

Health and Hospitals Network and Other Legislation Amendment Bill 2012

Amendments agreed to during Consideration

1 **Clause 12 (Amendment of s 23 (Membership of governing councils))**

Page 13, line 24—

omit, insert—

‘(3) One or more of the members of a board must be clinicians.

‘(4) In this section—

clinician means a person who—

(a) is a health professional registered under the Health Practitioner Regulation National Law, other than as a student; and

(b) is currently directly or indirectly providing care or treatment to persons; and

(c) is in a profession that provides care or treatment to persons in public sector health services.’.

2 **Clause 16 (Insertion of new pt 2, div 2A)**

Page 17, line 9, ‘An’—

omit, insert—

‘(1) An’.

3 **Clause 16 (Insertion of new pt 2, div 2A)**

Page 17, after line 13—

insert—

‘(2) In this section—

clinician means a person who—

- (a) is a health professional registered under the Health Practitioner Regulation National Law, other than as a student; and
- (b) is currently directly or indirectly providing care or treatment to persons; and
- (c) is in a profession that provides care or treatment to persons in public sector health services.’.

4 Clause 51 (Insertion of new sch 4A)

Page 99, after line 21—

insert—

‘12A How s 147A (Employer may ask employees to approve proposed agreement being negotiated with employee organisation) applies

- ‘(1) For requesting employees to approve a proposed agreement and doing other things under section 147A, the chief executive is taken to be the employer instead of the prescribed Service for health service employees employed by the Service.
- ‘(2) However, the chief executive is not taken to be the employer instead of the prescribed Service for section 147A(4).’.

5 Clause 51 (Insertion of new sch 4A)

Page 102, after line 9—

insert—

‘22A How s 175 (Requirements for industrial action in response to industrial action by another party) applies

‘For section 175, the prescribed Service for the proposed agreement is taken to be the negotiating party, instead of the chief executive, for the purpose of taking industrial action in response to industrial action by another negotiating party.

‘22B How s 181D (Minister may give directions to reduce or remove threat, damage or danger) applies

‘For section 181D(1)(c), the chief executive and a prescribed Service for a proposed agreement are each taken to be the employer who is a party to the proposed agreement and the Minister may give either or both of them written directions to take, or not take, stated action.’.

6 Clause 51 (Insertion of new sch 4A)

Page 106, line 12—

omit, insert—

‘application to consolidate an award.

‘32 How sch 4, s 5 (Notice of application) applies

‘For schedule 4, section 5, the chief executive and the prescribed Service for the employees are each taken to be the employer for the purpose of the applicant giving the employer a copy of the application for a protected action ballot order.

‘33 How sch 4, s 7 (Dealing with multiple actions together) applies

‘For schedule 4, section 7, the commission may treat the following as being employees of the same employer for dealing with 2 or more applications for a protected action ballot order at the same time—

- (a) employees of 2 or more prescribed Services;
- (b) employees of 1 or more prescribed Services and the department.

‘34 How sch 4, s 8 (Making of protected action ballot order by commission) applies

‘For schedule 4, section 8, the chief executive is taken to be the employer instead of a prescribed Service for the purpose of the commission being satisfied that each applicant has been, and is, genuinely trying to reach agreement with the employer of the employees who are to be balloted.

‘35 How sch 4, s 9 (Notice of protected action ballot order) applies

‘For schedule 4, section 9, the chief executive and the prescribed Service for the employees who are to be balloted are each taken to be the employer for the purpose of the commission giving the employer of the employees a copy of a protected action ballot order.

‘36 How sch 4, s 10 (Protected action ballot order may require 2 or more ballots to be held together) applies

‘For schedule 4, section 10, the commission may treat the following as being employees of the same employer for requiring protected action ballots to be held at the same time—

- (a) employees of 2 or more prescribed Services;
- (b) employees of 1 or more prescribed Services and the department.

‘37 How sch 4, s 22 (Results of protected action ballot) applies

‘For schedule 4, section 22, the chief executive and the prescribed Service for the employees who were balloted are each taken to be the employer for the purpose of the ECQ informing the employer of the employees of the results of the ballot.’.

7 Schedule (Acts amended)

Page 109, after line 14—

insert—

'7A Section 44D, 'schedule 2'—

omit, insert—

'schedule 1'.'. .

8 Schedule (Acts amended)

Page 113, after line 6—

insert—

'29 Amendment for references to 'Chairperson' etc.

'All provisions of the *Health and Hospitals Network Act 2011* are amended by omitting 'Chairperson', 'chairperson' and 'chairpersons' and inserting 'Chair', 'chair' and 'chairs' respectively.'.