



Health Legislation Amendment Bill 2026



Queensland

Health Legislation Amendment Bill 2026

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2026

A Bill

for

An Act to amend the Hospital and Health Boards Act 2011, the Mental Health Act 2016, the Pharmacy Business Ownership Act 2024, the Public Health Act 2005, the Public Health Regulation 2018, the Tobacco and Other Smoking Products Act 1998 and the legislation mentioned in schedule 1 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 2026*. 4
5

Clause 2 Commencement 6

Parts 3 and 8 and schedule 1 commence on a day to be fixed 7
by proclamation. 8

Part 2 Amendment of Hospital and Health Boards Act 2011 9
10

Clause 3 Act amended 11

This part amends the *Hospital and Health Boards Act 2011*. 12

Clause 4 Amendment of s 45 (Functions of chief executive) 13

(1) Section 45— 14

insert— 15

(da) to take, use, lease and dispose of particular 16

land for particular purposes under division 17

2B; 18

(2) Section 45(da) to (q)— 19

renumber as section 45(1)(e) to (r). 20

Clause 5	Amendment of s 46 (Delegation by chief executive)	1
	Section 46(2)—	2
	<i>omit, insert—</i>	3
	(2) However, the chief executive must not—	4
	(a) delegate the following functions—	5
	(i) entering into a service agreement with a Service;	6 7
	(ii) authorising the disclosure of confidential information in the public interest under section 160;	8 9 10
	(iii) issuing a health service directive or health employment directive;	11 12
	(iv) making a standard under section 138E; or	13 14
	(b) delegate, to a health service chief executive, the function to take, use, lease or dispose of particular land for particular purposes under division 2B.	15 16 17 18
Clause 6	Insertion of new pt 3, div 2B	19
	Part 3—	20
	<i>insert—</i>	21
	Division 2B Chief executive may take land for health infrastructure purposes	22 23 24
	51G Definitions for division	25
	In this division—	26
	<i>by agreement</i> , in relation to the taking of land, means taking the land in accordance with the <i>Acquisition of Land Act 1967</i> , part 2, division 3,	27 28 29

[s 6]

- as applied by section 51J(1). 1
- health infrastructure purpose** means any of the 2
following purposes— 3
- (a) building or upgrading a facility for, or 4
related to, the delivery of a health service 5
provided by, or on behalf of, a Service or the 6
State; 7
- Examples of facilities for paragraph (a)—* 8
- a public sector health service facility 9
 - a public sector hospital 10
 - a State aged care facility 11
 - a private health facility in which health 12
services are provided to public patients 13
 - a health service facility funded or managed 14
wholly or partly by a Service or the State 15
 - a research or teaching facility related to the 16
delivery of a public sector health service 17
- (b) building or upgrading a facility for, or 18
related to, the delivery of an ambulance 19
service within the meaning of the 20
Ambulance Service Act 1991, schedule 1; 21
- (c) another purpose mentioned in the 22
Acquisition of Land Act 1967, schedule 1, 23
part 4; 24
- (d) a purpose incidental to the carrying out of a 25
purpose mentioned in paragraph (a), (b) or 26
(c) (each a **primary purpose**), including any 27
of the following purposes— 28
- (i) building or upgrading accommodation, 29
commercial, community, educational, 30
food, office, retail or recreational 31
facilities related to the primary 32
purpose; 33
 - (ii) facilitating or improving transportation 34
infrastructure to or from, or access to, 35

facilities related to the primary purpose;	1 2
<i>Examples of facilitating or improving transportation infrastructure—</i>	3 4
building or upgrading roads, pedestrian or bicycle paths, bicycle facilities, vehicle parking facilities, vehicle pick up or set-down facilities or public open spaces	5 6 7 8
(iii) facilitating or upgrading the passage or provision of utilities to or from facilities related to the primary purpose.	9 10 11 12
<i>Examples of facilitating or upgrading utilities—</i>	13 14
building or upgrading drainage, electricity, gas, sewerage, telecommunication or water services	15 16 17
<i>other than by agreement</i> , in relation to the taking of land, means taking the land in accordance with the <i>Acquisition of Land Act 1967</i> , part 2, division 2, as applied by section 51J(1).	18 19 20 21
<i>State land</i> means land in Queensland that is not freehold land within the meaning of the <i>Land Act 1994</i> , schedule 6.	22 23 24
51H Power to take land for health infrastructure purposes	25 26
(1) The chief executive, acting on behalf of the State, may take land for a health infrastructure purpose if the chief executive is satisfied the taking of the land is necessary for the purpose.	27 28 29 30
(2) The chief executive may take land under subsection (1) other than by agreement only if the chief executive has taken reasonable steps to—	31 32 33
(a) purchase the land; or	34
(b) take the land by agreement.	35

[s 6]

- (3) The chief executive may take land under subsection (1) for vesting in a relevant public sector entity only if the chief executive has consulted with the entity about the taking and vesting of the land. 1
2
3
4
5
- (4) The chief executive's power to take land under subsection (1) applies even though— 6
7
- (a) the taking of the land is for conferring rights or interests in the land on another entity; and 8
9
- (b) an entity may derive a measurable benefit from the taking, use, lease or disposal of the land under this division. 10
11
12
- (5) In this section— 13
- relevant public sector entity*— 14
- (a) means any of the following— 15
- (i) a local government; 16
- (ii) a government owned corporation; 17
- (iii) another agency, authority, commission, corporation, instrumentality, office, or other entity, established under an Act for a public or State purpose; but 18
19
20
21
- (b) does not include a department or part of a department. 22
23

51I Power to take easements and other interests 24

- (1) The chief executive's power to take land under section 51H(1) includes— 25
26
- (a) power to take an easement, or another interest in land above or beneath the surface, without acquiring rights in the surface; and 27
28
29
- (b) power to take a lease of State land or another interest in State land. 30
31
- (2) If the chief executive serves a notice of intention 32

-
- to resume a lease of State land, or some other
interest in State land that is less than freehold, the
chief executive must file a copy of the notice in
the appropriate land register kept under the *Land
Act 1994*. 1
2
3
4
5
- (3) If the chief executive amends or discontinues a
resumption mentioned in subsection (2), the chief
executive must immediately file a notice of the
amendment or discontinuance in the register. 6
7
8
9
- (4) This division applies in relation to the easement or
other interest mentioned in subsection (1) as if the
easement or other interest were land. 10
11
12
- (5) In this section— 13
easement includes a public utility easement under
the *Land Act 1994* or the *Land Title Act 1994*. 14
15
notice of intention to resume means a notice
mentioned in the *Acquisition of Land Act 1967*,
section 7, as applied by section 51J(1). 16
17
18

51J Application of Acquisition of Land Act 1967 19

- (1) The process under the *Acquisition of Land Act
1967* for the taking of land, and the payment of
compensation for taking land, applies to the
taking of land under section 51H(1) as if— 20
21
22
23
- (a) for land being taken other than by
agreement—the land were being taken
under part 2, division 2 of that Act; and 24
25
26
- (b) for land being taken by agreement—the land
were being taken under part 2, division 3 of
that Act; and 27
28
29
- (c) the chief executive were the constructing
authority under that Act for taking the land;
and 30
31
32

[s 6]

- (d) the Minister were the relevant Minister under that Act for taking the land. 1
2
- (2) Also, the *Acquisition of Land Act 1967*, sections 36 and 37 apply in relation to exercising the power to take land under section 51H(1) as if the chief executive were exercising the power as a constructing authority under that Act. 3
4
5
6
7
- (3) The *Acquisition of Land Act 1967* must be read with, and is subject to, modifications and adaptations necessary to give operation and effect to subsections (1) and (2). 8
9
10
11
- (4) To remove any doubt, it is declared that— 12
- (a) the taking of land under section 51H(1) is not a taking of land under the *Acquisition of Land Act 1967*; and 13
14
15
- (b) the chief executive’s power to take land under section 51H(1) does not limit the State’s power to take land, as a constructing authority, under the *Acquisition of Land Act 1967*. 16
17
18
19
20
- 51K Relationship with native title legislation** 21
- (1) For the taking of land under section 51H(1) and the payment of compensation for the land taken— 22
23
- (a) the process mentioned in section 51J(1) must be carried out in a way that is consistent with the *Native Title (Queensland) Act 1993* and the *Native Title Act 1993* (Cwlth); and 24
25
26
27
28
- (b) if the *Native Title (Queensland) Act 1993* and the *Native Title Act 1993* (Cwlth) state a process in relation to the taking or payment that is in addition to the process stated in the *Acquisition of Land Act 1967*, the additional 29
30
31
32
33

process also applies to the taking or
payment; and

(c) the Land Court is the independent body for
the *Native Title Act 1993* (Cwlth), section
24MD(6B).

(2) To remove any doubt, it is declared that this Act
is a compulsory acquisition Act under the *Native
Title (Queensland) Act 1993*, section 144(4).

51L Vesting of land taken under s 51H

(1) Land taken under section 51H(1) vests in the
entity stated in the gazette resumption notice for
the taking of the land on the day the notice is
published in the gazette.

(2) If the land taken under section 51H(1) is a lease of
State land or another interest in State land that is
less than freehold, as mentioned in section 51I,
the land vests in the entity stated in the gazette
resumption notice as an estate in fee simple.

(3) The Governor in Council is authorised to grant in
fee simple and so vest the land mentioned in
subsection (2) subject to the reservations and
conditions that are authorised or required under
the *Land Act 1994*.

(4) In this section—
gazette resumption notice means a gazette notice
mentioned in the *Acquisition of Land Act 1967*,
section 9(6) or (7), 15C(5) or 15D(1), as applied
by section 51J(1).

51M Power to use, lease or dispose of land

(1) To give effect to a health infrastructure purpose,
the chief executive, acting on behalf of the State,
may do any or all of the following in relation to
land taken, or proposed to be taken, under section

[s 7]

	51H(1)—	1
	(a) lease, or agree to lease, the land to any person;	2 3
	(b) sign an agreement, with any person, to carry out, own, operate and maintain any works or development on the land;	4 5 6
	(c) sign an agreement, with any person, in relation to works or development for the land;	7 8 9
	(d) sell, or agree to sell, the land.	10
	(2) In this section—	11
	<i>development</i> means development within the meaning of the <i>Planning Act 2016</i> or the <i>Economic Development Act 2012</i> .	12 13 14
Clause 7	Amendment of s 138G (Definitions for division)	15
	Section 138G, definition <i>State aged care facility</i> —	16
	<i>omit</i> .	17
Clause 8	Amendment of s 279 (Delegation by Minister)	18
	Section 279(2)—	19
	<i>insert</i> —	20
	(f) the functions of the Minister under part 3, division 2B.	21 22
	<i>Note</i> —	23
	See, in particular, section 51J(1)(d).	24
Clause 9	Amendment of sch 2 (Dictionary)	25
	(1) Schedule 2—	26
	<i>insert</i> —	27
	<i>by agreement</i> , for part 3, division 2B, see section	28

	51G.	1
	<i>health infrastructure purpose</i> , for part 3, division 2B, see section 51G.	2 3
	<i>other than by agreement</i> , for part 3, division 2B, see section 51G.	4 5
	<i>State land</i> , for part 3, division 2B, see section 51G.	6 7
(2)	Schedule 2, definition <i>State aged care facility</i> , ‘, for part 6, division 5,’—	8 9
	<i>omit</i> .	10
Part 3	Amendment of Mental Health Act 2016	11 12
Clause 10	Act amended	13
	This part amends the <i>Mental Health Act 2016</i> .	14
Clause 11	Amendment of s 74 (Person subject to examination order or court examination order remaining in authorised mental health service)	15 16 17
(1)	Section 74(8), ‘The authorised doctor’—	18
	<i>omit, insert</i> —	19
	For subsection (2)(b) and (c), the authorised doctor	20 21
(2)	Section 74(8), ‘, under the order,’—	22
	<i>omit</i> .	23
Clause 12	Insertion of new s 99A	24
	After section 99—	25
	<i>insert</i> —	26

[s 12]

99A Detention for examination—report on chief psychiatrist’s initiative	1 2
(1) This section applies if—	3
(a) a psychiatrist report about a person is being prepared on the chief psychiatrist’s own initiative under section 93; and	4 5 6
(b) the person has—	7
(i) attended an authorised mental health service for an examination under section 99; or	8 9 10
(ii) been transported to an authorised mental health service under chapter 11, part 6, division 3, because the person did not comply with a notice given under section 99(2) directing the person to attend at the service for an examination; and	11 12 13 14 15 16 17
(c) an authorised psychiatrist preparing the report for the person reasonably believes that detention at the service might support the person to participate in the examination.	18 19 20 21
(2) The person may be detained at the authorised mental health service for a period of not more than 24 hours, starting when the person first attends at the service for the examination.	22 23 24 25
(3) The authorised psychiatrist may extend, or further extend, the period under subsection (2) before it ends to a period of not more than 72 hours, starting when the person first attends at the authorised mental health service for the examination, if the authorised psychiatrist—	26 27 28 29 30 31
(a) is continuing the examination of the person; and	32 33
(b) continues to hold the reasonable belief mentioned in subsection (1)(c).	34 35

-
- (4) Before exercising a power under subsection (2) or (3), the authorised psychiatrist must—
- (a) tell the person that they will be detained or that the period of detention will be extended, as applicable; and
 - (b) if the psychiatrist considers it is clinically appropriate—explain to the person the reason for the detention or any extension of the period of detention.
- (5) Immediately after exercising a power under subsection (3) to extend the person’s detention, the authorised psychiatrist must notify the chief psychiatrist and the administrator of the authorised mental health service of the period of the extended detention.
- (6) Subsection (7) applies if the chief psychiatrist—
- (a) is notified under subsection (5); and
 - (b) considers the extension of the period of detention is not clinically appropriate.
- (7) The chief psychiatrist must notify the authorised psychiatrist and the administrator of the authorised mental health service that the person must be immediately released from detention at the service.
- (8) The period of the person’s detention ends immediately after the earliest of the following events happen—
- (a) the authorised psychiatrist tells the person that the examination of the person has finished;
 - (b) the authorised psychiatrist no longer holds the belief mentioned in subsection (1)(c);
 - (c) the authorised psychiatrist or administrator of the authorised mental health service is given notice under subsection (7).

[s 13]

Clause 13	Amendment of s 100 (Second psychiatrist report)	1
	Section 100(5), ‘99’—	2
	<i>omit, insert—</i>	3
	99A	4
Clause 14	Amendment of ch 5, hdg (Mental Health Court references)	5
	Chapter 5, heading, after ‘references’—	6
	<i>insert—</i>	7
	and reviews	8
Clause 15	Amendment of s 105 (Purpose of ch 5)	9
	(1) Section 105—	10
	<i>insert—</i>	11
	(ca) the review of forensic orders (Criminal Code) by the court; and	12 13
	(2) Section 105(ca) and (d)—	14
	<i>renumber</i> as section 105(d) and (e).	15
Clause 16	Amendment of s 137 (Non-revocation period)	16
	(1) Section 137—	17
	<i>insert—</i>	18
	(1A) This section also applies if—	19
	(a) the Supreme Court or District Court made a forensic order (Criminal Code) for the person under the Criminal Code, section 647; and	20 21 22 23
	(b) the Mental Health Court reviews the forensic order (Criminal Code) under subdivision 1A and makes a forensic order for the person under section 137D.	24 25 26 27

-
- (2) Section 137(2), ‘The court may state in the order’— 1
omit, insert— 2
The Mental Health Court may state in the forensic 3
order 4
- (3) Section 137(1A) to (3)— 5
renumber as section 137(2) to (4). 6

Clause 17	Insertion of new ch 5, pt 4, div 2, sdiv 1A	7
	Chapter 5, part 4, division 2—	8
	<i>insert</i> —	9
	Subdivision 1A Review of forensic orders (Criminal Code)	10 11
	137A Application of subdivision	12
	This subdivision applies to a forensic order (Criminal Code).	13 14
	137B Court to conduct hearing	15
	The Mental Health Court must, within 21 days after the court is notified of the making of the forensic order (Criminal Code) for a person, conduct a hearing for the purpose of making a forensic order (mental health) or forensic order (disability) for the person.	16 17 18 19 20 21
	137C Notice of hearing	22
	(1) The registrar must give the following persons written notice of the hearing—	23 24
	(a) the person;	25
	(b) the Attorney-General;	26
	(c) the chief psychiatrist;	27

[s 18]

- (d) the director of forensic disability; 1
- (e) the administrator of the authorised mental health service to which the person has been admitted under the forensic order (Criminal Code). 2
3
4
5
- (2) The notice must be given at least 14 days before the hearing. 6
7

137D Making of forensic order 8

- (1) The Mental Health Court must make a forensic order (mental health) for the person unless subsection (2) applies. 9
10
11
- (2) The court must make a forensic order (disability) for the person if the court considers— 12
13
 - (a) the person has an intellectual disability but does not have a dual disability; or 14
15
 - (b) the person has a dual disability but does not require involuntary treatment and care for the person’s mental illness. 16
17
18
- (3) On the making of the forensic order under subsection (1) or (2), the forensic order (Criminal Code) ends. 19
20
21

137E Application of other provisions 22

For making a forensic order (mental health) or forensic order (disability) under section 137D, the provisions of this division apply, other than section 134. 23
24
25
26

Clause 18 Amendment of s 190 (Registrar of court to give notice of order) 27 28

- (1) Section 190(b), ‘tribunal’— 29
omit, insert— 30

	Mental Health Court	1
(2)	Section 190, note 2—	2
	<i>omit, insert—</i>	3
	2 See chapter 5, part 4, division 2, subdivision 1A for the review of forensic orders (Criminal Code) by the Mental Health Court.	4 5 6 7
Clause 19	Amendment of s 210 (Amendment of treatment authority to change category to inpatient)	8 9
(1)	Section 210, heading, after ‘inpatient’—	10
	<i>insert—</i>	11
	contrary to tribunal decision	12
(2)	Section 210(1)(a), before ‘the category’—	13
	<i>insert—</i>	14
	the tribunal has decided	15
(3)	Section 210(2), ‘section 209’—	16
	<i>omit, insert—</i>	17
	section 209(4)	18
Clause 20	Amendment of s 213 (Amendment of forensic order to change category to inpatient)	19 20
(1)	Section 213, heading, after ‘inpatient’—	21
	<i>insert—</i>	22
	contrary to court or tribunal decision	23
(2)	Section 213(1)(a), before ‘the category’—	24
	<i>insert—</i>	25
	the Mental Health Court or tribunal has decided	26

[s 21]

Clause 21	Amendment of s 214 (Limited community treatment for patient subject to forensic order (Criminal Code))	1 2
	Section 214(5), from ‘tribunal’ to ‘section 461’—	3
	<i>omit, insert—</i>	4
	Mental Health Court makes a decision under section 137D	5 6
Clause 22	Amendment of s 217 (Amendment of treatment support order to change category to inpatient)	7 8
	(1) Section 217, heading, after ‘inpatient’—	9
	<i>insert—</i>	10
	contrary to court or tribunal decision	11
	(2) Section 217(1)(a), before ‘the category’—	12
	<i>insert—</i>	13
	the Mental Health Court or tribunal has decided	14
	(3) Section 217(2), ‘section 216’—	15
	<i>omit, insert—</i>	16
	section 216(4)	17
Clause 23	Amendment of s 276 (Definition for ch 9)	18
	Section 276, definition <i>patient</i> , paragraph (a), after ‘patient’—	19 20
	<i>insert—</i>	21
	or a person detained under section 99A	22
Clause 24	Amendment of s 305 (Making policies or practice guidelines)	23 24
	Section 305(1)—	25
	<i>insert—</i>	26

	(j) the management of safety and security at authorised mental health services when patients are transferred from places of custody to authorised mental health services.	1 2 3 4 5
Clause 25	Amendment of s 322 (Duration of information notice)	6
	(1) Section 322(1)—	7
	<i>insert—</i>	8
	(e) if the relevant patient has been taken into immigration detention or arrested under an extradition arrest warrant—the day a notice under section 635C is given to the chief psychiatrist.	9 10 11 12 13
	(2) Section 322(2), ‘or (c)’—	14
	<i>omit, insert—</i>	15
	, (c) or (e)	16
	(3) Section 322(2)(c), ‘or (b)’—	17
	<i>omit, insert—</i>	18
	, (b) or (e)	19
	(4) Section 322(3)—	20
	<i>omit, insert—</i>	21
	(3) Despite subsection (1)(b) and (e), if the relevant patient returns to Queensland, or is released from immigration detention or arrest, before the patient’s forensic order or treatment support order ends under section 528 or 635G—	22 23 24 25 26
	(a) the information notice is reinstated on the day the relevant patient returns or is released; and	27 28 29
	(b) within 7 days after the chief psychiatrist becomes aware the relevant patient has returned or was released, the chief	30 31 32

[s 26]

	psychiatrist must give notice of the	1
	reinstatement of the information notice to	2
	the person entitled to receive information	3
	under the notice.	4
Clause 26	Amendment of s 362 (Taking person after treatment and care to person's requested place)	5
		6
	(1) Section 362, heading, 'after treatment and care'—	7
	<i>omit, insert—</i>	8
	from service or facility	9
	(2) Section 362(1)—	10
	<i>insert—</i>	11
	(c) a person is transported from a place in the	12
	community to an authorised mental health	13
	service because the person did not comply	14
	with a notice given under section 99(2)	15
	directing the person to attend at the service	16
	for an examination.	17
Clause 27	Amendment of s 433 (When reviews are conducted)	18
	(1) Section 433(4)—	19
	<i>omit, insert—</i>	20
	(4) If the tribunal receives a written notice under	21
	section 213(3) or 635I, the tribunal must review	22
	(also a <i>tribunal review</i>) the forensic order to	23
	which the notice applies within 21 days after	24
	receiving the notice.	25
	(2) Section 433(5), 'subdivision 2'—	26
	<i>omit, insert—</i>	27
	subdivisions 2 and 3	28

Clause 28	Replacement of s 435 (Requirement to conduct periodic review suspended)	1 2
	Section 435—	3
	<i>omit, insert—</i>	4
	435 When requirement to conduct particular reviews are suspended	5 6
	(1) This section applies if the person subject to the forensic order is—	7 8
	(a) transferred to an interstate mental health service or another country under part 10, division 2; or	9 10 11
	(b) deported, removed or extradited, for which the tribunal has given notice under section 635E(3).	12 13 14
	(2) The tribunal is not required to conduct a periodic review of the forensic order under section 433(1), or an existing applicant review, while the person is—	15 16 17 18
	(a) out of Queensland because of the person’s transfer under part 10, division 2; or	19 20
	(b) not in Queensland because the person was deported, removed or extradited.	21 22
	(3) In this section—	23
	<i>existing applicant review</i> , in relation to a person, means a review on an application made by the person under section 433(2)(a) that has not been completed before the person was—	24 25 26 27
	(a) transferred out of Queensland under part 10, division 2; or	28 29
	(b) deported, removed or extradited.	30

[s 29]

Clause 29	Omission of ch 12, pt 4 (Review of forensic orders (Criminal Code))	1 2
	Chapter 12, part 4—	3
	<i>omit.</i>	4
Clause 30	Amendment of s 465 (When reviews are conducted)	5
	(1) Section 465(4)—	6
	<i>omit, insert—</i>	7
	(4) If the tribunal receives a written notice under section 217(3) or 635I(2), the tribunal must review (also a <i>tribunal review</i>) the treatment support order to which the notice applies within 14 days after receiving the notice.	8 9 10 11 12
	(2) Section 465(5), ‘subdivision 2’—	13
	<i>omit, insert—</i>	14
	subdivisions 2 and 3	15
Clause 31	Replacement of s 467 (Requirement to conduct periodic review suspended)	16 17
	Section 467—	18
	<i>omit, insert—</i>	19
	467 When requirement to conduct particular reviews are suspended	20 21
	(1) This section applies if the person subject to the treatment support order is—	22 23
	(a) transferred to an interstate mental health service or another country under part 10, division 2; or	24 25 26
	(b) deported, removed or extradited, for which the tribunal has given notice under section 635E(3).	27 28 29
	(2) The tribunal is not required to conduct a periodic	30

	review of the treatment support order under section 465(1), or an existing applicant review, while the person is—	1 2 3
	(a) out of Queensland because of the person’s transfer under part 10, division 2; or	4 5
	(b) not in Queensland because the person was deported, removed or extradited.	6 7
	(3) In this section—	8
	<i>existing applicant review</i> , in relation to a person, means a review on an application made by the person under section 465(2)(a) that has not been completed before the person was—	9 10 11 12
	(a) transferred out of Queensland under part 10, division 2; or	13 14
	(b) deported, removed or extradited.	15
Clause 32	Amendment of s 486 (When reviews are conducted)	16
	Section 486—	17
	<i>insert</i> —	18
	(4) If the tribunal receives a written notice under section 635I, the tribunal must review the person’s fitness for trial within 21 days after receiving the notice.	19 20 21 22
	(5) After a review under subsection (4), to calculate the period mentioned in subsection (1)(a), any period the person is not in Queensland because the person was deported, removed or extradited must be disregarded.	23 24 25 26 27
Clause 33	Insertion of new s 486A	28
	After section 486—	29
	<i>insert</i> —	30

[s 34]

486A When requirement to conduct particular reviews are suspended	1
	2
(1) This section applies if the person has been deported, removed or extradited, for which the tribunal has given notice under section 635E(3).	3
	4
	5
(2) The tribunal is not required to conduct a review of the person's fitness for trial under section 486(1), or an existing applicant review, while the person is not in Queensland because the person was deported, removed or extradited.	6
	7
	8
	9
	10
(3) In this section—	11
<i>existing applicant review</i> , in relation to a person, means a review on an application made by the person under section 486(2)(a) that has not been completed before the person was deported, removed or extradited.	12
	13
	14
	15
	16

Clause 34	Amendment of s 491 (Proceeding discontinued at end of prescribed period)	17
		18
	Section 491(3)—	19
	<i>insert</i> —	20
	(c) a period the person is not in Queensland because the person was deported, removed or extradited.	21
		22
		23

Clause 35	Amendment of s 497B (Disclosure of particular information on ending of order)	24
		25
	Section 497B(4), definition <i>previous related order</i> , note 1, 'section 461'—	26
		27
	<i>omit, insert</i> —	28
	section 137D	29

Clause 36	Amendment of s 549 (Who may appeal)	1
	Section 549, ‘on a reference’—	2
	<i>omit, insert</i> —	3
	made on a reference or under section 137D	4
Clause 37	Amendment of s 551 (Appeal powers)	5
	Section 551(4), ‘returns’—	6
	<i>omit, insert</i> —	7
	decides, on a reference in relation to a person, to	8
	return	9
Clause 38	Amendment of s 614 (Purpose of ch 15)	10
	Section 614—	11
	<i>insert</i> —	12
	(f) matters relating to the deportation, removal	13
	or extradition of persons for whom	14
	authorised mental health services are	15
	responsible.	16
Clause 39	Amendment of s 618 (Ending of suspension)	17
	Section 618(2)(c), from ‘the period’—	18
	<i>omit, insert</i> —	19
	(i) the period mentioned in section 101(3), or	20
	any extended period mentioned in section	21
	101(5), in which the chief psychiatrist may	22
	make the reference has ended; or	23
	(ii) the chief psychiatrist has received written	24
	notice from the person or the person’s	25
	lawyer that—	26

[s 40]

	(A) the person has decided not to make a reference under section 110 to the Mental Health Court; and	1 2 3
	(B) the person requests the suspension of the proceeding ends;	4 5
Clause 40	Insertion of new ch 15, pt 6A	6
	Chapter 15—	7
	<i>insert—</i>	8
	Part 6A	9
	Deportation, removal or extradition	10
	635A Application of part	11
	This part applies in relation to a person for whom an authorised mental health service is responsible.	12 13
	635B Assisting Commonwealth officer in relation to immigration detention or arrest	14 15
	(1) An appropriate officer may assist a Commonwealth officer who is taking, or intending to take, the person into immigration detention or arresting, or intending to arrest, the person under an extradition arrest warrant.	16 17 18 19 20
	(2) Without limiting subsection (1), the appropriate officer may assist the Commonwealth officer by—	21 22 23
	(a) providing treatment and care to the person; or	24 25
	(b) disclosing personal information and providing advice about the person, including information and advice about the person’s—	26 27 28 29

-
- (i) mental state and psychiatric history; or 1
- (ii) treatment and care needs; or 2
- (iii) security requirements; or 3
- (c) providing information and advice about— 4
- (i) how to transport the person, or prepare 5
the person for transport, in a clinically 6
appropriate way; or 7
- (ii) any health risks related to transporting 8
the person; or 9
- (d) physically assisting or accompanying the 10
Commonwealth officer— 11
- (i) to prepare the person to be taken into 12
immigration detention or arrested 13
under an extradition warrant by the 14
Commonwealth officer; or 15
- (ii) while the person is being taken into 16
immigration detention or arrested 17
under an extradition warrant by the 18
Commonwealth officer. 19
- (3) In this section— 20
- appropriate officer*** means each of the following 21
persons— 22
- (a) the chief psychiatrist; 23
- (b) the administrator of the authorised mental 24
health service responsible for the person; 25
- (c) an authorised doctor; 26
- (d) an authorised mental health practitioner; 27
- (e) a person acting under the direction of a 28
person mentioned in paragraphs (a) to (d). 29
- Commonwealth officer*** means— 30
- (a) a person who is a police officer under the 31
Extradition Act 1988 (Cwlth), section 5; and 32

[s 40]

- (b) a person who is an officer under the *Migration Act 1958* (Cwlth), section 5. 1
2

635C Notice of immigration detention or arrest 3

- (1) The administrator of the authorised mental health 4
service responsible for the person must give 5
written notice to the chief psychiatrist that the 6
person has been taken into immigration detention 7
or arrested under an extradition arrest warrant. 8
- (2) A notice under subsection (1) must be given as 9
soon as practicable after the day that the person is 10
taken into immigration detention or arrested 11
under an extradition arrest warrant. 12

635D Notice to tribunal 13

- (1) This section applies if the chief psychiatrist 14
receives a notice under section 635C about the 15
person and is reasonably satisfied that the person 16
is not in Queensland because the person— 17
- (a) is in immigration detention in a State other 18
than Queensland; or 19
- (b) is under arrest or in detention in relation to 20
an extradition arrest warrant in a State other 21
than Queensland; or 22
- (c) has been deported or removed; or 23
- (d) has been extradited. 24
- (2) The chief psychiatrist must give written notice to 25
the tribunal stating— 26
- (a) that the person is not in Queensland; and 27
- (b) any relevant information about the person’s 28
circumstances. 29

635E Tribunal to consider matters in notice	1
(1) This section applies if the tribunal receives a notice under section 635D.	2 3
(2) The president of the tribunal must consider—	4
(a) the notice; and	5
(b) any information provided to the tribunal by the chief psychiatrist under section 635D(2)(b).	6 7 8
(3) If the president is reasonably satisfied that the person has been deported, removed or extradited, the tribunal must give written notice to—	9 10 11
(a) the chief psychiatrist; and	12
(b) the administrator of the authorised mental health service responsible for the person; and	13 14 15
(c) if chapter 12, part 6, division 1 applies to the person—the director of public prosecutions.	16 17
(4) A notice under subsection (3) must—	18
(a) state that the person has been deported, removed or extradited; and	19 20
(b) be given within 7 days after the day the president makes a decision under subsection (3).	21 22 23
635F Effect on order	24
A forensic order or treatment support order for the person—	25 26
(a) does not have effect when the person is not in Queensland because the person has been deported, removed or extradited; and	27 28 29
(b) has effect only if the person returns to Queensland and while the person is in Queensland.	30 31 32

[s 40]

635G When order ends for person deported or removed	1 2
(1) This section applies to a forensic order or treatment support order for the person if the person is deported or removed.	3 4 5
(2) The order ends—	6
(a) on the last day of any non-revocation period for the order if, on that day—	7 8
(i) a continuous period of more than 3 years has passed since the person has been deported or removed; and	9 10 11
(ii) the person has not returned to Queensland within the continuous period; or	12 13 14
(b) if paragraph (a) does not apply—if a continuous period of more than 3 years has passed since the person has been deported or removed and the person has not returned to Queensland within the continuous period.	15 16 17 18 19
(3) If the order ends under subsection (2) and chapter 12, part 6, division 1 applied to the person before the order ended, the chief psychiatrist must give written notice that the order has ended to the director of public prosecutions within 7 days after the day the order ends.	20 21 22 23 24 25
635H Effect on proceeding for person deported or removed	26 27
(1) This section applies if—	28
(a) the director of public prosecutions receives a notice under section 635G(3) in relation to a forensic order or treatment support order for the person; and	29 30 31 32

-
- (b) a proceeding against the person for an offence has not been discontinued under this Act or otherwise. 1
2
3
- (2) The director of public prosecutions must, within 7 days after receiving the notice, give written notice that the order has ended to— 4
5
6
- (a) the registrar of the relevant court; and 7
- (b) if the director of public prosecutions is not the prosecuting authority for the offence—the prosecuting authority for the offence. 8
9
10
11
- (3) If the registrar of the relevant court receives a notice under this section, the registrar must arrange for the proceeding of the offence to be listed for mention— 12
13
14
15
- (a) within 28 days after receiving the notice; or 16
- (b) if the court can not be constituted within the period mentioned in paragraph (a)—at the earliest opportunity after the end of that period. 17
18
19
20
- (4) In this section— 21
- relevant court* means the court in which the proceeding for the offence has been brought. 22
23
- 635I Return of persons deported, removed or extradited** 24
25
- (1) This section applies if— 26
- (a) the person returns to Queensland after the person has been deported, removed or extradited; and 27
28
29
- (b) the person is subject to a forensic order or treatment support order; and 30
31

[s 40]

<i>Note—</i>	1
See section 635G for when a forensic order or treatment support order ends.	2 3
(c) the administrator of the authorised mental health service responsible for the person becomes aware that the person has returned to Queensland.	4 5 6 7
(2) The administrator of the authorised mental health service must give written notice that the person has returned to Queensland to—	8 9 10
(a) the tribunal; and	11
(b) the chief psychiatrist.	12
(3) Subsection (4) applies if—	13
(a) the chief psychiatrist receives a notice under subsection (2); and	14 15
(b) chapter 12, part 6, division 1 applies to the person.	16 17
(4) The chief psychiatrist must give written notice that the person has returned to Queensland to the director of public prosecutions.	18 19 20
635J Application of part to forensic disability client	21
This part applies in relation to a forensic disability client as if—	22 23
(a) a reference in the part to the person were a reference to a forensic disability client; and	24 25
(b) a reference in the part to the chief psychiatrist were a reference to the director of forensic disability; and	26 27 28
(c) a reference in the part to an authorised mental health service were a reference to the forensic disability service; and	29 30 31

	(d) a reference in the part to the administrator of the authorised mental health service responsible for the person were a reference to the administrator of the forensic disability service; and	1 2 3 4 5
	(e) a reference in the part to an authorised doctor were a reference to a senior practitioner under the Forensic Disability Act; and	6 7 8 9
	(f) a reference in the part to an authorised mental health practitioner were a reference to an authorised practitioner under the Forensic Disability Act.	10 11 12 13
Clause 41	Amendment of ch 16, pt 2, div 6, sdiv 2, hdg (Adjournment of hearing of particular periodic reviews)	14 15
	Chapter 16, part 2, division 6, subdivision 2, heading, from ‘particular’—	16 17
	<i>omit, insert—</i>	18
	periodic reviews for patients required to return	19 20
Clause 42	Insertion of new ch 16, pt 2, div 6, sdiv 3	21
	Chapter 16, part 2, division 6—	22
	<i>insert—</i>	23
	Subdivision 3 Adjournment of hearing of reviews after immigration detention or arrest	24 25 26
	731A Application of subdivision	27
	This subdivision applies if—	28

[s 42]

- (a) a person is subject to a forensic order or treatment support order; and 1
2
- (b) an authorised mental health service or the forensic disability service is responsible for the person; and 3
4
5
- (c) the person has been taken into immigration detention or arrested under an extradition arrest warrant; and 6
7
8
- (d) the administrator of the service has received notice, under section 439, 471 or 487, of the hearing of a review (the *scheduled review*) of the order or the person’s fitness for trial; and 9
10
11
12
13
- (e) the administrator has not received notice of a decision under section 635E that the person has been deported, removed or extradited. 14
15
16
17

731B Definition for subdivision 18

In this subdivision— 19

scheduled review see section 731A(d). 20

731C Adjournment of hearing 21

- (1) As soon as practicable before the scheduled review, the administrator of the authorised mental health service or forensic disability service must give the tribunal written notice that the person has been taken into immigration detention or arrested under an extradition arrest warrant. 22
23
24
25
26
27
- (2) When the tribunal receives the notice— 28
 - (a) the tribunal may adjourn the hearing of the scheduled review; and 29
30

-
- (b) the requirement for the tribunal to conduct the scheduled review under chapter 12, part 3, 5 or 6 stops applying.

731D Hearing of scheduled review to be conducted on person's return from detention or arrest

- (1) This section applies if—
- (a) the tribunal has adjourned the hearing of the scheduled review under section 731C; and
- (b) the administrator of the authorised mental health service or forensic disability service becomes aware that—
- (i) the person is in Queensland; and
- (ii) the person is not in immigration detention or under arrest under an extradition warrant.
- (2) The administrator must give the tribunal written notice that the person is in Queensland and not in immigration detention or under arrest under an extradition warrant.
- (3) The tribunal must, within 21 days after the day it receives the notice, hear the scheduled review.
- (4) Subsections (2) and (3) do not apply if the administrator has given notice to the tribunal under section 635I(2) that the person has returned to Queensland.

- Clause 43 Amendment of s 776 (Definitions for ch 17)**
- Section 776, definition *personal information*—
- omit.*

[s 44]

Clause 44	Amendment of s 778 (Offence to use or disclose personal information)	1
		2
	Section 778(3)(a)(i)—	3
	<i>omit, insert—</i>	4
	(i) the person to perform the person’s functions under or relating to the administration of this Act; or	5
		6
		7
Clause 45	Insertion of new s 787A	8
	After section 787—	9
	<i>insert—</i>	10
	787A Disclosure to lessen or prevent serious risk to life, health or safety	11
		12
	A member or staff of the tribunal may disclose personal information if—	13
		14
	(a) the president of the tribunal believes, on reasonable grounds, the disclosure is necessary to assist in lessening or preventing a serious risk to—	15
		16
		17
		18
	(i) the life, health or safety of a person, including the person to whom the personal information relates; or	19
		20
		21
	(ii) public safety; and	22
	(b) the president has, in writing, authorised the disclosure.	23
		24
Clause 46	Insertion of new ch 21, pt 5	25
	Chapter 21—	26
	<i>insert—</i>	27

Part 5	Transitional provisions for Health Legislation Amendment Act 2026	1 2 3
875 Definitions for part		4
	In this part—	5
	<i>former</i> , for a provision of this Act, means the provision as in force from time to time before the commencement.	6 7 8
	<i>new</i> , for a provision of this Act, means the provision as in force from the commencement.	9 10
876 Application of new s 99A		11
	New section 99A applies in relation to an examination required under section 99 for preparing a psychiatrist report under section 93, whether the direction to prepare the psychiatrist report was given before or after the commencement.	12 13 14 15 16 17
877 Existing reviews of forensic orders (Criminal Code)		18 19
	(1) This section applies if, before the commencement—	20 21
	(a) the tribunal has been notified of the making of a forensic order (Criminal Code) for a person; and	22 23 24
	(b) the tribunal has not conducted a hearing under former chapter 12, part 4, for the purpose of making a forensic order (mental health) or forensic order (disability) for the person.	25 26 27 28 29
	(2) The Mental Health Court must conduct a hearing	30

[s 46]

for the purpose of making a forensic order (mental health) or forensic order (disability) for the person under new chapter 5, part 4, division 2, subdivision 1A. 1
2
3
4

- (3) For applying subsection (2), the notification mentioned in subsection (1)(a) is taken to be the notification for new section 137B, given to the court on the commencement. 5
6
7
8

878 Existing appeals of particular decisions 9

- (1) This section applies in relation to an appeal to the Mental Health Court by a person mentioned in former schedule 2, column 2— 10
11
12
- (a) against a decision of the tribunal on a review of a forensic order (Criminal Code) under former chapter 12, part 4; and 13
14
15
- (b) that was started but not decided before the commencement. 16
17
- (2) The court may hear and decide the appeal under chapter 13, part 3, division 2 as if the *Health Legislation Amendment Act 2026* had not been enacted. 18
19
20
21

879 Existing appeal rights for particular decisions 22

- (1) This section applies if, immediately before the commencement— 23
24
- (a) a person mentioned in former schedule 2, column 2 could have, but had not, appealed against a decision of the tribunal on a review of a forensic order (Criminal Code) under former chapter 12, part 4; and 25
26
27
28
29
- (b) the period within which the person could appeal the decision had not ended. 30
31
- (2) The person may, within the period mentioned in 32

	subsection (1)(b), appeal the decision, and the court may hear and decide the appeal under chapter 13, part 3, division 2 as if the <i>Health Legislation Amendment Act 2026</i> had not been enacted.	1 2 3 4 5
Clause 47	Amendment of sch 1 (Information that applicant, or applicant’s nominee, is entitled to receive under an information notice)	6 7 8
	Schedule 1, section 6(3), after ‘section 528’—	9
	<i>insert—</i>	10
	or 635G	11
Clause 48	Amendment of sch 2 (Who may appeal to Mental Health Court)	12 13
	Schedule 2, entry for a decision of the tribunal on a review of a forensic order (Criminal Code) under chapter 12, part 4—	14 15
	<i>omit.</i>	16
Clause 49	Amendment of sch 3 (Dictionary)	17
(1)	Schedule 3, definition <i>personal information</i> and <i>scheduled review</i> —	18 19
	<i>omit.</i>	20
(2)	Schedule 3—	21
	<i>insert—</i>	22
	<i>deported</i> means deported from Australia under the <i>Migration Act 1958</i> (Cwlth).	23 24
	<i>extradited</i> means extradited from Australia under the <i>Extradition Act 1988</i> (Cwlth).	25 26
	<i>extradition arrest warrant</i> see the <i>Extradition Act 1988</i> (Cwlth), section 5.	27 28
	<i>immigration detention</i> see the <i>Migration Act</i>	29

[s 49]

<i>1958 (Cwlth), section 5.</i>	1
<i>personal information</i> means—	2
(a) personal information under the <i>Information Privacy Act 2009</i> , section 12; or	3 4
(b) confidential information under the <i>Hospital and Health Boards Act 2011</i> , section 139.	5 6
<i>removed</i> means removed from Australia under the <i>Migration Act 1958 (Cwlth)</i> .	7 8
<i>scheduled review</i> —	9
(a) for chapter 16, part 2, division 6, subdivision 2—see section 728(1)(b) and (2)(b); or	10 11 12
(b) for chapter 16, part 2, division 6, subdivision 3—see section 731A(d).	13 14
(3) Schedule 3, definition <i>condition</i> , item 2(c), ‘457, 462’—	15
<i>omit, insert</i> —	16
137E, 457	17
(4) Schedule 3, definition <i>non-revocation period</i> , ‘section 137(2)’—	18 19
<i>omit, insert</i> —	20
section 137(3)	21
(5) Schedule 3, definition <i>relevant unlawful act</i> , paragraph (b), note 1, ‘section 461’—	22 23
<i>omit, insert</i> —	24
section 137D	25

Part 4	Amendment of Pharmacy Business Ownership Act 2024	1 2
Clause 50	Act amended	3
	This part amends the <i>Pharmacy Business Ownership Act 2024</i> .	4 5
Clause 51	Amendment of s 11 (What are <i>authorised premises</i>)	6
	(1) Section 11(1)(a), ‘a supermarket’—	7
	<i>omit, insert—</i>	8
	supermarket premises	9
	(2) Section 11(3)—	10
	<i>omit.</i>	11
Clause 52	Amendment of s 28 (Criteria for grant)	12
	Section 28—	13
	<i>insert—</i>	14
	(d) to the best of the council’s knowledge, there is no prohibited promotional arrangement in effect for the pharmacy business.	15 16 17
Clause 53	Amendment of s 65 (Suspension)	18
	Section 65(1)—	19
	<i>insert—</i>	20
	(g) a prohibited promotional arrangement is in effect for the pharmacy business.	21 22
Clause 54	Amendment of s 66 (Cancellation)	23
	Section 66(1)(a), ‘(f)’—	24

[s 55]

omit, insert— 1

(g) 2

Clause 55	Amendment of s 220 (Particular provision for existing pharmacy businesses carried on at or from premises in, or directly accessible from, supermarkets)		3		
		(1) Section 220, heading, ‘supermarkets’—	6		
		<i>omit, insert—</i>	7		
		supermarket premises	8		
		(2) Section 220(1)(c)(i), ‘a supermarket’—	9		
		<i>omit, insert—</i>	10		
		supermarket premises	11		
		(3) Section 220(3)—	12		
		<i>omit.</i>	13		
		Clause 56	Replacement of pt 15, hdg (Transitional provisions for Health Legislation Amendment Act (No. 3) 2025)	Part 15, heading—	14
<i>omit, insert—</i>	15				
Part 15	Other transitional provisions			18	
				19	
Division 1	Transitional provisions for Health Legislation Amendment Act (No. 3) 2025			20	
				21	
				22	
				23	
Clause 57	Insertion of new pt 15, div 2				24
				Part 15—	25

[s 58]

	<i>Example of an other entity—</i>	1
	a brand licensor	2
	(b) is between the owner of the supermarket business and—	3 4
	(i) the owner of the pharmacy business; or	5
	(ii) the franchisor or other entity mentioned in paragraph (a)(ii).	6 7
Clause 58	Amendment of sch 1 (Dictionary)	8
	Schedule 1—	9
	<i>insert—</i>	10
	<i>prohibited promotional arrangement</i> , for a pharmacy business, means an arrangement that—	11 12
	(a) provides for using electronic means used to advertise or otherwise promote a supermarket business to also advertise or otherwise promote—	13 14 15 16
	(i) the pharmacy business; or	17
	(ii) the business of a franchisor or other entity that has an arrangement with the pharmacy business providing for the pharmacy business to operate under the franchisor’s or other entity’s brand; and	18 19 20 21 22
	<i>Example of an other entity—</i>	23
	a brand licensor	24
	(b) is between the owner of the supermarket business and—	25 26
	(i) the owner of the pharmacy business; or	27
	(ii) the franchisor or other entity mentioned in paragraph (a)(ii).	28 29
	<i>supermarket business</i> means a business whose primary purpose is selling a range of food,	30 31

beverages, groceries and other domestic goods. 1
supermarket premises means premises used 2
primarily for carrying on a supermarket business. 3

Part 5 Amendment of Public Health Act 2005 4 5

Clause 59 Act amended 6

This part amends the *Public Health Act 2005*. 7

Clause 60 Amendment of s 73 (When the director of a pathology laboratory must notify pathology request notifiable condition) 8 9 10

(1) Section 73(1), ‘pathological examination of a specimen of human origin’— 11
12

omit, insert— 13

relevant pathological examination 14

(2) Section 73— 15

insert— 16

(3) In this section— 17

relevant pathological examination, for a pathology request notifiable condition, means— 18
19

(a) if a regulation prescribes a pathological examination of a specimen of human origin for the condition—the prescribed pathological examination; or 20
21
22
23

(b) if paragraph (a) does not apply—any pathological examination of a specimen of human origin. 24
25
26

[s 61]

Clause 61	Amendment of s 213AD (Disclosure of information about students)	1 2
	Section 213AD—	3
	<i>insert—</i>	4
	(5) Subsections (6) and (7) apply if—	5
	(a) the school health program provider is an entity engaged by a Service; and	6 7
	(b) the school health program is carried out to provide students with an immunisation health service.	8 9 10
	(6) The Service may ask the school health program provider to provide the Service with the information disclosed to the school health program provider under subsection (2).	11 12 13 14
	(7) The school health program provider must, within a reasonable period, disclose the information requested to the Service.	15 16 17
Part 6	Amendment of Public Health Regulation 2018	18 19
Clause 62	Regulation amended	20
	This part amends the <i>Public Health Regulation 2018</i> .	21
Clause 63	Amendment of s 31 (Notifiable conditions and types of notifiable conditions)	22 23
	(1) Section 31(1), after ‘schedule 1,’—	24
	<i>insert—</i>	25
	part 1,	26
	(2) Section 31(2), after ‘schedule 1’—	27
	<i>insert—</i>	28

	, part 1	1
Clause 64	Insertion of new s 31A	2
	After section 31—	3
	<i>insert—</i>	4
	31A Relevant pathological examinations for pathology request notifiable conditions	5
	For section 73(3) of the Act, definition <i>relevant pathological examination</i> , paragraph (a), a pathological examination of a specimen of human origin stated in schedule 1, part 2, column 2 is prescribed for a pathology request notifiable condition stated in schedule 1, part 2, column 1 opposite the examination.	6
		7
		8
		9
		10
		11
		12
		13
Clause 65	Amendment of sch 1 (Notifiable conditions)	14
	(1) Schedule 1, heading, after ‘conditions’—	15
	<i>insert—</i>	16
	and relevant pathological examinations	17
	(2) Schedule 1, authorising provision, ‘section 31’—	18
	<i>omit, insert—</i>	19
	sections 31 and 31A	20
	(3) Schedule 1, after authorising provision—	21
	<i>insert—</i>	22
	Part 1 Notifiable conditions	23
	(4) Schedule 1, part 1, entry for hepatitis C, column 4—	24
	<i>insert—</i>	25

.

[s 66]

(5) Schedule 1—	1
<i>insert—</i>	2

Part 2	Relevant pathological examinations for pathology request notifiable conditions	3
		4
		5
		6

Column 1	Column 2
Pathology request notifiable condition	Relevant pathological examination
hepatitis C	ribonucleic acid (RNA) tests

Part 7	Amendment of Tobacco and Other Smoking Products Act 1998	7
		8
		9

Clause 66	Act amended	10
	This part amends the <i>Tobacco and Other Smoking Products Act 1998</i> .	11
		12

Clause 67	Replacement of s 205 (Forfeiture of relevant product)	13
	Section 205—	14
	<i>omit, insert—</i>	15
	205 Forfeiture of relevant products	16
	(1) The chief executive may decide a seized thing is forfeited to the State if the chief executive—	17
		18
	(a) is satisfied the thing is a relevant product;	19
	and	20

	(b) reasonably believes it is necessary to keep the thing to prevent it being used to commit the offence for which it was seized.	1 2 3
	(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.	4 5 6 7 8
	(3) The chief executive is not required to provide procedural fairness in making the decision.	9 10
	(4) This section applies even if a proceeding involving the seized thing has started.	11 12
	(5) In this section— <i>relevant product</i> means—	13 14
	(a) illicit tobacco; or	15
	(b) an illicit nicotine product.	16
Clause 68	Omission of s 205B (Forfeiture of vaping goods)	17
	Section 205B—	18
	<i>omit.</i>	19
Clause 69	Amendment of s 205BA (Forfeiture of compromised goods)	20 21
	Section 205BA(1)(b)—	22
	<i>omit, insert—</i>	23
	(b) a relevant product under section 205(5) was present at the place in which the thing was seized and has been forfeited under section 205.	24 25 26 27
Clause 70	Amendment of s 224 (Definition for division)	28
	Section 224, definition <i>forfeiture decision</i> —	29

[s 71]

omit, insert—

forfeiture decision means a decision of the chief executive to forfeit a bong or ice pipe, or a component of a bong or ice pipe, under section 205A.

Clause 71 Insertion of new pt 13, div 5

Part 13—

insert—

Division 5 Transitional provisions for Health Legislation Amendment Act 2026

249 Definitions for division

In this division—

former, in relation to a provision of this Act, means the provision as in force from time to time before the commencement.

new, in relation to a provision of this Act, means the provision as in force from the commencement.

250 Forfeiture of relevant products

New section 205 applies in relation to a relevant product—

- (a) whether the relevant product was seized before or after the commencement; and
- (b) whether or not a proceeding involving the relevant product has been started before or after the commencement.

-
- 251 Forfeiture of compromised goods** 1
- (1) This section applies if, before the 2
commencement— 3
- (a) a relevant product under former section 4
205(6) was forfeited under former section 5
205; or 6
- (b) vaping goods were forfeited under former 7
section 205B. 8
- (2) For the purpose of new section 205BA, the 9
relevant product or vaping goods are taken to be a 10
relevant product under new section 205(5) that 11
was forfeited under new section 205. 12
- 252 Existing appeals** 13
- (1) This section applies in relation to an appeal to the 14
court under section 225— 15
- (a) against a decision of the chief executive to 16
forfeit a relevant product under former 17
section 205; and 18
- (b) that was started but not decided before the 19
commencement. 20
- (2) The court may continue to hear, and decide, the 21
appeal under part 11, division 6 as if the *Health* 22
Legislation Amendment Act 2026 had not been 23
enacted. 24
- 253 Existing appeal rights** 25
- (1) This section applies if, immediately before the 26
commencement— 27
- (a) a person could have, but had not, appealed 28
under section 225 against a decision of the 29
chief executive to forfeit a relevant product 30
under former section 205; and 31

[s 72]

	(b) the period within which the person could appeal the decision had not ended.	1 2
	(2) The person may, within the period mentioned in subsection (1)(b), appeal the decision, and the court may hear and decide the appeal under part 11, division 6 as if the <i>Health Legislation Amendment Act 2026</i> had not been enacted.	3 4 5 6 7
Part 8	Other amendments	8
Clause 72	Legislation amended	9
	Schedule 1 amends the legislation it mentions.	10

Schedule 1	Other amendments	1
	section 72	2
	Disability Services Act 2006	3
1	Section 138X(1)(b)—	4
	<i>omit, insert—</i>	5
	(b) any of the following has happened—	6
	(i) the matter of the person’s mental state relating to the offence was referred to the Mental Health Court;	7 8 9
	(ii) the Mental Health Court has reviewed, under the <i>Mental Health Act 2016</i> , chapter 5, part 4, division 2, subdivision 1A, a forensic order (Criminal Code) to which the person is subject;	10 11 12 13 14 15
	(iii) the Mental Health Review Tribunal has reviewed, under the <i>Mental Health Act 2016</i> , chapter 12, part 3 or 6, a forensic order to which the person is subject or the person’s fitness for trial.	16 17 18 19 20
2	Section 138Y(1)(a)—	21
	<i>omit, insert—</i>	22
	(a) either—	23
	(i) the matter of the person’s mental state relating to an offence mentioned in section 138X(1)(a) was referred to the court (the <i>referred matter</i>); or	24 25 26 27

	(ii) the court has reviewed, under the <i>Mental Health Act 2016</i> , chapter 5, part 4, division 2, subdivision 1A, a forensic order (Criminal Code) to which the person is subject (the <i>review</i>); and	1 2 3 4 5 6
3	Section 138Y(5)(a) to (c)— <i>omit, insert—</i>	7 8
	(a) the court’s decision on the referred matter or review and reasons for the decision;	9 10
	(b) a copy or written summary of an expert’s report about the relevant person, if any, received in evidence by the court for the referred matter or review, including, for example, a medical report, psychiatrist’s report or expert report;	11 12 13 14 15 16
	(c) a transcript of a hearing conducted for the referred matter or review if the court has directed the transcript may be given to a party to the hearing or another person.	17 18 19 20
4	Section 138Z(1)(a)— <i>omit, insert—</i>	21 22
	(a) the tribunal has reviewed, under the <i>Mental Health Act 2016</i> , chapter 12, part 3 or 6, a forensic order to which the person is subject or the person’s fitness for trial; and	23 24 25 26
5	Section 138Z(5)(b), after ‘relevant person’— <i>insert—</i> , if any,	27 28 29

6	Section 138Z(5)(c), from ‘transcripts’ to ‘directed’—	1
	<i>omit, insert—</i>	2
	a transcript of a hearing conducted for the review	3
	if the tribunal has directed the transcript	4
 Working with Children Check Act 2000		 5
1	Section 332(1)(b)—	6
	<i>omit, insert—</i>	7
	(b) either—	8
	(i) the matter of the charged person’s	9
	mental state relating to the offence has	10
	been referred to the Mental Health	11
	Court (the <i>referred matter</i>); or	12
	(ii) the Mental Health Court has reviewed,	13
	under the <i>Mental Health Act 2016</i> ,	14
	chapter 5, part 4, division 2,	15
	subdivision 1A, a forensic order	16
	(Criminal Code) for the charged person	17
	(the <i>review</i>); and	18
 2	 Section 332(2)(a) to (d)—	 19
	<i>omit, insert—</i>	20
	(a) the court’s decision on the referred matter or	21
	review and reasons for the decision;	22
	(b) a copy or written summary of an expert’s	23
	report about the relevant person, if any,	24
	received in evidence by the court for the	25
	referred matter or review, including, for	26
	example, a medical report, psychiatrist’s	27
	report or expert report;	28

	(c) a transcript of a hearing conducted for the referred matter or review if the court has directed the transcript may be given to a party to the hearing or another person.	1 2 3 4
3	Section 333(1)(b)— <i>omit, insert—</i>	5 6
	(b) the Mental Health Review Tribunal has reviewed, under the <i>Mental Health Act 2016</i> , chapter 12, part 3 or 6, a forensic order to which the person is subject or the person’s fitness for trial; and	7 8 9 10 11
4	Section 333(2)(c), ‘any expert’s report about the charged person’— <i>omit, insert—</i>	12 13 14
	an expert’s report about the charged person, if any,	15 16
5	Section 337(1)(b)— <i>omit, insert—</i>	17 18
	(b) either—	19
	(i) the matter of the charged person’s mental state relating to the offence has been referred to the Mental Health Court (the <i>referred matter</i>); or	20 21 22 23
	(ii) the Mental Health Court has reviewed, under the <i>Mental Health Act 2016</i> , chapter 5, part 4, division 2, subdivision 1A, a forensic order (Criminal Code) for the charged person (the <i>review</i>); and	24 25 26 27 28 29

6	Section 337(2)(a) to (d)—	1
	<i>omit, insert—</i>	2
	(a) the court’s decision on the referred matter or review;	3 4
	(b) the court’s reasons for the decision;	5
	(c) a copy or written summary of an expert’s report about the relevant person, if any, received in evidence by the court for the referred matter or review, including, for example, a medical report, psychiatrist’s report or expert report;	6 7 8 9 10 11
	(d) a transcript of a hearing conducted for the referred matter or review if the court has directed the transcript may be given to a party to the hearing or another person.	12 13 14 15
7	Section 338(1)(b)—	16
	<i>omit, insert—</i>	17
	(b) the Mental Health Review Tribunal has reviewed, under the <i>Mental Health Act 2016</i> , chapter 12, part 3 or 6, a forensic order to which the person is subject or the person’s fitness for trial; and	18 19 20 21 22
8	Section 338(2)(c), ‘any expert’s report about the charged person’—	23 24
	<i>omit, insert—</i>	25
	an expert’s report about the charged person, if any,	26 27
9	Section 338(2)(d), from ‘transcripts’ to ‘directed’—	28
	<i>omit, insert—</i>	29
	a transcript of a hearing conducted for the review if the tribunal has directed the transcript	30 31

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