



Queensland Mental Health Commission Act 2013

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Queensland

Queensland Mental Health Commission Act 2013

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Queensland Mental Health Commission Act 2013

**An Act to establish the Queensland Mental Health Commission
and for related purposes**

Part 1 Preliminary

Division 1 Introduction

1 Short title

This Act may be cited as the *Queensland Mental Health Commission Act 2013*.

2 Commencement

This Act, other than part 9, commences on a day to be fixed by proclamation.

3 Act binds all persons

- (1) This Act binds all persons, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.
- (2) Nothing in this Act makes the State liable to be prosecuted for an offence.

Division 2 Object of Act and guiding principles

4 Object

- (1) The object of this Act is to establish the Queensland Mental Health Commission to drive ongoing reform towards a more integrated, evidence-based, recovery-oriented mental health and substance misuse system.
- (2) The object is mainly achieved by—
 - (a) developing a whole-of-government strategic plan that—
 - (i) provides for coordinated action by relevant agencies involved in the delivery of relevant services; and
 - (ii) promotes the best interests of—
 - (A) people with mental health or substance misuse issues, and their families, carers and support persons; and
 - (B) people who are vulnerable to, or otherwise at significant risk of, developing mental health or substance misuse issues; and
 - (iii) drives innovation and best practice through knowledge sharing, research and evidence-based policy and practice; and
 - (iv) encourages integration of relevant services; and
 - (b) monitoring, reviewing and reporting on issues affecting—
 - (i) people with mental health or substance misuse issues, and their families, carers and support persons; and
 - (ii) people who are vulnerable to, or otherwise at significant risk of, developing mental health or substance misuse issues; and
 - (c) promoting prevention, early intervention and community awareness strategies.

5 Guiding principles

- (1) A person must have regard to the principles stated in this section when performing a function or exercising a power under this Act.
- (2) People with mental illness or who misuse substances—
 - (a) should have access to quality mental health or substance misuse services, care and support, wherever they live; and
 - (b) should be treated with respect and dignity; and
 - (c) should be supported to participate fully in community life and lead meaningful lives; and
 - (d) have the same right to privacy as other members of society.
- (3) Aboriginal or Torres Strait Islander people should be provided with treatment, care and support in a way that recognises and is consistent with Aboriginal tradition or Island custom and is culturally appropriate and respectful.
- (4) Carers, family members and support persons for people with a mental illness or who misuse substances—
 - (a) are integral to wellbeing, treatment and recovery; and
 - (b) should be respected, valued and supported; and
 - (c) should be engaged, wherever possible, in treatment plans.
- (5) An effective mental health and substance misuse system is the shared responsibility of the government and non-government sectors and requires—
 - (a) a coordinated and integrated approach, including across the areas of health, housing, employment, education, justice and policing; and
 - (b) a commitment to communication and collaboration across public sector and publicly funded agencies, consumers and the community; and

- (c) strategies that foster inclusive, safer and healthier families, workplaces and communities.

Division 3 Interpretation

6 Definitions

The dictionary in the schedule defines particular words used in this Act.

7 Meaning of whole-of-government strategic plan

A whole-of-government strategic plan is a plan for the improvement of mental health and the limiting of harm associated with substance misuse that—

- (a) provides strategic guidance and direction about the intended outcomes of government funding of, and the development and implementation of policy in relation to, the mental health and substance misuse system; and
- (b) establishes benchmarks and performance measures for evaluating and reporting on the effectiveness of the mental health and substance misuse system; and
- (c) fosters the development and strengthening of partnerships and the integration of services across relevant agencies; and
- (d) fosters the development of evidence-based policy and promotes the uptake of innovation and evidence-based practice by relevant agencies; and
- (e) includes strategies for—
 - (i) increasing participation by relevant persons in the development, delivery and evaluation of policies, programs and services to the greatest extent possible; and
 - (ii) supporting and promoting the mental health and wellbeing of the community; and

-
- (iii) supporting and promoting the prevention of, and early intervention in relation to, mental illness and substance misuse; and
 - (iv) supporting and promoting the general health and wellbeing of relevant persons; and
 - (v) enhancing community awareness and understanding about mental health and substance misuse issues, including for the purpose of reducing stigma and discrimination; and
 - (f) provides for other matters the commission considers necessary to exercise its functions under this Act.

Part 2 **Queensland Mental Health Commission**

Division 1 **Establishment**

8 **Establishment of Mental Health Commission**

The Queensland Mental Health Commission is established.

9 **Commission represents the State**

- (1) The commission represents the State.
- (2) Without limiting subsection (1), the commission has the status, privileges and immunities of the State.

10 **Application of other Acts**

- (1) The commission is—
 - (a) a unit of public administration under the *Crime and Corruption Act 2001*; and

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- (b) a statutory body under the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982*.
- (2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B explains how that Act affects the commission's powers.

Division 2 Functions and powers

11 Commission's functions

- (1) The main functions of the commission are as follows—
 - (a) to prepare a whole-of-government strategic plan;
 - (b) to monitor and report to the Minister on implementation of the whole-of-government strategic plan;
 - (c) to review the whole-of-government strategic plan;
 - (d) to review, evaluate, report and advise on—
 - (i) the mental health and substance misuse system; and
 - (ii) other issues affecting relevant persons; and
 - (iii) issues affecting community mental health and substance misuse;
 - (e) to promote and facilitate the sharing of knowledge and ideas about mental health and substance misuse issues;
 - (f) to undertake and commission research in relation to mental health and substance misuse issues;
 - (g) to support and promote strategies that—
 - (i) prevent mental illness and substance misuse; and
 - (ii) facilitate early intervention for mental illness and substance abuse;
 - (h) to support and promote the general health and wellbeing of people with a mental illness and people who misuse

- substances, and their families, carers and support persons;
- (i) to support and promote social inclusion and recovery of people with a mental illness or who misuse substances;
 - (j) to promote community awareness and understanding about mental health and substance misuse issues, including for the purpose of reducing stigma and discrimination;
 - (k) to take other action the commission considers appropriate to address the needs of relevant persons.
- (2) In exercising its functions under this Act, the commission must—
- (a) focus on systemic mental health and substance misuse issues; and
 - (b) take into account comorbid issues including disability, chronic disease and homelessness; and
 - (c) take into account issues for people with mental health and substance misuse issues in the criminal justice system; and
 - (d) engage and consult with—
 - (i) people with mental health or substance misuse issues, and their families, carers and support persons; and
 - (ii) Hospital and Health Boards under the *Hospital and Health Boards Act 2011*; and
 - (iii) the government, non-government and private sectors; and
 - (iv) other members of the community to the extent the commissioner considers appropriate; and
 - (e) take into account the particular views, needs and vulnerabilities of different sections of the Queensland community, including—

- (i) Aboriginal and Torres Strait Islander communities; and
 - (ii) culturally and linguistically diverse communities; and
 - (iii) regional and remote communities; and
 - (iv) other groups at risk of marginalisation and discrimination; and
- (f) take into account contemporary evidence and relevant policy and strategic frameworks.

12 Commission's powers

- (1) The commission has all the powers of an individual, and may, for example—
- (a) enter into contracts; and
 - (b) acquire, hold, deal with and dispose of property; and
 - (c) appoint agents and attorneys; and
 - (d) engage consultants or contractors; and
 - (e) do anything else necessary or convenient to be done in the performance of its functions.
- (2) Without limiting subsection (1), the commission has the powers given to it under this Act or another Act.

13 Ministerial direction

- (1) The commissioner is subject to the directions of the Minister in performing the commissioner's functions under this Act.
- (2) The commissioner must comply with a direction given by the Minister.
- (3) The commission must include in its annual report details of—
- (a) any direction given by the Minister under subsection (1) during the financial year to which the report relates; and

- (b) action taken by the commissioner as a result of the direction.

Division 3 Membership of the commission

14 Membership of commission

- (1) The commission consists of—
 - (a) the commissioner; and
 - (b) the staff of the commission.
- (2) The staff are employed under the *Public Sector Act 2022*.

Note—

For the employment of the commissioner, see section 17.

Division 4 Commissioner

15 Commissioner

- (1) The commission is to have a Mental Health Commissioner.
- (2) The commissioner is appointed by the Governor in Council on the recommendation of the Minister.
- (3) The Minister may recommend a person for appointment only if the Minister is satisfied the person has the skills, knowledge, experience and public standing required to exercise the commission's functions effectively and efficiently.

16 Restriction on appointment

A member of the council must not be appointed as commissioner.

17 Commissioner employed under this Act

The commissioner is employed under this Act and not under the *Public Sector Act 2022*.

18 Term of office

Subject to this division, the commissioner holds office for a term of not more than 5 years decided by the Governor in Council.

19 Functions and powers of commissioner

- (1) The main functions of the commissioner are as follows—
 - (a) to manage the commission in a way that ensures the commission performs its functions under this Act effectively and efficiently;
 - (b) to make recommendations to the Minister about any matter that—
 - (i) relates to the performance or exercise of the commissioner's or commission's functions or powers; and
 - (ii) may help the Minister in the proper administration of this Act;
 - (c) to manage the staff of the commission in accordance with the requirements of this Act and the *Public Sector Act 2022*.
- (2) The commissioner's functions also include any other function given to the commissioner under this Act or another Act.
- (3) The commissioner may exercise the powers of the commission and any other powers given to the commissioner under this Act or another Act.

20 Conditions of appointment

- (1) The commissioner is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) The commissioner holds office on the terms and conditions, not provided by this Act, that are decided by the Governor in Council.

21 Vacancy in office of commissioner

- (1) The office of the commissioner becomes vacant if the commissioner—
 - (a) resigns office by signed notice to the Minister giving at least 1 month's notice; or
 - (b) is convicted of an indictable offence; or
 - (c) is a person who is an insolvent under administration; or
 - (d) is removed from office by the Governor in Council under subsection (2); or
 - (e) is suspended by the Minister under subsection (4).
- (2) The Governor in Council may, at any time, remove the commissioner from office on the recommendation of the Minister.
- (3) The Minister may recommend the commissioner's removal only if the Minister is satisfied the commissioner—
 - (a) has been guilty of misconduct; or
 - (b) is incapable of performing his or her duties; or
 - (c) has neglected his or her duties or performed them incompetently.
- (4) The Minister may suspend the commissioner for up to 60 days by signed notice to the commissioner if—
 - (a) there is an allegation of misconduct against the commissioner; or

- (b) the Minister is satisfied a matter has arisen in relation to the commissioner that may be grounds for removal under this section.

22 Preservation of rights of commissioner

- (1) This section applies if an officer of the public service is appointed as the commissioner.
- (2) The person keeps all rights accrued or accruing to the person as an officer of the public service as if service as the commissioner were a continuation of service as an officer of the public service.
- (3) At the end of the person's term of office or resignation as the commissioner the person's service as the commissioner is taken to be service of a like nature in the public service for deciding the person's rights as an officer of the public service.

23 Acting commissioner

The Minister may appoint a person, other than a member of the council, to act in the office of commissioner during—

- (a) a vacancy in the office of commissioner; or
- (b) any period, or all periods, when the commissioner is absent from duty, or can not, for another reason, perform the functions of the office.

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- (2) In preparing amendments of the whole-of-government strategic plan the commission must consult with relevant persons and relevant agencies.

28 Commission must prepare special report if directed by the Minister

- (1) The commission must prepare a special report on any significant systemic issue affecting people who have mental health or substance misuse issues, if directed by the Minister.
- (2) The special report—
 - (a) must be given to the Minister; and
 - (b) may contain recommendations about the issue the subject of the report; and
 - (c) may include a recommendation that the report be made public.

29 Commission may prepare ordinary reports

- (1) The commission may, at any time, prepare a report on any of the following—
 - (a) the preparation or review of the whole-of-government strategic plan;
 - (b) the implementation of the whole-of-government strategic plan;
 - (c) a systemic issue relating to the mental health and substance misuse system or affecting people who have mental health or substance misuse issues;
 - (d) the funding of mental health and substance misuse services.
- (2) However, before preparing a report under subsection (1)(c) or (d), the commission must notify the Minister in writing.
- (3) In preparing a report under subsection (1)(c) or (d), the commission must consult with the relevant agencies and

private sector agencies it considers may be significantly affected by the report.

- (4) In consulting with an agency under subsection (3), the commission must consider submissions by the agency.
- (5) A report may contain recommendations about the issue the subject of the report.

30 Ordinary report must be given to Minister

- (1) After completing an ordinary report, the commission must give it to the Minister.
- (2) The Minister must table a copy of the report in the Legislative Assembly as soon as practicable after receiving it.

31 When commission must give copy of ordinary report to agency

If an ordinary report contains recommendations that relate to a particular relevant agency, the commission must give a copy of the report to the agency as soon as practicable after giving it to the Minister.

32 Agency must respond to commission's recommendation

- (1) This section applies if the commission makes a recommendation in an ordinary report that relates to a relevant agency.
- (2) The agency must respond to the commission in writing within a reasonable period—
 - (a) detailing the steps it has taken, or plans to take, in relation to the recommendation; or
 - (b) advising that it has decided not to take any action in relation to the recommendation.
- (3) If subsection (2)(b) applies, the agency must provide the commission with the reasons for its decision.

33 Details of reports to be included in annual report

The commission must include in its annual report details of—

- (a) each recommendation in an ordinary report by the commission during the financial year that relates to a relevant agency; and
- (b) action taken by the agency in response to the recommendation.

Part 4 Cooperation between commission and public sector and publicly-funded agencies

34 Cooperation between commission and relevant agencies

- (1) The commission and relevant agencies must work cooperatively in the exercise of their respective functions.
- (2) Relevant agencies must—
 - (a) have regard to the whole-of-government strategic plan and the guiding principles in exercising their functions; and
 - (b) consult with the commission on their activities, expenditure and initiatives as required under the whole-of-government strategic plan.
- (3) It is Parliament's intention that this section be complied with.
- (4) However, the section is directory only and does not create rights or impose legally enforceable obligations on the State, a relevant agency or anyone else.

35 Regard to be had to whole-of-government strategic plan when negotiating service agreements

The chief executive under the *Hospital and Health Boards Act 2011* must take the whole-of-government strategic plan into account when negotiating service agreements under that Act to the extent the agreements relate to the delivery of mental health and substance misuse services.

36 Provision of information by public sector unit to commission

- (1) Subsection (2) applies if the commission considers a department or other public sector unit has information the commission requires to perform its functions.
- (2) The commission may request the department or unit to provide the commission with the information within a stated reasonable time.
- (3) The department or unit must provide the information requested unless—
 - (a) its disclosure is prohibited under an Act; or
 - (b) it is impracticable to provide the information.
- (4) If the department or unit decides not to provide the information, the department or unit must advise the commission of its reasons for not providing the information.
- (5) The commission may enter into arrangements with a department or other public sector unit in relation to the provision by the department or unit of information that is required by the commission.

Part 5 **Queensland Mental Health and Drug Advisory Council**

Division 1 **Establishment and functions**

37 **Establishment of Queensland Mental Health and Drug Advisory Council**

The Queensland Mental Health and Drug Advisory Council is established.

38 **Functions of council**

The functions of the council are—

- (a) to provide advice to the commission on mental health or substance misuse issues—
 - (i) on its own initiative; or
 - (ii) at the request of the commission; and
- (b) to make recommendations to the commission in relation to the commission's functions.

Division 2 **Membership**

39 **Membership**

- (1) The council consists of the number of persons appointed by the Minister that the Minister considers appropriate.
- (2) In making an appointment the Minister must ensure—
 - (a) the membership of the council reflects the diversity of the Queensland community; and
 - (b) that members have appropriate skills, knowledge or experience, for example, skills, knowledge or

experience of mental health and substance misuse issues in relation to the following—

- (i) service users and their families, carers, and support persons;
 - (ii) service providers;
 - (iii) people living in remote and regional communities;
 - (iv) members of culturally and linguistically diverse communities;
 - (v) Aboriginal and Torres Strait Islander persons.
- (3) Members are to—
- (a) hold office for the term, not longer than 3 years, stated in the member's instrument of appointment; and
 - (b) be paid the fees and allowances decided by the Governor in Council.

40 Chair and deputy chair of council

- (1) The Minister may appoint—
 - (a) a member of the council to be chair of the council; and
 - (b) another member to be deputy chair of the council.
- (2) A member may be appointed as the chair or deputy chair at the same time as the person is appointed as a member.
- (3) A vacancy arises in the office of chair or deputy chair if the person holding the office—
 - (a) resigns office by signed notice of resignation given to the Minister; or
 - (b) ceases to be a member; or
 - (c) is suspended by the Minister under section 41(3).
- (4) A person resigning the office of chair or deputy chair may continue to be a member.
- (5) The deputy chair is to act as chair—

- (a) during a vacancy in the office of the chair; and
- (b) during all periods when the chair is absent from duty or for another reason can not perform the duties of the office.

41 Vacancy in office of member

- (1) The office of a member of the council becomes vacant if the member—
 - (a) completes a term of office; or
 - (b) resigns office by signed notice to the Minister giving at least 1 month's notice; or
 - (c) is removed from office by the Minister under subsection (2); or
 - (d) is suspended by the Minister under subsection (3).
- (2) The Minister may remove a member from office if the Minister is satisfied the member—
 - (a) has been guilty of misconduct; or
 - (b) is incapable of performing the member's duties; or
 - (c) has neglected his or her duties or performed them incompetently; or
 - (d) has been absent without permission of the chair from 3 consecutive meetings of which due notice was given.
- (3) The Minister may suspend a member for up to 60 days by signed notice to the member if—
 - (a) there is an allegation of misconduct against the member; or
 - (b) the Minister is satisfied a matter has arisen in relation to the member that may be grounds for removal under this section.

Division 3 Conduct of business by council

42 Conduct of business by council

- (1) The council may conduct its business, including its meetings, in the way the chair of the council considers appropriate.
- (2) However, the chair must consult with the commissioner before deciding the way the council is to conduct its meetings.
- (3) The Minister may direct the council about the conduct of its business, including its meetings.
- (4) The commissioner is to attend all meetings of the council, unless excused by the chair.

43 Quorum

A quorum for a meeting of the council is one-half the number of its members, or if one-half is not a whole number, the next highest whole number.

44 Presiding at meetings

- (1) The chair is to preside at all meetings of the council at which the chair is present.
- (2) If the chair is not present at a meeting, the deputy chair is to preside.
- (3) If neither the chair nor deputy chair is present at a meeting, a member of the council chosen by the members is to preside.

45 Conduct of meetings

- (1) A question at a meeting of the council is decided by a majority of the votes of the members present.
- (2) Each member present at the meeting has a vote on each question to be decided and, if the votes are equal, the member presiding also has a casting vote.

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- (3) A member present at the meeting who abstains from voting is taken to have voted for the negative.
- (4) The council may hold meetings, or permit members to take part in meetings, by using any technology that reasonably allows members to hear and take part in discussions as they happen.

Example of use of technology—

teleconferencing

- (5) A member who takes part in a meeting of the council under subsection (4) is taken to be present at the meeting.
- (6) A resolution is validly made by the council, even if it is not passed at a meeting of the council, if—
 - (a) a majority of the council members gives written agreement to the resolution; and
 - (b) notice of the resolution is given under procedures approved by the council.

46 Minutes

- (1) The council must keep—
 - (a) minutes of its meetings; and
 - (b) a record of any resolutions made under section 45(6).
- (2) Subsection (3) applies if a resolution is passed at a meeting of the council by a majority of the members present.
- (3) If asked by a member who voted against the passing of the resolution, the council must record in the minutes of the meeting that the member voted against the resolution.

47 Committees

- (1) The council may establish committees of the council for effectively and efficiently performing its functions.
- (2) The term of a committee is decided by the council.

- (3) A committee may include a person who is not a member of the council.
- (4) The council is to decide the terms of reference of a committee in consultation with the commissioner.
- (5) The function of a committee is to consider and advise on matters referred to the committee by the council.

Part 6

Cooperation between commission and council

48 Commission must support council

The commission must support the council in performing its functions by providing information to the council about the performance by the commission of its functions—

- (a) at regular intervals; or
- (b) when requested by the council.

49 Consultation on reports and whole-of-government strategic plan

The commission must consult with the council on the following before they are given to the Minister—

- (a) any special or ordinary reports;
- (b) the whole-of-government strategic plan.

50 Commission must respond to council's recommendation

- (1) This section applies if the council makes a recommendation about matters relating to a function of the commission.
- (2) The commission must respond to the council in writing within a reasonable period—

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- (a) detailing the steps it has taken, or plans to take, in relation to the recommendation; or
 - (b) advising that it has decided not to take any action in relation to the recommendation.
- (3) If subsection (2)(b) applies, the commission must provide the council with the reasons for its decision.

51 Details of recommendations to be included in annual report

The commission must include in its annual report details of—

- (a) each recommendation by the council to the commission during the financial year; and
- (b) action taken by the commission in response to the recommendation; and
- (c) any statement about the conduct of the council's business provided to the commission by the council for inclusion in the commission's annual report.

Part 7 Miscellaneous

52 Delegations

- (1) The commissioner may delegate his or her functions under this Act to an appropriately qualified staff member of the commission.
- (2) In this section—
appropriately qualified includes having qualifications, experience or standing appropriate for the function.
functions includes powers.

53 Protecting officials from liability

- (1) An official is not civilly liable for an act done, or omission made, honestly and without negligence under this Act.
- (2) If subsection (1) prevents a civil liability attaching to an official, the liability attaches instead to the State.
- (3) In this section—

official means any of the following when performing a function or exercising a power under this Act—

- (a) the Minister;
- (b) the commissioner;
- (c) a staff member of the commission;
- (d) a member of the council;
- (e) a member of a committee of the council.

54 Commission's guidelines

- (1) The commission may make guidelines (each a *commission guideline*), consistent with this Act, to provide guidance to persons about matters relating to the operation of the Act or the commission.
- (2) A commission guideline may be amended or replaced by a later guideline made under this section.
- (3) The commission must—
 - (a) give a copy of a commission guideline to a person on request; and
 - (b) keep a copy of each guideline on the commission's website.

55 Review of commission

The Minister must arrange an independent review of the performance by the commission of its functions within 3 years after the commencement of this section.

56 Review of Act

- (1) The Minister must review the effectiveness of this Act as soon as practicable after the end of 3 years after the commencement of this section.
- (2) As soon as practicable after finishing the review, the Minister must table a report about its outcome in the Legislative Assembly.

57 Regulation-making power

The Governor in Council may make regulations under this Act.

Schedule Dictionary

section 6

annual report means the annual report prepared under the *Financial Accountability Act 2009*, section 63.

commission means the Queensland Mental Health Commission established under section 8.

commissioner means the Mental Health Commissioner appointed under section 15.

council means the Queensland Mental Health and Drug Advisory Council established under section 37.

human service means a service other than a mental health or substance misuse service.

human service agency means a department or government agency or publicly funded non-government agency that delivers human services that affect relevant persons or vulnerable persons.

Examples of human services delivered—

- public housing
- child safety services
- disability services
- emergency services
- law enforcement

mental health and substance misuse system means the network of policies, services and programs across human service agencies, service delivery agencies and the private sector that involve—

- (a) the provision of mental health or substance misuse services; and
- (b) the provision of support or respite services to families, carers and support persons of people with mental illness or who misuse substances; and

- (c) the provision of human services that affect people with mental health or substance misuse issues; and
- (d) the provision of mental health and substance misuse services and human services that affect vulnerable persons.

mental health service means a specialised clinical, non-clinical or rehabilitation service for the purpose of—

- (a) providing treatment and facilitating the recovery of people living with mental illness; or
- (b) delivering improved support for the families and carers of people living with mental illness.

ordinary report means a report prepared by the commission under section 29.

relevant agency means a human service agency or service delivery agency.

relevant persons means people with mental health or substance misuse issues, and their families, carers and support persons.

relevant service means a mental health service, substance misuse service or human service.

service delivery agency means the following to the extent they are involved in the provision of mental health or substance misuse services—

- (a) a department or government agency;
- (b) a publicly funded non-government agency.

special report means a report prepared by the commission under section 28.

substance misuse includes the improper use any of the following—

- (a) alcohol;
- (b) tobacco in so far as its improper use results in changes in perception, mood, consciousness, cognition and behaviour;

- (c) illegal drugs;
- (d) pharmaceutical and other substances that alter brain function, resulting in changes in perception, mood, consciousness, cognition and behaviour.

substance misuse service means a program or service for the purpose of detoxification, treatment or other related harm minimisation services for people who misuse substances.

vulnerable persons means people who are vulnerable to, or otherwise at significant risk of, developing mental health or substance misuse issues.

whole-of-government strategic plan see section 7.