



Queensland

Health and Other Legislation Amendment Regulation 2022

Subordinate Legislation 2022 No. 170

made under the

Hospital and Health Boards Act 2011

Public Health Act 2005

State Penalties Enforcement Act 1999

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
Part 2	Amendment of Hospital and Health Boards Regulation 2012	
3	Regulation amended	3
4	Amendment of s 3AB (Power to grant or take lease without Minister's or Treasurer's approval—Act, s 20A)	3
5	Amendment of s 11C (Definitions for part)	3
6	Amendment of ss 13A and 13B	4
7	Amendment of s 29 (Reportable events)	4
8	Amendment of s 37 (Major capital works)	7
9	Amendment of sch 1 (Hospital and Health Services)	7
10	Amendment of sch 1AB (Leases that may be granted or taken without Minister's or Treasurer's approval)	8
11	Amendment of sch 1A (Senior health service employee positions—Act, s 74A)	8
12	Amendment of sch 2A (Wards subject to minimum nurse-to-patient and midwife-to-patient ratios)	9
13	Amendment of sch 3 (Agreements)	9
14	Amendment of sch 6 (Dictionary)	9

Contents

Part 3	Amendment of Public Health Regulation 2018	
15	Regulation amended	10
16	Insertion of new s 63A	10
	63A Expiry of particular provisions	10
17	Amendment of sch 4 (Contagious conditions)	10
18	Amendment of sch 8 (Dictionary)	11
Part 4	Amendment of State Penalties Enforcement Regulation 2014	
19	Regulation amended	12
20	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	12

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Health and Other Legislation Amendment Regulation 2022*.

2 Commencement

Sections 4, 7 and 10 commence on 1 January 2023.

Part 2 Amendment of Hospital and Health Boards Regulation 2012

3 Regulation amended

This part amends the *Hospital and Health Boards Regulation 2012*.

4 Amendment of s 3AB (Power to grant or take lease without Minister's or Treasurer's approval—Act, s 20A)

Section 3AB(2) and (3)—

omit, insert—

- (2) For section 20A(2) of the Act, a lease of a type mentioned in schedule 1AB, part 2, column 1, for a Service mentioned in column 2 opposite the lease, may be taken by the Service without the prior written approval of the Minister and Treasurer.

5 Amendment of s 11C (Definitions for part)

- (1) Section 11C, definition *chief Aboriginal and Torres Strait Islander health officer—*

omit.

[s 6]

(2) Section 11C—

insert—

chief First Nations health officer means the public service officer employed in the department who is appointed as the chief First Nations health officer.

6 Amendment of ss 13A and 13B

Section 13A(a) and 13B(b), from ‘chief’ to ‘officer’—

omit, insert—

chief First Nations health officer

7 Amendment of s 29 (Reportable events)

(1) Section 29(1)(a) to (j)—

omit, insert—

- (a) surgery or another invasive procedure being performed on the wrong site of a patient’s body resulting in serious harm to the patient or the death of the patient;
- (b) surgery or another invasive procedure being performed on the wrong patient resulting in serious harm to the patient or the death of the patient;
- (c) the wrong surgical or other invasive procedure being performed on a patient resulting in serious harm to the patient or the death of the patient;
- (d) the unintended retention of a foreign object in a patient after surgery or another invasive procedure resulting in serious harm to the patient or the death of the patient;
- (e) a haemolytic blood transfusion reaction caused by ABO incompatibility resulting in

-
- serious harm to the patient receiving the blood transfusion or the death of the patient;
- (f) the suspected suicide of a patient within an acute psychiatric unit or ward;
 - (g) an error relating to a patient's medication resulting in serious harm to the patient or the death of the patient;
 - (h) the use of physical or mechanical restraint resulting in serious harm to a patient or the death of a patient;
 - (i) the use of an incorrectly positioned orogastric or nasogastric tube resulting in serious harm to a patient or the death of a patient;
 - (j) the discharge or release of a patient who is a child under the age of 15 years to an unauthorised person;
 - (k) a stillbirth;
 - (l) any death of a patient, or serious harm or other harm to a patient that is likely to be permanent, that—
 - (i) is not mentioned in paragraphs (a) to (i); and
 - (ii) was not reasonably expected to be an outcome of the health service provided to the patient.
- (2) Section 29(2)—
omit, insert—
- (2) For subsection (1)(f), an ***acute psychiatric unit or ward*** is a specialised unit or ward, including a unit or ward within an emergency department, for the treatment and care of admitted patients with a mental illness if the unit or ward—

[s 7]

- (a) is specifically designed with fixtures and fittings that minimise the opportunity for patient suicide; and
- (b) is specifically designed to prevent any unauthorised ingress or egress; and
- (c) is subject to protocols for the observation of patients within the unit or ward.

(3) Section 29(3)—

insert—

ABO incompatibility, in relation to a blood transfusion received by a patient, means the use of an incompatible blood group for the patient in the transfusion.

invasive procedure means a medical procedure that enters a person's body including, for example, by cutting or puncturing the skin or by inserting a needle, tube, device or scope into the body.

mechanical restraint means a device that controls a person's freedom of movement.

serious harm, for a patient, means harm to the patient—

- (a) that requires life-saving surgical or medical intervention; or
- (b) shortens the patient's life expectancy; or
- (c) that is permanent or long-term physical harm; or
- (d) that is a permanent or long-term loss of a physical function.

unauthorised person, in relation to a child, means a person who—

- (a) is not a parent or legal guardian of the child; or

- (b) is prevented from having access to the child by an order of a court or tribunal.

8 Amendment of s 37 (Major capital works)

- (1) Section 37(c)—

omit, insert—

- (c) consist of work, other than excluded work—
- (i) that requires assessment, certification or approval under an Act; and

Example—

building work that requires assessment by a building certifier under the *Building Act 1975*

- (ii) for which the estimated capital expenditure is \$500,000 or more.

- (2) Section 37—

insert—

- (2) In this section—

excluded work means work that only involves routine maintenance of, or repairs to, an existing building or other structure.

9 Amendment of sch 1 (Hospital and Health Services)

- (1) Schedule 1, entry for Cairns and Hinterland, column 2—

insert—

- Douglas Shire Council
- Mareeba Shire Council

- (2) Schedule 1, entry for Central Queensland, column 2, after dot point for Central Highlands Regional Council—

insert—

- Livingstone Shire Council

[s 10]

(3) Schedule 1, entry for Sunshine Coast, column 2—
insert—

- Noosa Shire Council

10 Amendment of sch 1AB (Leases that may be granted or taken without Minister’s or Treasurer’s approval)

(1) Schedule 1AB, part 2—

omit.

(2) Schedule 1AB, part 3, first and second entries, column 1, from ‘, but’ to ‘applies’—

omit.

(3) Schedule 1AB, part 3, third entry, column 1, from ‘including’—

omit, insert—

including a lease or sublease of residential premises

(4) Schedule 1AB, part 3—

renumber as schedule 1AB, part 2.

11 Amendment of sch 1A (Senior health service employee positions—Act, s 74A)

(1) Schedule 1A, part 1, item beginning with ‘The’—

number as schedule 1A, part 1, item 1.

(2) Schedule 1A, part 1—

insert—

2 The following classification levels under the health employment directive called ‘Health Employment Directive No. 6/20 (Medical Officers with Private Practice (MOPP) and Medical Superintendents with Private Practice (MSPP) classification levels)’ are prescribed—

- rural generalist medical officer with private practice
- senior rural generalist medical officer with private practice
- rural generalist medical superintendent with private practice
- senior rural generalist medical superintendent with private practice.

12 Amendment of sch 2A (Wards subject to minimum nurse-to-patient and midwife-to-patient ratios)

Schedule 2A—

insert—

Surgical, Treatment and Rehabilitation Service, Herston		•	
---	--	---	--

13 Amendment of sch 3 (Agreements)

Schedule 3, part 1, item 9B—

omit, insert—

9B The agreement dated 28 April 2022 called ‘National Partnership Agreement on Specified Projects - Schedule E - Rheumatic Fever Strategy’ between Queensland and the Commonwealth of Australia.

14 Amendment of sch 6 (Dictionary)

(1) Schedule 6, definition *chief Aboriginal and Torres Strait Islander health officer—*

omit.

(2) Schedule 6—

[s 15]

insert—

chief First Nations health officer, for part 4, see section 11C.

Part 3 **Amendment of Public Health Regulation 2018**

15 **Regulation amended**

This part amends the *Public Health Regulation 2018*.

16 **Insertion of new s 63A**

After section 63—

insert—

63A Expiry of particular provisions

The following provisions expire on the expiry of section 142A of the Act—

- this section
- schedule 4, part 1, section 1, definitions *isolation period*, *quarantine period* and *relevant public health direction*
- schedule 4, part 2, entry for coronavirus (COVID-19)
- schedule 8, definitions *isolation period*, *quarantine period* and *relevant public health direction*.

17 **Amendment of sch 4 (Contagious conditions)**

(1) Schedule 4, part 1, section 1—

insert—

isolation period see section 142E(1)(b) of the

Act.

quarantine period see section 142E(1)(c) of the Act.

relevant public health direction means a public health direction given under section 142E of the Act that provides for an isolation period or quarantine period.

- (2) Schedule 4, part 2, entry for coronavirus (COVID-19), column 2, paragraph (b)—

omit, insert—

- (b) the day the child takes a test for COVID-19 that returns a positive result (the ***COVID-19 test date***)

- (3) Schedule 4, part 2, entry for coronavirus (COVID-19), column 3, paragraphs (a) and (b)—

omit, insert—

- (a) if a relevant public health direction is in effect and the prescribed period started on the COVID-19 test date—the end of any isolation period provided for in the direction that applies to the child; or
- (b) if a relevant public health direction is in effect and the prescribed period started on the onset of symptoms—the end of any quarantine period provided for in the direction that applies to the child

18 Amendment of sch 8 (Dictionary)

Schedule 8—

insert—

isolation period, for schedule 4, see schedule 4, part 1, section 1.

quarantine period, for schedule 4, see schedule 4,

[s 19]

part 1, section 1.

relevant public health direction for schedule 4,
see schedule 4, part 1, section 1.

Part 4 Amendment of State Penalties Enforcement Regulation 2014

19 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

20 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

Schedule 1—

insert—

Radiation Safety Act 1999

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
s 20(7)	3	-
s 20(8)	3	-
s 21(3)	3	-
s 22(3)	3	-
s 27(1)	3	15
s 32(2)	3	15
s 34E(2)	3	15

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
s 34P(2)	3	15
s 38(2)	3	15
s 87(2)	1	5
s 91(3)	1	-
s 92(2)	1	5
s 97(2)	1	5
s 99(3)	1	5
s 100(2)	1	-
s 103J	3	15
s 109	1	-
s 119	3	-
s 120(1)	3	15
s 121(1)	3	15
s 124(4)	3	-
s 124(7)	3	-
s 131(4)	3	15
s 145(1)	3	15
s 146	3	15
s 147(3)	3	15

Authorised person for service of infringement notices—an inspector appointed under the *Radiation Safety Act 1999*, section 106

ENDNOTES

- 1 Made by the Governor in Council on 1 December 2022.
- 2 Notified on the Queensland legislation website on 2 December 2022.
- 3 The administering agency is Queensland Health.

© State of Queensland 2022