



Queensland

Health and Other Legislation Amendment Regulation 2024

Subordinate Legislation 2024 No. 92

made under the

Hospital and Health Boards Act 2011

Private Health Facilities Act 1999

Public Health Act 2005

Radiation Safety Act 1999

State Penalties Enforcement Act 1999

Voluntary Assisted Dying Act 2021

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Health and Other Legislation Amendment Regulation 2024*.

2 Commencement

- (1) This regulation, other than part 6, commences on 1 July 2024.
- (2) Part 6 commences on 1 September 2024.

Part 2 Amendment of Hospital and Health Boards Regulation 2023

3 Regulation amended

This part amends the *Hospital and Health Boards Regulation 2023*.

4 Replacement of s 51 (Disclosure of confidential information for purposes relating to health services—Act, s 150)

Section 51—

omit, insert—

51 Disclosure of confidential information for purposes relating to health services—Act, s 150

For section 150(b) of the Act, an entity stated in column 1 of the table in schedule 7A is prescribed in relation to disclosure of information for a purpose stated in column 2 of the table opposite the entity.

[s 5]

5 Insertion of new sch 7A

After schedule 7—

insert—

Schedule 7A Prescribed entities and purposes

section 51

	Column 1 Entity	Column 2 Purpose
1	Alfred Health ABN 27 318 956 319 Monash University ABN 12 377 614 012	collecting data about relevant trauma patients for use in the Australian Trauma Registry
2	Services Australia	maintaining the Australian Immunisation Register
3	the Australian Orthopaedic Association ACN 000 759 795	collecting data about joint replacement surgery for use in the Australian Orthopaedic Association National Joint Replacement Registry
4	the Australasian Cardiac Surgery Research Institution ABN 44 099 817 106 Monash University ABN 12 377 614 012	collecting data about cardiac surgery for use in the Australian and New Zealand Society of Cardiac and Thoracic Surgeons Cardiac Surgery Database

	Column 1 Entity	Column 2 Purpose
5	the Florey Institute of Neuroscience and Mental Health ABN 92 124 762 027	collecting data about eligible stroke and transient ischaemic attack patients for use in the Australian Stroke Clinical Registry and for community based follow-up
6	Alfred Health ABN 27 318 956 319	collecting data about relevant asplenic patients for use in the Spleen Australia registry
7	the National Disability Insurance Agency the department in which the <i>Disability Services Act 2006</i> is administered the department in which the <i>Housing Act 2003</i> is administered Queensland Treasury	implementing and managing the National Disability Insurance Scheme

[s 5]

	Column 1 Entity	Column 2 Purpose
8	Partners 4 Health Limited ACN 150 102 257 Brisbane South PHN Ltd ACN 151 707 765 Sunshine Coast Health Network Ltd ACN 156 526 706 Darling Downs and West Moreton Primary Health Network Limited ACN 605 975 602 Primary Care Gold Coast Limited ACN 152 953 092 North Queensland Primary Healthcare Network Limited ACN 605 757 640 Western Queensland Primary Care Collaborative Limited ACN 604 686 660	analysing, assessing and reviewing data to support health service planning within and across primary health network regions
9	Queensland Aboriginal & Islander Health Council ACN 111 116 762 (the <i>QAIHC</i>)	analysing, assessing and reviewing data to support health service planning, for Aboriginal people and Torres Strait Islander people, within and across the regions of the QAIHC's members
10	the Institute for Urban Indigenous Health Ltd ACN 140 019 290	analysing, assessing and reviewing data to support health service planning, for Aboriginal people and Torres Strait Islander people, in south-east Queensland

6 Amendment of sch 8 (Agreements)

Schedule 8, part 1—

insert—

10A The agreement made on 12 June 2020 called ‘Hospital services arrangement between the Commonwealth of Australia and the Repatriation Commission and the Military Rehabilitation and Compensation Commission and the State of Queensland’, as amended by the deed of variation, dated 2 April 2024, between Queensland and the Commonwealth.

10B The agreement made on 9 October 2023 called ‘Cross-border agreement between the State of Queensland and the Commonwealth of Australia for the funding of patient services provided by Queensland Health to residents of Norfolk Island’.

7 Amendment of sch 9 (Dictionary)

Schedule 9—

insert—

injury severity score, for a person, for schedule 7A, means an overall score of the severity of the person’s physical injuries worked out using an anatomical scoring system.

National Disability Insurance Scheme, for schedule 7A, see the *National Disability Insurance Scheme Act 2013* (Cwlth), section 9.

relevant asplenic patient, for schedule 7A, means a person with—

- (a) asplenia; or
- (b) reduced spleen function due to a medical condition or intervention.

[s 8]

relevant trauma patient, for schedule 7A, means a person who attends a public sector hospital for treatment of a physical injury and—

- (a) dies as a direct or indirect result of the injury—
 - (i) after receiving treatment in the hospital’s emergency department; or
 - (ii) at any time during admission to the hospital; or
- (b) has an injury severity score greater than 12.

Part 3

Amendment of Private Health Facilities Regulation 2016

8 Regulation amended

This part amends the *Private Health Facilities Regulation 2016*.

9 Replacement of s 7 (Giving or disclosing information)

Section 7—

omit, insert—

7 Giving confidential information under agreement—Act, s 147

For section 147(4)(c) of the Act, the agreements stated in schedule 1 are prescribed.

7A Disclosure of confidential information for purposes relating to health services—Act, s 147

For section 147(4)(h)(ii) of the Act, an entity stated in column 1 of the table in schedule 1A is prescribed in relation to disclosure of information

for a purpose stated in column 2 of the table
opposite the entity.

10 Amendment of sch 1 (Agreements)

Schedule 1, authorising provision, ‘section 7(1)’—

omit, insert—

section 7

11 Insertion of new sch 1A

After schedule 1—

insert—

**Schedule 1A Prescribed entities and
purposes**

section 7A

	Column 1 Entity	Column 2 Purpose
1	Hardes & Associates Pty Ltd ACN 079 150 940	reviewing patterns of health services delivery and projecting the future demand for, and supply of, health services

[s 11]

	Column 1 Entity	Column 2 Purpose
2	Partners 4 Health Limited ACN 150 102 257 Brisbane South PHN Ltd ACN 151 707 765 Sunshine Coast Health Network Ltd ACN 156 526 706 Darling Downs and West Moreton Primary Health Network Limited ACN 605 975 602 Primary Care Gold Coast Limited ACN 152 953 092 North Queensland Primary Healthcare Network Limited ACN 605 757 640 Western Queensland Primary Care Collaborative Limited ACN 604 686 660	analysing, assessing and reviewing data to support health service planning within and across primary health network regions
3	Queensland Aboriginal & Islander Health Council ACN 111 116 762 (the <i>QAIHC</i>)	analysing, assessing and reviewing data to support health service planning, for Aboriginal people and Torres Strait Islander people, within and across the regions of the QAIHC's members
4	the Institute for Urban Indigenous Health Ltd ACN 140 019 290	analysing, assessing and reviewing data to support health service planning, for Aboriginal people and Torres Strait Islander people, in south-east Queensland

Part 4 Amendment of Public Health Regulation 2018

12 Regulation amended

This part amends the *Public Health Regulation 2018*.

13 Insertion of new s 41A

After section 41—

insert—

41A Disclosure of confidential information for purposes relating to health services—Act, s 225

For section 225(b) of the Act, an entity stated in column 1 of the table in schedule 5A is prescribed in relation to disclosure of information for a purpose stated in column 2 of the table opposite the entity.

14 Insertion of new sch 5A

After schedule 5—

insert—

Schedule 5A Prescribed entities and purposes

section 41A

[s 14]

	Column 1 Entity	Column 2 Purpose
1	<p>Partners 4 Health Limited ACN 150 102 257</p> <p>Brisbane South PHN Ltd ACN 151 707 765</p> <p>Sunshine Coast Health Network Ltd ACN 156 526 706</p> <p>Darling Downs and West Moreton Primary Health Network Limited ACN 605 975 602</p> <p>Primary Care Gold Coast Limited ACN 152 953 092</p> <p>North Queensland Primary Healthcare Network Limited ACN 605 757 640</p> <p>Western Queensland Primary Care Collaborative Limited ACN 604 686 660</p>	<p>analysing, assessing and reviewing data to support health service planning within and across primary health network regions</p>
2	<p>Queensland Aboriginal & Islander Health Council ACN 111 116 762 (the <i>QAIHC</i>)</p>	<p>analysing, assessing and reviewing data to support health service planning, for Aboriginal people and Torres Strait Islander people, within and across the regions of the QAIHC's members</p>
3	<p>the Institute for Urban Indigenous Health Ltd ACN 140 019 290</p>	<p>analysing, assessing and reviewing data to support health service planning, for Aboriginal people and Torres Strait Islander people, in south-east Queensland</p>

Part 5 Amendment of Radiation Safety Regulation 2021

15 Regulation amended

This part amends the *Radiation Safety Regulation 2021*.

16 Amendment of s 66 (Physician assistant authorised under practice plan—Act, s 41)

Section 66(2), definitions *physician assistant*, paragraph (b) and *supervising medical officer*, paragraph (b), ‘established under the *Hospital and Health Boards Act 2011*’—
omit.

17 Replacement of s 73 (Use licensee—Act, s 103K)

Section 73—
omit, insert—

Subdivision 1 Use licensees—Act, s 103K

73 Definitions for division

In this division—

approved program of study, for a health profession, see the Health Practitioner Regulation National Law, section 5.

approved qualification, for a health profession, see the Health Practitioner Regulation National Law, section 5.

73A Dentists

- (1) For section 103K(1)(a) of the Act, the class of persons who are dentists is prescribed.

[s 17]

- (2) For section 103K(2)(a) of the Act, registration under the Health Practitioner Regulation National Law to practise in the dentistry profession is prescribed.
- (3) For section 103K(2)(b) of the Act, the radiation source a dentist is allowed to use is an intra-oral dental plain diagnostic imaging x-ray radiation apparatus.
- (4) For section 103K(2)(c) of the Act, the radiation practice a dentist is allowed to carry out is intra-oral dental plain diagnostic imaging involving the irradiation of a person.

73B Particular students in dental profession

- (1) This section applies in relation to persons registered under the Health Practitioner Regulation National Law to practise, as students, in the following divisions of the dental profession—
 - (a) the dentists division;
 - (b) the dental hygienists division;
 - (c) the dental therapists division;
 - (d) the oral health therapists division.
- (2) For section 103K(1)(a) and (2)(a) of the Act, the classes of persons mentioned in subsection (1) are prescribed.
- (3) For section 103K(2)(b) of the Act, the radiation source a prescribed licensee under this section is allowed to use is an intra-oral or extra-oral dental plain diagnostic imaging x-ray radiation apparatus.
- (4) For section 103K(2)(c) of the Act, the radiation practice a prescribed licensee under this section is allowed to carry out is intra-oral or extra-oral

dental plain diagnostic imaging involving the irradiation of a person.

- (5) For section 103K(4) of the Act, a prescribed licensee under this section must only use a radiation source mentioned in subsection (3) in the course of supervised activities undertaken as part of—
 - (a) an approved program of study for the dental profession; or
 - (b) clinical training in the dental profession.

73C Student diagnostic radiographers

- (1) This section applies in relation to persons registered under the Health Practitioner Regulation National Law to practise, as students, in the diagnostic radiographers division of the medical radiation practice profession.
- (2) For section 103K(1)(a) and (2)(a) of the Act, the class of persons mentioned in subsection (1) is prescribed.
- (3) For section 103K(2)(b) of the Act, the radiation sources a prescribed licensee under this section is allowed to use are the following—
 - (a) a plain diagnostic imaging x-ray radiation apparatus;
 - (b) a fluoroscopic imaging x-ray radiation apparatus;
 - (c) a computed tomography imaging x-ray radiation apparatus;
 - (d) a dual energy x-ray absorptiometry radiation apparatus;
 - (e) a mammographic imaging x-ray radiation apparatus.
- (4) For section 103K(2)(c) of the Act, the radiation

[s 17]

practices a prescribed licensee under this section is allowed to carry out are the following—

- (a) plain diagnostic imaging involving the irradiation of a person;
 - (b) fluoroscopic imaging involving the irradiation of a person during—
 - (i) general procedures; or
 - (ii) interventional angiographic procedures;
 - (c) computed tomography imaging involving the irradiation of a person;
 - (d) bone mineral densitometry involving the irradiation of a person;
 - (e) mammographic imaging involving the irradiation of a person.
- (5) For section 103K(4) of the Act, a prescribed licensee under this section must only use a radiation source mentioned in subsection (3)—
- (a) in the course of supervised activities undertaken as part of—
 - (i) an approved program of study for the medical radiation practice profession; or
 - (ii) clinical training in the medical radiation practice profession; or
 - (b) if the prescribed licensee obtains an approved qualification for the medical radiation practice profession and is employed by a Hospital and Health Service—in the course of the employment during the 6 month period starting on the day the prescribed licensee obtains the approved qualification.

73D Student radiation therapists

- (1) This section applies in relation to persons registered under the Health Practitioner Regulation National Law to practise, as students, in the radiation therapist division of the medical radiation practice profession.
- (2) For section 103K(1)(a) and (2)(a) of the Act, the class of persons mentioned in subsection (1) is prescribed.
- (3) For section 103K(2)(b) of the Act, the radiation sources a prescribed licensee under this section is allowed to use are the following—
 - (a) a plain diagnostic imaging x-ray radiation apparatus;
 - (b) a computed tomography imaging x-ray radiation apparatus;
 - (c) a kilovolt energy or megavolt energy x-ray or electron beam radiation therapy radiation apparatus.
- (4) For section 103K(2)(c) of the Act, the radiation practices a prescribed licensee under this section is allowed to carry out are the following—
 - (a) radiation therapy treatment planning involving irradiation of a person;
 - (b) radiation therapy involving the irradiation of a person.
- (5) For section 103K(4) of the Act, a prescribed licensee under this section must only use a radiation source mentioned in subsection (3)—
 - (a) in the course of supervised activities undertaken as part of—
 - (i) an approved program of study for the medical radiation practice profession;
or

[s 17]

- (ii) clinical training in the medical radiation practice profession; or
- (b) if the prescribed licensee obtains an approved qualification for the medical radiation practice profession and is employed by a Hospital and Health Service—in the course of the employment during the 6 month period starting on the day the prescribed licensee obtains the approved qualification.

73E Student nuclear medicine technologists

- (1) This section applies in relation to persons registered under the Health Practitioner Regulation National Law to practise, as students, in the nuclear medicine technologist division of the medical radiation practice profession.
- (2) For section 103K(1)(a) and (2)(a) of the Act, the class of persons mentioned in subsection (1) is prescribed.
- (3) For section 103K(2)(b) of the Act, the radiation sources a prescribed licensee under this section is allowed to use are the following—
 - (a) a computed tomography imaging x-ray radiation apparatus;
 - (b) an unsealed radioactive substance in the form of a radiopharmaceutical;
 - (c) a dual energy x-ray absorptiometry radiation apparatus;
 - (d) a sealed radioactive substance.
- (4) For section 103K(2)(c) of the Act, the radiation practices a prescribed licensee under this section is allowed to carry out are the following—

- (a) nuclear medicine diagnostic imaging involving the irradiation of a person;
 - (b) bone mineral densitometry involving the irradiation of a person;
 - (c) nuclear medicine quality assurance.
- (5) For section 103K(4) of the Act, a prescribed licensee under this section must only use a radiation source mentioned in subsection (3)—
- (a) in the course of supervised activities undertaken as part of—
 - (i) an approved program of study for the medical radiation practice profession; or
 - (ii) clinical training in the medical radiation practice profession; or
 - (b) if the prescribed licensee obtains an approved qualification for the medical radiation practice profession and is employed by a Hospital and Health Service—in the course of the employment during the 6 month period starting on the day the prescribed licensee obtains the approved qualification.

Subdivision 2 Transport licensees

18 Amendment of s 74 (Transport licensee—Act, s 103K)

Section 74, heading—

omit, insert—

[s 19]

74 Authority holders for transporting radioactive substances—Act, s 103K

19 Amendment of sch 6 (Authorised persons)

Schedule 6, part 1—

insert—

- 15A computed tomography as part of cardiovascular diagnostic imaging a person who is—
- (a) a specialist health practitioner in the specialty of physician—cardiology; and
 - (b) registered as a CTCA specialist by the Conjoint Committee for the Recognition of Training in CT Coronary Angiography

20 Amendment of sch 9 (Dictionary)

Schedule 9—

insert—

approved program of study, for part 11, division 2, see section 73.

approved qualification, for part 11, division 2, see section 73.

Hospital and Health Service means a Hospital and Health Service established under the *Hospital and Health Boards Act 2011*, section 17.

Part 6 **Amendment of State Penalties Enforcement Regulation 2014**

21 **Regulation amended**

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

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

(1) Schedule 1, entry for *Tobacco and Other Smoking Products Act 1998*—

insert—

s 65(1)	Individual	20
	Corporation	100
s 78(2)		4

(2) Schedule 1, entry for *Tobacco and Other Smoking Products Act 1998*, authorised person for service of infringement notices entry, paragraph (a), after ‘against section’—

insert—

78(2),

(3) Schedule 1, entry for *Tobacco and Other Smoking Products Act 1998*, authorised person for service of infringement notices entry, paragraph (h), after ‘against section’—

insert—

65(1) or

[s 23]

Part 7 **Amendment of Voluntary Assisted Dying Regulation 2022**

23 Regulation amended

This part amends the *Voluntary Assisted Dying Regulation 2022*.

24 Amendment of s 5 (Other requirements for supplying—Act, s 73)

(1) Section 5—

insert—

(2A) Also, the authorised supplier must not supply the voluntary assisted dying substance in accordance with a prescription for the substance if a voluntary assisted dying substance (the *previously supplied substance*) has already been supplied for the person named in the prescription.

(2B) However, subsection (3) does not apply if the previously supplied substance—

(a) has been disposed of by an authorised disposer or the administering practitioner for the person; or

(b) is in the possession of an authorised disposer or the administering practitioner for the person.

(2) Section 5(2A) to (3)—

renumber as section 5(3) to (5).

ENDNOTES

- 1 Made by the Governor in Council on 20 June 2024.
- 2 Notified on the Queensland legislation website on 21 June 2024.
- 3 The administering agency is Queensland Health.

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