) to give the information under paragraph (g).’.

**(4)** Section 62—

*insert—*

‘**(2A)** The Commonwealth, a State or entity that receives information under an agreement under subsection (2)(g)—

- (a) must not give it to anyone else; and
- (b) must ensure the information is used only for the purpose for

which it was given under the agreement.’.

(5) Section 62(3), ‘an authority’ to ‘service,’—

*omit, insert—*

‘the department or a dissolved authority’.

(6) Section 62(3), ‘at the time when’—

*omit, insert—*

‘immediately before’.

(7) Section 62—

*insert—*

‘(4) This section does not apply to officials.<sup>1</sup>’.

### **Replacement of pt 8 (Savings and transitional provisions)**

**10.** Part 8—

*omit, insert—*

### **‘Numbering and renumbering of Act**

‘**78.** In the next reprint of this Act produced under the *Reprints Act 1992*, the provisions of this Act must be numbered and renumbered as permitted by the *Reprints Act 1992*, section 43.

---

<sup>1</sup> See section 38 for duty of confidentiality applying to officials.

## **‘PART 6—REPEALS, SAVINGS AND TRANSITIONAL PROVISIONS**

### *‘Division 1—Repeals*

#### **‘Repeal of certain by-laws**

‘79.(1) A by-law that was made under the repealed Act and is in force immediately before the commencement of this section is repealed on the commencement.

‘(2) In this section—

“repealed Act” means the *Hospitals Act 1936*.

### *‘Division 2—Savings and transitional provisions for regional health authorities*

#### **‘Definition for pt 6, div 2**

‘80. In this division—

“authority” means a regional health authority in existence immediately before the commencement of this section.

#### **‘Authorities dissolved**

‘81. The authorities are dissolved on the commencement of this section.

#### **‘Assets and liabilities**

‘82.(1) On the dissolution of the authorities—

- (a) the assets and liabilities of the authorities become assets and liabilities of the State; and
- (b) any contracts and agreements entered into by or on behalf of an authority and all guarantees, undertakings and securities given by or on behalf of or to the authority, in force immediately before the

dissolution are taken to have been entered into or, as the case may be, given by or to the State and may be enforced against or by the State, accordingly.

‘(2) Any property that, immediately before the dissolution was held in trust by an authority, vests in the State on the same trusts to which the property was subject immediately before the vesting.

### ‘Proceedings

‘83.(1) A proceeding by or against an authority that is not finished before the commencement of this section may be continued or discontinued by or against the State.

‘(2) In addition a proceeding that could have been started by or against an authority before the commencement may be started, continued and finished by or against the State after the commencement.

### ‘Non-contract employees

‘84.(1) This section applies to a person who, immediately before the commencement of this section, was an employee of an authority (other than an employee under an individual contract of employment).

‘(2) If, immediately before the commencement, the person was employed on conditions that most closely relate to—

- (a) a tenured health service employee—the person becomes a tenured health service employee on the commencement; or
- (b) a temporary health service employee—the person becomes a temporary health service employee on the commencement; or
- (c) a casual health service employee—the person becomes a casual health service employee on the commencement.

‘(3) If there is doubt about whether the person becomes a tenured, temporary or casual health service employee and the person asks the chief executive to make a declaration under this subsection, the chief executive may declare that the person is a tenured, temporary or casual health service employee.

**‘Contract employees**

**‘85.(1)** This section applies to a person who, immediately before the commencement of this section, was employed by an authority under an individual contract of employment.

**‘(2)** On the commencement—

- (a) the person becomes a contracted health service employee; and
- (b) the contract of employment is taken to have been made under this Act between the person and the chief executive.

**‘(3)** The contract is to be read with the changes necessary to make it consistent with, and adapt its operation to, this Act.

**‘(4)** Without limiting subsection (3), the contract is to be read as if a reference to the authority is a reference to the chief executive.

**‘Employees’ rights and entitlements**

**‘86.(1)** This section applies to a person who—

- (a) immediately before the commencement of this section, was an employee of an authority; and
- (b) on the commencement becomes a health service employee.

**‘(2)** On the commencement, the person’s employment is on the same conditions on which the person was employed by the authority.

**‘(3)** In addition, the person—

- (a) retains all rights accrued or accruing to the person as an employee of the authority; and
- (b) is entitled to receive long service, recreation and sick leave and any similar entitlements accrued or accruing to the person as an employee of the authority.

**‘(4)** The person’s period of employment with the authority is taken to be an equivalent period of employment with the department for any law about the rights or entitlements.

**‘(5)** In addition, the person—

- (a) retains all entitlements accrued or accruing to the person as a

contributor to a fund or as a member of a superannuation scheme under a superannuation Act; and

- (b) is taken to continue to be a contributor or member under the superannuation Act.

‘(6) In this section—

“**superannuation Act**” means the *Public Service Superannuation Act 1958*, *State Service Superannuation Act 1972*, *Superannuation (Government and Other Employees) Act 1988* or *Superannuation (State Public Sector) Act 1990*.

#### ‘Directions by the chief executive

‘**87.(1)** A direction given by the chief executive under repealed section 58 and in force immediately before the commencement of this section is taken to be a determination made by the chief executive under section 9(2).

‘(2) The direction is to be read with the changes necessary to make it consistent with, and adapt its operation to, this Act.

‘(3) Without limiting subsection (2), the direction is to be read as if a reference to an authority or a prescribed authority is a reference to the chief executive.

‘(4) In this section—

“**repealed section 58**” means section 58 as in force immediately before the commencement of this section.

#### ‘Disciplinary action

‘**88.(1)** If disciplinary action against an employee of an authority had been started by the authority, but not finished, before the commencement of this section, the action may be continued or discontinued by the chief executive as if this section had not commenced.

‘(2) If, immediately before the commencement, an authority could have started disciplinary action against an employee of the authority, the chief executive can start the action.

**‘Entries in registers**

**‘89.(1)** The registrar of titles and all persons who keep registers of dealings in property must, if asked by the chief executive, make in the registers all entries necessary to record the vesting of property in the State under this part.

**‘(2)** A request under this section is not liable to fees or stamp duty.’.

## **PART 3—AMENDMENT OF QUEENSLAND INSTITUTE OF MEDICAL RESEARCH ACT 1945**

**Act amended in pt 3**

**11.** This part amends the *Queensland Institute of Medical Research Act 1945*.

**Replacement of s 5 (Constitution of Council of The Queensland Institute of Medical Research)**

**12.** Section 5—

*omit, insert—*

**‘Membership of Council**

**‘5.(1)** The Council consists of the following members appointed by the Governor in Council—

- (a) the chief health officer (an **“official member”**);
- (b) the chairperson of the Trust (also an **“official member”**);
- (c) 2 nominees of the National Health and Medical Research Council;
- (d) 1 nominee of the senate of the University of Queensland;
- (e) 1 nominee of the governing bodies of Griffith University, Queensland University of Technology and any other tertiary institutions prescribed under a regulation for this paragraph;
- (f) 1 nominee of the Queensland branch of the Australian Medical

Association;

- (g) 1 nominee of the Royal Australasian College of Physicians;
- (h) 1 nominee of the Royal Australasian College of Surgeons;
- (i) 1 nominee of the controlling body of the Mater Misericordiae Hospitals;
- (j) 2 nominees of designated district health councils for districts in which are situated hospitals where medical practitioners are educated and trained;
- (k) 1 lawyer;
- (l) 2 persons who have knowledge of, or experience in, financial management, business or public administration, or other matters relevant to the Council's functions.

‘(2) A nominee mentioned in subsection (1)(i) or (j) must—

- (a) have knowledge or experience in biomedical research, health research, health service management or clinical practice; and
- (b) be working at hospitals where medical practitioners are educated and trained.

‘(3) In this section—

“**designated district health council**” means a district health council designated by the Minister.

“**district**” means a district within the meaning of the *Health Services Act 1991*.

“**district health council**” means a council within the meaning of the *Health Services Act 1991*.

### ‘Nominee Council members

‘5A.(1) This section applies if an entity or body is to nominate a person for a position on the Council mentioned in section 5(1)(c) to (j).

‘(2) The Minister must give the entity or body written notice stating a reasonable time within which it must nominate a person for the position.

‘(3) The Minister may in the notice ask the entity or body to nominate



more than the required number of persons for the position.

‘(4) The Minister is to choose the person for the position from the nominations received under a request under subsection (3) and the person chosen is taken to be the nominee for the position.

‘(5) If a request is not made under subsection (3) and the Minister receives more than the required number of nominations for the position, the Minister is to choose the nominee for the position from the nominations.

‘(6) If the entity or body does not nominate a person for the position within the time stated in the notice, the Minister may nominate a person for the position and the nomination is taken to have been made by the entity or body.

#### **‘Council members’ term of appointment**

‘5B. A member of the Council, other than an official member, is to be appointed for a term of 3 years.

#### **‘Chairperson and deputy chairperson**

‘5C.(1) The Governor in Council is to appoint a member of the Council to be chairperson, and another member to be deputy chairperson, of the Council.

‘(2) A vacancy occurs in the office of chairperson or deputy chairperson if the person holding the office resigns the office or ceases to be a member of the Council.

‘(3) However, a person resigning the office of chairperson or deputy chairperson may continue to be a member of the Council.’.

#### **Insertion of new s 6A**

13. After section 6—

*insert—*

#### **‘Nominee Council member vacancy**

‘6A.(1) Before the Governor in Council appoints a person to fill a vacancy caused by the office of a member becoming vacant before the

vacating member's term is completed, any applicable nomination process for appointment to the Council must be followed.

‘(2) A person appointed to fill a casual vacancy on the Council holds office for the balance of the vacating member's term.’.

### **Amendment of s 8B (Membership of Trust)**

**14.(1)** Section 8B(1), ‘, 1 of whom’ to ‘chairperson,’—  
*omit.*

**(2)** Section 8B(2)—  
*omit, insert—*

‘(2) The Governor in Council is to appoint a member of the Trust to be chairperson of the Trust.

‘(3) A vacancy occurs in the office of chairperson if the person holding the office resigns the office or ceases to be a member of the Trust.

‘(4) However, a person resigning the office of chairperson may continue to be a member of the Trust.’.

## **PART 4—MINOR AND CONSEQUENTIAL AMENDMENTS**

### **Amendment of Acts**

**15.** The schedule amends the Acts mentioned in it.

## SCHEDULE

### MINOR AND CONSEQUENTIAL AMENDMENTS OF ACTS

section 15

#### AMBULANCE SERVICE ACT 1991

##### Amendment

##### 1. Section 44(3)(g)—

*omit, insert—*

‘(g) an employee of the department in which the *Health Services Act 1991* is administered, authorised by the chief executive of that department.’.

#### DENTAL TECHNICIANS AND DENTAL PROSTHETISTS ACT 1991

##### Amendment

##### 1. Section 7(1)(f)—

*omit, insert—*

‘(f) a dentist who is an officer or employee of the department;’.

##### 2. Section 59—

*omit, insert—*

##### ‘Transitional provision for members of board

‘59. The member of the board mentioned in section 7(1)(f) holding office immediately before the commencement of this section continues to

## SCHEDULE (continued)

hold office until—

- (a) the end of the member's term of office; or
- (b) the member earlier vacates office.'

**DRUGS MISUSE ACT 1986****Amendment****1. Section 43A, definition “official identity card”, paragraph (b)—**

*omit, insert—*

- ‘(b) if the authorised officer is an environmental health officer—issued by the chief executive for health containing the officer's photograph and identifying the person as an environmental health officer.’.

**2. Section 43A—**

*insert—*

- ‘“**chief executive for health**” means the chief executive of the department in which the *Health Act 1937* is administered.’.

**FOOD ACT 1981****Amendment****1. Section 5, definition “regional health authority”—**

*omit.*

**2. Section 24(2)(a), (b) and (c)—**

*omit, insert—*

## SCHEDULE (continued)

- ‘(a) an officer or employee of the department;
- (b) an officer of a local government nominated by it.’.

**3. Section 24(5)(a), (b) and (c)—**

*omit, insert—*

- ‘(a) if the authorised officer is an officer or employee of the department—the chief executive;
- (b) if the authorised officer is an officer of a local government—the local government.’.

**4. Section 33(7)(c), (d) and (e)—**

*omit, insert—*

- ‘(c) if it was seized by an authorised officer who is an officer or employee of the department—the property of the State;
- (d) if it was seized by an authorised officer who is an officer of a local government—the property of the local government.’.

**5. Section 33(9), ‘regional health authority or’—**

*omit.*

**6. Section 35(2)(aa)—**

*omit.*

**7. Section 39(a)—**

*omit, insert—*

- ‘(a) an appropriately qualified officer or employee of the department; or’.

## SCHEDULE (continued)

**8. Section 39(c)—**

*omit.*

**9. Section 39—**

*insert—*

‘(2) In subsection (1)(a)—

**“appropriately qualified”** includes having the qualifications, experience or standing appropriate to exercise the power.

*Example of ‘standing’—*

A person’s classification level in the department.’.

**10. Section 39A(a)—**

*omit, insert—*

‘(a) an appropriately qualified officer or employee of the department; or’.

**11. Section 39A(c)—**

*omit.*

**12. Section 39A—**

*insert—*

‘(2) In subsection (1)(a)—

**“appropriately qualified”** includes having the qualifications, experience or standing appropriate to exercise the power.

*Example of ‘standing’—*

A person’s classification level in the department.’.

## SCHEDULE (continued)

**HEALTH ACT 1937****Amendment****1. Section 5(1)—**

*insert—*

‘ **“district”** means a health service district declared under the *Health Services Act 1991*.

**“manager”**, for a district, means the manager for the district under the *Health Services Act 1991*.’.

**2. Section 31B, definition “hospital administrator”—**

*omit, insert—*

‘ **“hospital administrator”** means the person having the control or management of a hospital.’.

**3. Section 100B, definition “prescribed person”, paragraph (a)—**

*omit, insert—*

‘(a) in relation to a public hospital—the manager for the district in which the hospital is situated; or’.

**4. Section 100G, definition “prescribed person”, paragraph (a)(ii)—**

*omit, insert—*

‘(ii) in relation to a public hospital—the manager for the district in which the hospital is situated; or’.

## SCHEDULE (continued)

**HEALTH RIGHTS COMMISSION ACT 1991****Amendment****1. Section 3(1), definition “Regional Health Authority”—**

*omit.*

**2. Section 3(3)—**

*omit, insert—*

‘(3) The Commissioner may, with the written approval of the Minister, decide to treat a decision or action of an officer or employee of the department as if it were a health service.’.

**HEALTH SERVICES ACT 1991****Amendment****1. Title, ‘regional health authorities’—**

*omit, insert—*

‘district health councils,’.

**2. Part 2 heading—**

*omit, insert—*

**‘PART 2—TEACHING HOSPITALS AND QUALITY ASSURANCE’.**

**3. Section 12(2), ‘an authority,’—**

*omit, insert—*

‘a’.



## SCHEDULE (continued)

**4. Section 12(3)(a), ‘an authority or another’—***omit, insert—*

‘a’.

**5. Section 14(b)(i), ‘an authority or another’—***omit, insert—*

‘a’.

**6. Section 17(3), ‘an authority or another’—***omit, insert—*

‘the’.

**7. Part 5 heading—***omit, insert—***‘PART 5—MISCELLANEOUS’.****8. Section 63(2)—***omit.***9. Sections 64 to 68—***omit.***10. Section 70—***omit.*

## SCHEDULE (continued)

**11. Part 6 heading—**

*omit.*

**12. Sections 71 to 73—**

*renumber* as sections 41 to 43 and *relocate* to part 4A.

**13. Part 7 heading—**

*omit.*

**14. Section 76—**

*omit.*

**15. Section 77(2)(c)(i), ‘by authorities’—**

*omit.*

**16. Section 77(2)(c)(ii)—**

*omit.*

**17. Section 77(2)(g), ‘an authority’—**

*omit, insert—*

‘the State’.

**18. Section 77(2)(h), ‘an authority’—**

*omit, insert—*

‘the chief executive’.

## SCHEDULE (continued)

**19. Schedule—**

*omit.*

**HOSPITALS FOUNDATIONS ACT 1982****Amendment****1. Section 4, definitions “hospital”, “regional director” and “Regional Health Authority”—**

*omit.*

**2. Section 4—**

*insert—*

‘**“associated district health council”**, for an associated hospital, means the district health council for the health service district in which the hospital is situated.

**“district health council”**, for a health service district, means the district health council under the *Health Services Act 1991* for the district.

**“health service district”** means a health service district declared under the *Health Services Act 1991*.

**“hospital”** means a public sector hospital within the meaning of the *Health Services Act 1991*.’.

**3. Section 18(3), from ‘Of the’ to ‘corporate—’—**

*omit, insert—*

‘A body corporate is constituted by the following members—’.

**4. Section 18(3)(a)—**

*omit, insert—*

## SCHEDULE (continued)

‘(a) the chairperson of each associated district health council for the hospitals that are, or are to be, the associated hospitals for the body corporate, or the chairperson’s nominee; and’.

**5. Section 18(3)(b), ‘1 shall be’—**

*omit.*

**6. Section 18(3)(c), from ‘2’ to ‘Authority’—**

*omit, insert—*

‘at least 2 officers or employees’.

**7. Section 18(3)(d), ‘the remainder shall be’—**

*omit, insert—*

‘other’.

**8. Section 18(4)(a)—**

*omit, insert—*

‘(a) the associated district health councils for the hospitals that are, or are to be, the associated hospitals for the body corporate; and’.

**9. Section 18(4), ‘of the Regional Health Authority’—**

*omit, insert—*

‘of the associated district health councils’.

**10. Section 19(1), ‘Regional Health Authority’—**

*omit, insert—*

‘associated district health councils’.

## SCHEDULE (continued)

**11. Section 19(1), ‘6 persons at the least,’—***omit, insert—*

‘persons’.

**12. Section 19(2)(a), ‘Regional Health Authority’—***omit, insert—*

‘associated district health councils’.

**13. Section 19(2)(b), ‘Authority concerned’—***omit, insert—*

‘associated district health councils’.

**14. Section 19(2)(b), ‘Authority’—***omit, insert—*

‘council’.

**15. Section 19(3), ‘Regional Health Authority concerned’—***omit, insert—*

‘associated district health councils’.

**16. Section 37(1), ‘regional director’—***omit, insert—*

‘chief executive’.

**17. Section 38, ‘the Authority’—***omit, insert—*

‘the chief executive’.

## SCHEDULE (continued)

**18. Section 38(1) and 38(2)(a), ‘Regional Health Authority that controls an associated hospital’—**

*omit, insert—*

‘department’.

**19. Section 38(2)(b), ‘that Regional Health Authority’—**

*omit, insert—*

‘the department’.

**20. Sections 42 and 43—**

*omit.*

**21. Section 44—**

*omit, insert—*

**‘Bodies corporate are statutory bodies**

‘44. A body corporate is a statutory body under the *Financial Administration and Audit Act 1977*.’.

**22. Section 45—**

*omit.*

**23. Section 74—**

*omit, insert—*

**‘Transitional provision for certain members of bodies corporate**

‘74.(1) A health authority member continues to hold office until—

- (a) the end of the member’s term of office; or
- (b) the member earlier vacates office.

## SCHEDULE (continued)

‘(2) In this section—

“**health authority member**” means a member of a body corporate who, immediately before the commencement of this section, held office under section 18(3)(c).’.

**MEDICAL ACT 1939****Amendment****1. Section 25C, before ‘committee’—**

*insert—*

‘board or’.

**2. Section 30F, before ‘committee’—**

*insert—*

‘board or’.

**MENTAL HEALTH ACT 1974****Amendment****1. Section 5(1), definition “Director-General”—**

*omit.*

**2. Section 5(1), definition “hospital administrator”, paragraph (b)—**

*omit, insert—*

‘(b) a public hospital—means the person having the control or management of the hospital.’.

## SCHEDULE (continued)

**3. Section 5(1), definition “Regional Health Authority”—**

*omit.*

**4. Section 5(1)—**

*insert—*

‘**“chief health officer”** means the chief health officer under the *Health Act 1937*.’.

**5. Sections 7 to 10, 13, 50(1), 53 and 65(b), ‘Director-General’—**

*omit, insert—*

‘chief health officer’.

**6. Sections 8 and 53(2)(b), ‘Director-General’s’—**

*omit, insert—*

‘chief health officer’s’.

**7. Section 9 heading—**

*omit, insert—*

‘**Chief health officer**’.

**8. Section 11—**

*omit, insert—*

**‘Delegations**

**‘11.(1)** The Minister may delegate the Minister’s powers under this Act to an appropriately qualified officer or employee of the department.

**‘(2)** The chief health officer may delegate the chief health officer’s powers under this Act to an appropriately qualified officer or employee of the department.



## SCHEDULE (continued)

‘(3) The director may delegate the director’s powers under this Act to an appropriately qualified officer or employee of the department.

‘(4) In this section—

“**appropriately qualified**” includes having the qualifications, experience or standing appropriate to exercise the power.

*Example of ‘standing’—*

A person’s classification level in the department.’.

**9. Section 16(3)—**

*omit.*

**10. Section 72A—**

*omit, insert—*

**‘Definition for pt 7**

‘72A. In this part—

“**administrator**” means the hospital administrator of a psychiatric hospital, security patients’ hospital or other place established under section 16(1).’.

**11. Sections 73, 73A(2) and 73B, ‘authority’—**

*omit, insert—*

‘administrator’.

**12. Section 73A(4), ‘authority’s principal officer’—**

*omit, insert—*

‘chief executive’.

## SCHEDULE (continued)

**13. Sections 74 to 76—**

*omit.*

**PENALTIES AND SENTENCES ACT 1992****Amendment****1. Section 176(1)(a), ‘a regional’ to ‘1991’—**

*omit, insert—*

‘the chief executive of the department in which the *Health Services Act 1991* is administered’.

**2. Section 176(4)—**

*omit, insert—*

‘(4) The *Health Services Act 1991*, section 62, does not apply to an officer, employee or agent of the department in which that Act is administered, who gives a report or information to a court or the registrar of the court for this part.’.

**PUBLIC SERVICE SUPERANNUATION ACT 1958****Amendment****1. Section 4(1), definition “officer”, paragraph (b)(ii)—**

*omit.*

## SCHEDULE (continued)

**PUBLIC TRUSTEE ACT 1978****Amendment****1. Section 105(4)—***omit, insert—*

‘(4) In this section—

“**governing body**”, of a hospital, means—

- (a) for a public sector hospital within the meaning of the *Health Services Act 1991*—the chief executive of the department in which that Act is administered; or
- (b) for a private hospital—the licensee of the hospital within the meaning of the *Health Act 1937*.’.

**QUEENSLAND INSTITUTE OF MEDICAL  
RESEARCH ACT 1945****Amendment****1. Section 2, definition “Council”, ‘, and includes the chairperson and any members of the Council’—***omit.***2. Section 2—***insert—*‘ “**chief health officer**” means the chief health officer under the *Health Act 1937*.“**official member**” see section 5.’.

## SCHEDULE (continued)

**3. Section 8D(g)—**

*omit.*

**4. Section 8P, ‘the member ex officio’—**

*omit, insert—*

‘an official member’.

**5. Section 9(1), after ‘with’—**

*insert—*

‘the chief executive on behalf of the State,’.

**6. Section 9(1), from ‘any one’ to ‘1991, and’—**

*omit.*

**7. Section 17, heading—**

*omit, insert—*

‘Entities to cooperate in medical science research’.

**8. Section 17, from ‘all’ to ‘1991’—**

*omit, insert—*

‘the chief executive’.

**9. Section 17, ‘any such Regional Health Authority’—**

*omit, insert—*

‘the chief executive’.

## SCHEDULE (continued)

**10. Section 17, ‘hospital of such Authority’—**

*omit, insert—*

‘public sector hospital, within the meaning of the *Health Services Act 1991*,’.

**11. After section 21—**

*insert—*

**‘Cessation of membership of Council**

‘**22.(1)** The members of the Council holding office immediately before the commencement of this section cease to hold office on the commencement.

‘**(2)** This section expires the day it commences.’.

**STATE SERVICE SUPERANNUATION ACT 1972****Amendment****1. Section 4(1), definition “officer”, paragraph (d)(ii)—**

*omit.*

**WHISTLEBLOWERS PROTECTION ACT 1994****Amendment****1. Schedule 1, entry for Regional Health Authority—**

*omit.*

**2. Schedule 6, definitions “Regional Health Authority” and “relevant department”—**

*omit.*

## SCHEDULE (continued)

**3. Schedule 6—***insert—*

- ‘**“relevant department”**, for an administrative office attached to a court or tribunal, means the department in which is administered the Act under which the court or tribunal is established.’.

**WORKERS’ COMPENSATION ACT 1990****Amendment****1. Section 5(1), definition “public hospital”—***omit.***2. Section 5(1)—***insert—*

- ‘**“public hospital”** means a public sector hospital within the meaning of the *Health Services Act 1991*.’.

**3. Section 124D(4), definition “contract worker”, paragraph (d)—***omit, insert—*

- ‘(d) as a contracted health service employee under the *Health Services Act 1991*.’.