

# Health Legislation Amendment Bill 2019

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

## 1 After clause 19

Page 13, after line 7—

*insert—*

### **Part 3A                      Amendment of Medicines and Poisons Act 2019**

#### **19A Act amended**

This part amends the *Medicines and Poisons Act 2019*.

#### **19B Amendment of s 31 (Meaning of *authorised way*)**

Section 31(c), note, ‘at the places’—

*omit.*

#### **19C Amendment of s 44 (Offence to carry out pest management activities)**

Section 44(2)(d)—

*omit, insert—*

- (d) a person who carries out a pest control activity using a household pesticide to control a pest, including a pest on an animal, if—
  - (i) the activity is carried out—
    - (A) at residential premises; or
    - (B) incidentally when performing other activities at another place, using a

minimal amount of the pesticide; and

- (ii) the activity is not carried out for a pest management business.

*Examples for paragraph (d)—*

- using a household pesticide to kill cockroaches at a house
- using a household pesticide to control fleas and ticks on a dog
- spraying a household pesticide on a water meter box in a nature strip before working on the box

### **19D Amendment of s 63 (What is a *manufacturing licence*)**

Section 63(2)(b), ‘manufacture, and’—

*omit, insert—*

manufacture of, and

### **19E Amendment of s 92 (Definitions for part)**

Section 92, definition *substance management plan*, ‘at the regulated place’—

*omit, insert—*

at, or in connection with, the regulated place

### **19F Amendment of s 93 (Requirements for substance management plan)**

Section 93(2)(a)(iv), ‘at the place’—

*omit.*

### **19G Amendment of s 157 (Application of division)**

Section 157(2), after ‘enters’—

*insert—*

a place

**19H Amendment of s 224 (Chief executive to keep database)**

(1) Section 224(2)(b), from ‘the requirements’—

*omit, insert—*

any applicable requirements under the Health Practitioner Regulation National Law; and

(2) Section 224(2)(c)—

*omit, insert—*

(c) to facilitate—

- (i) the assessment or investigation of health service complaints under the *Health Ombudsman Act 2013*; and
- (ii) the investigation or monitoring of persons subject to actions or orders under that Act; and

**19I Amendment of s 240 (Regulation-making power)**

Section 240(2), before paragraph (a)—

*insert—*

- (aa) dealing with S5 and S6 poisons and matters related to dealing with those poisons;

**19J Amendment of s 242 (Definitions for part)**

Section 242, definition *medicated animal feed*, ‘food-producing’—

*omit, insert—*

food producing

**19K Amendment of s 271 (Requirements made by Health Act inspectors)**

Section 271(1), '(each an *enforcement provision*)'—

*omit.*

**19L Amendment of s 272 (Requirements made by Pest Management Act inspectors)**

Section 272(1), '(each an *enforcement provision*)'—

*omit.*

**19M Amendment of s 279 (State analysts)**

Section 279(1), 'an'—

*omit, insert—*

a

**19N Amendment of sch 1 (Dictionary)**

Schedule 1, definition *standing order*, after 'place'—

*insert—*

or in stated circumstances

**2 Clause 28 (Insertion of new ch 5B)**

Page 16, line 7 to page 17, line 20—

*omit, insert—*

- (1) ***Conversion therapy*** is a practice that attempts to change or suppress a person's sexual orientation or gender identity.

*Examples—*

a practice attempting to change or suppress a person's sexual orientation or gender identity by—

- inducing nausea, vomiting or paralysis while showing the person same-sex images
- using shame or coercion to give the person an aversion to same-sex attractions or to encourage gender-conforming behaviour
- using other techniques on the person encouraging the person to believe being lesbian, gay, bisexual, transgender or intersex is a defect or disorder

(2) ***Conversion therapy*** does not include a practice by a health service provider that, in the provider's reasonable professional judgement—

- (a) is part of the clinically appropriate assessment, diagnosis or treatment of a person, or clinically appropriate support for a person; or
- (b) enables or facilitates the provision of a health service for a person in a manner that is safe and appropriate; or
- (c) is necessary to comply with the provider's legal or professional obligations.

(3) Without limiting subsection (2), the following are examples of the types of practices to which that subsection may apply—

- (a) assisting a person who is undergoing a gender transition;
- (b) assisting a person who is considering undergoing a gender transition;
- (c) assisting a person to express the person's gender identity;
- (d) providing acceptance, support or understanding of a person;

- (e) facilitating a person's coping skills, development or identity exploration, or facilitating social support for the person.

*Examples of the types of practices—*

- exploring psychosocial factors with a person or probing a person's experience of sexual orientation or gender identity
- providing a speech pathology or gender transition service for a trans-gender or gender-diverse person wishing to alter the person's voice and communication to better align with the person's gender identity
- advising a person about the potential side effects of sex-hormonal drugs or the risks of having, or not having, surgical procedures

**3 Clause 28 (Insertion of new ch 5B)**

Page 18, line 19, 'treatment'—

*omit, insert—*

service

**4 Clause 28 (Insertion of new ch 5B)**

Page 18, line 23, 'treatment'—

*omit, insert—*

service

**5 Long title**

Long title, after '*Hospital and Health Boards Act 2011*,'—

*insert—*

***the Medicines and Poisons Act 2019,***

© State of Queensland 2020