



Queensland

Health Legislation Amendment Regulation (No. 3) 2008

Subordinate Legislation 2008 No. 185

made under the

Food Act 2006

Health Act 1937

Health Services Act 1991

Nursing Act 1992

Pest Management Act 2001

Private Health Facilities Act 1999

Radiation Safety Act 1999

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Health Legislation Amendment Regulation (No. 3) 2008*.

2 Commencement

- (1) Parts 5 (other than section 10), 6 and 9 commence on 1 July 2008.
- (2) Part 4 commences on 1 August 2008.
- (3) Section 10 commences on 20 September 2008.
- (4) Parts 3, 7 and 8 commence on 1 October 2008.

Part 2 Amendment of Food Regulation 2006

3 Regulation amended in pt 2

This part amends the *Food Regulation 2006*.

4 Insertion of new s 4A

After section 4—

insert—

‘4A Exemption from accredited food safety program—Act, s 99

‘For section 99(2) of the Act, a licensee is exempt if on-site catering is provided—

[s 5]

- (a) on not more than 11 occasions in any 12 month period;
and
- (b) for not more than 199 persons on each occasion.’.

Part 3 Amendment of Health (Drugs and Poisons) Regulation 1996

5 Regulation amended in pt 3

This part amends the *Health (Drugs and Poisons) Regulation 1996*.

6 Replacement of app 2 (Application fees for licences)

Appendix 2—

omit, insert—

‘Appendix 2 Application fees for licences

section 17

\$

Application for, or application for renewal of—

(a) controlled drug manufacturer licence	311.50
(b) restricted drug manufacturer licence	311.50
(c) controlled drug wholesaler licence	311.50
(d) restricted drug wholesaler licence	311.50
(e) poison manufacturer licence	153.50
(f) poison wholesaler licence	153.50
(g) general poison licence	84.50

	\$
(h) licence to sell S7 poisons for other than human therapeutic use	59.00
(i) wholesale representative licence	65.00’.

Part 4 Amendment of Health Regulation 1996

7 Regulation amended in pt 4

This part amends the *Health Regulation 1996*.

8 Replacement of sch 3 (Fees)

Schedule 3—
omit, insert—

‘Schedule 3 Fees

section 210

	\$
Analysis of a drug or article by an analyst by any of the following methods—	
(a) chemical	261.00
(b) physical	261.00
(c) chemical and physical	261.00
(d) microbiological	261.00’.

[s 9]

Part 5 Amendment of Health Services Regulation 2002

9 Regulation amended in pt 5

This part amends the *Health Services Regulation 2002*.

10 Amendment of s 7 (Accommodation fees—nursing home type patient)

Section 7(5), ‘\$88.50’—

omit, insert—

‘\$92.00’.

11 Replacement of sch 1 (Fees)

Schedule 1—

omit, insert—

‘Schedule 1 Fees

sections 6, 9 and 10

‘Part 1 Accommodation fees

		\$
1	Eligible person who is a private patient and a same day patient	211.00
2	Eligible person who is a private patient treated in a hospital as a day only procedure patient and whose treatment is—	
	(a) a band 1 procedure.	211.00
	(b) a band 2 procedure.	236.00
	(c) a band 3 procedure.	259.00

	\$
(d) a band 4 procedure	289.00
3 Eligible person, who is a private patient and not a same day patient, accommodated in—	
(a) a single room—for each day	475.50
(b) a shared room—for each day	289.00
4 Third party patient, other than a public Queensland workers' compensation patient, accommodated in—	
(a) an intensive care unit—for each day	3 378.00
(b) a coronary care unit—for each day	2 127.00
5 Third party patient, other than a public Queensland workers' compensation patient, receiving—	
(a) rehabilitation care—for each day	546.00
(b) maintenance care—for each day	416.00
6 Third party patient who is—	
(a) a private patient; and	
(b) not a same day patient; and	
(c) accommodated in a part of a hospital other than an intensive care or coronary care unit; and	
(d) receiving care other than rehabilitation or maintenance care—for each day	906.00
7 Third party patient who is—	
(a) a public patient; and	
(b) not a Queensland workers' compensation patient; and	
(c) not a same day patient; and	
(d) accommodated in a part of a hospital other than an intensive care or coronary care unit; and	
(e) receiving care other than rehabilitation or maintenance care—for each day	1 052.00
8 Third party patient who is—	
(a) a private patient; and	
(b) a same day patient; and	
(c) accommodated in a part of a hospital other than an intensive care or coronary care unit; and	

[s 11]

	\$
(d) receiving care other than rehabilitation or maintenance care—for each day	627.00
9 Third party patient who is—	
(a) a public patient; and	
(b) not a Queensland workers' compensation patient; and	
(c) a same day patient; and	
(d) accommodated in a part of a hospital other than an intensive care or coronary care unit; and	
(e) receiving care other than rehabilitation or maintenance care—for each day	888.50
10 Ineligible person accommodated in—	
(a) an intensive care unit—for each day	3 378.00
(b) a coronary care unit—for each day	2 127.00
11 Ineligible person receiving—	
(a) rehabilitation care—for each day	546.00
(b) maintenance care—for each day	416.00
12 Ineligible person who is—	
(a) a private patient; and	
(b) not a same day patient; and	
(c) accommodated in a part of a hospital other than an intensive care or coronary care unit; and	
(d) receiving care other than rehabilitation or maintenance care—for each day	906.00
13 Ineligible person who is—	
(a) a public patient; and	
(b) not a same day patient; and	
(c) accommodated in a part of a hospital other than an intensive care or coronary care unit; and	
(d) receiving care other than rehabilitation or maintenance care—for each day	1 052.00
14 Ineligible person who is—	
(a) a private patient; and	
(b) a same day patient; and	

		\$
	(c) accommodated in a part of a hospital other than an intensive care or coronary care unit; and	
	(d) receiving care other than rehabilitation or maintenance care—for each day	627.00
15	Ineligible person who is—	
	(a) a public patient; and	
	(b) a same day patient; and	
	(c) accommodated in a part of a hospital other than an intensive care or coronary care unit; and	
	(d) receiving care other than rehabilitation or maintenance care—for each day	888.50

‘Part 2 Outpatient services fees

		\$
16	Third party patient who is a public patient, other than a Queensland workers’ compensation patient—	
	(a) for each accident and emergency service	185.50
	(b) for each diagnostic imaging service	MBS fee
	(c) for each pathology service.	MBS fee
	(d) for each scheduled service.	69.00
17	Ineligible person—	
	(a) for each accident and emergency service	185.50
	(b) for each diagnostic imaging service	MBS fee
	(c) for each pathology request.	69.00
	(d) for each scheduled service.	69.00

[s 12]

‘Part 3 Other services

		\$
18	Third party patient, other than a public Queensland workers’ compensation patient, treated in an operating theatre—	
	(a) if the treatment involves undergoing procedures that take longer than 1 hour carried out under general or regional anaesthetic or intravenous sedation—for each treatment.	1 660.00
	(b) if the treatment involves undergoing procedures, other than the procedures mentioned in paragraph (a)—for each treatment	660.00
19	Ineligible person treated in an operating theatre—	
	(a) if the treatment involves undergoing procedures that take longer than 1 hour carried out under general or regional anaesthetic or intravenous sedation—for each treatment.	1 660.00
	(b) if the treatment involves undergoing procedures, other than the procedures mentioned in paragraph (a)—for each treatment	660.00’.

Part 6 Amendment of Nursing Regulation 2005

12 Regulation amended in pt 6

This part amends the *Nursing Regulation 2005*.

13 Replacement of sch (Fees)

Schedule—
omit, insert—

‘Schedule Fees

sections 11, 13(2)(b) and 15(3)

	\$
1 Application fee for registration or enrolment (s 55(1)(c)(i) of the Act)	49.00
2 Application fee for temporary registration (s 64(1)(b)(i) of the Act)	49.00
3 Application fee for authorisation to practise midwifery, mental health nursing or nursing in another area of nursing (s 13(2)(b))	49.00
4 Annual licence certificate fee (s 74(1) of the Act)	94.00
5 Fee to accompany application for restoration of registration or enrolment (s 72(3)(b) of the Act).	49.00
6 Restoration fee (s 74(5) of the Act).	49.00
7 Fee to accompany application for duplicate or certified copy of certificate of registration or enrolment (s 62(2) of the Act)	49.00
8 Replacement of badge (s 15(3)).	49.00’.

**Part 7 Amendment of Pest
Management Regulation 2003**

14 Regulation amended in pt 7

This part amends the *Pest Management Regulation 2003*.

15 Replacement of sch 2 (Fees)

Schedule 2—

omit, insert—

[s 16]

'Schedule 2 Fees

section 30

	\$
1 Application fee for a licence or renewal of a licence—	
(a) for a period of not more than 1 year	84.50
(b) for a period of more than 1 year but not more than 2 years	169.00
(c) for a period of more than 2 years but not more than 3 years	253.50
(d) for a period of more than 3 years but not more than 4 years	338.00
(e) for a period of more than 4 years but not more than 5 years	422.50
2 Application fee for variation of licence	23.00
3 Application fee for replacement of licence	23.00'.

Part 8 Amendment of Private Health Facilities Regulation 2000

16 Regulation amended in pt 8

This part amends the *Private Health Facilities Regulation 2000*.

17 Replacement of sch 3 (Fees)

Schedule 3—
omit, insert—

‘Schedule 3 Fees

section 9

\$

Approvals

- | | | |
|---|--|----------|
| 1 | Application for an approval for— | |
| | (a) a day hospital | 1 134.00 |
| | (b) a private hospital with not more than 25 beds | 1 701.50 |
| | (c) a private hospital with more than 25 beds but not
more than 100 beds | 2 268.50 |
| | (d) a private hospital with more than 100 beds but not
more than 200 beds | 2 835.00 |
| | (e) a private hospital with more than 200 beds | 3 402.00 |
| 2 | Application for an extension of the term of an approval . . | 169.50 |
| 3 | Application to change details about a proposed private
health facility stated in the approval for the proposed
facility— | |
| | (a) for a change to the type of health services proposed
to be provided at the proposed facility | 339.00 |
| | (b) for an increase of more than 25 in the number of
beds for the proposed facility | 339.00 |
| | (c) for other changes | 169.50 |
| 4 | Issue of another approval to replace a lost, stolen,
destroyed or damaged approval | 169.50 |

\$

Licences

- | | | |
|---|---|----------|
| 5 | Application for a licence for— | |
| | (a) a day hospital | 1 134.00 |
| | (b) a private hospital with not more than 25 beds | 1 701.50 |
| | (c) a private hospital with more than 25 beds but not
more than 100 beds | 2 268.50 |

[s 17]

	\$
(d) a private hospital with more than 100 beds but not more than 200 beds	3 402.00
(e) a private hospital with more than 200 beds	5 671.00
6 Licence—	
(a) for a day hospital—	
(i) if the term of the licence is 1 year or less	169.50
(ii) otherwise	509.50
(b) for a private hospital with not more than 25 beds—	
(i) if the term of the licence is 1 year or less	339.00
(ii) otherwise	1 020.50
(c) for a private hospital with more than 25 beds but not more than 100 beds—	
(i) if the term of the licence is 1 year or less	680.00
(ii) otherwise	2 041.00
(d) for a private hospital with more than 100 beds but not more than 200 beds—	
(i) if the term of the licence is 1 year or less	1 360.50
(ii) otherwise	4 083.00
(e) for a private hospital with more than 200 beds—	
(i) if the term of the licence is 1 year or less	2 721.00
(ii) otherwise	8 166.00
7 Application to change details about a private health facility stated in the licence for the facility—	
(a) for a change to the type of health services provided at the facility	680.00
(b) for an increase of more than 25 in the number of beds for the facility	680.00
(c) for an increase of not more than 25 in the number of beds for the facility	339.00
(d) for other changes	169.50
8 Application for approval of a prescribed alteration to a private health facility—	
(a) for a day hospital	169.50
(b) for a private hospital	339.00

	\$
9 Application to transfer a licence for—	
(a) a day hospital	1 134.00
(b) a private hospital with not more than 25 beds	1 701.50
(c) a private hospital with more than 25 beds but not more than 100 beds	2 268.50
(d) a private hospital with more than 100 beds but not more than 200 beds	3 402.00
(e) a private hospital with more than 200 beds	5 671.00
10 Issue of another licence to replace a lost, stolen, destroyed or damaged licence	169.50’.

Part 9 Amendment of Radiation Safety Regulation 1999

18 Regulation amended in pt 9

 This part amends the *Radiation Safety Regulation 1999*.

19 Replacement of sch 5 (Fees)

 Schedule 5—

omit, insert—

‘Schedule 5 Fees

section 54

‘Part 1 Possession licences

[s 19]

**‘Division 1 Radiation practices carried out with
radioactive substances**

	\$
1 Application fee for a possession licence	127.50
2 Possession licence—	
(a) 1 year or less—	
(i) base fee	154.50
(ii) for each sealed radioactive substance or type of unsealed radioactive substance	11.80
(b) more than 1 year but not more than 2 years—	
(i) base fee	309.00
(ii) for each sealed radioactive substance or type of unsealed radioactive substance	23.60
(c) more than 2 years but not more than 3 years—	
(i) base fee	463.50
(ii) for each sealed radioactive substance or type of unsealed radioactive substance	35.40

**‘Division 2 Radiation practices carried out with
ionising radiation apparatus**

	\$
3 Application fee for a possession licence	127.50
4 Possession licence—	
(a) 1 year or less—	
(i) base fee	154.50
(ii) for each ionising radiation apparatus	25.00
(b) more than 1 year but not more than 2 years—	
(i) base fee	309.00
(ii) for each ionising radiation apparatus	50.00
(c) more than 2 years but not more than 3 years—	

	\$
(i) base fee	463.50
(ii) for each ionising radiation apparatus	75.00

‘Division 3 Radiation practices carried out with non-ionising radiation apparatus

	\$
5 Application fee for a possession licence	127.50
6 Possession licence—	
(a) 1 year or less—	
(i) base fee	154.50
(ii) for each non-ionising radiation apparatus	11.80
(b) more than 1 year but not more than 2 years—	
(i) base fee	309.00
(ii) for each non-ionising radiation apparatus	23.60
(c) more than 2 years but not more than 3 years—	
(i) base fee	463.50
(ii) for each non-ionising radiation apparatus	35.40

‘Part 2 Use and transport licences

	\$
7 Application fee for a use or transport licence	63.50
8 Use or transport licence—	
(a) 1 year or less	43.50
(b) more than 1 year but not more than 2 years	87.00
(c) more than 2 years but not more than 3 years	130.50

[s 19]

‘Part 3 Other Act instruments

	\$
9 Approval to dispose	63.50
10 Application fee for an accreditation certificate	127.50
11 Accreditation certificate—	
(a) 1 year or less	63.50
(b) more than 1 year but not more than 2 years.	127.00
(c) more than 2 years but not more than 3 years.	190.50
12 Application fee for a radiation safety officer certificate . .	43.50
13 Radiation safety officer certificate—	
(a) 1 year or less	43.50
(b) more than 1 year but not more than 2 years.	87.00
(c) more than 2 years but not more than 3 years.	130.50

‘Part 4 Other fees

	\$
14 Application by the holder of a conditional Act instrument to change the conditions of the instrument imposed by the chief executive	127.50
15 Application by a possession licensee to change the licensee’s approved radiation safety and protection plan for a radiation practice.	63.50
16 Issue of another Act instrument to replace a lost, stolen, destroyed or damaged Act instrument.	11.80
17 Copy of the register or a part of it (for each page)	1.00’.

ENDNOTES

- 1 Made by the Governor in Council on 26 June 2008.
- 2 Notified in the gazette on 27 June 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Health.

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