

Health Legislation Amendment Bill 2025

Amendments during consideration in detail to be moved by
The Honourable the Minister for Health and Ambulance Services

1 After clause 8

Page 6, after line 19—

insert—

Part 2A Amendment of Pharmacy Business Ownership Act 2024

8A Act amended

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

8B Amendment of s 213 (Definitions for part)

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

- (2) Section 213—

insert—

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

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

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

temporarily.

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

Part 14, division 3—

omit, insert—

Division 3 Employment terms and conditions of particular council employees

Subdivision 1 Transferred health senior officer

223 Application of subdivision

- (1) This subdivision applies in relation to a person who—
 - (a) immediately before the commencement, was a health senior officer; and
 - (b) after the commencement, is transferred to the council as a member of the council's staff, other than the chief executive officer, under the *Public Sector Act 2022*, chapter 4, part 4.
- (2) However, this subdivision stops applying in relation to the person if, after the transfer, the council promotes the person.
- (3) This subdivision applies despite any other Act.

224 Terms and conditions of employment

- (1) The terms and conditions of employment of

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

Note—

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

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

Subdivision 2 Other transferred health service employees

225 Application of subdivision

- (1) This subdivision applies in relation to a

person who—

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

226 Terms and conditions of employment

- (1) The terms and conditions of employment of the person are the terms and conditions that applied, immediately before the transfer, under the following instruments to health service employees employed by Queensland Health—
- (a) the certified agreement called 'Queensland Public Health Sector Certified Agreement (No. 11) 2022';

- (b) the award under the *Industrial Relations Act 2016* called ‘Hospital and Health Service General Employees (Queensland Health) Award – State 2015’.
- (2) For subsection (1), an instrument mentioned in the subsection is taken to apply—
 - (a) to the person to the same extent the instrument applied to a health service employee, other than a health senior officer, employed by Queensland Health immediately before the transfer; and
 - (b) to the council in place of Queensland Health, in relation to the council’s employment of the person, to the same extent the instrument applied to Queensland Health in relation to the employment of a health service employee, other than a health senior officer, immediately before the transfer.
- (3) If a change to an instrument mentioned in subsection (1) takes effect after the commencement, the change applies for the purposes of the application of the instrument under this section.

Subdivision 3 Particular other employees

227 Application of subdivision

- (1) This subdivision applies in relation to a person, other than a person mentioned in section 225(1), if—
 - (a) the person is employed by the council as an officer; and

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

228 Terms and conditions of employment

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

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

Subdivision 4 Other provision for transferred health service employees

229 Preservation of rights of transferring health service employees

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

2 Long title

Long title, after ‘2011’—

insert—

, the *Pharmacy Business Ownership Act 2024*

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