



Queensland

Commissions of Inquiry (Queensland Public Hospitals Inquiry—Evidence) Regulation 2005

Subordinate Legislation 2005 No. 231

made under the

Commissions of Inquiry Act 1950
Health Rights Commission Act 1991

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1 Short title

This regulation may be cited as the *Commissions of Inquiry (Queensland Public Hospitals Inquiry—Evidence) Regulation 2005*.

2 Definitions

In this regulation—

commission means the commission established under the *Commissions of Inquiry Order (No. 2) 2005*.

Commissions of Inquiry Act means the *Commissions of Inquiry Act 1950*.

conciliator means a conciliator under the HRC Act.

confidential information means confidential information under the HRC Act, section 141.

HRC Act means the *Health Rights Commission Act 1991*.

3 Declaration under Commissions of Inquiry Act, s 5(2A)

- (1) It is declared that writing made under the Commissions of Inquiry Act, section 5(1)¹ by the chairperson of the commission is to take precedence over the HRC Act, section 141.²
- (2) However, nothing in subsection (1) authorises the disclosure of—
 - (a) anything said or admitted during conciliation to which section 91³ of the HRC Act applies; or
 - (b) a document, or a copy of a document, prepared for, or in the course of, a conciliation to which section 91 of the HRC Act applies; or

1 *Commissions of Inquiry Act 1950*, section 5 (Power to summon witness and require production of books etc.)

2 *Health Rights Commission Act 1991*, section 141 (Preservation of confidentiality)

3 *Health Rights Commission Act 1991*, section 91 (Conciliation privileged)

- (c) information disclosed under the HRC Act by a conciliator to someone else that the other person is not otherwise authorised to disclose under that Act.

4 Authorisation under HRC Act, s 141(1)(d)

- (1) A person who, by writing made under the Commissions of Inquiry Act, section 5(1) by the chairperson of the commission, is required to do a thing that involves disclosing confidential information gained by the person through involvement by the person in the administration of the HRC Act is authorised to disclose the confidential information.
- (2) However, nothing in subsection (1) authorises the disclosure of—
 - (a) anything said or admitted during conciliation to which section 91 of the HRC Act applies; or
 - (b) a document, or a copy of a document, prepared for, or in the course of, a conciliation to which section 91 of the HRC Act applies; or
 - (c) information disclosed under the HRC Act by a conciliator to someone else that the other person is not otherwise authorised to disclose under that Act.

ENDNOTES

- 1 Made by the Governor in Council on 15 September 2005.
- 2 Notified in the gazette on 16 September 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.