



Queensland

# Health Legislation Amendment Bill 2014





## Queensland

# Health Legislation Amendment Bill 2014

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	8
2	Commencement . . . . .	8
<b>Part 2</b>	<b>Amendment of Ambulance Service Act 1991</b>	
3	Act amended . . . . .	8
4	Amendment of s 36A (Definitions for pt 4A) . . . . .	8
5	Amendment of s 36G (RCA team's report and chain of events document) . . . . .	9
6	Amendment of s 36H (Reporting to commissioning authority) . . . . .	9
7	Amendment of s 36J (Stopping conduct of RCA of reportable event—RCA team) . . . . .	9
8	Amendment of s 36K (Stopping conduct of RCA of reportable event—commissioning authority) . . . . .	10
9	Amendment of s 36L (Definitions for div 5) . . . . .	10
10	Amendment of s 36M (Disclosure of information—RCA team member or relevant person) . . . . .	10
11	Amendment of s 36N (Disclosure of information—commissioning authority or relevant person) . . . . .	11
12	Amendment of s 36P (Giving of copy of RCA report or chain of events document—medical director) . . . . .	12
13	Amendment of s 36Q (Giving of copy of RCA report etc.—investigation under the Coroners Act 2003) . . . . .	12
14	Insertion of new pt 8, div 7 . . . . .	12
	Division 7      Transitional provision for Health Legislation Amendment Act 2014	
	100      Transitional provision for chain of event documents . . . . .	12
15	Amendment of schedule (Dictionary) . . . . .	13
<b>Part 3</b>	<b>Amendment of Health Ombudsman Act 2013</b>	
16	Act amended . . . . .	13
17	Amendment of s 30 (Cooperation with other entities) . . . . .	13



<b>Part 5</b>	<b>Amendment of Mental Health Act 2000</b>	
40	Act amended . . . . .	22
41	Amendment of schedule (Dictionary) . . . . .	23
<b>Part 6</b>	<b>Amendment of Public Health Act 2005</b>	
42	Act amended . . . . .	23
43	Insertion of new ch 11, pt 1A . . . . .	23
	Part 1A Civil liability for asbestos-related harm	
	Division 1 Preliminary	
	454A Definitions for pt 1A . . . . .	23
	Division 2 Protection from civil liability and indemnity	
	454B Protecting prescribed persons from civil liability for asbestos-related harm . . . . .	25
	454C Indemnifying local government against civil liability for asbestos-related harm . . . . .	26
	454D State may recover contribution in particular circumstances 26	
	454E Limitation on indemnity . . . . .	27
	Division 3 Indemnity conditions	
	454F Purpose of div 3 . . . . .	27
	454G Training . . . . .	27
	454H Compliance with Act, laws and guidelines . . . . .	28
	454I Record-keeping . . . . .	28
	Division 4 Annual compliance certificate	
	454J Requirement for annual compliance certificate . . . . .	30
	454K Acknowledgement of receipt of annual compliance certificate 31	
	454L Evidentiary provision . . . . .	31
44	Amendment of s 456 (Protecting prescribed persons from liability)	31
45	Amendment of sch 2 (Dictionary) . . . . .	32
<b>Part 7</b>	<b>Amendment of Radiation Safety Act 1999</b>	
46	Act amended . . . . .	34
47	Amendment of s 47A (Banning of certain radiation practices) . . .	34
48	Insertion of new s 50A . . . . .	34
	50A No Act instruments for banned radiation sources. . . . .	35
49	Amendment of s 79 (Applications for renewal) . . . . .	35
50	Insertion of new pt 14, div 5 . . . . .	35

Contents

---

	Division 5	Transitional provision for Health Legislation Amendment Act 2014	
	236	.....	
		Transitional provision for records of Radiological Advisory Council .....	36
51		Amendment of sch 2 (Dictionary) .....	36
<b>Part 8</b>	<b>Amendment of Tobacco and Other Smoking Products Act 1998</b>		
52		Act amended .....	36
53		Insertion of new s 5A .....	36
	5A	Meaning of personal vaporiser and personal vaporiser related product .....	37
54		Replacement of pt 2, div 3, hdg (Supply of herbal cigarettes and loose smoking blends from coin operated vending machines) .....	38
55		Amendment of s 18 (Prohibition on use of vending machine to supply herbal cigarettes and loose smoking blends) .....	38
56		Amendment of s 25 (Definitions for pt 2A) .....	38
57		Amendment of s 26R (Person must not smoke in enclosed place)	39
58		Omission of s 26VA (Definitions for pt 2BA) .....	39
59		Insertion of new pt 2C, div 2A .....	39
	Division 2A	Health facility land and school land	
	26ZGA	Application of div 2A .....	39
	26ZGB	Definitions for div 2A .....	39
	26ZGC	Person must not smoke on health facility land .....	40
	26ZGD	Person must not smoke on school land .....	41
	26ZGE	Person smoking must stop when directed .....	42
	26ZGF	Application of ss 26ZM, 26ZN, 26ZO and 26ZP .....	42
60		Amendment of s 26ZS (Supply of objects resembling tobacco products)	42
61		Amendment of s 28 (Appointment) .....	42
62		Insertion of new s 31A .....	43
	31A	Application of div 2 .....	43
63		Insertion of new s 37C .....	43
	37C	Application of div 3 .....	43
64		Amendment of s 40A (Power to direct person to stop smoking) ..	43
65		Insertion of new s 40AB .....	44
	40AB	Application of div 4 .....	44
66		Insertion of new s 44BA .....	44

---

	44BA	Application of div 5 . . . . .	44
67		Amendment of schedule (Dictionary) . . . . .	44
<b>Part 9</b>		<b>Amendment of Transplantation and Anatomy Act 1979</b>	
68		Act amended . . . . .	47
69		Amendment of s 4 (Interpretation) . . . . .	47
70		Insertion of new s 39 . . . . .	47
	39	Definition for pt 7 . . . . .	47
71		Amendment of s 42A (Person who owns a prescribed tissue bank may charge amount to recover certain costs) . . . . .	48
72		Insertion of new ss 42AA and 42AB. . . . .	49
	42AA	Trading of tissue for particular purposes . . . . .	49
	42AB	Trading of tissue by, with or for exempt entity . . . . .	50
73		Insertion of new 44A. . . . .	51
	44A	Relationship of pt 7 with Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act 2003, s 17 . . . . .	51
74		Insertion of new s 51A . . . . .	51
	51A	Delegation by Minister . . . . .	52



# 2014

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## A Bill

for

***An Act to amend the *Ambulance Service Act 1991*, the *Health Ombudsman Act 2013*, the *Hospital and Health Boards Act 2011*, the *Mental Health Act 2000*, the *Public Health Act 2005*, the *Radiation Safety Act 1999*, the *Tobacco and Other Smoking Products Act 1998* and the *Transplantation and Anatomy Act 1979* 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 2014*. 4  
5

**Clause 2 Commencement** 6

(1) This Act, other than sections 20, 34, 36 and 52 to 67, 7  
commences on a day to be fixed by proclamation. 8

(2) Sections 53 and 56 to 67 commence on 1 January 2015. 9

**Part 2 Amendment of Ambulance Service Act 1991** 10  
11

**Clause 3 Act amended** 12

This part amends the *Ambulance Service Act 1991*. 13

**Clause 4 Amendment of s 36A (Definitions for pt 4A)** 14

(1) Section 36A, definition *chain of events document*— 15  
*omit.* 16

(2) Section 36A, definition *relevant person*, ‘or chain of events 17  
document’— 18  
*omit.* 19

(3) Section 36A, definition *reportable event*, paragraph (b)— 20

---

*omit, insert—*

1

- (b) in relation to an RCA report, means the reportable event to which the report relates.

2

3

**Clause 5 Amendment of s 36G (RCA team’s report and chain of events document)**

4

5

- (1) Section 36G, heading, ‘and chain of events document’—

6

*omit.*

7

- (2) Section 36G(2)—

8

*omit, insert—*

9

- (2) Also, the RCA report may include a summary, or pictorial representation, of the chain of events identified by the RCA team as having led to the reportable event happening.

10

11

12

13

- (3) Section 36G(3), ‘or chain of events document’—

14

*omit.*

15

**Clause 6 Amendment of s 36H (Reporting to commissioning authority)**

16

17

Section 36H(2)—

18

*omit.*

19

**Clause 7 Amendment of s 36J (Stopping conduct of RCA of reportable event—RCA team)**

20

21

- (1) Section 36J—

22

*insert—*

23

- (1A) This section also applies if a member of the RCA team conducting the RCA of a reportable event, who is a registered health practitioner—

24

25

26

- (a) reasonably believes the event involves behaviour of a registered health practitioner

27

28

[s 8]

---

	that constitutes public risk notifiable conduct; and	1 2
	(b) notifies the health ombudsman about the conduct.	3 4
(2)	Section 36J(3)— <i>omit, insert—</i>	5 6
	(3) For subsection (3)(b), the notice must—	7
	(a) be in the form approved by the chief executive; and	8 9
	(b) state the reasons the RCA team stopped conducting the RCA.	10 11
(3)	Section 36J(1A) to (4)— <i>renumber</i> as section 36J(2) to (5).	12 13
<b>Clause 8</b>	<b>Amendment of s 36K (Stopping conduct of RCA of reportable event—commissioning authority)</b>	14 15
	Section 36K(1)(b)(i), after ‘receives information’— <i>insert—</i>	16 17
	, other than in a notice under section 36J(3)(b),	18
<b>Clause 9</b>	<b>Amendment of s 36L (Definitions for div 5)</b>	19
(1)	Section 36L, definition <i>National Agency</i> — <i>omit.</i>	20 21
(2)	Section 36L, definitions <i>public risk notifiable conduct</i> and <i>registered health practitioner</i> — <i>relocate</i> to section 36A.	22 23 24
<b>Clause 10</b>	<b>Amendment of s 36M (Disclosure of information—RCA team member or relevant person)</b>	25 26
(1)	Section 36M(1)(b) and (c)(i), ‘or chain of events document’—	27

*omit.* 1

(2) Section 36M(1)(d), ‘National Agency’— 2

*omit, insert—* 3

health ombudsman 4

**Clause 11 Amendment of s 36N (Disclosure of information—commissioning authority or relevant person)** 5  
6  
7

(1) Section 36N(1) and (8), ‘or chain of events document’— 8

*omit.* 9

(2) Section 36N(3) and (5), ‘Also, a’— 10

*omit, insert—* 11

A 12

(3) Section 36N(7) to (9)— 13

*renumber* as section 36N(9) to (11). 14

(4) Section 36N— 15

*insert—* 16

(7) A person who is or was the commissioning authority must not disclose to someone else information contained in a notice given to the person under section 36J(3)(b), or give someone else a copy of the notice. 17  
18  
19  
20  
21

Maximum penalty—100 penalty units. 22

(8) Subsection (7) does not apply to the disclosure of information by a person if the disclosure is— 23  
24

(a) required under section 36Q(7); or 25

(b) necessary or incidental to the person taking, or deciding whether to take, disciplinary, investigative or other action in relation to the reportable event the subject of the information. 26  
27  
28  
29  
30

[s 12]

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<b>Clause 12</b>	<b>Amendment of s 36P (Giving of copy of RCA report or chain of events document—medical director)</b>	1 2	
	(1) Section 36P, ‘or chain of events document’— <i>omit.</i>	3 4	
	(2) Section 36P, ‘or document’— <i>omit.</i>	5 6	
<b>Clause 13</b>	<b>Amendment of s 36Q (Giving of copy of RCA report etc.—investigation under the Coroners Act 2003)</b>	7 8	
	(1) Section 36Q(6)(b), ‘36J(2)’— <i>omit, insert—</i> 36J(3)	9 10 11	
	(2) Section 36Q(8), definition <i>stop notice</i> , paragraph (a)— <i>omit, insert—</i> (a) if the RCA team stopped conducting the RCA under section 36J(3)— (i) that fact; and (ii) the reasons for stopping; or	12 13 14 15 16 17	
<b>Clause 14</b>	<b>Insertion of new pt 8, div 7</b>	18	
	Part 8— <i>insert—</i>	19 20	
	<b>Division 7</b>	<b>Transitional provision for Health Legislation Amendment Act 2014</b>	21 22 23
	<b>100 Transitional provision for chain of event documents</b>	24 25	
	(1) This section applies if, before the commencement, an RCA team conducting an	26 27	

---

	RCA of a reportable event prepared a chain of events document in relation to the event.	1 2
(2)	Part 4A, divisions 5 and 6, as in force immediately before the commencement, continue to apply in relation to the chain of events document as if the <i>Health Legislation Amendment Act 2014</i> had not been enacted.	3 4 5 6 7
(3)	In this section— <i>chain of events document</i> see section 36G(2) as in force from time to time before the commencement.	8 9 10 11
<b>Clause 15</b>	<b>Amendment of schedule (Dictionary)</b>	12
(1)	Schedule, definitions <i>chain of events document</i> and <i>National Agency</i> — <i>omit.</i>	13 14 15
(2)	Schedule, definitions <i>public risk notifiable conduct</i> and <i>registered health practitioner</i> , ‘division 5, see section 36L’— <i>omit, insert</i> — see section 36A	16 17 18 19
<b>Part 3</b>	<b>Amendment of Health Ombudsman Act 2013</b>	20 21
<b>Clause 16</b>	<b>Act amended</b> This part amends the <i>Health Ombudsman Act 2013</i> .	22 23
<b>Clause 17</b>	<b>Amendment of s 30 (Cooperation with other entities)</b> (1) Section 30(g) to (j)—	24 25

[s 18]

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*renumber* as section 30(h) to (k). 1

(2) Section 30(f)— 2

*omit, insert*— 3

(f) the information commissioner and RTI 4  
commissioner under the *Right to* 5  
*Information Act 2009*; 6

(g) the privacy commissioner under the 7  
*Information Privacy Act 2009*; 8

**Clause 18 Amendment of s 228 (Power to require information)** 9

Section 228(4), '(2)'— 10

*omit, insert*— 11

(3) 12

**Part 4 Amendment of Hospital and** 13  
**Health Boards Act 2011** 14

**Clause 19 Act amended** 15

This part amends the *Hospital and Health Boards Act 2011*. 16

**Clause 20 Amendment of s 46 (Delegation by chief executive)** 17

(1) Section 46— 18

*insert*— 19

(5A) However, a health service chief executive may 20  
not subdelegate the function to authorise access 21  
to an information system under section 161A 22  
delegated to the health service chief executive 23  
under subsection (1). 24

(2) Section 46(7)— 25

---

*omit.* 1

(3) Section 46(5A) and (6)— 2

*renumber* as section 46(6) and (7). 3

**Clause 21 Amendment of s 84 (Disclosure of information)** 4

Section 84(1)(d), ‘National Agency’— 5

*omit, insert*— 6

health ombudsman 7

**Clause 22 Amendment of s 94 (Definitions for div 2)** 8

(1) Section 94, definition *chain of events document*— 9

*omit.* 10

(2) Section 94— 11

*insert*— 12

***prescribed health service facility*** means a 13  
facility— 14

(a) at which a health service is provided; and 15

(b) that is prescribed by regulation as a 16  
prescribed health service facility. 17

(3) Section 94, definition *health service facility*— 18

*insert*— 19

(c) a prescribed health service facility. 20

(4) Section 94, definition *reportable event*, paragraph (b)— 21

*omit, insert*— 22

(b) in relation to an RCA report—means the 23  
reportable event to which the report relates. 24

**Clause 23 Amendment of s 98 (Appointment of RCA team)** 25

Section 98(c), after ‘private health facility’— 26

[s 24]

---

*insert—* 1  
or prescribed health service facility 2

<b>Clause 24</b>	<b>Amendment of s 100 (RCA team’s report and chain of events document)</b>	3 4
(1)	Section 100, heading, ‘and chain of events document’— <i>omit.</i>	5 6
(2)	Section 100(2)— <i>omit, insert—</i>	7 8
(2)	Also, the RCA report may include a summary, or pictorial representation, of the chain of events identified by the RCA team as having led to the reportable event happening.	9 10 11 12
(3)	Section 100(3), ‘or chain of events document’— <i>omit.</i>	13 14
<b>Clause 25</b>	<b>Amendment of s 101 (Reporting to commissioning authority)</b>	15 16
	Section 101(2)— <i>omit.</i>	17 18
<b>Clause 26</b>	<b>Amendment of s 102 (Stopping conduct of RCA of reportable event—RCA team)</b>	19 20
(1)	Section 102— <i>insert—</i>	21 22
(1A)	This section also applies if a member of the RCA team conducting the RCA of a reportable event, who is a registered health practitioner—	23 24 25
(a)	reasonably believes the event involves behaviour of a registered health practitioner that constitutes public risk notifiable conduct; and	26 27 28 29

---

	(b) notifies the health ombudsman about the conduct.	1 2
(2)	Section 102(3)— <i>omit, insert—</i>	3 4
	(3) For subsection (3)(b), the notice must—	5
	(a) be in the approved form; and	6
	(b) state the reasons the RCA team stopped conducting the RCA.	7 8
(3)	Section 102(1A) to (3)— <i>renumber</i> as section 102(2) to (4).	9 10
<b>Clause 27</b>	<b>Amendment of s 103 (Stopping conduct of RCA of reportable event—commissioning authority)</b>	11 12
	Section 103(1)(b)(i), after ‘receives information’— <i>insert—</i>	13 14
	, other than in a notice under section 102(3)(b),	15
<b>Clause 28</b>	<b>Amendment of s 105 (Disclosure of information—RCA team member or relevant person)</b>	16 17
(1)	Section 105(1)(b), ‘, chain of events document’— <i>omit.</i>	18 19
(2)	Section 105(1)(c)(i), ‘or chain of events document’— <i>omit.</i>	20 21
(3)	Section 105(1)(e), ‘National Agency’— <i>omit, insert—</i>	22 23
	health ombudsman	24

[s 29]

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<b>Clause 29</b>	<b>Amendment of s 106 (Disclosure of information—commissioning authority or relevant person)</b>	1 2 3
(1)	Section 106(1) and (7), ‘or chain of events document’— <i>omit.</i>	4 5
(2)	Section 106(3) and (5), ‘Also, a’— <i>omit, insert—</i> A	6 7 8
(3)	Section 106(7) and (8)— <i>renumber</i> as section 106(9) and (10).	9 10
(4)	Section 106— <i>insert—</i> (7) A person who is or was a commissioning authority must not disclose to someone else information contained in a notice given to the person under section 102(3)(b), or give someone else a copy of the notice. Maximum penalty—100 penalty units.	11 12 13 14 15 16 17 18
(8)	Subsection (7) does not apply to the disclosure of information by a person if the disclosure is— (a) required under section 113(7); or (b) necessary or incidental to the person taking, or deciding to take, disciplinary, investigative or other action in relation to the reportable event the subject of the information.	19 20 21 22 23 24 25 26
<b>Clause 30</b>	<b>Amendment of s 112 (Giving of copy of RCA report or chain of events document—patient safety entity)</b>	27 28
(1)	Section 112, ‘or chain of events document’— <i>omit.</i>	29 30
(2)	Section 112, ‘or document’—	31

---

*omit.*

1

<b>Clause 31</b>	<b>Amendment of s 113 (Giving of copy of RCA report etc.—investigation under the Coroners Act 2003)</b>	2 3
	(1) Section 113(6)(b), ‘102(2)’—	4
	<i>omit, insert—</i>	5
	102(3)	6
	(2) Section 113(8), definition <i>stop notice</i> , paragraph (a)—	7
	<i>omit, insert—</i>	8
	(a) if the RCA team stopped conducting the RCA under section 102(3)—	9 10
	(i) that fact; and	11
	(ii) the reasons for stopping; or	12
<b>Clause 32</b>	<b>Amendment of s 116 (Protection from liability)</b>	13
	Section 116(3)—	14
	<i>insert—</i>	15
	(d) if the individual who has the day-to-day management of a prescribed health service facility or the individual who has overall management responsibility for the facility appointed the RCA team members—the person prescribed by regulation for the facility for this section.	16 17 18 19 20 21 22
<b>Clause 33</b>	<b>Amendment of s 119 (Protection for documents and information)</b>	23 24
	Section 119(1)(a) and (b), ‘, chain of events document’—	25
	<i>omit.</i>	26

[s 34]

---

<b>Clause 34</b>	<b>Amendment of s 139 (Definitions for pt 7)</b>	1
	Section 139—	2
	<i>insert—</i>	3
	<i>external service provider</i> means an entity providing a health service under an agreement between the chief executive or a Service and the entity.	4 5 6 7
	<i>information system</i> means a system for making, keeping and preserving records, whether paper-based, electronic or both, including records that contain confidential information.	8 9 10 11
<b>Clause 35</b>	<b>Amendment of s 156 (Disclosure to health ombudsman)</b>	12
	Section 156(a), after ‘Health Ombudsman Act 2013’—	13
	<i>insert—</i>	14
	or the Health Practitioner Regulation National Law (Queensland)	15 16
<b>Clause 36</b>	<b>Insertion of new pt 7, div 3</b>	17
	Part 7—	18
	<i>insert—</i>	19
	<b>Division 3</b>	
	<b>Access by external service provider to information system</b>	20 21 22
	<b>161A Chief executive may authorise access to information system</b>	23 24
	(1) The chief executive may authorise an external service provider, or a person engaged by the external service provider, to access an information system.	25 26 27 28
	(2) The chief executive may authorise the access only if satisfied the access is necessary to enable	29 30

---

	the external service provider to provide a health service under an agreement between the chief executive or a Service and the service provider.	1 2 3
(3)	An authorisation under subsection (1)—	4
	(a) must be in writing; and	5
	(b) must describe the information system to which the authorisation relates; and	6 7
	(c) may be given on conditions stated in the authorisation.	8 9
	<b>161B External service provider may access confidential information under authorisation</b>	10 11
(1)	An external service provider that is the subject of an authorisation under section 161A, or a person engaged by the service provider, may access the information system under the authorisation.	12 13 14 15
(2)	For the purposes of the <i>Information Privacy Act 2009</i> , chapter 2, part 4—	16 17
	(a) the external service provider is taken to be a bound contracted service provider; and	18 19
	(b) the agreement between the chief executive or a Service and the service provider is taken to be a service arrangement; and	20 21 22
	(c) the chief executive or the Service, as the case may be, is the contracting agency.	23 24
<b>Clause 37</b>	<b>Omission of s 184 (Prohibition of smoking)</b>	25
	Section 184—	26
	<i>omit.</i>	27
<b>Clause 38</b>	<b>Insertion of new pt 13, div 5</b>	28
	Part 13—	29

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[s 39]

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*insert—*

**Division 5                      Transitional provision for  
Health Legislation  
Amendment Act 2014**

**322 Transitional provision for chain of event  
documents**

- (1) This section applies if, before the commencement, an RCA team conducting an RCA of a reportable event prepared a chain of events document in relation to the event.
- (2) Part 6, division 2, subdivisions 5 and 6, as in force immediately before the commencement, continue to apply in relation to the chain of events document as if the *Health Legislation Amendment Act 2014* had not been enacted.
- (3) In this section—  
***chain of events document*** see section 100(2) as in force from time to time before the commencement.

**Clause 39                      Amendment of sch 2 (Dictionary)**  
Schedule 2, definition *chain of events document—*  
*omit.*

**Part 5                                      Amendment of Mental Health  
Act 2000**

**Clause 40                      Act amended**  
This part amends the *Mental Health Act 2000*.

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<b>Clause 41</b>	<b>Amendment of schedule (Dictionary)</b>	1	
	Schedule, definition <i>psychiatrist</i> —	2	
	<i>insert</i> —	3	
	(c) a person registered under the Health Practitioner Regulation National Law with limited registration to undertake postgraduate training or supervised practice in a specialist position in psychiatry.	4 5 6 7 8	
<b>Part 6</b>	<b>Amendment of Public Health Act 2005</b>	9 10	
<b>Clause 42</b>	<b>Act amended</b>	11	
	This part amends the <i>Public Health Act 2005</i> .	12	
<b>Clause 43</b>	<b>Insertion of new ch 11, pt 1A</b>	13	
	Chapter 11—	14	
	<i>insert</i> —	15	
	<b>Part 1A</b>	<b>Civil liability for asbestos-related harm</b>	16 17
	<b>Division 1</b>	<b>Preliminary</b>	18
	<b>454A Definitions for pt 1A</b>		19
	In this part—		20
	<i>annual compliance certificate</i> see section 454J(1).		21 22
	<i>asbestos-related event</i> means an event—		23

[s 43]

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- (a) involving the exposure, release or dispersal, or potential exposure, release or dispersal, of asbestos fibres; and
- (b) related to the performance of a local government's asbestos-related function.
- asbestos-related function**, of a local government, means the administration and enforcement of this Act by the local government for a public health risk mentioned in section 11(1)(b)(v) or (viii) to the extent the risk relates to asbestos at a place other than a workplace.
- asbestos-related harm** means harm that is, or is suffered because of, a dust-related condition within the meaning of the *Civil Liability Act 2003* that is attributable to asbestos.
- conduct** means an act or omission to act.
- harm** means harm of any kind, other than damage to property, including—
- (a) personal injury, including the following—
- (i) disease;
- (ii) psychological or psychiatric injury;
- (iii) fatal injury; and
- (b) economic loss.
- indemnity conditions** see section 454F.
- official conduct**, of a prescribed person, means conduct engaged in by the person as part of, or in connection with, the performance of a local government's asbestos-related function.
- prescribed person** means—
- (a) a chief executive officer of a local government; or
- (b) an authorised person appointed by a chief executive officer of a local government; or

- 
- (c) a person acting under the direction of a person mentioned in paragraph (a) or (b), other than a third-party contractor.

*third-party contractor*, of a local government, means a person engaged by the local government under a contract to provide services to assist the local government with the performance of its asbestos-related function.

**Division 2                      Protection from civil liability and indemnity**

**454B Protecting prescribed persons from civil liability for asbestos-related harm**

- (1) A prescribed person is not civilly liable for official conduct engaged in by the person that gives rise to asbestos-related harm.
- (2) If subsection (1) prevents a civil liability attaching to a prescribed person, the liability attaches instead to the relevant local government.
- (3) If liability attaches to a local government under subsection (2), the local government may recover contribution from the prescribed person but only if the official conduct was engaged in—
- (a) other than in good faith; and
- (b) with gross negligence.
- (4) In a proceeding under subsection (3) to recover contribution, the amount of contribution recoverable is the amount found by the court to be just and equitable in the circumstances.

[s 43]

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<b>454C Indemnifying local government against civil liability for asbestos-related harm</b>	1 2
(1) A local government is indemnified by the State against any civil liability for official conduct of a prescribed person that gives rise to asbestos-related harm, including liability that attaches to the local government under section 454B(2).	3 4 5 6 7 8
(2) However, subsection (1) applies only if the local government has reasonably complied with the indemnity conditions in relation to each asbestos-related event to which the official conduct relates.	9 10 11 12 13
(3) The onus of proving the local government has reasonably complied with the indemnity conditions is on the local government.	14 15 16
(4) For the purposes of subsection (1), the State is subrogated to the rights of the local government in relation to the civil liability.	17 18 19
<b>454D State may recover contribution in particular circumstances</b>	20 21
(1) The State may recover contribution from the local government for liability indemnified under section 454C(1) but only if the circumstances stated in subsection (2), (3) or (4) exist.	22 23 24 25
(2) The official conduct giving rise to the liability was engaged in—	26 27
(a) other than in good faith; and	28
(b) with gross negligence.	29
(3) The local government engaged in conduct that the local government knew, or ought reasonably to have known, could have prejudiced the State's defence of a claim, or potential claim, relating to the liability.	30 31 32 33 34

- 
- (4) The local government did not, at its cost, reasonably cooperate with, and assist, the State to defend the claim that resulted in the liability. 1  
2  
3
- (5) In a proceeding under this section to recover contribution, the amount of contribution recoverable is the amount found by the court to be just and equitable in the circumstances. 4  
5  
6  
7
- 454E Limitation on indemnity** 8
- A local government's right to indemnity under section 454C does not apply in relation to a civil liability of the local government under the *Workers' Compensation and Rehabilitation Act 2003*. 9  
10  
11  
12  
13
- Division 3 Indemnity conditions** 14
- 454F Purpose of div 3** 15
- This division states the conditions (the *indemnity conditions*) with which a local government must comply, for the purposes of section 454C(2), in relation to an asbestos-related event. 16  
17  
18  
19
- 454G Training** 20
- The local government must ensure an authorised person who exercises the person's powers under this Act in relation to the asbestos-related event has satisfactorily completed the training prescribed by regulation. 21  
22  
23  
24  
25

[s 43]

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<b>454H Compliance with Act, laws and guidelines</b>	1
(1) The local government must comply with the following in relation to the asbestos-related event—	2 3 4
(a) this Act;	5
<i>Note—</i>	6
Under section 17(3), a local government must comply with a request from the chief executive for information about the local government’s administration and enforcement of particular matters within a stated reasonable time. Noncompliance with the request may breach this indemnity condition.	7 8 9 10 11 12 13
(b) any other law relevant to the event;	14
(c) a guideline made under subsection (2) that is prescribed by regulation and published on the department’s website.	15 16 17
(2) The chief executive may make a guideline about asbestos-related events.	18 19
<b>454I Record-keeping</b>	20
(1) The local government must ensure a record is kept about the asbestos-related event that includes details of the following matters—	21 22 23
(a) if a complaint was received about the event—the date of the complaint, the name and contact details of the complainant, and the nature of the event;	24 25 26 27
(b) the location of the event, including the address of the place or premises, and the location at the place or premises, where the event occurred;	28 29 30 31
(c) the names and contact details of persons known to have knowledge of the event or any action taken in response to the event;	32 33 34

- 
- (d) any action taken by the local government in response to the event, including, for example, investigation, remediation, enforcement or prosecution action;
- (e) any advice given to a person by the local government about the event, including a copy of any written advice and a summary of any verbal advice;
- (f) any correspondence sent to or received by the local government about the event, including a copy of the correspondence;
- (g) any measures intended to remove or reduce the public health risk, or prevent the risk from recurring, relating to asbestos put in place in relation to the event by—
- (i) the local government; or
- (ii) a person other than the local government if the local government is aware of the measures;
- (h) any results known to the local government of action mentioned in paragraph (d) or measures mentioned in paragraph (g);
- (i) a guideline made under section 454H(2) complied with by the local government in relation to the event, including the name and version of the guideline.
- (2) Also, the local government must ensure a record is kept about an authorised person who exercises powers under this Act in relation to the asbestos-related event that includes details of any training mentioned in section 454G completed by the person.
- (3) Despite the *Public Records Act 2002*, section 13, the local government must ensure a public record about any of the following is kept for at least 70

[s 43]

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- years after the day of the last action on the record— 1  
2
- (a) the asbestos-related event; 3
  - (b) training completed by an authorised person relating to the event mentioned in subsection (2); 4  
5  
6
  - (c) an annual compliance certificate relating to the event that is given under section 454J; 7  
8
  - (d) a notice given under section 454K acknowledging receipt of an annual compliance certificate mentioned in paragraph (c). 9  
10  
11  
12
- (4) In this section— 13
- public record* see the *Public Records Act 2002*, section 6. 14  
15

## **Division 4            Annual compliance certificate** 16 17

### **454J Requirement for annual compliance certificate** 18 19

- (1) The chief executive officer of a local government may give the chief executive a certificate (an *annual compliance certificate*) for a year about the local government's compliance with the indemnity conditions for 1 or more asbestos-related events that happened during the year. 20  
21  
22  
23  
24  
25  
26
- (2) The annual compliance certificate for a year must be— 27  
28
  - (a) in the approved form; and 29
  - (b) signed by the chief executive officer; and 30
  - (c) verified by statutory declaration. 31

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(3)	In this section—	1
	<i>approved form</i> means a form approved by the chief executive.	2 3
	<b>454K Acknowledgement of receipt of annual compliance certificate</b>	4 5
(1)	This section applies if the chief executive receives an annual compliance certificate from the chief executive officer of a local government under section 454J.	6 7 8 9
(2)	As soon as practicable after receiving the certificate, the chief executive must give the chief executive officer a notice acknowledging receipt of the certificate.	10 11 12 13
	<b>454L Evidentiary provision</b>	14
(1)	An annual compliance certificate purporting to be signed by the chief executive officer of a local government is, in the absence of evidence to the contrary, evidence of the matters stated in the certificate.	15 16 17 18 19
(2)	Subsection (1) applies only if the annual compliance certificate was given to the chief executive under section 454J(1) within 2 years after the end of the year to which the certificate relates.	20 21 22 23 24
<b>Clause 44</b>	<b>Amendment of s 456 (Protecting prescribed persons from liability)</b>	25 26
	Section 456(3)—	27
	<i>omit, insert</i> —	28
(3)	This section does not apply to a prescribed person—	29 30

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[s 45]

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	(a)	in relation to a civil liability, if section 454B(1) prevents the liability attaching to the person; or	1 2 3
	(b)	if the person is a State employee within the meaning of the <i>Public Service Act 2008</i> , section 26B(4).	4 5 6
		<i>Note—</i>	7
		For protection from civil liability in relation to the chief executive or another public service officer or employee—see the <i>Public Service Act 2008</i> , section 26C.	8 9 10 11
	(4)	In this section—	12
		<b><i>prescribed person</i></b> means—	13
	(a)	the Minister; or	14
	(b)	a chief executive officer; or	15
	(c)	an authorised person; or	16
	(d)	a contact tracing officer; or	17
	(e)	an emergency officer; or	18
	(f)	a person in charge of a public sector health service; or	19 20
	(g)	a designated medical officer; or	21
	(h)	a State analyst; or	22
	(i)	a person acting under the direction of a person mentioned in paragraph (a) to (h).	23 24
<b>Clause 45</b>		<b>Amendment of sch 2 (Dictionary)</b>	25
	(1)	Schedule 2—	26
		<i>insert—</i>	27
		<b><i>annual compliance certificate</i></b> , for chapter 11, part 1A, see section 454J(1).	28 29
		<b><i>asbestos</i></b> means the asbestiform varieties of mineral silicates belonging to the serpentine or	30 31

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amphibole groups of rock-forming minerals, including the following—	1 2
(a) actinolite asbestos;	3
(b) grunerite (or amosite) (brown) asbestos;	4
(c) anthophyllite asbestos;	5
(d) chrysotile (white);	6
(e) crocidolite (blue);	7
(f) tremolite asbestos;	8
(g) a mixture containing 1 or more of the minerals mentioned in paragraphs (a) to (f).	9 10
<i>Note</i> —	11
Paragraphs (a), (b), (c) and (f) mention mineral silicates that use the same mineral term for both the asbestiform and nonasbestiform varieties. The word ‘asbestos’ has been included when listing these minerals to emphasise that only the asbestiform habit of these minerals is regulated as asbestos.	12 13 14 15 16 17
<b><i>asbestos-related event</i></b> , for chapter 11, part 1A, see section 454A.	18 19
<b><i>asbestos-related function</i></b> , of a local government, for chapter 11, part 1A, see section 454A.	20 21
<b><i>asbestos-related harm</i></b> , for chapter 11, part 1A, see section 454A.	22 23
<b><i>conduct</i></b> , for chapter 11, part 1A, see section 454A.	24 25
<b><i>harm</i></b> , for chapter 11, part 1A, see section 454A.	26
<b><i>indemnity conditions</i></b> , for chapter 11, part 1A, see section 454F.	27 28
<b><i>official conduct</i></b> , of a prescribed person, for chapter 11, part 1A, see section 454A.	29 30

[s 46]

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	<i>prescribed person</i> , for chapter 11, part 1A, see section 454A.	1 2
	<i>State analyst</i> means a person appointed as a State analyst under section 430.	3 4
	<i>third-party contractor</i> , for chapter 11, part 1A, see section 454A.	5 6
(2)	Schedule 2, definition <i>designated medical officer</i> , ‘, for chapter 5,’—	7 8
	<i>omit</i> .	9

<b>Part 7</b>	<b>Amendment of Radiation Safety Act 1999</b>	10 11
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<b>Clause 46</b>	<b>Act amended</b>	12
	This part amends the <i>Radiation Safety Act 1999</i> .	13

<b>Clause 47</b>	<b>Amendment of s 47A (Banning of certain radiation practices)</b>	14 15
	Section 47A(2) and (3)—	16
	<i>omit, insert</i> —	17
	(2) In this section—	18
	<i>prescribed radiation source</i> means a radiation source prescribed by regulation for this section.	19 20

<b>Clause 48</b>	<b>Insertion of new s 50A</b>	21
	Part 7, division 1—	22
	<i>insert</i> —	23

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**50A No Act instruments for banned radiation sources**

A person may not apply for, and the chief executive may not issue, an Act instrument for a banned radiation source.

**Clause 49 Amendment of s 79 (Applications for renewal)**

(1) Section 79—

*insert—*

(1A) However, the chief executive may accept an application for renewal of a renewable Act instrument made within 30 days after the term of the instrument ended if satisfied it is reasonable to do so in the circumstances.

*Examples of circumstances in which it may be reasonable to accept a late application—*

- a failure or delay in sending the application by post that the holder could not have reasonably foreseen
- an unforeseen medical condition preventing the holder applying for the renewal before the term of the instrument ends

(2) Section 79(1A) to (6)—

*renumber* as section 79(2) to (7).

**Clause 50 Insertion of new pt 14, div 5**

Part 14—

*insert—*

[s 51]

---

	<b>Division 5</b>	<b>Transitional provision for Health Legislation Amendment Act 2014</b>	1 2 3
	<b>236</b>	<b>Transitional provision for records of Radiological Advisory Council</b>	4 5
	(1)	This section is taken to have applied from the repeal of the <i>Radioactive Substances Act 1958</i> on the commencement of section 216.	6 7 8
	(2)	The records of the Radiological Advisory Council of Queensland under the repealed <i>Radioactive Substances Act 1958</i> are the records of the council.	9 10 11 12
<b>Clause 51</b>	<b>Amendment of sch 2 (Dictionary)</b>		13
	Schedule 2—		14
	<i>insert—</i>		15
		<i>banned radiation source</i> means a radiation source prescribed under section 47(1) to be a banned radiation source.	16 17 18
	<b>Part 8</b>	<b>Amendment of Tobacco and Other Smoking Products Act 1998</b>	19 20 21
<b>Clause 52</b>	<b>Act amended</b>		22
		This part amends the <i>Tobacco and Other Smoking Products Act 1998</i> .	23 24
<b>Clause 53</b>	<b>Insertion of new s 5A</b>		25
	After section 5—		26

*insert—*

**5A Meaning of *personal vaporiser* and *personal vaporiser related product***

- (1) A *personal vaporiser* is a device that—
- (a) is capable of being used to deliver nicotine into an individual's body when the individual inhales through the device; and
  - (b) has 1 or more of the following parts—
    - (i) a battery;
    - (ii) a cartridge or container to store a liquid, vapour or gas;
    - (iii) an electric heating element.
- (2) A *personal vaporiser related product* means any of the following—
- (a) a device or other product that—
    - (i) is apparently intended to be part of a personal vaporiser; and
    - (ii) is not capable of being used to deliver nicotine into an individual's body without an adjustment, modification or addition;
- Examples for paragraph (a)—*
- an atomiser, battery, cartridge, container or mouthpiece
  - a product that combines an atomiser and cartridge in a single unit
- (b) a device or other product to which paragraph (a) does not apply that is apparently intended to be used in connection with a personal vaporiser;
- Example for paragraph (b)—*
- a liquid that is to be used in a personal vaporiser, whether or not the liquid is in a cartridge or container

[s 54]

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	(c) any other product, prescribed by regulation, that is used primarily to smoke with a personal vaporiser.	1 2 3
	(3) However, a bong, hookah or ice pipe is not a <i>personal vaporiser</i> or <i>personal vaporiser related product</i> .	4 5 6
<b>Clause 54</b>	<b>Replacement of pt 2, div 3, hdg (Supply of herbal cigarettes and loose smoking blends from coin operated vending machines)</b>	7 8 9
	Part 2, division 3, heading—	10
	<i>omit, insert—</i>	11
	<b>Division 3                      Supply of particular smoking products from coin operated vending machines</b>	12 13 14 15
<b>Clause 55</b>	<b>Amendment of s 18 (Prohibition on use of vending machine to supply herbal cigarettes and loose smoking blends)</b>	16 17 18
	(1) Section 18, heading, after ‘supply’—	19
	<i>insert—</i>	20
	<b>personal vaporisers and related products,</b>	21
	(2) Section 18(1), after ‘supply’—	22
	<i>insert—</i>	23
	personal vaporisers, personal vaporiser related products,	24 25
<b>Clause 56</b>	<b>Amendment of s 25 (Definitions for pt 2A)</b>	26
	Section 25, definition <i>smoking product</i> , paragraph (a), after ‘blend’—	27 28
	<i>insert—</i>	29

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	, personal vaporiser, personal vaporiser related product	1
<b>Clause 57</b>	<b>Amendment of s 26R (Person must not smoke in enclosed place)</b>	2
	Section 26R(2)(d)—	3
	<i>omit.</i>	4
<b>Clause 58</b>	<b>Omission of s 26VA (Definitions for pt 2BA)</b>	5
	Section 26VA—	6
	<i>omit.</i>	7
<b>Clause 59</b>	<b>Insertion of new pt 2C, div 2A</b>	8
	Part 2C—	9
	<i>insert—</i>	10
	<b>Division 2A Health facility land and school land</b>	11
	<b>26ZGA Application of div 2A</b>	12
	This division does not apply to an enclosed place.	13
	<b>26ZGB Definitions for div 2A</b>	14
	In this division—	15
	<i>business premises</i> means premises used for a commercial or industrial activity.	16
	<i>health facility land</i> means—	17
	(a) land on which a private health facility is situated; or	18
	(b) land on which a Service provides a health service.	19
		20
		21
		22
		23
		24

[s 59]

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<i>health service</i> means a service for maintaining, improving, restoring or managing people’s health and wellbeing.	1 2 3
<i>non-State school</i> means a school that is provisionally accredited, or accredited, under the <i>Education (Accreditation of Non-State Schools) Act 2001</i> .	4 5 6 7
<i>private health facility</i> see the <i>Private Health Facilities Act 1999</i> , section 8.	8 9
<i>residential premises</i> means premises used, or intended to be used, as a place of residence or mainly as a place of residence.	10 11 12
<i>school land</i> means—	13
(a) land on which a State school provides an educational program under the <i>Education (General Provisions) Act 2006</i> ; or	14 15 16
(b) land on which a non-State school provides primary education, secondary education or special education under the <i>Education (Accreditation of Non-State Schools) Act 2001</i> ; or	17 18 19 20 21
(c) land on which a State school or non-State school provides other educational instruction or activities.	22 23 24
<i>Service</i> means a Hospital and Health Service established under the <i>Hospital and Health Boards Act 2011</i> , section 17.	25 26 27
<i>State school</i> means a state educational institution within the meaning of the <i>Education (General Provisions) Act 2006</i> , schedule 4.	28 29 30

<b>26ZGC Person must not smoke on health facility land</b>	31 32
(1) A person must not smoke on health facility land.	33

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Maximum penalty—20 penalty units.	1
(2) A person must not smoke on land within 5m outside the boundary of health facility land.	2 3
Maximum penalty—20 penalty units.	4
(3) Subsection (2) does not apply to—	5
(a) a person at residential premises or on land on which residential premises are built or may be lawfully built; or	6 7 8
(b) a person at business premises or on land on which business premises are built or may be lawfully built; or	9 10 11
(c) a person in a motor vehicle unless the motor vehicle is parked on a road or road-related area.	12 13 14
<b>26ZGD Person must not smoke on school land</b>	15
(1) A person must not smoke on school land.	16
Maximum penalty—20 penalty units.	17
(2) A person must not smoke on land within 5m outside the boundary of school land.	18 19
Maximum penalty—20 penalty units.	20
(3) Subsection (2) does not apply to—	21
(a) a person at residential premises or on land on which residential premises are built or may be lawfully built; or	22 23 24
(b) a person at business premises or on land on which business premises are built or may be lawfully built; or	25 26 27
(c) a person in a motor vehicle unless the motor vehicle is parked on a road or road-related area.	28 29 30

[s 60]

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**26ZGE Person smoking must stop when directed** 1

A person contravening section 26ZGC or 26ZGD 2  
must comply with a direction to stop the contravention 3  
by an authorised person. 4

Maximum penalty—20 penalty units. 5

**26ZGF Application of ss 26ZM, 26ZN, 26ZO and 26ZP** 6  
7

Sections 26ZM, 26ZN(a), 26ZO and 26ZP apply to 8  
the administration and enforcement of this division as 9  
if a reference in the sections to— 10

(a) a matter were a reference to a matter under 11  
this division; and 12

(b) an offence were a reference to an offence 13  
under this division. 14

**Clause 60 Amendment of s 26ZS (Supply of objects resembling tobacco products)** 15  
16

Section 26ZS— 17

*insert—* 18

(3) However, subsection (1) does not apply to an 19  
object that is a personal vaporiser. 20

**Clause 61 Amendment of s 28 (Appointment)** 21

Section 28— 22

*insert—* 23

(4) A health service chief executive may appoint a 24  
person (a *health service authorised person*) as an 25  
authorised person. 26

(5) The functions of a health service authorised 27  
person are to investigate, monitor and enforce 28  
compliance with the following provisions in 29

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	relation to relevant health facility land for the person—	1 2
	(a) section 26ZGC(1) and (2);	3
	(b) section 26ZGE.	4
	(6) In this section—	5
	<i>relevant health facility land</i> , for a health service authorised person, means land on which a health service is provided by the Service managed by the health service chief executive who appointed the authorised person.	6 7 8 9 10
<b>Clause 62</b>	<b>Insertion of new s 31A</b>	11
	Part 3, division 2—	12
	<i>insert</i> —	13
	<b>31A Application of div 2</b>	14
	This division does not apply to a health service authorised person.	15 16
<b>Clause 63</b>	<b>Insertion of new s 37C</b>	17
	Part 3, division 3—	18
	<i>insert</i> —	19
	<b>37C Application of div 3</b>	20
	(1) This division, other than sections 38 and 40A, does not apply to a health service authorised person.	21 22 23
	(2) A health service authorised person may exercise a power under section 38 or 40A in the performance of the person’s functions.	24 25 26
<b>Clause 64</b>	<b>Amendment of s 40A (Power to direct person to stop smoking)</b>	27 28
	Section 40A(1), after ‘26ZE(1),’—	29

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[s 65]

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*insert—* 1  
26ZGC, 26ZGD, 2

**Clause 65 Insertion of new s 40AB** 3

Part 3, division 4— 4

*insert—* 5

**40AB Application of div 4** 6

This division does not apply to a health service  
authorised person. 7  
8

**Clause 66 Insertion of new s 44BA** 9

Part 3, division 5— 10

*insert—* 11

**44BA Application of div 5** 12

This division, other than sections 45, 46, 49 and 50,  
does not apply to a health service authorised person. 13  
14

**Clause 67 Amendment of schedule (Dictionary)** 15

(1) Schedule— 16

*insert—* 17

*bong* see section 26ZQ. 18

*business premises*, for part 2C, division 2A, see  
section 26ZGB. 19  
20

*health facility land*, for part 2C, division 2A, see  
section 26ZGB. 21  
22

*health service*, for part 2C, division 2A, see  
section 26ZGB. 23  
24

*health service authorised person* see section  
28(4). 25  
26

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<i>health service chief executive</i> see the <i>Hospital and Health Boards Act 2011</i> , schedule 2.	1 2
<i>ice pipe</i> see section 26ZPF.	3
<i>inhale</i> , for an individual, means draw a vapour or gas into the individual's lungs.	4 5
<i>motor vehicle</i> , for part 2BA and part 2C, division 2A, means a motor vehicle within the meaning of the <i>Transport Operations (Road Use Management) Act 1995</i> , schedule 4 other than the following—	6 7 8 9 10
(a) a trailer attached to the motor vehicle;	11
(b) an aircraft;	12
(c) a boat;	13
(d) a train.	14
<i>non-State school</i> , for part 2C, division 2A, see section 26ZGB.	15 16
<i>personal vaporiser</i> see section 5A(1).	17
<i>personal vaporiser related product</i> see section 5A(2).	18 19
<i>private health facility</i> , for part 2C, division 2A, see section 26ZGB.	20 21
<i>residential premises</i> , for part 2C, division 2A, see section 26ZGB.	22 23
<i>road</i> , for part 2BA and part 2C, division 2A, see the <i>Transport Operations (Road Use Management) Act 1995</i> , schedule 4.	24 25 26
<i>road-related area</i> , for part 2BA and part 2C, division 2A, see the <i>Transport Operations (Road Use Management—Road Rules) Regulation 2009</i> , section 13.	27 28 29 30
<i>school land</i> , for part 2C, division 2A, see section 26ZGB.	31 32

[s 67]

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<i>Service</i> see section 26ZGB.	1
<i>State school</i> , for part 2C, division 2A, see section 26ZGB.	2 3
(2) Schedule, definition <i>administering executive</i> —	4
<i>insert</i> —	5
(d) for a person appointed under this Act as an authorised person by a health service chief executive—the health service chief executive.	6 7 8 9
(3) Schedule, definition <i>smoke</i> —	10
<i>omit, insert</i> —	11
<i>smoke</i> means—	12
(a) for a smoking product other than a personal vaporiser—smoke, hold or otherwise have control over an ignited smoking product; or	13 14 15
(b) for a personal vaporiser inhale through a personal vaporiser.	16 17
(4) Schedule, definition <i>smoking product</i> —	18
<i>omit, insert</i> —	19
<i>smoking product</i> —	20
(a) for parts 1, 2 and 3—means a tobacco product, herbal cigarette, loose smoking blend, personal vaporiser or personal vaporiser related product; or	21 22 23 24
(b) for part 2A—see section 25; or	25
(c) otherwise—means a tobacco product, herbal cigarette, loose smoking blend or personal vaporiser.	26 27 28

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<b>Part 9</b>	<b>Amendment of Transplantation and Anatomy Act 1979</b>	1
		2
<b>Clause 68</b>	<b>Act amended</b>	3
	This part amends the <i>Transplantation and Anatomy Act 1979</i> .	4
<b>Clause 69</b>	<b>Amendment of s 4 (Interpretation)</b>	5
	Section 4—	6
	<i>insert—</i>	7
	<i>trading</i> , of tissue, for part 7, see section 39.	8
<b>Clause 70</b>	<b>Insertion of new s 39</b>	9
	Part 7—	10
	<i>insert—</i>	11
	<b>39 Definition for pt 7</b>	12
	In this part—	13
	<i>trading</i> , of tissue, includes any of the following—	14
		15
	(a) buying, agreeing to buy, offering to buy, holding out as being willing to buy, or inquiring whether a person is willing to sell the tissue;	16
		17
		18
		19
	(b) selling, agreeing to sell, offering to sell, holding out as being willing to sell, or inquiring whether a person is willing to buy the tissue;	20
		21
		22
		23
	(c) any act mentioned in section 41(a), (b) or (c) for an advertisement relating to the buying of the tissue.	24
		25
		26

[s 71]

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<b>Clause 71</b>	<b>Amendment of s 42A (Person who owns a prescribed tissue bank may charge amount to recover certain costs)</b>	1 2
(1)	Section 42A, heading, after ‘costs’—	3
	<i>insert</i> —	4
	<b>etc.</b>	5
(2)	Section 42A(1)—	6
	<i>omit, insert</i> —	7
	(1) A person who owns a tissue bank may—	8
	(a) charge an amount (a <b>cost-recovery amount</b> )	9
	to recover the person’s reasonable costs	10
	associated with removing, evaluating,	11
	processing, storing or distributing donated	12
	tissue; or	13
	(b) sell, agree to sell, offer to sell or hold	14
	himself or herself out as being willing to sell	15
	donated tissue for a cost-recovery amount;	16
	or	17
	(c) inquire whether a person is willing to buy	18
	from the person or another person donated	19
	tissue for a cost-recovery amount.	20
(3)	Section 42A(2), ‘charging an amount’—	21
	<i>omit, insert</i> —	22
	doing something that is permitted	23
(4)	Section 42A(3), from ‘merely by’—	24
	merely by—	25
	(a) paying a cost-recovery amount charged	26
	under subsection (1); or	27
	(b) buying, agreeing to buy, offering to buy or	28
	holding himself or herself out as being	29
	willing to buy donated tissue from a tissue	30
	bank for a cost-recovery amount; or	31

- 
- (c) inquiring whether a person who owns a tissue bank is willing to sell to the person or another person donated tissue for a cost-recovery amount. 1  
2  
3  
4
- (5) Section 42A(4), ‘an amount under subsection (1)’— 5  
*omit, insert—* 6  
a cost-recovery amount 7
- (6) Section 42A(5), ‘not charged under subsection (1)’— 8  
*omit, insert—* 9  
taken not to be a cost-recovery amount 10
- (7) Section 42A(6), definition *tissue bank*, after ‘facility’— 11  
*insert—* 12  
prescribed by regulation 13

**Clause 72 Insertion of new ss 42AA and 42AB** 14

After section 42A— 15

*insert—* 16

**42AA Trading of tissue for particular purposes** 17

- (1) Sections 40, 41 and 42 do not apply to the trading of tissue if— 18  
19
- (a) the tissue has been subjected to processing or treatment; and 20  
21
- (b) the trading of the tissue is for a therapeutic purpose, medical purpose or scientific purpose; and 22  
23  
24
- (c) the tissue is— 25
- (i) a biological or a medical device included in the register under the *Therapeutic Goods Act 1989* (Cwlth); 26  
27  
or 28  
29

[s 72]

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- (ii) a registered good under the *Therapeutic Goods Act 1989* (Cwlth);  
and
    - (d) the tissue is not relevant tissue.
  - (2) In this section—
    - register** means the Australian Register of Therapeutic Goods kept under the *Therapeutic Goods Act 1989* (Cwlth), section 9A.
    - relevant tissue** means—
      - (a) tissue stored at a tissue bank under section 42A; or
      - (b) tissue mentioned in section 42AB(1).
- 42AB Trading of tissue by, with or for exempt entity**
- (1) Sections 40, 41 and 42 do not apply to the trading of tissue if—
    - (a) the trading of the tissue is carried out by or with—
      - (i) an exempt entity; or
      - (ii) the Commonwealth for the benefit of an exempt entity; and
    - (b) the tissue is the subject of an agreement between the exempt entity and the Commonwealth or the State.
  - (2) In this section—
    - blood products** see the *National Blood Authority Act 2003* (Cwlth), section 3, definition *blood products and services*, paragraph (a).
    - exempt entity** means—
      - (a) for blood products, an entity mentioned in the national products price list as a supplier; or

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	(b) for tissue other than blood products, an entity that—	1 2
	(i) is a party to an agreement with the Commonwealth or the State for the buying or selling of the tissue; and	3 4 5
	(ii) is prescribed under a regulation.	6
	<i>National Blood Agreement</i> see the <i>National Blood Authority Act 2003</i> (Cwlth), section 3.	7 8
	<i>national products price list</i> means the annual national products price list approved by the Ministerial Council under the National Blood Agreement.	9 10 11 12
<b>Clause 73</b>	<b>Insertion of new 44A</b>	13
	Part 7—	14
	<i>insert</i> —	15
	<b>44A Relationship of pt 7 with Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act 2003, s 17</b>	16 17 18
	(1) This section applies to human eggs, human sperm and human embryos within the meaning of the <i>Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act 2003</i> .	19 20 21 22 23
	(2) To the extent of an inconsistency between this part and the <i>Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act 2003</i> , section 17, that section prevails.	24 25 26 27 28
<b>Clause 74</b>	<b>Insertion of new s 51A</b>	29
	After section 51—	30
	<i>insert</i> —	31

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[s 74]

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<b>51A Delegation by Minister</b>	1
(1) The Minister may delegate the Minister's functions under this Act to an appropriately qualified public service employee or health service employee.	2 3 4 5
(2) In this section— <i>functions</i> includes powers. <i>health service employee</i> see the <i>Hospital and Health Boards Act 2011</i> , schedule 2.	6 7 8 9

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