



Health Legislation Amendment Bill 2019



Queensland

Health Legislation Amendment Bill 2019

Contents

| | | Page |
|---------------|--------------------------------------------------------------------------------------|------|
| Part 1 | Preliminary | |
| 1 | Short title | 6 |
| 2 | Commencement | 6 |
| Part 2 | Amendment of Ambulance Service Act 1991 | |
| 3 | Act amended | 6 |
| 4 | Amendment of s 3D (Service's functions) | 6 |
| Part 3 | Amendment of Hospital and Health Boards Act 2011 | |
| 5 | Act amended | 7 |
| 6 | Amendment of s 4 (Principles and objectives of national health system) | 7 |
| 7 | Amendment of s 7 (Establishment of Hospital and Health Services) | 7 |
| 8 | Amendment of s 13 (Guiding principles) | 8 |
| 9 | Amendment of s 19 (Functions of Services) | 8 |
| 10 | Amendment of s 22 (Role of exercising control over Service) . . | 9 |
| 11 | Amendment of s 23 (Membership of boards) | 9 |
| 12 | Amendment of s 24A (Temporary members of board) | 10 |
| 13 | Amendment of s 40 (Engagement strategies) | 10 |
| 14 | Amendment of s 41 (Review of strategies) | 11 |
| 15 | Amendment of s 51AA (Consultation on health employment directives) | 11 |
| 16 | Amendment of s 112 (Giving of copy of RCA report—patient safety entity) | 11 |
| 17 | Amendment of s 139A (Meaning of designated person) | 12 |
| 18 | Insertion of new pt 13, div 7 | 12 |
| | Division 7 Transitional provision for Health Legislation Amendment Act 2019 | |
| 329 | Aboriginal and Torres Strait Islander board membership | 12 |

Contents

| | | |
|---------------|----------------------------------------------------------------------------------------|----|
| 19 | Amendment of sch 2 (Dictionary) | 13 |
| Part 4 | Amendment of Private Health Facilities Act 1999 | |
| 20 | Act amended | 13 |
| 21 | Amendment of s 48 (Conditions of licence) | 13 |
| 22 | Amendment of s 50 (Term of licences) | 13 |
| 23 | Amendment of pt 12 hdg (Saving and transitional provisions) . . | 14 |
| 24 | Insertion of new pt 15 | 14 |
| | Part 15 Transitional provision for Health Legislation Amendment Act 2019 | |
| | 169 Conditions of existing licences | 14 |
| 25 | Amendment of sch 3 (Dictionary) | 15 |
| Part 5 | Amendment of Public Health Act 2005 | |
| 26 | Act amended | 15 |
| 27 | Amendment of s 61D (Content of water risk management plans) | 15 |
| 28 | Insertion of new ch 5B | 15 |
| | Chapter 5B Conversion therapies | |
| | 213E Definitions for chapter | 15 |
| | 213F Meaning of conversion therapy | 16 |
| | 213G Meaning of gender identity | 17 |
| | 213H Prohibition of conversion therapy | 18 |
| | 213I Proceedings for indictable offence | 18 |
| 29 | Omission of s 250 (Arrangements about transfer of information) | 19 |
| 30 | Omission of ch 6, pt 3 (Pap Smear Register) | 19 |
| 31 | Amendment of s 441 (Summary offences) | 20 |
| 32 | Insertion of new ch 12, pt 5 | 20 |
| | Part 5 Saving provision for Health Legislation Amendment Act 2019 | |
| | 496 Proceeding for particular offence | 20 |
| 33 | Amendment of sch 2 (Dictionary) | 21 |
| Part 6 | Amendment of Queensland Mental Health Commission Act 2013 | |
| 34 | Act amended | 22 |
| 35 | Amendment of s 14 (Membership of commission) | 22 |
| 36 | Replacement of pt 2, div 4 hdg (Staff of the commission) | 23 |
| 37 | Omission of pt 2, div 4, sdiv 1 hdg (Commissioner) | 23 |
| 38 | Replacement of s 18 (Term of office) | 23 |
| | 18 Term of office | 23 |

| | | |
|-------------------|--------------------------------------------------------------------|-----------|
| 39 | Amendment of s 19 (Functions and powers of commissioner) . . | 23 |
| 40 | Omission of pt 2, div 4, sdiv 2 (Staff) | 23 |
| Part 7 | Minor and consequential amendments | |
| 41 | Legislation amended | 24 |
| Schedule 1 | Minor and consequential amendments of regulations | 25 |
| | Private Health Facilities Regulation 2016 | 25 |
| | Public Health Regulation 2018 | 26 |

2019

A Bill

for

An Act to amend the *Ambulance Service Act 1991*, the *Hospital and Health Boards Act 2011*, the *Private Health Facilities Act 1999*, the *Public Health Act 2005*, the *Queensland Mental Health Commission Act 2013* and the legislation mentioned in schedule 1 for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Health Legislation Amendment Act 2019*. 4
5

Clause 2 Commencement 6

Sections 11(3) and (4), 12 to 14, 18 and 19 (to the extent it 7
inserts definition *health equity strategy*) commence on a day 8
to be fixed by proclamation. 9

Part 2 Amendment of Ambulance Service Act 1991 10
11

Clause 3 Act amended 12

This part amends the *Ambulance Service Act 1991*. 13

Clause 4 Amendment of s 3D (Service's functions) 14

(1) Section 3D— 15

insert— 16

(ja) to collaborate with Hospital and Health 17
Services to manage the interaction between 18
the services provided by the Queensland 19
Ambulance Service and health services 20
provided by Hospital and Health Services; 21
and 22

(2) Section 3D(ja) to (1)— 23

renumber as section 3D(k) to (m). 1

(3) Section 3D— 2

insert— 3

(2) In this section— 4

Hospital and Health Service see the *Hospital and* 5

Health Boards Act 2011. 6

Part 3 **Amendment of Hospital and Health Boards Act 2011** 7 8

Clause 5 **Act amended** 9
This part amends the *Hospital and Health Boards Act 2011.* 10

Clause 6 **Amendment of s 4 (Principles and objectives of national health system)** 11
12

(1) Section 4(c)(vi), ‘Indigenous health’— 13

omit, insert— 14

Aboriginal and Torres Strait Islander health 15

(2) Section 4(c)(vi), ‘Indigenous Australians’— 16

omit, insert— 17

Aboriginal people and Torres Strait Islander 18

people 19

Clause 7 **Amendment of s 7 (Establishment of Hospital and Health Services)** 20
21

(1) Section 7, heading, ‘Establishment’— 22

omit, insert— 23

Role 24

(2) Section 7— 25

[s 8]

insert—

- (5) This Act requires each Hospital and Health Service to have regard to the need to ensure the effective and efficient use of public sector health system resources and the best interests of patients and other users of public sector health services throughout the State.

Clause 8 Amendment of s 13 (Guiding principles)

- (1) Section 13(1), ‘should be a commitment’—

omit, insert—

is a commitment

- (2) Section 13(1)—

insert—

(ba) there is a commitment to achieving health equity for Aboriginal people and Torres Strait Islander people;

(bb) there is a commitment to the delivery of responsive, capable and culturally competent health care to Aboriginal people and Torres Strait Islander people;

- (3) Section 13(1)(ba) to (j)—

renumber as section 13(1)(c) to (l).

Clause 9 Amendment of s 19 (Functions of Services)

- (1) Section 19(2)—

insert—

(hb) to collaborate with the Queensland Ambulance Service to manage the interaction between the services provided by the Queensland Ambulance Service and

| | | |
|------------------|---------------------------------------------------------------------------------------------------------------|----------------|
| | health services provided by the Hospital and Health Service; | 1 2 |
| (2) | Section 19(2)(ha) to (p)— <i>renumber</i> as section 19(2)(i) to (r). | 3 4 |
| (3) | Section 19— <i>insert</i> — | 5 6 |
| | (3) In performing its functions, a Service must have regard to— | 7 8 |
| | (a) the need to ensure resources of the public sector health system are used effectively and efficiently; and | 9 10 11 |
| | (b) the best interests of patients and other users of public sector health services throughout the State. | 12 13 14 |
| Clause 10 | Amendment of s 22 (Role of exercising control over Service) | 15 16 |
| | Section 22— <i>insert</i> — | 17 18 |
| | (2) In controlling the Service for which it is established, a board must have regard to— | 19 20 |
| | (a) the need to ensure resources of the public sector health system are used effectively and efficiently; and | 21 22 23 |
| | (b) the best interests of patients and other users of public sector health services throughout the State. | 24 25 26 |
| Clause 11 | Amendment of s 23 (Membership of boards) | 27 |
| | (1) Section 23(2)— <i>insert</i> — | 28 29 |

[s 12]

| | | |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| | (ea) persons with skills, knowledge and experience in Aboriginal and Torres Strait Islander health and community issues relevant to the operation of the Service; and | 1 2 3 4 |
| (2) | Section 23(2)(ea) to (g)— <i>renumber</i> as section 23(2)(f) to (h). | 5 6 |
| (3) | Section 23— <i>insert</i> — | 7 8 |
| | (3A) One or more of the members of a board must be Aboriginal persons or Torres Strait Islander persons. | 9 10 11 |
| (4) | Section 23(3A) and (4)— <i>renumber</i> as section 23(4) and (5). | 12 13 |
| Clause 12 | Amendment of s 24A (Temporary members of board) | 14 |
| (1) | Section 24A(1)— <i>insert</i> — | 15 16 |
| | (d) none of the members of the board are Aboriginal persons or Torres Strait Islander persons. | 17 18 19 |
| (2) | Section 24A(6), definition <i>clinician</i> , ‘section 23(4)’— <i>omit, insert</i> — section 23(5) | 20 21 22 |
| Clause 13 | Amendment of s 40 (Engagement strategies) | 23 |
| (1) | Section 40(1)— <i>insert</i> — | 24 25 |
| | (c) a strategy (a <i>health equity strategy</i>) to achieve, and to specify the Service’s activities to achieve, health equity for Aboriginal people and Torres Strait Islander | 26 27 28 29 |

| | | |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| | people in the provision of health services by the Service. | 1 2 |
| (2) | Section 40(2)— <i>insert—</i> | 3 4 |
| | (c) for the health equity strategy—the persons prescribed by regulation. | 5 6 |
| (3) | Section 40— <i>insert—</i> | 7 8 |
| | (5) In giving effect to the health equity strategy, the Service must consult with the persons prescribed, and in the way prescribed, by regulation. | 9 10 11 |
| Clause 14 | Amendment of s 41 (Review of strategies) | 12 |
| | Section 41(2)— <i>insert—</i> | 13 14 |
| | (c) for the health equity strategy—the persons prescribed under section 40(2)(c). | 15 16 |
| Clause 15 | Amendment of s 51AA (Consultation on health employment directives) | 17 18 |
| | Section 51AA(2), ‘health service directive’— <i>omit, insert—</i> | 19 20 |
| | health employment directive | 21 |
| Clause 16 | Amendment of s 112 (Giving of copy of RCA report— patient safety entity) | 22 23 |
| (1) | Section 112— <i>insert—</i> | 24 25 |
| | (4A) However, if the entity is the administrative unit of the department responsible for coordinating improvements in the safety and quality of health | 26 27 28 |

[s 17]

| | | |
|------------------|------------------------------------------------------------------|-----------------------------------|
| | services, a person who performs functions for the | 1 |
| | entity may give a copy of the report, or | 2 |
| | information contained in the copy of the report, to | 3 |
| | another prescribed patient safety entity that is a | 4 |
| | quality assurance committee for an authorised | 5 |
| | purpose of the other entity. | 6 |
| (2) | Section 112(4A) to (6)— | 7 |
| | <i>renumber</i> as section 112(5) to (7). | 8 |
| Clause 17 | Amendment of s 139A (Meaning of <i>designated person</i>) | 9 |
| | Section 139A(1)(d)— | 10 |
| | <i>omit, insert</i> — | 11 |
| | (d) the chief psychiatrist; or | 12 |
| Clause 18 | Insertion of new pt 13, div 7 | 13 |
| | Part 13— | 14 |
| | <i>insert</i> — | 15 |
| | Division 7 | Transitional provision for |
| | | Health Legislation |
| | | Amendment Act 2019 |
| | | 18 |
| | 329 Aboriginal and Torres Strait Islander board | membership |
| | | 19 |
| | Section 23(4) does not apply to the membership | 21 |
| | of a board until the first time after the | 22 |
| | commencement at which both— | 23 |
| | (a) a vacancy in the membership exists; and | 24 |
| | (b) 1 or more of the members of the board are | 25 |
| | clinicians within the meaning of section | 26 |
| | 23(5). | 27 |

| | | |
|------------------|------------------------------------------------------------------|----|
| Clause 19 | Amendment of sch 2 (Dictionary) | 1 |
| | Schedule 2— | 2 |
| | <i>insert</i> — | 3 |
| | <i>health equity strategy</i> see section 40(1)(c). | 4 |
| | <i>Queensland Ambulance Service</i> means the | 5 |
| | Queensland Ambulance Service established | 6 |
| | under the <i>Ambulance Service Act 1991</i> . | 7 |
| Part 4 | Amendment of Private Health | 8 |
| | Facilities Act 1999 | 9 |
| Clause 20 | Act amended | 10 |
| | This part amends the <i>Private Health Facilities Act 1999</i> . | 11 |
| Clause 21 | Amendment of s 48 (Conditions of licence) | 12 |
| | (1) Section 48(1)(b) to (d)— | 13 |
| | <i>omit, insert</i> — | 14 |
| | (b) the licensee must comply with an | 15 |
| | accreditation scheme that relates to safety | 16 |
| | and quality matters and is prescribed by | 17 |
| | regulation; | 18 |
| | (2) Section 48(1)(e) to (h)— | 19 |
| | <i>renumber</i> as section 48(1)(c) to (f). | 20 |
| | (3) Section 48(2) and (3)— | 21 |
| | <i>omit</i> . | 22 |
| Clause 22 | Amendment of s 50 (Term of licences) | 23 |
| | Section 50(2)(a), ‘a quality assurance system’— | 24 |
| | <i>omit, insert</i> — | 25 |

[s 23]

| | | | |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|----------------|
| | an accreditation scheme prescribed under section 48(1)(b) | 1 2 | |
| Clause 23 | Amendment of pt 12 hdg (Saving and transitional provisions) | 3 4 | |
| | Part 12, heading, after ‘provisions’— | 5 | |
| | <i>insert—</i> | 6 | |
| | for Act No. 60 of 1999 | 7 | |
| Clause 24 | Insertion of new pt 15 | 8 | |
| | After part 14— | 9 | |
| | <i>insert—</i> | 10 | |
| | Part 15 | Transitional provision for Health Legislation Amendment Act 2019 | 11 12 13 |
| | 169 Conditions of existing licences | 14 | |
| | (1) A licence that was in force immediately before the commencement is taken, from the commencement, to be subject to the condition stated in new section 48(1)(b) and not to be subject to the conditions stated in previous section 48(1)(b) to (d). | 15 16 17 18 19 20 | |
| | (2) In this section— | 21 | |
| | <i>new</i> , in relation to a provision, means the provision as amended by the <i>Health Legislation Amendment Act 2019</i> . | 22 23 24 | |
| | <i>previous</i> , in relation to a provision, means the provision as in force immediately before the commencement. | 25 26 27 | |

| | | |
|------------------|------------------------------------------------------------------------------------------------|----|
| Clause 25 | Amendment of sch 3 (Dictionary) | 1 |
| | Schedule 3, definitions <i>quality assurance entity</i> and <i>quality assurance program</i> — | 2 |
| | <i>omit.</i> | 3 |
| | | 4 |
| Part 5 | Amendment of Public Health Act 2005 | 5 |
| | | 6 |
| Clause 26 | Act amended | 7 |
| | This part amends the <i>Public Health Act 2005</i> . | 8 |
| Clause 27 | Amendment of s 61D (Content of water risk management plans) | 9 |
| | Section 61D(e)(i), ‘or’— | 10 |
| | <i>omit, insert</i> — | 11 |
| | and | 12 |
| | | 13 |
| Clause 28 | Insertion of new ch 5B | 14 |
| | After chapter 5A— | 15 |
| | <i>insert</i> — | 16 |
| | Chapter 5B Conversion therapies | 17 |
| | | 18 |
| | 213E Definitions for chapter | 19 |
| | In this chapter— | 20 |
| | <i>conversion therapy</i> see section 213F. | 21 |
| | <i>gender identity</i> , of a person, see section 213G. | 22 |
| | <i>health service provider</i> see the <i>Health Ombudsman Act 2013</i> , section 8. | 23 |
| | | 24 |

[s 28]

sexual orientation, of a person, means the person's capacity for emotional, affectional and sexual attraction to, and intimate and sexual relations with, persons of a different gender, the same gender or more than 1 gender.

213F Meaning of *conversion therapy*

- (1) *Conversion therapy* is a treatment or other practice that attempts to change or suppress a person's sexual orientation or gender identity.
- Examples—*
- conditioning techniques such as aversion therapy, psychoanalysis and hypnotherapy that aim to change or suppress a person's sexual orientation or gender identity
 - other clinical interventions, including counselling, that encourage a person to change or suppress the person's sexual orientation or gender identity
 - group activities that aim to change or suppress a person's sexual orientation or gender identity
- (2) *Conversion therapy* does not include a practice that—
- (a) assists a person who is undergoing a gender transition; or
 - (b) assists a person who is considering undergoing a gender transition; or
 - (c) assists a person to express their gender identity; or
 - (d) provides acceptance, support and understanding of a person; or
 - (e) facilitates a person's coping skills, social support and identity exploration and development.

-
- Examples—* 1
- diagnosis and assessment of persons with gender dysphoria or gender non-conforming behaviour or identity 2
3
4
 - support for persons with social adjustments related to gender dysphoria 5
6
 - gender-affirming hormone treatment 7
 - other gender transition services, such as speech pathology services for trans-gender and gender-diverse persons who wish to alter their voice and communication to better align with their gender identity 8
9
10
11
12
- (3) Also, ***conversion therapy*** does not include a practice by a health service provider that, in the provider’s reasonable professional judgment, is necessary to— 13
14
15
16
- (a) provide a health service in a manner that is safe and appropriate; or 17
18
 - (b) comply with the provider’s legal or professional obligations. 19
20

213G Meaning of *gender identity* 21

- (1) ***Gender identity***, of a person, is the person’s internal and individual experience of gender, whether or not it corresponds with the sex assigned to the person at birth. 22
23
24
25
- (2) Without limiting subsection (1), the ***gender identity***, of a person, includes— 26
27
 - (a) the person’s personal sense of the body; and 28
 - (b) if freely chosen—modification of the person’s bodily appearance or functions by medical, surgical or other means; and 29
30
31
 - (c) other expressions of the person’s gender, including name, dress, speech and behaviour. 32
33
34

[s 28]

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 213H Prohibition of conversion therapy | 1 |
| (1) A person who is a health service provider must not perform conversion therapy on another person. | 2 3 4 |
| Maximum penalty— | 5 |
| (a) if the other person is a vulnerable person— 150 penalty units or 18 months imprisonment; or | 6 7 8 |
| (b) otherwise—100 penalty units or 12 months imprisonment. | 9 10 |
| (2) An offence against subsection (1) is a misdemeanour. | 11 12 |
| (3) In this section— | 13 |
| <i>vulnerable person</i> means— | 14 |
| (a) a child; or | 15 |
| (b) a person who has impaired capacity within the meaning of the <i>Guardianship and Administration Act 2000</i> for making decisions about a particular treatment offered by a health service provider; or | 16 17 18 19 20 |
| (c) a person with an impairment that is likely to significantly limit the person's ability to understand a particular treatment offered by a health service provider. | 21 22 23 24 |
| 213I Proceedings for indictable offence | 25 |
| (1) A proceeding for an offence against section 213H(1) may, at the prosecution's election, be taken summarily or on indictment. | 26 27 28 |
| (2) A magistrate must not hear a proceeding for an offence against section 213H(1) summarily if, at any stage of the hearing, the magistrate is satisfied on the application of the defendant, the offence should not be heard summarily because of | 29 30 31 32 33 |

| | | |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| | exceptional circumstances. | 1 |
| | <i>Examples of exceptional circumstances—</i> | 2 |
| | 1 There is sufficient connection between the offence the subject of the charge, and other offences allegedly committed by the defendant and to be tried on indictment, to allow all the offences to be tried together. | 3 4 5 6 7 |
| | 2 There is an important issue of law involved. | 8 |
| | 3 An issue of general community importance or public interest is involved, or the holding of a trial by jury is justified in order to establish contemporary community standards. | 9 10 11 12 |
| | (3) If subsection (2) applies— | 13 |
| | (a) the magistrate must proceed by way of an examination of witnesses for an indictable offence; and | 14 15 16 |
| | (b) a plea of the person charged at the start of the proceeding must be disregarded; and | 17 18 |
| | (c) evidence brought in the proceeding before the magistrate decided to act under subsection (2) is taken to be evidence in the proceeding for the committal of the person for trial or sentence; and | 19 20 21 22 23 |
| | (d) before committing the person for trial or sentence, the magistrate must make a statement to the person under the <i>Justices Act 1886</i> , section 104(2)(b). | 24 25 26 27 |
| Clause 29 | Omission of s 250 (Arrangements about transfer of information) | 28 29 |
| | Section 250— | 30 |
| | <i>omit.</i> | 31 |
| Clause 30 | Omission of ch 6, pt 3 (Pap Smear Register) | 32 |
| | Chapter 6, part 3— | 33 |

[s 31]

omit.

1

Clause 31 Amendment of s 441 (Summary offences)

2

Section 441(1), ‘A proceeding’—

3

omit, insert—

4

Subject to section 213I, a proceeding

5

Clause 32 Insertion of new ch 12, pt 5

6

Chapter 12—

7

insert—

8

Part 5

**Saving provision for
Health Legislation**

9

Amendment Act 2019

10

11

496 Proceeding for particular offence

12

(1) This section applies in relation to an offence
against former section 266 committed by a person
before the commencement.

13

14

15

(2) Without limiting the *Acts Interpretation Act 1954*,
section 20, a proceeding for the offence may be
continued or started, and the person may be
convicted of and punished for the offence, as if
the *Health Legislation Amendment Act 2019*,
section 30 had not commenced.

16

17

18

19

20

21

(3) Subsection (2) applies despite the Criminal Code,
section 11.

22

23

(4) In this section—

24

former section 266 means section 266 as in force
from time to time before the commencement.

25

26

| | | |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Clause 33 | Amendment of sch 2 (Dictionary) | 1 |
| (1) | Schedule 2, definitions <i>abnormal Pap smear, clinical information, clinical management, disclosure section, histological sample, histology test, HPV, HPV sample, HPV test, identifying information, nominated person, Pap smear, Pap Smear Register, Pap smear test, provider, registered screening history, woman</i> and <i>written or in writing</i> — | 2 3 4 5 6 7 |
| | <i>omit.</i> | 8 |
| (2) | Schedule 2— | 9 |
| | <i>insert</i> — | 10 |
| | <i>conversion therapy</i> , for chapter 5B, see section 213F. | 11 12 |
| | <i>gender identity</i> , of a person, for chapter 5B, see section 213G. | 13 14 |
| | <i>health service provider</i> , for chapter 5B, see section 213E. | 15 16 |
| | <i>sexual orientation</i> , of a person, for chapter 5B, see section 213E. | 17 18 |
| (3) | Schedule 2, definition <i>confidential information</i> , paragraphs (h) and (i)— | 19 20 |
| | <i>omit, insert</i> — | 21 |
| | (h) for chapter 6, part 3A, division 5, see section 279AK. | 22 23 |
| (4) | Schedule 2, definition <i>health practitioner</i> , paragraphs (b) and (c)— | 24 25 |
| | <i>omit, insert</i> — | 26 |
| | (b) for chapter 6, part 3A, see section 279AA. | 27 |
| (5) | Schedule 2, definition <i>information</i> , paragraphs (h) and (i)— | 28 |
| | <i>omit, insert</i> — | 29 |
| | (h) for chapter 6, part 3A, division 5, see section 279AK. | 30 31 |
| (6) | Schedule 2, definition <i>register</i> , paragraphs (c) to (e)— | 32 |

[s 34]

| | |
|---------------------------------------------------------------------------------------|----------|
| <i>omit, insert—</i> | 1 |
| (c) for chapter 6, part 3A, see section 279AA; or | 2 3 |
| (d) for chapter 6, part 4, see section 280. | 4 |
| (7) Schedule 2, definition <i>relevant person</i> , paragraphs (h) and (i)— | 5 6 |
| <i>omit, insert—</i> | 7 |
| (h) for chapter 6, part 3A, division 5, see section 279AK. | 8 9 |
| (8) Schedule 2, definition <i>repealed provision</i> , paragraph (e)— <i>omit.</i> | 10 11 |

| | | |
|---------------|--------------------------------------------------------------------------|----------------|
| Part 6 | Amendment of Queensland Mental Health Commission Act 2013 | 12 13 14 |
|---------------|--------------------------------------------------------------------------|----------------|

| | | |
|------------------|--------------------------------------------------------------------------------|----------|
| Clause 34 | Act amended | 15 |
| | This part amends the <i>Queensland Mental Health Commission Act 2013</i> . | 16 17 |
| Clause 35 | Amendment of s 14 (Membership of commission) | 18 |
| (1) | Section 14(b), ‘other’— <i>omit.</i> | 19 20 |
| (2) | Section 14— <i>insert—</i> | 21 22 |
| | (2) The staff are employed under the <i>Public Service Act 2008</i> . | 23 24 |
| | <i>Note—</i> | 25 |
| | For the employment of the commissioner, see section 17. | 26 27 |

| | | |
|------------------|-----------------------------------------------------------------|----|
| Clause 36 | Replacement of pt 2, div 4 hdg (Staff of the commission) | 1 |
| | Part 2, division 4, heading— | 2 |
| | <i>omit, insert—</i> | 3 |
| | Division 4 Commissioner | 4 |
| Clause 37 | Omission of pt 2, div 4, sdiv 1 hdg (Commissioner) | 5 |
| | Part 2, division 4, subdivision 1, heading— | 6 |
| | <i>omit.</i> | 7 |
| Clause 38 | Replacement of s 18 (Term of office) | 8 |
| | Section 18— | 9 |
| | <i>omit, insert—</i> | 10 |
| | 18 Term of office | 11 |
| | Subject to this division, the commissioner holds | 12 |
| | office for a term of not more than 5 years decided | 13 |
| | by the Governor in Council. | 14 |
| Clause 39 | Amendment of s 19 (Functions and powers of commissioner) | 15 |
| | Section 19(1)— | 16 |
| | <i>insert—</i> | 17 |
| | (c) to manage the staff of the commission in | 19 |
| | accordance with the requirements of this | 20 |
| | Act and the <i>Public Service Act 2008</i> . | 21 |
| Clause 40 | Omission of pt 2, div 4, sdiv 2 (Staff) | 22 |
| | Part 2, division 4, subdivision 2— | 23 |
| | <i>omit.</i> | 24 |

[s 41]

| | | |
|---------------|-----------------------------------------------|--------|
| Part 7 | Minor and consequential amendments | 1 2 |
|---------------|-----------------------------------------------|--------|

| | | |
|------------------|------------------------------------------------|---|
| Clause 41 | Legislation amended | 3 |
| | Schedule 1 amends the regulations it mentions. | 4 |

| | | |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Schedule 1 | Minor and consequential amendments of regulations | 1 2 |
| | section 41 | 3 |
| | Private Health Facilities Regulation 2016 | 4 |
| 1 | Sections 8 and 9— | 5 |
| | <i>omit, insert—</i> | 6 |
| | 8 Safety and quality accreditation scheme—Act, s 48 | 7 8 |
| | (1) For section 48(1)(b) of the Act, the AHSSQAS is prescribed. | 9 10 |
| | (2) In this section— | 11 |
| | <i>AHSSQAS</i> means the Australian Health Service Safety and Quality Accreditation Scheme formulated by the Commission under the <i>National Health Reform Act 2011</i> (Cwlth), section 9(1)(l) and incorporating the NSQHS Standards. | 12 13 14 15 16 17 |
| | <i>Commission</i> means the Australian Commission on Safety and Quality in Health Care established under the <i>National Health Reform Act 2011</i> (Cwlth), section 8. | 18 19 20 21 |
| | <i>NSQHS Standards</i> means the National Safety and Quality Health Service Standards, 2nd edition, formulated by the Commission under the <i>National Health Reform Act 2011</i> (Cwlth), section 9(1)(e). | 22 23 24 25 26 |

Public Health Regulation 2018

1

1 Part 8, division 4—

2

omit.

3

© State of Queensland 2019