

THIS PUBLIC BILL has this day been read a Third time and passed

The Clerk of the Parliament.

*Legislative Assembly Chamber,
Brisbane, June 2025*



Queensland

**No.
A BILL for**

An Act to amend the Hospital and Health Boards Act 2011, the Pharmacy Business Ownership Act 2024 and the Tobacco and Other Smoking Products Act 1998 for particular purposes



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*, the *Pharmacy Business Ownership Act 2024* and the *Tobacco and Other Smoking Products Act 1998* for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

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

2 Commencement

Part 2 commences on 1 April 2026.

Part 2 Amendment of Hospital and Health Boards Act 2011

3 Act amended

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

4 Amendment of s 23 (Membership of boards)

(1) Section 23(3), ‘clinicians’—

omit, insert—

HHS clinicians

(2) Section 23(5)—

omit.

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

(1) Section 24A(1)(c), ‘clinicians’—

omit, insert—

HHS clinicians

- (2) Section 24A(6)—
omit.

6 Amendment of s 25 (Chair and deputy chair)

- (1) Section 25(1)(a) and (b)—
omit, insert—
- (a) a member of a board, other than a member who is a HHS clinician, to be the chair of the board; and
 - (b) another member of the board, other than a member who is a HHS clinician, to be the deputy chair of the board.
- (2) Section 25(4)—
insert—
- (c) becomes a HHS clinician.
- (3) Section 25(5)—
omit, insert—
- (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).

7 Amendment of s 28 (Removal from office of board members)

- Section 28(e)—
insert—
- (v) was appointed because the member was a HHS clinician and has stopped being a HHS clinician.

[s 8]

8 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

HHS clinician, in relation to a board established for a Service, means a person who—

- (a) is a health professional registered under the Health Practitioner Regulation National Law, other than as a student; and
- (b) is employed or engaged, to provide care or treatment to persons for an average of at least 8 hours per week, as—
 - (i) an employee of the Service; or
 - (ii) an employee in the department who works for the Service; or
 - (iii) a person who provides services for the Service under a contract of services; and
- (c) has been employed or engaged as mentioned in paragraph (b) for at least 2 years.

Part 2A Amendment of Pharmacy Business Ownership Act 2024

8A Act amended

This part amends the *Pharmacy Business Ownership Act 2024*.

8B Amendment of s 213 (Definitions for part)

- (1) Section 213, definitions *existing instruments*, *health employment directive*, *initial council employee*, *new certified agreement*, *public sector directive*, *Queensland Health award* and *Queensland Health certified agreement*—

omit.

(2) Section 213—

insert—

health senior officer means a health service employee employed by Queensland Health in the position known as health senior officer.

officer means a public service employee mentioned in the *Public Sector Act 2022*, section 13(1)(d).

promote, a person, means employ the person at a higher classification level, other than temporarily.

8C Replacement of pt 14, div 3 (Employment terms and conditions of initial council employees)

Part 14, division 3—

omit, insert—

Division 3 Employment terms and conditions of particular council employees

Subdivision 1 Transferred health senior officer

223 Application of subdivision

- (1) This subdivision applies in relation to a person who—
 - (a) immediately before the commencement, was a health senior officer; and
 - (b) after the commencement, is transferred to the council as a member of the council's staff, other than the chief executive officer,

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under the *Public Sector Act 2022*, chapter 4, part 4.

- (2) However, this subdivision stops applying in relation to the person if, after the transfer, the council promotes the person.
- (3) This subdivision applies despite any other Act.

224 Terms and conditions of employment

- (1) The terms and conditions of employment of the person are the terms and conditions that applied, immediately before the transfer, to the person as a health senior officer as decided by the chief executive under the *Hospital and Health Boards Act 2011*.

Note—

See sections 45(g) and 66(1) and (4) of the *Hospital and Health Boards Act 2011* in relation to the chief executive deciding conditions of employment.

- (2) For subsection (1), the decision of the chief executive about the terms and conditions is taken to apply—
 - (a) to the person to the same extent the decision applied to the person as a health senior officer immediately before the transfer; and
 - (b) to the council in place of Queensland Health, in relation to the council's employment of the person, to the same extent the decision applied to Queensland Health in relation to the employment of the person immediately before the transfer.
- (3) If a change of the decision of the chief executive mentioned in subsection (1) takes effect after the transfer, the change applies for the purposes of the application of the decision under this section.

Subdivision 2 Other transferred health service employees

225 Application of subdivision

- (1) This subdivision applies in relation to a person who—
 - (a) immediately before the commencement, was a health service employee other than a health senior officer; and
 - (b) after the commencement, is transferred to the council as a member of the council's staff, other than the chief executive officer, under the *Public Sector Act 2022*, chapter 4, part 4.
- (2) However, this subdivision does not apply in relation to the person if a certified agreement, covering the person as a member of the council's staff, takes effect before the transfer.
- (3) Also, this subdivision stops applying in relation to the person if, after the transfer—
 - (a) the council promotes the person; or
 - (b) a certified agreement, covering the person as a member of the council's staff, takes effect.
- (4) This subdivision applies despite any other Act.

226 Terms and conditions of employment

- (1) The terms and conditions of employment of the person are the terms and conditions that applied, immediately before the transfer, under the following instruments to health service employees employed by Queensland Health—

[s 8C]

- (a) the certified agreement called ‘Queensland Public Health Sector Certified Agreement (No. 11) 2022’;
 - (b) the award under the *Industrial Relations Act 2016* called ‘Hospital and Health Service General Employees (Queensland Health) Award – State 2015’.
- (2) For subsection (1), an instrument mentioned in the subsection is taken to apply—
 - (a) to the person to the same extent the instrument applied to a health service employee, other than a health senior officer, employed by Queensland Health immediately before the transfer; and
 - (b) to the council in place of Queensland Health, in relation to the council’s employment of the person, to the same extent the instrument applied to Queensland Health in relation to the employment of a health service employee, other than a health senior officer, immediately before the transfer.
- (3) If a change to an instrument mentioned in subsection (1) takes effect after the commencement, the change applies for the purposes of the application of the instrument under this section.

Subdivision 3 Particular other employees

227 Application of subdivision

- (1) This subdivision applies in relation to a person, other than a person mentioned in section 225(1), if—

- (a) the person is employed by the council as an officer; and
 - (b) a certified agreement, covering the person as a member of the council's staff, has not taken effect.
- (2) This subdivision applies despite any other Act.

228 Terms and conditions of employment

- (1) The terms and conditions of employment of the person are the terms and conditions that applied, immediately before the person was employed by the council, under the following instruments to officers employed by Queensland Health—
- (a) the certified agreement called 'Queensland Public Health Sector Certified Agreement (No. 11) 2022';
 - (b) the award under the *Industrial Relations Act 2016* called 'Queensland Public Service Officers and Other Employees Award – State 2015'.
- (2) For subsection (1), an instrument mentioned in the subsection is taken to apply—
- (a) to the person to the same extent the instrument applied to an officer employed by Queensland Health immediately before the person was employed by the council; and
 - (b) to the council in place of Queensland Health, in relation to the council's employment of the person, to the same extent the instrument applied to Queensland Health in relation to the employment of an officer immediately before the person was employed by the council.
- (3) If a change to an instrument mentioned in

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subsection (1) takes effect after the commencement, the change applies for the purposes of the application of the instrument under this section.

Subdivision 4 Other provision for transferred health service employees

229 Preservation of rights of transferring health service employees

- (1) This section applies to a person mentioned in section 223(1) or 225(1).
- (2) The transfer of the person to the council does not—
 - (a) affect the person's benefits, entitlements or remuneration; or
 - (b) prejudice the person's existing or accruing rights to superannuation or recreation, sick, long service or other leave; or
 - (c) interrupt continuity of service, except that the person is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or
 - (d) entitle the person to a payment or other benefit from the State because the person is no longer employed by Queensland Health.
- (3) This section does not limit the operation of the *Public Sector Act 2022*, chapter 4, part 4 in relation to the transfer of the person to the council as a member of the council's staff.

Part 3 Amendment of Tobacco and Other Smoking Products Act 1998

9 Act amended

This part amends the *Tobacco and Other Smoking Products Act 1998*.

10 Amendment of s 37 (Cancellation)

- (1) Section 37(2)(b), ‘disciplinary’—
omit.
- (2) Section 37(2)(c), ‘stated disciplinary’—
omit.

11 Amendment of s 38 (Immediate suspension without show cause notice)

Section 38(1)(a), ‘disciplinary’—
omit.

12 Amendment of pt 11, div 4, hdg (Seizure of evidence)

Part 11, division 4, heading, from ‘of’—
omit, insert—

by authorised persons and forfeiture

13 Insertion of new pt 11, div 4, sdiv 1, hdg

Before section 195—
insert—

Subdivision 1 Preliminary

[s 14]

14 Insertion of new pt 11, div 4, sdiv 2, hdg

After section 196—

insert—

Subdivision 2 Power to seize

15 Insertion of new pt 11, div 4, sdiv 3, hdg

After section 199—

insert—

Subdivision 3 Powers to support seizure

16 Insertion of new pt 11, div 4, sdiv 4, hdg

After section 201—

insert—

Subdivision 4 Safeguards for seized things

17 Insertion of new pt 11, div 4, sdiv 5, hdg

Before section 203—

insert—

Subdivision 5 Forfeiture

18 Amendment of s 205 (Forfeiture of illicit tobacco or illicit nicotine product)

(1) Section 205, heading, from ‘illicit tobacco’—

omit, insert—

relevant product

(2) Section 205(1)(a) and (2)(a), ‘illicit tobacco or an illicit nicotine product’—

omit, insert—

a relevant product

(3) Section 205(4), before ‘owner’—

insert—

former

(4) Section 205(6)—

insert—

relevant product means—

(a) illicit tobacco; or

(b) an illicit nicotine product mentioned in schedule 1, definition *illicit nicotine product*, paragraph (b).

19 Amendment of s 205A (Forfeiture of bongos and ice pipes)

Section 205A(4), before ‘owner’—

insert—

former

20 Insertion of new s 205B

After section 205A—

insert—

205B Forfeiture of vaping goods

(1) The chief executive may decide a seized thing is forfeited to the State if the chief executive—

(a) is satisfied the thing is vaping goods; and

(b) reasonably believes it is necessary to keep the thing to prevent it being used to commit the offence for which it was seized.

(2) If the chief executive decides the seized thing is forfeited to the State, the chief executive must

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give the former owner of the seized thing written notice of the decision and the reasons for the decision.

- (3) The chief executive is not required to provide procedural fairness in giving the written notice.
- (4) This section applies even if a proceeding involving the seized thing has started.

21 Replacement of s 207 (Dealing with forfeited things etc.)

Section 207—

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.

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.

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.

24 Insertion of new s 223A

After section 223—

insert—

223A Recovery of costs from convicted person

- (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—
 - (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;
 - (b) the reasonable costs of investigating the offence;
 - (c) the reasonable costs of preparing for the prosecution of the offence.
- (2) In deciding whether to make the order, the court may have regard to—

[s 25]

- (a) the extent to which the person's conduct during the investigation of the offence contributed to the costs being incurred; and
 - (b) whether the offence was committed, wholly or partly, for a commercial purpose; and
 - (c) any other relevant matter.
- (3) An amount ordered to be paid under subsection (1) is a debt owing to the State.
- (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.

25 Amendment of s 224 (Definition for division)

Section 224, definition *forfeiture decision*, paragraph (a), 'illicit tobacco or an illicit nicotine product'—

omit, insert—

a relevant product

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