

Queensland



Subordinate Legislation 1998 No. 343

Fluoridation of Public Water Supplies Act 1963

Food Act 1981

Health Act 1937

Mental Health Act 1974

Radioactive Substances Act 1958

**HEALTH LEGISLATION AMENDMENT
REGULATION (No. 1) 1998**

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	4
2	Commencement	4
PART 2—AMENDMENT OF FLUORIDATION OF PUBLIC WATER SUPPLIES REGULATION 1998		
3	Regulation amended in pt 2	4
4	Amendment for “chief health officer”	4
PART 3—AMENDMENT OF FOOD HYGIENE REGULATION 1989		
5	Regulation amended in pt 3	5
6	Amendment for “chief health officer”	5
PART 4—AMENDMENT OF FOOD STANDARDS REGULATION 1994		
7	Regulation amended in pt 4	5
8	Amendment for “chief health officer”	5
9	Amendment of s 15 (Notice of isolation of prescribed pathogen)	6

10	Amendment of s 16 (Chief health officer may give directions)	6
	PART 5—AMENDMENT OF HEALTH (DRUGS AND POISONS) REGULATION 1996	
11	Regulation amended in pt 5	7
12	Amendment for “chief health officer”	7
13	Amendment for “chief health officer’s”	9
14	Replacement of ch 3, pt 5, hdg	9
	PART 5—OBTAINING AND SELLING RESTRICTED DRUGS ON PURCHASE ORDER	
	PART 6—AMENDMENT OF HEALTH REGULATION 1996	
15	Regulation amended in pt 6	10
16	Replacement of s 17 (Class of person or resident—Act, s 100C(1))	10
	17 Class of patient or resident—Act, s 100C(1)	10
17	Amendment of s 18 (Time for giving return—Act, s 100C(1))	10
18	Amendment of s 19 (Person required to complete return—Act, s 100C(1))	10
19	Insertion of new s 21A and 21B	11
	21A Person prescribed as contractor—Act, s 100DA(1)	11
	21B Time for giving further information—Act, s 100DC(3)(a)	11
20	Amendment for “chief health officer”	11
21	Amendment of s 80 (Returns)	13
22	Amendment for “chief health officer’s”	13
	PART 7—AMENDMENT OF MENTAL HEALTH REGULATION 1985	
23	Regulation amended in pt 7	13
24	Amendment of s 4 (Interpretation)	14
25	Amendment for “Chief Health Officer”	14
	PART 8—AMENDMENT OF RADIOACTIVE SUBSTANCES REGULATION 1961	
26	Regulation amended in pt 8	14
27	Amendment for “chief health officer”	14
28	Amendment of s 13 (Chief health officer to keep record of registrations)	15
29	Amendment of s 27 (Chief health officer to approve appointment)	15

30	Amendment of s 42 (Chief health officer to be notified of radiation dose)	16
31	Amendment of s 85 (Chief health officer may disapprove of employment of person)	16
32	Amendment of s 87 (Delegation)	16

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Health Legislation Amendment Regulation (No. 1) 1998*.

Commencement

2. This regulation commences on 21 December 1998.

PART 2—AMENDMENT OF FLUORIDATION OF PUBLIC WATER SUPPLIES REGULATION 1998

Regulation amended in pt 2

3. This part amends the *Fluoridation of Public Water Supplies Regulation 1998*.

Amendment for “chief health officer”

4.(1) This section amends the following provisions—

- section 2, definition “approved form”
- section 3
- section 5
- section 8(2)
- section 9(4)
- section 10(5) and (6).

(2) In the provisions mentioned in subsection (1), ‘chief health officer’—

omit, insert—

‘chief executive’.

PART 3—AMENDMENT OF FOOD HYGIENE REGULATION 1989

Regulation amended in pt 3

5. This part amends the *Food Hygiene Regulation 1989*.

Amendment for “chief health officer”

6.(1) This section amends the following provisions—

- section 4(1), definition “approved”
- section 39
- section 47(3).

(2) In the provisions mentioned in subsection (1), ‘chief health officer’—
omit, insert—
‘chief executive’.

PART 4—AMENDMENT OF FOOD STANDARDS REGULATION 1994

Regulation amended in pt 4

7. This part amends the *Food Standards Regulation 1994*.

Amendment for “chief health officer”

8.(1) This section amends the following provisions—

- section 4
- section 12(3)(c)
- section 13(1)
- section 16.

(2) In the provisions mentioned in subsection (1), ‘chief health officer’—
omit, insert—
‘chief executive’.

Amendment of s 15 (Notice of isolation of prescribed pathogen)

9.(1) Section 15(3)(a) ‘chief health officer’—
omit, insert—
‘chief executive’.

(2) Section 15(3)(b), from ‘chief’—
omit, insert—
‘chief executive within 24 hours after isolating the pathogen or being notified that the pathogen has been isolated.¹’.

(3) Section 15(3), penalty, after ‘Maximum penalty’—
insert—
‘for subsection (3)’.

Amendment of s 16 (Chief health officer may give directions)

10. Section 16, heading—
omit, insert—
‘Chief executive may give directions’.

¹ The chief executive may be contacted as follows—
Telephone—(07) 3234 0938 and Facsimile—(07) 3234 1480
Address—The Chief Executive
Level 10, 147–163 Charlotte Street, Brisbane QLD 4000
or GPO Box 48, Brisbane QLD 4001.

PART 5—AMENDMENT OF HEALTH (DRUGS AND POISONS) REGULATION 1996

Regulation amended in pt 5

11. This part amends the *Health (Drugs and Poisons) Regulation 1996*.

Amendment for “chief health officer”

12.(1) This section amends the following provisions—

- section 10(3)
- section 14(1)
- sections 15 and 16
- sections 18 to 20
- section 23(c)
- sections 24 to 30
- section 32(1)
- section 33(2)
- section 35
- section 38
- sections 40 to 42
- section 46
- section 53
- section 73
- section 78(2)
- section 81(3)
- section 82(5)(b)
- section 84
- section 88(2)
- section 92(4)

- section 93
- section 97(3)
- section 110(2)(b)
- section 113(4)
- section 116A
- section 118(1)(b)
- section 119(1)(b)
- section 120
- section 122
- sections 134 to 136
- section 140
- section 147
- section 156
- section 182
- section 192(3)
- section 193(5)(b)
- section 197
- section 203
- section 213
- sections 223 to 225
- section 228
- section 231
- section 233
- section 238
- section 245
- section 269
- section 273A

- section 284(3)(a)(ii)
- section 290(3)(a)
- section 297
- section 298(2)(b)
- appendix 6, section 5(3)
- appendix 7, item 5
- appendix 9, definitions “approval”, “approved”, “drug therapy protocol” and “section 122 approval”.

(2) In the provisions mentioned in subsection (1), ‘chief health officer’—
omit, insert—
‘chief executive’.

Amendment for “chief health officer’s”

13.(1) This section amends the following provisions—

- section 15
- section 33(1)
- section 37(2).

(2) In the provisions mentioned in subsection (1), ‘chief health officer’s’—

omit, insert—
‘chief executive’s’.

Replacement of ch 3, pt 5, hdg

14. Chapter 3, part 5, heading—

omit, insert—

**‘PART 5—OBTAINING AND SELLING RESTRICTED
DRUGS ON PURCHASE ORDER’.**

PART 6—AMENDMENT OF HEALTH REGULATION 1996

Regulation amended in pt 6

15. This part amends the *Health Regulation 1996*.

Replacement of s 17 (Class of person or resident—Act, s 100C(1))

16. Section 17—

omit, insert—

‘Class of patient or resident—Act, s 100C(1)

17. A person belongs to the class of patient or resident to whom section 100C(1)² of the Act applies if the person has cancer and is—

- (a) an admitted patient in a hospital; or
- (b) a resident in a nursing home; or
- (c) a patient attending a hospital for chemotherapy or radiotherapy.’.

Amendment of s 18 (Time for giving return—Act, s 100C(1))

17. Section 18(a)—

omit, insert—

- ‘(a) the discharge or transfer of the patient or resident from a nursing home or hospital; or’.

Amendment of s 19 (Person required to complete return—Act, s 100C(1))

18. Section 19, from ‘nursing home’—

omit, insert—

‘nursing home or hospital.’.

² Section 100C (Returns about cancer to be given to chief executive)

Insertion of new s 21A and 21B

19. Part 3, after section 21—

insert—

‘Person prescribed as contractor—Act, s 100DA(1)

‘21A. For section 100DA(1)³ of the Act, the person prescribed is Queensland Cancer Fund ACN 009 784 356.

‘Time for giving further information—Act, s 100DC(3)(a)

‘21B. For section 100DC(3)⁴ of the Act, the time prescribed is within 1 month after receiving a notice under the subsection.’.

Amendment for “chief health officer”

20.(1) This section amends the following provisions—

- section 61
- section 66, definition “approved”
- section 74(b)
- section 75
- section 78
- section 80(b)
- section 81(1)
- section 82(1)
- section 83(1)
- section 93
- section 99, definition “fumigant”
- section 101(1)
- section 102

³ Section 100DA (Responsibility for maintenance of register)

⁴ Section 100DC (Further information may be required)

- section 103(1)
- sections 104 to 108
- section 118
- section 120(c)
- section 121
- section 125
- section 131
- section 137(2)(d)
- section 142(c)(iv)
- section 143(b)
- section 152
- section 156(2)(b)(v)
- section 157
- section 166
- section 169
- section 171(d)
- sections 172 and 173
- section 175(1)(f)
- section 176
- section 179
- section 190(b)
- section 192(1)
- sections 193 to 195
- section 197
- sections 200 and 201.

(2) In the provisions mentioned in subsection (1), ‘chief health officer’—

omit, insert—

‘chief executive’.

Amendment of s 80 (Returns)

21. Section 80, from ‘For’ to ‘be—’—

omit, insert—

‘A return under section 100H⁵ of the Act must be—’.

Amendment for “chief health officer’s”

22.(1) This section amends the following provisions—

- section 78(1)
- section 104(2)
- section 107(1).

(2) In the provisions mentioned in subsection (1), ‘chief health officer’s’—

omit, insert—

‘chief executive’s’.

PART 7—AMENDMENT OF MENTAL HEALTH REGULATION 1985

Regulation amended in pt 7

23. This part amends the *Mental Health Regulation 1985*.

⁵ Section 100H (Furnishing returns to chief executive)

Amendment of s 4 (Interpretation)

24.(1) Section 4, heading—

omit, insert—

‘Definitions’.

(2) Section 4, definition “Chief Health Officer”—

omit.

Amendment for “Chief Health Officer”

25.(1) This section amends the following provisions—

- section 5
- section 33(2).

(2) In the provisions mentioned in subsection (1), “Chief Health Officer”—

omit, insert—

‘chief executive’.

PART 8—AMENDMENT OF RADIOACTIVE SUBSTANCES REGULATION 1961

Regulation amended in pt 8

26. This part amends the *Radioactive Substances Regulation 1961*.

Amendment for “chief health officer”

27.(1) This section amends the following provisions—

- section 3, definition “radiation safety officer”
- section 7
- sections 9 to 13

- sections 16 and 17
- sections 25 to 29
- section 31
- section 34
- sections 36 to 38
- sections 42 to 44
- section 45(b)
- section 47
- section 48(c)
- section 51(2)
- section 54
- section 72
- sections 82 and 83
- section 85
- section 87.

(2) In the provisions mentioned in subsection (1), ‘chief health officer’—
omit, insert—
‘chief executive’.

Amendment of s 13 (Chief health officer to keep record of registrations)

28. Section 13, heading, ‘Chief health officer’—
omit, insert—
‘Chief executive’.

Amendment of s 27 (Chief health officer to approve appointment)

29. Section 27, heading, ‘Chief health officer’—

omit, insert—

‘Chief executive’.

Amendment of s 42 (Chief health officer to be notified of radiation dose)

30. Section 42, heading, ‘Chief health officer’—

omit, insert—

‘Chief executive’.

Amendment of s 85 (Chief health officer may disapprove of employment of person)

31. Section 85, heading, ‘Chief health officer’—

omit, insert—

‘Chief executive’.

Amendment of s 87 (Delegation)

32. Section 87, ‘chief health officer’s’—

omit, insert—

‘chief executive’s’.

ENDNOTES

1. Made by the Governor in Council on 17 December 1998.
2. Notified in the gazette on 18 December 1998.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Health.