

Queensland



Subordinate Legislation 1996 No. 413

Ambulance Service Act 1991

Evidence Act 1977

Food Act 1981

Freedom of Information Act 1992

Health Services Act 1991

Mental Health Act 1974

Public Service Act 1996

REGIONAL HEALTH AUTHORITIES (CONSEQUENTIAL AMENDMENTS) REGULATION 1996

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SCHEDULE 4

**PARTS OF DEPARTMENT TO WHICH SECTION 5(1) OF THE
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PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Regional Health Authorities (Consequential Amendments) Regulation 1996*.

PART 2—AMENDMENT OF AMBULANCE SERVICE REGULATION 1991

Regulation amended in pt 2

2. This part amends the *Ambulance Service Regulation 1991*.

Amendment of s 3 (Definitions)

3. Section 3, definition “**Regional Health Authority**”—
omit.

Amendment of s 6 (Conditions of ambulance transport)

4. Section 6(1)(b), ‘relevant Regional Health Authority’—
omit, insert—

‘chief executive of the department in which the *Health Services Act 1991* is administered’.

PART 3—AMENDMENT OF EVIDENCE REGULATION 1993

Regulation amended in pt 3

5. This part amends the *Evidence Regulation 1993*.

Omission of s 4 (Principal officer declared—Regional Health Authorities)

6. Section 4—

omit.

PART 4—AMENDMENT OF FOOD STANDARDS REGULATION 1994

Regulation amended in pt 4

7. This part amends the *Food Standards Regulation 1994*.

Amendment of s 12 (Appeal to a Magistrates Court)

8. Section 12(3)(b)—

omit.

PART 5—AMENDMENT OF FREEDOM OF INFORMATION REGULATION 1992

Regulation amended in pt 5

9. This part amends the *Freedom of Information Regulation 1992*.

Omission of s 4A (Principal office declared—Regional Health Authorities)

10. Section 4A—

omit.

PART 6—AMENDMENT OF HEALTH SERVICES REGULATION 1992

Regulation amended in pt 6

11. This part amends the *Health Services Regulation 1992*.

Amendment of s 4 (Accommodation etc. charges)

12.(1) Section 4(1), ‘An Authority’ to ‘charges that’—

omit, insert—

‘The fees for patient accommodation and other services stated in the Medicare Agreement that may be charged’.

(2) Section 4(3), ‘An Authority’ to ‘practitioner,’—

omit, insert—

‘A nursing home type patient of a private medical practitioner may be charged’.

(3) Section 4(4), ‘An Authority’ to ‘ward,’—

omit, insert—

‘A nursing home type patient accommodated in a standard ward may be charged’.

Replacement of s 5 (Administrative charges)

13. Section 5—

omit, insert—

‘Administrative and facility charges

‘**5.** To give effect to the Medicare Agreement, the following may be charged—

- (a) administrative charges approved by the Minister;
- (b) facility charges.’.

Amendment of s 6 (Pharmaceutical charges)

14. Section 6(2) and (3), ‘by an Authority’—

omit.

Amendment of s 6A (Prosthesis charges)

15.(1) Section 6A(1)—

omit.

(2) Section 6A(2), after ‘charged’—

insert—

‘for the provision of a surgically implanted prosthesis to a privately insured pensioner with private patient status’.

Amendment of s 7 (Outpatient services charges)

16. Section 7, ‘An Authority’ to ‘service’—

omit, insert—

‘An amount of \$52.00 for each service may be charged’.

Amendment of s 8 (Medical examinations and reports charges)

17. Section 8(1), ‘An Authority’ to ‘charges’—

omit, insert—

‘The following fees may be charged’.

Amendment of s 9 (Ancillary services)

18.(1) Section 9(1), ‘An Authority’—

omit, insert—

‘The chief executive’.

(2) Section 9(1), ‘the Authority’—

omit, insert—

‘the chief executive’.

Amendment of s 11 (Fees and charges)

19.(1) Section 11(1), ‘by an authority’—

omit.

(2) Section 11(2), ‘provided’ to ‘Services’—

omit, insert—

‘, a reasonable fee assessed by the chief executive’.

(3) Section 11(2), after ‘the service provided’—

insert—

‘, may be charged’.

Replacement of pt 5 (Administrator's powers)

20. Part 5—

omit, insert—

‘PART 5—HEALTH SERVICE EMPLOYEES**‘Parts of department to which the Act, s 5(1) does not apply**

‘**12.** For section 5(2) of the Act, the parts of the department in which the chief executive may not appoint a person as a health service employee are the units or sections stated in schedule 4, column 2 of the branches stated in schedule 4, column 1.’.

Amendment of sch 1 (Dental services fees)

21.(1) Schedule 1, EXODONTICS, paragraph (c), ‘by a Board’—

omit, insert—

‘as a public sector health service’.

(2) Schedule 1, PROSTHETICS, ‘incurred by the Board’—

omit.

(3) Schedule 1, PROSTHETICS, paragraph (a)(v), ‘(where casting performed by the Board)’—

omit.

(4) Schedule 1, PROSTHETICS, paragraph (a)(v), ‘dentist-in-charge’—

omit, insert—

‘chief executive’.

Insertion of new sch 4

22. After schedule 3—

insert—

‘SCHEDULE 4

‘PARTS OF DEPARTMENT TO WHICH SECTION 5(1) OF THE ACT DOES NOT APPLY

section 12

Column 1	Column 2
Branch	Unit or section
Public Health Services	Planning and Research Communicable Diseases Women’s Cancer Screening Services Environmental Health Radiation Health Specialised Health Services Oral Health Alcohol, Tobacco and Other Drugs Government Medical Office
Pathology and Scientific Services	Services and Health Scientific Laboratory, Laboratory of Microbiology and Pathology and John Tonge Centre) Regional Biomedical Engineering Services’.

PART 7—AMENDMENT OF MENTAL HEALTH REGULATION 1985

Regulation amended in pt 7

23. This part amends the *Mental Health Regulation 1985*.

Amendment of s 7B (Establishment of psychiatric hospitals, security patients' hospitals, training centres and other places)

24. Section 7B(2)—

omit.

Amendment of s 9 (Lapse of appointment of authorised person or designated authorised person)

25. Section 9(1A), 'a Regional Health Authority,'—

omit.

Amendment of s 32A (Patient review tribunal regions)

26.(1) Section 32A(2), 'regions established'—

omit, insert—

'districts declared'.

(2) Section 32A(2), 'the Schedule'—

omit, insert—

'schedule 6'.

Amendment of s 62 (Payment to medical practitioner or authorised person who is a salaried officer of the Crown or a Regional Health Authority)

27.(1) Section 62, heading, 'or a Regional Health Authority'—

omit.

(2) Section 62, ‘or of Regional Health Authority’
omit.

Amendment for “Regional Health Authority”

28.(1) This section amends the following provisions—

- sections 38 to 40
- section 56E(3)
- section 56G(1).

(2) In the provisions mentioned in subsection (1), ‘Regional Health Authority’—

omit, insert—

‘chief executive’.

Replacement of sch 2 (Psychiatric hospitals)

29. Schedule 2—

omit, insert—

‘SCHEDULE 2

‘PSYCHIATRIC HOSPITALS

section 7B(1)(a)

1. Baillie Henderson Hospital, Toowoomba
2. Mosman Hall Hospital, Charters Towers
3. Wolston Park Hospital, Wacol (including the Interim Secure Unit and Whitlock Unit, John Oxley Memorial Hospital)’.

Replacement of sch 3 (Security patients' hospitals)**30.** Schedule 3—*omit, insert—***‘SCHEDULE 3****‘SECURITY PATIENTS’ HOSPITALS**

section 7B(1)(b)

1. John Oxley Memorial Hospital, Wacol (including the Interim Secure Unit and Whitlock Unit also established as wards within the Wolston Park Hospital, Wacol)’.

Replacement of sch 4 (Other places)**31.** Schedule 4—*omit, insert—***‘SCHEDULE 4****‘OTHER PLACES**

section 7B(1)(c)

1. Barrett Adolescent Centre, Wacol
2. Barrett Psychiatry Centre, Wacol
3. Kirwan Rehabilitation Unit, Townsville’.

Replacement of sch 6 (Patient review tribunal regions)**32. Schedule 6—***omit, insert—***‘SCHEDULE 6****‘PATIENT REVIEW TRIBUNAL REGIONS**

section 32A

Tribunal Region**Health Service Districts**

Northern

Atherton Tablelands
Bowen
Cairns
Cape York
Charters Towers
Innisfail
Mt Isa
Torres Strait and Northern
Peninsula Area
Townsville

Central

Banana
Bundaberg
Central Highlands
Central West
Gladstone
Hervey Bay–Maryborough
Mackay
Moranbah
North Burnett
Rockhampton
South Burnett

South Western

Charleville
Northern Downs
Roma
Southern Downs
Toowoomba

South Eastern

Bayside
Gold Coast
Gympie
Logan–Beaudesert
Redcliffe–Caboolture
Sunshine Coast
The Prince Charles Hospital
Queen Elizabeth II Hospital
Princess Alexandra Hospital
Royal Children’s Hospital
Royal Brisbane Hospital
Royal Women’s Hospital

Moreton

West Moreton’.

PART 8—AMENDMENT OF PUBLIC SERVICE REGULATION 1996

Regulation amended in pt 8

33. This part amends the *Public Service Regulation 1996*.

Insertion of new s 13A

34. After section 13—
insert—

‘Application of appeal provisions to health service employees

‘**13A.(1)** Part 7 of the Act applies to a health service employee within the meaning of the *Health Services Act 1991*.

‘**(2)** The part applies to the employee as if the employee were a public service officer.

‘**(3)** The commissioner is to declare, under a directive, the health service employees to whom section 95(1)(g) of the Act¹ applies as if they were senior executives or senior officers.

‘**(4)** The commissioner may make the declaration only if the commissioner considers that the employee is performing duties that would, if the employee were a public service officer, be duties of—

- (a) for a health service employee to whom the section is to apply as if the employee were a senior executive—a senior executive; or
- (b) for a health service employee to whom the section is to apply as if the employee were a senior officer—a senior officer.’.

Amendment of sch 1 (Government entities to which appeal provisions apply, and their heads)

35. Schedule 1, item 20—

omit.

**PART 9—AMENDMENT OF PUBLIC SERVICE
MANAGEMENT AND EMPLOYMENT REGULATION
1988**

Regulation amended in pt 9

36. This part amends the *Public Service Management and Employment Regulation 1988*.

¹ Section 95(1)(g) of the Act (Decisions against which appeals may not be made)

Amendment of s 10 (Advertising of vacancies)

37. Section 10(3)(h)(i), ‘an officer or employee of a regional health authority’—

omit, insert—

‘a health service employee under the *Health Services Act 1991*’.

Amendment of sch 3 (Nominated service delivery units)

38. Schedule 3, ‘Regional Health Authorities.....Department of Health’—

omit.

ENDNOTES

1. Made by the Governor in Council on 19 December 1996.
2. Notified in the gazette on 20 December 1996.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Health.