



Health Legislation Amendment Bill 2025



Queensland

Health Legislation Amendment Bill 2025

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2025

A Bill

for

An Act to amend the Hospital and Health Boards Act 2011 and the Tobacco and Other Smoking Products Act 1998 for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Health Legislation Amendment Act 2025*. 4
5

Clause 2 Commencement 6

Part 2 commences on 1 April 2026. 7

Part 2 Amendment of Hospital and Health Boards Act 2011 8
9

Clause 3 Act amended 10

This part amends the *Hospital and Health Boards Act 2011*. 11

Clause 4 Amendment of s 23 (Membership of boards) 12

(1) Section 23(3), ‘clinicians’— 13

omit, insert— 14

HHS clinicians 15

(2) Section 23(5)— 16

omit. 17

Clause 5 Amendment of s 24A (Temporary members of board) 18

(1) Section 24A(1)(c), ‘clinicians’— 19

omit, insert— 20

	HHS clinicians	1
(2)	Section 24A(6)—	2
	<i>omit.</i>	3
Clause 6	Amendment of s 25 (Chair and deputy chair)	4
(1)	Section 25(1)(a) and (b)—	5
	<i>omit, insert—</i>	6
	(a) a member of a board, other than a member who is a HHS clinician, to be the chair of the board; and	7 8 9
	(b) another member of the board, other than a member who is a HHS clinician, to be the deputy chair of the board.	10 11 12
(2)	Section 25(4)—	13
	<i>insert—</i>	14
	(c) becomes a HHS clinician.	15
(3)	Section 25(5)—	16
	<i>omit, insert—</i>	17
	(5) A person may continue to be a member of the board if the person stops holding office as the chair or deputy chair under subsection (4)(a) or (c).	18 19 20 21
Clause 7	Amendment of s 28 (Removal from office of board members)	22 23
	Section 28(e)—	24
	<i>insert—</i>	25
	(v) was appointed because the member was a HHS clinician and has stopped being a HHS clinician.	26 27 28

[s 8]

Clause 8	Amendment of sch 2 (Dictionary)	1
	Schedule 2—	2
	<i>insert</i> —	3
	<i>HHS clinician</i> , in relation to a board established for a Service, means a person who—	4 5
	(a) is a health professional registered under the Health Practitioner Regulation National Law, other than as a student; and	6 7 8
	(b) is employed or engaged, to provide care or treatment to persons for an average of at least 8 hours per week, as—	9 10 11
	(i) an employee of the Service; or	12
	(ii) an employee in the department who works for the Service; or	13 14
	(iii) a person who provides services for the Service under a contract of services; and	15 16 17
	(c) has been employed or engaged as mentioned in paragraph (b) for at least 2 years.	18 19
Part 3	Amendment of Tobacco and Other Smoking Products Act 1998	20 21 22
Clause 9	Act amended	23
	This part amends the <i>Tobacco and Other Smoking Products Act 1998</i> .	24 25
Clause 10	Amendment of s 37 (Cancellation)	26
	(1) Section 37(2)(b), ‘disciplinary’—	27
	<i>omit</i> .	28

	(2) Section 37(2)(c), ‘stated disciplinary’—	1
	<i>omit.</i>	2
Clause 11	Amendment of s 38 (Immediate suspension without show cause notice)	3
	Section 38(1)(a), ‘disciplinary’—	4
	<i>omit.</i>	5
		6
Clause 12	Amendment of pt 11, div 4, hdg (Seizure of evidence)	7
	Part 11, division 4, heading, from ‘of’—	8
	<i>omit, insert—</i>	9
	by authorised persons and forfeiture	10
Clause 13	Insertion of new pt 11, div 4, sdiv 1, hdg	11
	Before section 195—	12
	<i>insert—</i>	13
	Subdivision 1 Preliminary	14
Clause 14	Insertion of new pt 11, div 4, sdiv 2, hdg	15
	After section 196—	16
	<i>insert—</i>	17
	Subdivision 2 Power to seize	18
Clause 15	Insertion of new pt 11, div 4, sdiv 3, hdg	19
	After section 199—	20
	<i>insert—</i>	21
	Subdivision 3 Powers to support seizure	22

[s 16]

Clause 16	Insertion of new pt 11, div 4, sdiv 4, hdg	1
	After section 201—	2
	<i>insert—</i>	3
	Subdivision 4 Safeguards for seized things	4
		5
Clause 17	Insertion of new pt 11, div 4, sdiv 5, hdg	6
	Before section 203—	7
	<i>insert—</i>	8
	Subdivision 5 Forfeiture	9
Clause 18	Amendment of s 205 (Forfeiture of illicit tobacco or illicit nicotine product)	10
		11
	(1) Section 205, heading, from ‘illicit tobacco’—	12
	<i>omit, insert—</i>	13
	relevant product	14
	(2) Section 205(1)(a) and (2)(a), ‘illicit tobacco or an illicit nicotine product’—	15
		16
	<i>omit, insert—</i>	17
	a relevant product	18
	(3) Section 205(4), before ‘owner’—	19
	<i>insert—</i>	20
	former	21
	(4) Section 205(6)—	22
	<i>insert—</i>	23
	relevant product means—	24
	(a) illicit tobacco; or	25

	(b) an illicit nicotine product mentioned in schedule 1, definition <i>illicit nicotine product</i> , paragraph (b).	1 2 3
Clause 19	Amendment of s 205A (Forfeiture of bongos and ice pipes)	4
	Section 205A(4), before ‘owner’—	5
	<i>insert—</i>	6
	former	7
Clause 20	Insertion of new s 205B	8
	After section 205A—	9
	<i>insert—</i>	10
	205B Forfeiture of vaping goods	11
	(1) The chief executive may decide a seized thing is forfeited to the State if the chief executive—	12 13
	(a) is satisfied the thing is vaping goods; and	14
	(b) reasonably believes it is necessary to keep the thing to prevent it being used to commit the offence for which it was seized.	15 16 17
	(2) If the chief executive decides the seized thing is forfeited to the State, the chief executive must give the former owner of the seized thing written notice of the decision and the reasons for the decision.	18 19 20 21 22
	(3) The chief executive is not required to provide procedural fairness in giving the written notice.	23 24
	(4) This section applies even if a proceeding involving the seized thing has started.	25 26
Clause 21	Replacement of s 207 (Dealing with forfeited things etc.)	27
	Section 207—	28

[s 22]

omit, insert—

**Subdivision 6 Dealing with property
forfeited or transferred to
State**

206A When thing becomes property of State

A thing becomes the property of the State if—

- (a) the thing is forfeited to the State under
subdivision 5; or
- (b) the owner of the thing and the State agree, in
writing, to the transfer of the ownership of
the thing to the State.

207 How property may be dealt with

- (1) This section applies if, under section 206A, a
thing becomes the property of the State.
- (2) The chief executive may deal with the thing as the
chief executive considers appropriate, including,
for example, by destroying the thing.

**Clause 22 Relocation and renumbering of s 208 (Return of seized
things)**

Section 208—

relocate to part 11, division 4, subdivision 4 and *renumber* as
section 202B.

**Clause 23 Relocation and renumbering of s 209 (Access to seized
things)**

Section 209—

relocate to part 11, division 4, subdivision 4 and *renumber* as
section 202A.

Clause 24	Insertion of new s 223A	1
	After section 223—	2
	<i>insert—</i>	3
	223A Recovery of costs from convicted person	4
	(1) A court convicting a person of an offence against this Act may order the person to pay to the State costs reasonably incurred by the State because of the offence, including the following costs—	5 6 7 8
	(a) the cost of testing, transporting, storing, dismantling, destroying or disposing of smoking products, ice pipes, bongs, illicit tobacco, illicit nicotine products or other evidence;	9 10 11 12 13
	(b) the reasonable costs of investigating the offence;	14 15
	(c) the reasonable costs of preparing for the prosecution of the offence.	16 17
	(2) In deciding whether to make the order, the court may have regard to—	18 19
	(a) the extent to which the person’s conduct during the investigation of the offence contributed to the costs being incurred; and	20 21 22
	(b) whether the offence was committed, wholly or partly, for a commercial purpose; and	23 24
	(c) any other relevant matter.	25
	(3) An amount ordered to be paid under subsection (1) is a debt owing to the State.	26 27
	(4) The power of the court under subsection (1) is in addition to any other power of the court under this Act or another law.	28 29 30

[s 25]

Clause 25	Amendment of s 224 (Definition for division)	1
	Section 224, definition <i>forfeiture decision</i> , paragraph (a), 'illicit tobacco or an illicit nicotine product'—	2 3
	<i>omit, insert—</i>	4
	a relevant product	5

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