



# **Health Legislation Amendment Bill (No. 2) 2025**





Queensland

# Health Legislation Amendment Bill (No. 2) 2025

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**2025**

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## **A Bill**

for

***An Act to amend the *Pharmacy Business Ownership Act 2024*, the *Public Health Act 2005*, the *Public Health Regulation 2018*, the *Queensland Mental Health Commission Act 2013* and the *Radiation Safety Act 1999* for particular purposes***

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[s 1]

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**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 (No. 2) 2025*. 4  
5

**Part 2 Amendment of Pharmacy Business Ownership Act 2024** 6  
7

**Clause 2 Act amended** 8

This part amends the *Pharmacy Business Ownership Act 2024*. 9  
10

**Clause 3 Amendment of s 8 (What is a *pharmacy business*)** 11

Section 8(3), definition *core pharmacy service*— 12  
*insert*— 13

(c) the selling, by or under the supervision of a 14  
practising pharmacist, of medicines to 15  
members of the public other than on 16  
prescription. 17

**Clause 4 Amendment of s 13 (What is a *material interest* in a pharmacy business)** 18  
19

Section 13(1)(b), after ‘owner’— 20  
*insert*— 21

, or a shareholder of an owner, 22

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<b>Clause 5</b>	<b>Amendment of s 16 (Who may hold material interest in pharmacy business)</b>	1 2
	Section 16, from ‘unless’ to ‘business.’—	3
	<i>omit, insert—</i>	4
	unless—	5
	(a) the person is a practising pharmacist; or	6
	(b) the person is a close adult relative of a practising pharmacist and the practising pharmacist holds an interest in the business.	7 8 9
<b>Clause 6</b>	<b>Amendment of s 20 (Licensed pharmacy business must be carried on at or from licensed premises)</b>	10 11
	Section 20(2)(b)(i), after ‘medicine’—	12
	<i>insert—</i>	13
	, or the selling of a medicine other than on prescription,	14 15
<b>Clause 7</b>	<b>Amendment of s 25 (Requirements for application)</b>	16
	(1) Section 25(1)(b)—	17
	<i>insert—</i>	18
	(iia) if a person holds shares in the applicant as trustee of a trust—the name of each beneficiary of the trust;	19 20 21
	(2) Section 25(1)(b)(iia) and (iv)—	22
	<i>renumber</i> as section 25(1)(b)(iv) and (v).	23
<b>Clause 8</b>	<b>Amendment of s 26 (Requesting further information or document)</b>	24 25
	(1) Section 26(2)—	26
	<i>omit.</i>	27

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- (2) Section 26(3)— 1  
*renumber* as section 26(2). 2

**Clause 9 Amendment of s 27 (Requesting inspection of premises)** 3

- (1) Section 27(2)— 4  
*omit.* 5
- (2) Section 27(5), ‘subsection (4)’— 6  
*omit, insert—* 7  
subsection (3) 8
- (3) Section 27(3) to (5)— 9  
*renumber* as section 27(2) to (4). 10

**Clause 10 Amendment of s 39 (Requesting further information or document)** 11  
12

- (1) Section 39(2)— 13  
*omit.* 14
- (2) Section 39(3)— 15  
*renumber* as section 39(2). 16

**Clause 11 Replacement of s 40 (Criteria for grant)** 17

Section 40— 18  
*omit, insert—* 19

**40 Criteria for grant** 20

The council may grant an application under  
section 38 only if satisfied— 21  
22

- (a) the incoming party— 23
- (i) is an eligible person; and 24
- (ii) is a fit and proper person to own a  
pharmacy business; and 25  
26

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	(iii) does not already hold an interest in the maximum number of pharmacy businesses permitted under section 17 for the incoming party; and	1 2 3 4
	(b) any other person who would hold a material interest in the pharmacy business to which the application relates because of the application being granted—	5 6 7 8
	(i) is permitted, under section 16, to hold a material interest in the business; and	9 10
	(ii) does not already hold an interest in the maximum number of pharmacy businesses permitted under section 17 for the person.	11 12 13 14
<b>Clause 12</b>	<b>Amendment of s 44 (Requesting further information or document)</b>	15 16
	(1) Section 44(2)— <i>omit.</i>	17 18
	(2) Section 44(3)— <i>renumber</i> as section 44(2).	19 20
<b>Clause 13</b>	<b>Amendment of s 50 (Requesting further information, document or inspection of premises)</b>	21 22
	(1) Section 50(2)— <i>omit.</i>	23 24
	(2) Section 50(5)(c), ‘subsection (4)’— <i>omit, insert</i> — subsection (3)	25 26 27
	(3) Section 50(6), from ‘subsection (4)’ to ‘subsection (5)’— <i>omit, insert</i> —	28 29

[s 14]

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	subsection (3) and the application is taken to be	1
	withdrawn under subsection (4)	2
(4)	Section 50(3) to (6)—	3
	<i>renumber</i> as section 50(2) to (5).	4
<b>Clause 14</b>	<b>Amendment of s 54 (Requesting further information or document)</b>	5
		6
(1)	Section 54(2)—	7
	<i>omit.</i>	8
(2)	Section 54(3)—	9
	<i>renumber</i> as section 54(2).	10
<b>Clause 15</b>	<b>Amendment of s 60 (Requesting further information or document)</b>	11
		12
(1)	Section 60(2)—	13
	<i>omit.</i>	14
(2)	Section 60(3)—	15
	<i>renumber</i> as section 60(2).	16
<b>Clause 16</b>	<b>Amendment of s 69 (Surrender)</b>	17
	Section 69(1) to (3)—	18
	<i>omit, insert—</i>	19
	(1) The holder of a pharmacy business licence may	20
	surrender the licence by notice to the council at	21
	any time.	22
	(2) Despite section 14(4), if a pharmacy business	23
	licence is held jointly by 2 or more persons, a	24
	notice under subsection (1) must be given jointly	25
	by each of the persons.	26
	(3) If a pharmacy business licence is held by only 1	27
	person, the person must, unless the person has a	28

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reasonable excuse, surrender the licence by notice	1
to the council within 14 days after the person—	2
(a) stops being an eligible person; or	3
(b) disposes of the person’s interest as owner of	4
the pharmacy business to which the licence	5
relates.	6
Maximum penalty—50 penalty units.	7

<b>Clause 17</b>	<b>Insertion of new s 73A</b>	8
	After section 73—	9
	<i>insert—</i>	10
	<b>73A Exchange of information</b>	11
	(1) The council may enter into an arrangement (an	12
	<b><i>information-sharing arrangement</i></b> ) with the	13
	chief executive for the purposes of sharing or	14
	exchanging information—	15
	(a) held by the council or the chief executive; or	16
	(b) to which the council or the chief executive	17
	has access.	18
	(2) An information-sharing agreement may relate	19
	only to—	20
	(a) information, obtained by the chief executive	21
	in the performance of a function under an	22
	Act, that may be relevant to the council	23
	making a decision under section 72 about a	24
	person; or	25
	(b) other information that is reasonably	26
	necessary to facilitate the sharing with the	27
	council of information mentioned in	28
	paragraph (a).	29
	(3) Under an information-sharing arrangement, the	30
	council and the chief executive are, despite	31
	another Act or law, authorised to—	32

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	(a) ask for and receive information held by the other party to the arrangement or to which the other party has access; and	1 2 3
	(b) disclose information to the other party.	4
	(4) The council must ensure any information received in accordance with an information-sharing arrangement is not used for any purpose other than the making of a decision under section 72 about the person to whom the information relates.	5 6 7 8 9
<b>Clause 18</b>	<b>Amendment of s 80 (Notification of temporary closure of licensed pharmacy business)</b>	10 11
	Section 80, after the penalty—	12
	<i>insert—</i>	13
	(3) The council may, within 14 days after receiving a notice under this section, publish on the council’s website the period, stated in the notice, for which the business will not be carried on.	14 15 16 17
<b>Clause 19</b>	<b>Amendment of s 88 (Requirements for temporary operators of pharmacy businesses)</b>	18 19
	(1) Section 88(3)(b)(i), after ‘medicine’—	20
	<i>insert—</i>	21
	, or the selling of a medicine other than on prescription,	22 23
	(2) Section 88(9), ‘subsection (7)(b)’—	24
	<i>omit, insert—</i>	25
	subsection (8)(b)	26
<b>Clause 20</b>	<b>Amendment of s 128 (How property may be dealt with)</b>	27
	Section 128, ‘chief executive’—	28
	<i>omit, insert—</i>	29

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	council	1
<b>Clause 21</b>	<b>Replacement of s 145 (Council does not represent the State)</b>	2
	Section 145—	3
	<i>omit, insert—</i>	4
	<b>145 Council represents the State</b>	5
	(1) The council represents the State.	6
	(2) Without limiting subsection (1), the council has the privileges and immunities of the State.	7
<b>Clause 22</b>	<b>Amendment of s 149 (Direction by Minister)</b>	8
	Section 149(4)—	9
	<i>omit.</i>	10
<b>Clause 23</b>	<b>Replacement of s 183 (Report about council’s functions)</b>	11
	Section 183—	12
	<i>omit, insert—</i>	13
	<b>183 Annual report to include particular matters</b>	14
	(1) This section applies to an annual report the council is required to prepare and give the Minister under the <i>Financial Accountability Act 2009</i> , section 63.	15
	(2) The annual report must include details of the following during the financial year to which the report relates—	16
	(a) each ministerial direction given by the Minister under section 149(1);	17
	(b) action taken by the council because of the ministerial direction;	18
		19
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		27

[s 24]

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	(c) audits conducted by the council under section 208;	1 2
	(d) action taken by the council to ensure compliance with this Act by holders of pharmacy business licences.	3 4 5
	(3) The report must not include confidential information unless the information was provided to the council by the person to whom the information relates for the purpose of publication.	6 7 8 9
<b>Clause 24</b>	<b>Amendment of s 185 (Definitions for part)</b>	10
	(1) Section 185, definitions <i>decision notice</i> , <i>QCAT information notice</i> and <i>seizure or forfeiture decision</i> — <i>omit.</i>	11 12 13
	(2) Section 185— <i>insert</i> —  <i>forfeiture decision</i> means a decision under section 125(1) that a thing is forfeited.  <i>seizure decision</i> means a decision under part 8, division 4 to seize a thing.	14 15 16 17 18 19
<b>Clause 25</b>	<b>Insertion of new s 185A</b>	20
	Before section 186— <i>insert</i> —  <b>185A Application of division</b>	21 22 23
	This division does not apply to a decision of the council made other than under a delegation.	24 25
<b>Clause 26</b>	<b>Amendment of s 189 (Internal review)</b>	26
	Section 189(1)(c)(i), after ‘seizure’— <i>insert</i> —	27 28

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	decision	1
<b>Clause 27</b>	<b>Replacement of s 190 (Stay of operation of seizure or forfeiture decision)</b>	2 3
	Section 190—	4
	<i>omit, insert—</i>	5
	<b>190 Stay of operation of seizure decision or forfeiture decision</b>	6 7
	(1) This section applies in relation to an original decision if—	8 9
	(a) the decision is a seizure decision or forfeiture decision and an application for an internal review of the decision is made under division 2; or	10 11 12 13
	(b) the decision is a forfeiture decision to which division 2 does not apply and an appeal against the decision is started under division 5.	14 15 16 17
	(2) The applicant for the internal review or the appellant for the appeal may immediately apply to the court for a stay of the operation of the original decision.	18 19 20 21
	(3) The court may, by order, stay the operation of the original decision to secure the effectiveness of—	22 23
	(a) if subsection (1)(a) applies in relation to the decision—	24 25
	(i) the internal review of the decision under division 2; or	26 27
	(ii) any later appeal against the decision under division 5; or	28 29
	(b) if subsection (1)(b) applies in relation to the decision—the appeal against the decision under division 5.	30 31 32

[s 28]

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	(4)	The court may stay the operation of the original decision on conditions the court considers appropriate.	1 2 3
	(5)	The stay operates for the period decided by the court.	4 5
	(6)	However, the period of the stay must not extend past the time when the court decides the appeal.	6 7
<b>Clause 28</b>		<b>Amendment of s 191 (Stay of operation of other original decision)</b>	8 9
	(1)	Section 191(1), after ‘seizure’— <i>insert</i> — decision	10 11 12
	(2)	Section 191(1)— <i>insert</i> — <i>Note</i> — For staying the operation of an original decision, other than a forfeiture decision to which division 2 does not apply, see section 192 and the QCAT Act, section 22(3).	13 14 15 16 17 18
<b>Clause 29</b>		<b>Amendment of s 192 (Applying for external review)</b>	19
	(1)	Section 192(1), from ‘for’— <i>omit, insert</i> — for— (a) an original decision to which division 2 does not apply; or (b) an internal review decision.	20 21 22 23 24 25
	(2)	Section 192(2) and note, ‘internal review’— <i>omit</i> .	26 27

<b>Clause 30</b>	<b>Amendment of s 193 (Appealing internal review decision)</b>	1
(1)	Section 193, heading, ‘internal review decision’—	2
	<i>omit, insert—</i>	3
	<b>particular decisions</b>	4
(2)	Section 193(1), from ‘for’—	5
	<i>omit, insert—</i>	6
	for—	7
	(a) an original decision to which division 2 does not apply; or	8
	(b) an internal review decision.	9
(3)	Section 193(2) and (4), ‘internal review’—	10
	<i>omit.</i>	11
(4)	Section 193(7), ‘seizure or forfeiture’—	12
	<i>omit.</i>	13
(5)	Section 193(7)—	14
	<i>insert—</i>	15
	<i>Note—</i>	16
	See, however, section 190 in relation to the stay of the operation of an original decision that is a forfeiture decision to which division 2 does not apply.	17
		18
		19
		20
<b>Clause 31</b>	<b>Amendment of s 194 (Powers of court on appeal)</b>	21
(1)	Section 194(1), ‘an internal review decision’—	22
	<i>omit, insert—</i>	23
	a decision started under section 193	24
(2)	Section 194(3), ‘internal review decision’—	25
	<i>omit, insert—</i>	26
	decision appealed against	27

[s 32]

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<b>Clause 32</b>	<b>Replacement of s 195 (Effect of court’s decision on appeal)</b>	1 2
	Section 195—	3
	<i>omit, insert—</i>	4
	<b>195 Effect of court’s decision on appeal</b>	5
	(1) If the court substitutes another decision for the decision appealed against—	6 7
	(a) the substituted decision is taken to be a decision of the original decision-maker for the decision; and	8 9 10
	(b) the original decision-maker may give effect to the decision as if—	11 12
	(i) the decision were the original decision of the original decision-maker; and	13 14
	(ii) no application for review or appeal of the original decision had been made.	15 16
	(2) If the court sets aside the decision appealed against and returns the matter to the original decision-maker for the decision with directions, any decision made by the original decision-maker in accordance with the directions may not be reviewed or appealed against under this part.	17 18 19 20 21 22
	(3) In this section—	23
	<b><i>original decision-maker</i></b> , for a decision, means—	24
	(a) if the decision is a seizure decision—the inspector who made the decision; or	25 26
	(b) otherwise—the council.	27
<b>Clause 33</b>	<b>Amendment of s 206 (Disclosure of confidential information to entities performing relevant functions)</b>	28 29
	(1) Section 206(2), before paragraph (a)—	30
	<i>insert—</i>	31

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	(aa) the chief executive; or	1
(2)	Section 206(2)(aa) to (f)—	2
	<i>renumber</i> as section 206(2)(a) to (g).	3
<b>Clause 34</b>	<b>Replacement of s 207 (Council must keep register of licensed pharmacy businesses)</b>	4
	Section 207—	5
	<i>omit, insert</i> —	6
	<b>207 Council must keep register of pharmacy business licences</b>	7
	(1) The council must keep a register of pharmacy business licences.	8
	(2) The register must contain the following information for each current pharmacy business licence—	9
	(a) the relevant information for the licence;	10
	(b) if the licence has been suspended under part 4, division 4—the period of the suspension.	11
	(3) The register must contain the following information for each pharmacy business licence that has been cancelled under part 4, division 4—	12
	(a) the relevant information for the licence immediately before the cancellation;	13
	(b) the day the cancellation took effect.	14
	(4) The register must be kept in the way the council considers appropriate, including, for example, in an electronic form.	15
	(5) The council must publish on the council’s website information contained in the register under subsection (2) or (3), other than—	16
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[s 35]

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	(a) information mentioned in subsection (2)(b) relating to a suspension, of a pharmacy business licence, that has ended;	1 2 3
	(b) information mentioned in subsection (3) for a pharmacy business licence cancelled more than 2 years ago.	4 5 6
	(6) In this section—	7
	<i>current pharmacy business licence</i> means a pharmacy business licence that has not ended under this Act.	8 9 10
	<i>relevant information</i> , for a pharmacy business licence, means—	11 12
	(a) the name of the holder of the licence; and	13
	(b) the address of the licensed premises stated on the licence; and	14 15
	(c) the business name stated on the licence.	16
<b>Clause 35</b>	<b>Omission of s 209 (Council must publish report about compliance and audits for financial year)</b>	17 18
	Section 209—	19
	<i>omit.</i>	20
<b>Clause 36</b>	<b>Omission of s 210 (Protection from liability)</b>	21
	Section 210—	22
	<i>omit.</i>	23
<b>Clause 37</b>	<b>Amendment of s 218 (Interests in existing pharmacy businesses held by beneficiaries of discretionary trusts)</b>	24 25
	Section 218(1)(a)—	26
	<i>omit, insert—</i>	27
	(a) immediately before the commencement—	28

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	(i) the owner of an existing pharmacy business owned the business as trustee of a discretionary trust; or	1 2 3
	(ii) a person held shares in the owner of an existing pharmacy business as trustee of a discretionary trust; and	4 5 6
<b>Clause 38</b>	<b>Amendment of s 221 (Continued limited ownership or operation of pharmacy businesses)</b>	7 8
	Section 221(2)(b), from ‘if’—	9
	<i>omit, insert</i> —	10
	if—	11
	(i) the sections had not been repealed; and	12
	(ii) each reference in the sections to the chief executive were a reference to the council.	13 14
<b>Clause 39</b>	<b>Amendment of s 222 (Approvals for continued ownership of pharmacy businesses if registration suspended or cancelled)</b>	15 16 17
	(1) Section 222(2)—	18
	<i>omit, insert</i> —	19
	(2) On the commencement, the chief executive must—	20 21
	(a) notify the council that the chief executive was considering whether to grant the approval under repealed section 139C(2); and	22 23 24 25
	(b) give the council all information that the chief executive has that is relevant to deciding whether to grant the approval.	26 27 28
	(2A) Subsection (2)(b) applies in addition to section 229A.	29 30
	(2B) The council must decide whether to grant the	31

[s 40]

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	approval having regard to—	1
	(a) the main purposes of this Act; and	2
	(b) the financial circumstances of the pharmacy business; and	3 4
	(c) all information given to the council under subsection (2); and	5 6
	(d) any other information the council considers relevant.	7 8
(2)	Section 222(3), ‘chief executive’—	9
	<i>omit, insert</i> —	10
	council	11
(3)	Section 222(4), ‘subsection (3)’—	12
	<i>omit, insert</i> —	13
	subsection (5)	14
(4)	Section 222(2A) to (4)—	15
	<i>renumber</i> as section 222(3) to (6).	16
<b>Clause 40</b>	<b>Insertion of new ss 229A and 229B</b>	17
	Before section 230—	18
	<i>insert</i> —	19
	<b>229A Notice of existing pharmacy business information</b>	20 21
	(1) On the commencement, the chief executive must give the council a notice of existing pharmacy business information.	22 23 24
	(2) The notice must contain the following information held by the chief executive immediately before the commencement—	25 26 27
	(a) the name and contact details of—	28
	(i) each existing pharmacy business; and	29

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	(ii) each person who owned an existing pharmacy business;	1 2
	(b) for each existing pharmacy business that was owned by a corporation mentioned in repealed section 139B(b) or (ba) immediately before the commencement—the name of each director and shareholder of the corporation.	3 4 5 6 7 8
	<b>229B Particular references to licensed pharmacy businesses for appointing council members</b>	9 10
	From the commencement, a reference in section 150(3)(a) to a licensed pharmacy business is taken to include a reference to an existing pharmacy business that continues to be owned and carried on by a person under section 215 or 216.	11 12 13 14 15
<b>Clause 41</b>	<b>Amendment of sch 1 (Dictionary)</b>	16
	(1) Schedule 1, definitions <i>compound</i> , <i>decision notice</i> , <i>information notice</i> , <i>QCAT information notice</i> and <i>seizure or forfeiture decision</i> —	17 18 19
	<i>omit.</i>	20
	(2) Schedule 1—	21
	<i>insert</i> —	22
	<i>compound</i> , a medicine, see the <i>Medicines and Poisons (Medicines) Regulation 2021</i> , schedule 22.	23 24 25
	<i>decision notice</i> , for a decision, means a notice stating the following information—	26 27
	(a) the decision;	28
	(b) the reasons for the decision;	29

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<i>Note—</i>	1
See the <i>Acts Interpretation Act 1954</i> , section 27B	2
for matters that must be included with the reasons.	3
(c) that the person to whom the notice is given	4
may appeal against the decision under part	5
10, division 5;	6
(d) how, and the period within which, the	7
appeal may be started;	8
(e) for a decision mentioned in section	9
190(1)(b)—how the person may apply for a	10
stay of the operation of the decision under	11
section 190.	12
<b><i>forfeiture decision</i></b> see section 185.	13
<b><i>information notice</i></b> means—	14
(a) for a decision made by the council other	15
than under a delegation—	16
(i) for a forfeiture decision—a decision	17
notice; or	18
(ii) for another decision—a QCAT	19
information notice; or	20
(b) for another decision—means a notice stating	21
the following information—	22
(i) the decision;	23
(ii) the reasons for the decision;	24
<i>Note—</i>	25
See the <i>Acts Interpretation Act 1954</i> ,	26
section 27B for matters that must be	27
included with the reasons.	28
(iii) that the person to whom the notice is	29
given may ask for a review of the	30
decision under this Act;	31
(iv) how, and the period within which, the	32
review may be started;	33

- 
- (v) if the person may apply for a stay of the operation of the decision under this Act—how the person may apply for the stay. 1  
2  
3  
4
- QCAT information notice***, for a decision, means a notice complying with the QCAT Act, section 157(2). 5  
6  
7
- seizure decision***, for part 10, see section 185. 8
- selling***, of a medicine, includes attempting to sell the medicine or making the medicine available for sale. 9  
10  
11
- (3) Schedule 1, definition *fit and proper person*, ‘chief executive’— 12  
13  
*omit, insert*— 14  
council 15

## **Part 3**                      **Amendment of Public Health Act 2005** 16 17

**Clause 42**      **Act amended** 18  
This part amends the *Public Health Act 2005*. 19

**Clause 43**      **Amendment of s 43 (Powers of authorised persons after entry)** 20  
21  
Section 43— 22  
*insert*— 23  
(5) To remove any doubt, it is declared that the power mentioned in subsection (2)(c) includes the power to leave at the place for a reasonable period the equipment and materials mentioned in that paragraph. 24  
25  
26  
27  
28

[s 44]

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<b>Clause 44</b>	<b>Replacement of ch 6, pt 3A (Notifiable dust lung diseases)</b>	1 2	
	Chapter 6, part 3A—	3	
	<i>omit, insert—</i>	4	
	<b>Part 3A</b>	<b>Notifiable occupational respiratory diseases</b>	5 6
	<b>Division 1</b>	<b>Notifying information for national registry</b>	7 8
	<b>279AA Definitions for division</b>		9
	In this division—		10
	<i>Commonwealth Act</i> means the <i>National Occupational Respiratory Disease Registry Act 2023</i> (Cwlth).		11 12 13
	<i>Commonwealth chief medical officer</i> means the Commonwealth chief medical officer within the meaning of the Commonwealth Act.		14 15 16
	<i>national registry</i> see the Commonwealth Act, section 8.		17 18
	<i>prescribed medical practitioner</i> means a medical practitioner who is a member of a class of persons prescribed by regulation.		19 20 21
	<b>279AB Obligation to notify Commonwealth chief medical officer</b>		22 23
	(1) This section applies if a prescribed medical practitioner diagnoses a person with a notifiable occupational respiratory disease.		24 25 26
	(2) The prescribed medical practitioner must, unless the practitioner has a reasonable excuse, give the Commonwealth chief medical officer a		27 28 29

notification, within the period prescribed by regulation, that— 1  
2

(a) is in the approved form under the Commonwealth Act; and 3  
4

(b) states the minimum notification information in relation to the person. 5  
6

Maximum penalty—20 penalty units. 7

(3) Subsection (2) applies whether or not the person consents to the notification. 8  
9

(4) In this section— 10

*minimum notification information* see the Commonwealth Act, section 12(2). 11  
12

*notifiable occupational respiratory disease*— 13

(a) means a medical condition, prescribed by regulation, that is— 14  
15

(i) associated with a person’s respiratory system; and 16  
17

(ii) likely to have been caused or exacerbated, in whole or in part, by the person’s work or workplace; but 18  
19  
20

(b) does not include a medical condition that is a prescribed occupational respiratory disease under the Commonwealth Act. 21  
22  
23

*Note*— 24

See the Commonwealth Act, section 14 in relation to notifying information about prescribed occupational respiratory diseases under that Act. 25  
26  
27

*person* includes a person who is deceased. 28

**279AC Authorisation relating to information in national registry** 29  
30

(1) This section applies if— 31

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- (a) a prescribed medical practitioner— 1
  - (i) gives the Commonwealth chief 2  
medical officer information for 3  
inclusion in the national registry; or 4
  - (ii) corrects or updates information in the 5  
national registry; and 6
- (b) the giving, correcting or updating of the 7  
information is— 8
  - (i) required or permitted under this Act or 9  
the Commonwealth Act; or 10
  - (ii) in compliance with a request for 11  
information made under the 12  
Commonwealth Act; and 13
- (c) the prescribed medical practitioner would 14  
otherwise be required to maintain 15  
confidentiality about the information under 16  
an Act, oath, rule of law or practice. 17
- (2) The prescribed medical practitioner— 18
  - (a) does not contravene the Act, oath, rule of 19  
law or practice by giving, correcting or 20  
updating the information; and 21
  - (b) is not liable to disciplinary action for giving, 22  
correcting or updating the information. 23
- (3) Also, merely because the prescribed medical 24  
practitioner gives, corrects or updates the 25  
information, the practitioner can not be held to 26  
have— 27
  - (a) breached any code of professional etiquette 28  
or ethics; or 29
  - (b) departed from accepted standards of 30  
professional conduct. 31

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<b>Division 2</b>	<b>Historical dust lung</b>	1
	<b>disease register</b>	2
<b>279AD Definitions for division</b>		3
In this division—		4
<i>confidential information</i> —		5
(a) means information about a person’s		6
personal affairs or health that is, or has been,		7
recorded in the historical dust lung disease		8
register; but		9
(b) does not include information that is publicly		10
available.		11
<i>disclose</i> includes give access to.		12
<i>historical dust lung disease register</i> means the		13
register kept under section 279AE.		14
<i>information</i> includes a document.		15
<i>relevant person</i> means—		16
(a) a person who is, or has been, the chief		17
executive; or		18
(b) a person who—		19
(i) is, or has been, a public sector		20
employee performing functions under,		21
or relating to the administration of, this		22
Act; and		23
(ii) in that capacity, has acquired or has		24
access to confidential information; or		25
(c) a person who, in compliance with this Act,		26
gave confidential information to a person		27
mentioned in paragraph (a) or (b); or		28
(d) a person who, whether directly or indirectly,		29
has acquired or has access to confidential		30
information from, or through involvement		31

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with, a person mentioned in paragraph (a), 1  
(b) or (c). 2

**279AE Chief executive to keep information in 3  
historical dust lung disease register 4**

(1) The chief executive must keep a register of 5  
historical dust lung disease information in a form 6  
the chief executive considers appropriate, 7  
including, for example, an electronic form. 8

(2) In this section— 9

*former section 279AB* means section 279AB as in 10  
force from time to time before the 11  
commencement. 12

*historical dust lung disease information* means 13  
the information that was kept, immediately before 14  
the commencement, in the Notifiable Dust Lung 15  
Disease Register under former 279AB. 16

**279AF Restriction on disclosure of confidential 17  
information 18**

(1) A relevant person must not disclose, directly or 19  
indirectly, confidential information to another 20  
person other than under this division. 21

Maximum penalty—50 penalty units 22

(2) The *Hospital and Health Boards Act 2011*, 23  
section 142 or 142A does not apply to a relevant 24  
person in relation to disclosing confidential 25  
information. 26

**279AG Disclosure generally 27**

A relevant person may disclose confidential 28  
information to another person— 29

(a) to the extent the disclosure is required or 30  
permitted under this Act or another Act, or 31

---

to perform the relevant person’s functions under this Act or another Act; or	1 2
(b) with the consent of the person to whom the information relates; or	3 4
(c) in compliance with a lawful process requiring the production of documents or giving of evidence before a court or tribunal; or	5 6 7 8
(d) if the information is in a form that does not identify the person to whom the information relates; or	9 10 11
(e) if the disclosure is otherwise required or permitted under another law.	12 13
<b>279AH Disclosure for data collection and public health monitoring</b>	14 15
The chief executive may disclose confidential information to a person who is contracted by the department to analyse, monitor or evaluate public health if—	16 17 18 19
(a) the person is authorised in writing by the chief executive to receive the information; and	20 21 22
(b) the chief executive is satisfied the person will use the information only for analysing, monitoring or evaluating public health.	23 24 25
<b>279AI Disclosure to entity of the State or corresponding entity</b>	26 27
(1) This section applies if the disclosure of confidential information is required or permitted under an agreement that—	28 29 30
(a) is between—	31
(i) the chief executive or the State; and	32

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- (ii) an entity of the State or a corresponding entity; and 1  
2
- (b) is prescribed by regulation. 3
- (2) The chief executive may disclose confidential information to the entity of the State, or the corresponding entity, as required or permitted under the agreement. 4  
5  
6  
7
- (3) A person or entity that receives the confidential information may disclose the information if the disclosure is— 8  
9  
10
- (a) required or permitted under the agreement; or 11  
12
- (b) permitted, in writing, by the chief executive. 13
- (4) In this section— 14
- agreement* includes arrangement. 15
- corresponding entity* means— 16
- (a) a department of the Commonwealth or another State; or 17  
18
- (b) an entity established, under a law of the Commonwealth or another State, for a public purpose. 19  
20  
21
- 279AJ Disclosure of information for investigation under Coroners Act 2003** 22  
23
- (1) This section applies if a coroner is investigating the death of a person. 24  
25
- (2) The chief executive may disclose confidential information that is relevant to the person’s death to— 26  
27  
28
- (a) the coroner; or 29
- (b) a police officer helping the coroner to investigate the person’s death. 30  
31

---

	(3) The coroner or police officer may disclose the confidential information to another person for the purpose of the investigation.	1 2 3
<b>Clause 45</b>	<b>Amendment of s 399 (General powers after entering places)</b>	4 5
	Section 399—	6
	<i>insert—</i>	7
	(6) To remove any doubt, it is declared that the power mentioned in subsection (3)(e) includes the power to leave at the place for a reasonable period the equipment and materials mentioned in that paragraph.	8 9 10 11 12
<b>Clause 46</b>	<b>Insertion of new ch 12, pt 11</b>	13
	Chapter 12—	14
	<i>insert—</i>	15
	<b>Part 11 Transitional provisions for Health Legislation Amendment Act (No. 2) 2025</b>	16 17 18 19
	<b>519 Definition for part</b>	20
	In this part—	21
	<i>former</i> , for a provision of this Act, means the provision as in force from time to time before the commencement.	22 23 24
	<b>520 Application of new ch 6, pt 3A to particular diagnoses made before commencement</b>	25 26
	(1) This section applies if—	27

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- (a) before the commencement, a medical practitioner diagnosed a person with a notifiable dust lung disease within the meaning of former section 279AA; and
- (b) immediately before the commencement—
- (i) former section 279AF(2) applied in relation to the diagnosis; and
- (ii) the prescribed period mentioned in former section 279AF(2) had not ended; and
- (iii) the medical practitioner had not complied with former section 279AF(2); and
- (c) on the commencement, the disease is a notifiable occupational respiratory disease under new section 279AB.
- (2) New chapter 6, part 3A, division 1 applies in relation to the diagnosis as if the diagnosis were made on the commencement.
- (3) In this section—
- new*, for a provision of this Act, means the provision as in force from the commencement.

## **521 Proceedings for particular offences**

- (1) This section applies in relation to an offence against former sections 279AF(2), 279AG(4) or 279AL(1) committed by a person before the commencement.
- (2) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the *Health Legislation Amendment Act (No. 2) 2025*, section 44 had not commenced.

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	(3) Subsection (2) applies despite the Criminal Code, section 11.	1 2
<b>Clause 47</b>	<b>Amendment of sch 2 (Dictionary)</b>	3
(1)	Schedule 2, definitions <i>approved operator</i> , <i>health practitioner</i> , <i>notifiable dust lung disease</i> , <i>occupational exposure</i> , <i>regulator</i> , <i>relevant chief executive</i> and <i>relevant employee</i> —	4 5 6 7
	<i>omit.</i>	8
(2)	Schedule 2—	9
	<i>insert</i> —	10
	<b><i>Commonwealth Act</i></b> , for chapter 6, part 3A, division 1, see section 279AA.	11 12
	<b><i>Commonwealth chief medical officer</i></b> , for chapter 6, part 3A, division 1, see section 279AA.	13 14
	<b><i>disclose</i></b> , for chapter 6, part 3A, division 2, see section 279AD.	15 16
	<b><i>health practitioner</i></b> , for chapter 4A, see section 157A.	17 18
	<b><i>historical dust lung disease register</i></b> , for chapter 6, part 3A, division 2, see section 279AD.	19 20
	<b><i>national registry</i></b> , for chapter 6, part 3A, division 1, see section 279AA.	21 22
(3)	Schedule 2, definition <i>confidential information</i> , paragraph (h)—	23 24
	<i>omit, insert</i> —	25
	(h) for chapter 6, part 3A, division 2, see section 279AD.	26 27
(4)	Schedule 2, definition <i>health information held by a health agency</i> , paragraph (a)(iii) and (iv)—	28 29
	<i>omit, insert</i> —	30



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<b>Division 5</b>	<b>Notifiable occupational respiratory diseases</b>	1 2
<b>Subdivision 1</b>	<b>Notifying information for national registry</b>	3 4
<b>49A Prescribed medical practitioners—Act, s 279AA</b>		5 6
	For section 279AA of the Act, definition <i>prescribed medical practitioner</i> , the prescribed class of persons is medical practitioners registered under the Health Practitioner Regulation National Law as specialist health practitioners in either of the following specialties or specialty fields—	7 8 9 10 11 12
	(a) occupational and environmental medicine;	13
	(b) respiratory and sleep medicine.	14
<b>49B Prescribed period—Act, s 279AB</b>		15
	For section 279AB(2) of the Act, the period prescribed is 30 days from the day the prescribed medical practitioner diagnoses the person with the notifiable occupational respiratory disease.	16 17 18 19
<b>49C Notifiable occupational respiratory diseases—Act, s 279AB</b>		20 21
	For section 279AB(5) of the Act, definition <i>notifiable occupational respiratory disease</i> , paragraph (a), each of the following medical conditions is prescribed to the extent the condition is likely to have been caused or exacerbated, in whole or in part, by exposure to inorganic dust—	22 23 24 25 26 27
	(a) pneumoconiosis, other than silicosis;	28

[s 50]

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	<i>Examples—</i>	1
	asbestosis, coal worker’s pneumoconiosis and mixed-dust pneumoconiosis	2 3
	<i>Note—</i>	4
	Silicosis is a prescribed occupational respiratory disease under the Commonwealth Act.	5 6
	(b) cancer;	7
	(c) chronic obstructive pulmonary disease.	8
	<i>Examples—</i>	9
	chronic bronchitis and emphysema	10
	<b>Subdivision 2 Information in historical dust lung disease register</b>	11 12
	<b>49D Prescribed agreement—Act, s 279AI</b>	13
	For section 279AI(1)(b) of the Act, the agreement mentioned in schedule 3, part 4 is prescribed.	14 15
<b>Clause 50</b>	<b>Amendment of sch 3 (Agreements)</b>	16
	Schedule 3, part 4, heading, ‘notifiable dust lung diseases’— <i>omit, insert—</i>	17 18
	<b>historical dust lung disease register</b>	19
<b>Part 5</b>	<b>Amendment of Queensland Mental Health Commission Act 2013</b>	20 21 22
<b>Clause 51</b>	<b>Act amended</b>	23
	This part amends the <i>Queensland Mental Health Commission Act 2013</i> .	24 25

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<b>Clause 52</b>	<b>Amendment of s 21 (Vacancy in office of commissioner)</b>	1
(1)	Section 21(1), before paragraph (a)—	2
	<i>insert</i> —	3
	(aa) completes a term of office and is not reappointed; or	4
		5
(2)	Section 21(1)(aa) to (e)—	6
	<i>renumber</i> as section 21(1)(a) to (f).	7
<b>Clause 53</b>	<b>Replacement of s 23 (Acting commissioner)</b>	8
	Section 23—	9
	<i>omit, insert</i> —	10
	<b>23 Acting commissioner</b>	11
(1)	This section applies if—	12
	(a) the office of the commissioner is vacant; or	13
	(b) the commissioner is absent from duty or otherwise unable to perform the commissioner’s functions.	14
		15
		16
(2)	The Minister may appoint a person, other than a member of the council, to act as commissioner for a period of not longer than 6 months.	17
		18
		19
(3)	However, the Minister may extend the appointment for a further period of not longer than 6 months.	20
		21
		22
(4)	This section does not limit the Governor in Council’s power under the <i>Acts Interpretation Act 1954</i> , section 25(1)(b)(iv) or (v).	23
		24
		25

[s 54]

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<b>Part 6</b>	<b>Amendment of Radiation Safety Act 1999</b>	1 2
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<b>Clause 54</b>	<b>Act amended</b>	3
	This part amends the <i>Radiation Safety Act 1999</i> .	4

<b>Clause 55</b>	<b>Amendment of s 71 (Additional information for approvals to dispose)</b>	5 6
	Section 71, ‘licensee’—	7
	<i>omit, insert—</i>	8
	holder of the approval	9

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