

26 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 – response to question take on notice

Thank you for the opportunity to appear at the public hearing for the inquiry into the Health Legislation Amendment Bill (No. 3) 2025.

During our appearance, we took the following question on notice:

“For clarity, the existing provisions for removal, are they flexible enough to ensure underperforming board members can be removed? So in essence, why would we need to have this amendment?”

As we advised during our appearance, the four different acts amended by this bill have different provisions for removing or disqualifying board members and CEOs. We have set out the provisions below.

The *Hospital and Health Boards Act 2011* and *Hospital Foundations Act 2018* expressly provide a legislative basis for removal on performance and other grounds (as summarised below).

The *Pharmacy Business Ownership Act 2024* and the *Health and Wellbeing Queensland Act* amended by the bill do not currently provide a basis for removal for grounds, including for performance or related issues. They do include disqualification provisions in certain circumstances.

The *Hospital and Health Boards Act 2011* also contemplates a board member can be suspended for a period of time, while an investigation is undertaken and before a decision is made with respect to removal.

The committee may wish to recommend amendments to the acts which do not provide for removal for grounds.

As stated in our submission of 7 November 2025, we also recommend amending each of the relevant provisions to expressly reflect the Explanatory Notes to the bill to introduce a legislative requirement to observe natural justice and give the affected person notice of the proposed action and an opportunity to be heard.

Alternatively, the committee may consider recommending guidelines be developed to facilitate a formal show cause process, including the provision of notices and responses.¹

1. Health and Wellbeing Queensland Act 2019

This act provides a person is disqualified from becoming or continuing in their position if they:

- a. have a conviction, other than a spent conviction, for an indictable offence; or
- b. are an insolvent under administration; or
- c. are disqualified from managing corporations because of the *Corporations Act 2001* (Cth) (Corporations Act), part 2D.6;
- d. hold a related position within Health and Wellbeing Queensland;
- e. contravene the relevant conflict provisions.

See section 20 applying to board members and section 34 relating to CEOs for further detail. There is no legislative provision allowing for removal for other reasons.

2. Hospital and Health Boards Act 2011

This act contains provisions allowing for the removal of board members in certain circumstances and, additionally, provides a process for suspending board members.

Section 28 provides:

28 Removal from office of board members

The Governor in Council may remove a member from office if—

- (a) the member is or becomes an insolvent under administration; or
- (b) the member is disqualified from managing corporations under the Corporations Act, part 2D.6; or
- (c) the member has been, or is, convicted of an indictable offence; or
- (d) the member has been, or is, convicted of an offence against this Act; or
- (e) the Minister recommends the removal because the Minister is satisfied the member—
 - (i) has been guilty of misconduct; or
 - (ii) is incapable of performing the member's duties; or
 - (iii) has neglected the member's duties or performed the member's duties incompetently; or

¹ For example, including clear processes in the 'Good Practice Guide for Hospital and Health Boards' published by Queensland Health or the 'Welcome Aboard: Guide for Members of Queensland Government Boards, Committees and Statutory Authorities,' both available at '[Governance resources for Hospital and Health Boards | Queensland Health](https://www.health.qld.gov.au/system-governance/health-system/hospital-and-health-boards/governance-resources)' - <https://www.health.qld.gov.au/system-governance/health-system/hospital-and-health-boards/governance-resources>.

- (iv) has been absent without permission of the board from 3 consecutive meetings of which due notice was given.

We suggest subparagraph (e)(iii) is likely broad enough to capture various types of conduct. It may be an additional ground could be added if considered necessary based on policy objectives.

Section 27A of the act provides for suspension from office of a board member, where a matter has arisen in relation to a member of the board and the Minister considers that it is necessary in the public interest for the member to be suspended from office pending further consideration of the matter.

3. *Pharmacy Business Ownership Act 2024*

Section 151 of this act provides for disqualification of a council member in certain circumstances.

151 Disqualification

(1) A person is disqualified from becoming, or continuing as, a council member if the person—

- (a) has a conviction, other than a spent conviction, for an indictable offence; or
- (b) is an insolvent under administration; or
- (c) is disqualified from managing corporations because of the Corporations Act, part 2D.6; or
- (d) is the chief executive officer or another member of the council's staff; or
- (e) is a contractor of the council; or
- (f) contravenes a provision of this Act.

(2) Also, a person is disqualified from becoming a council member if—

- (a) the Minister asks the person for written consent for a request by the Minister under section 181(2) in relation to the person;² and
- (b) the person does not give the Minister the written consent within 14 days after the Minister asks for it.

Section 167 replicates this provision for CEOs.

4. *Hospital Foundations Act 2018*

Section 33 of this act provides a basis for disqualification from being a board member in the same, limited circumstances as appears in the legislation discussed above.

² Section 181 of the *Pharmacy Business Ownership Act 2024* relates to providing a criminal history report.

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However, section 34 of this act also provides the Governor in Council may, at any time, remove a member from office if—

- (a) the member would be disqualified from becoming a member under section 33; or
- (b) the member consented to the borrowing of an amount that the foundation is not lawfully authorised to borrow under the *Statutory Bodies Financial Arrangements Act 1982*; or
- (c) the Minister recommends the removal because the Minister is satisfied the member—
 - (i) has not complied with section 46; or
 - (ii) is incapable of performing the member's functions; or
 - (iii) has neglected the member's functions or performed the member's functions incompetently; or
 - (iv) has displayed inappropriate or improper conduct in a private capacity that reflects adversely on the board or foundation; or
 - (v) has been absent from 3 consecutive meetings of the board without the board's permission and without reasonable excuse.

Subparagraph (c) would therefore allow for removal on the basis of performance-related issues.

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