

7 November 2025

Our ref: HD:KS

Committee Secretary
Health, Environment and Innovation Committee
Parliament House
Cnr George and Alice Streets
Brisbane Qld 4000

By email: [REDACTED]

Dear Committee Secretary,

Inquiry into the Health Legislation Amendment Bill (No. 3) 2025

Thank you for the opportunity to provide feedback on the inquiry into the Health Legislation Amendment Bill (No. 3) 2025 (**'the Bill'**).

This response has been compiled with input from our legal policy committees whose members have substantial expertise in this area.

QLS supports the proposed amendments to the *Private Health Facilities Act 1999*, the *Transplant and Anatomy Act 1979*, and the consequential amendment to the *Public Health Act 2005*.

However, QLS holds reservations regarding the proposed amendments allowing for the removal of board members, and the CEO for Health and Wellbeing Queensland and the Queensland Pharmacy Business Ownership Council, by the Governor-in-Council, with or without grounds. A summary of these amendments is set out in **Annexure A** for ease of reference.

These amendments do not properly provide the affected individuals with natural justice or procedural fairness. They are also inherently unfair as they apply to existing officer holders, i.e. the provisions did not exist when the individuals made the decision to enter into a contract on particular terms.

These amendments will now retrospectively affect these people including the chief executive officer, who is an employee.

The Explanatory Notes refer to board members holding important positions of public trust. However, public trust must also be predicated on appointment and termination processes that are transparent and fair. The Bill creates opaque processes which could dissuade good candidates from taking up these positions.

Recommended amendments to address concerns

- Amend the relevant provisions to expressly reflect the Explanatory Notes:

We agree with the statement in the Explanatory Notes that “It is expected that procedural fairness and natural justice would ordinarily be observed, such as by giving the person notice of the proposed action and an opportunity to be heard” and we propose the relevant provisions be amended to include obligations for the purposes of ensuring procedural fairness and natural justice are observed.¹

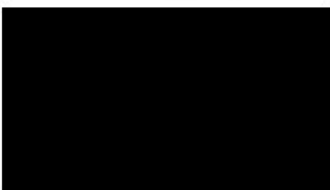
If the Bill is to be passed based on this statement in the Explanatory Notes, then it should be set out in the act where it can be referred to and relied on.

If the decision is made not to amend the legislation to include such a provision, we recommend guidelines be developed to facilitate a formal show cause process including the provision of notices and responses.

- Amend the Bill so the provisions only apply to new appointments after commencement.
- Amend the relevant provisions to preserve the CEOs’ contractual and other employment entitlements following removal. We refer to the examples in **Annexure B**.
- As an alternative, QLS recommends the Governor in Council be empowered to take immediate action by suspending an individual’s appointment, provided that a fair and transparent show cause process subsequently takes place.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [REDACTED] [REDACTED]

Yours faithfully



Genevieve Dee
President

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Annexure A: summary of amendments

Removal of office holders with or without grounds

Health and Wellbeing Queensland Act 2019

Clause 48 of the Bill inserts a new subsection 23(2) to provide that the Governor in Council may, at any time, remove a Board member from office for any reason or none.

Clause 50 inserts new subsection 37(3) to provide that the Governor in Council may, at any time, remove the Chief Executive Officer (CEO) from office for any reason or none.

Hospital and Health Boards Act 2011

Clause 57 inserts new subsection 27(2) to provide that the Governor in Council may, at any time, remove a Board member from office for any reason or none.

Hospital Foundations Act 2018

Clause 65 inserts new subsection 35(2) to provide that the Governor in Council may, at any time, remove a Board member from office for any reason or none.

Pharmacy Business Ownership Act 2024

Clause 70 replaces section 156, which includes new subsection 156(2) to provide that the Governor in Council may, at any time, remove a council member from office for any reason or none.

Clause 71 inserts new subsection 171(2) to provide that the Governor in Council may, at any time, remove the CEO from office for any reason or none.

Annexure B: existing legislative examples

Section 6(2) *Government Owned Corporations Act 1993*

(2) The termination of the appointment of the chief executive officer under subsection (1) does not affect any rights to compensation to which the chief executive officer is entitled under the terms of the chief executive officer's appointment.

Section 10(4) *Forensic Science Queensland Act 2024*

The Minister may recommend the directors removal if the Minister is satisfied the director has, amongst other things, engaged in misconduct, is incapable of performing the director's duties or neglected their duties.

Section 30(4) *Queensland Rail Transit Authority Act 2013*

The ending of the appointment under subsection (3) does not affect any rights to compensation to which the chief executive officer is entitled under the contract of employment.

Section 82(4) *National Injury Insurance Scheme (Queensland) Act 2016*

The ending of the appointment under subsection (3) does not affect any rights to compensation that the chief executive officer is entitled to under the terms of the officer's appointment