




Speech By
Hon. Dr Steven Miles
MEMBER FOR MURRUMBA

Record of Proceedings, 28 November 2019

HEALTH LEGISLATION AMENDMENT BILL

Introduction

 **Hon. SJ MILES** (Murrumba—ALP) (Minister for Health and Minister for Ambulance Services) (12.31 pm): I present a bill for an act to amend the Ambulance Service Act 1991, the Hospital and Health Boards Act 2011, the Private Health Facilities Act 1999, the Public Health Act 2005, the Queensland Mental Health Commission Act 2013 and the legislation mentioned in schedule 1 for particular purposes. I table the bill and the explanatory notes. I nominate the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee to consider the bill.

Tabled paper: Health Legislation Amendment Bill 2019 [2182](#).

Tabled paper: Health Legislation Amendment Bill 2019, explanatory notes [2183](#).

The Health Legislation Amendment Bill 2019 will make significant reforms to health legislation to protect and improve the health of Queenslanders. The Palaszczuk government is committed to strengthening the governance framework of Queensland's public health system to ensure it is a connected and networked system that delivers the best of care to Queenslanders, regardless of where they live. We are also embedding the right of our First Nations peoples to receive culturally appropriate health care. This bill will introduce the first law in Australia to ensure that LGBTIQ Queenslanders are protected from the harmful and unnecessary practice of conversion therapy.

A strong public health system has always been a priority for this government. Since 2015 the government has made record investments in health to address ever-growing demand for health services across the state and deliver on its commitments to provide more frontline health workers and improve health infrastructure. Since being established in 2012, our hospital and health services have delivered over 40 million episodes of care to Queenslanders and ensured that the Queensland public health system is one of the best in the world. While our health system is world class, we will always look for ways to do better for Queenslanders. That is why earlier this year an expert panel comprising Mr Jim McGowan, Professor Anne Tiernan and Dr Pradeep Philip examined Queensland Health's governance framework and provided advice on ways we can make our health system work better and more sustainably.

The bill will amend the Hospital and Health Boards Act and the Ambulance Service Act to give effect to three of the panel's recommendations. Overall, the panel found that Queensland Health's current devolved governance model is working well. It has enabled responsive, localised decision-making and allowed communities to have a greater say on how their healthcare needs are delivered. However, the panel found there was an opportunity to strengthen the system by the Department of Health, Queensland Ambulance Service and hospital and health services working together more effectively in the best interests of the system and the Queenslanders they serve.

To give effect to these recommendations, the bill will amend the Hospital and Health Boards Act to require hospital and health services and their governing boards to have regard to the effective and efficient use of resources for the public sector health system as a whole, and the best interests of

patients and other users of public sector health services throughout Queensland. The bill will also amend the Hospital and Health Boards Act and the Ambulance Service Act to recognise that the Queensland Ambulance Service and the hospital and health services must collaborate to manage the interaction between the services they provide.

This government is committed to making sustainable changes in health outcomes for Aboriginal and Torres Strait Islander people and ensuring they have a seat at the table at the highest levels of governance. As a priority, I have created the new role of Chief Aboriginal and Torres Strait Islander Health Officer. It is vital that we also ensure that Aboriginal and Torres Strait Islander people have a seat at the table of our 16 hospital and health boards. While many of our boards have Aboriginal or Torres Strait Islander members, there is currently no requirement for them to do so. The bill will make representation a requirement for each hospital and health service.

It is also important to ensure that the legislation that establishes our public health system—the Hospital and Health Boards Act—gives visibility to First Nations people and acknowledges the ongoing importance of Aboriginal and Torres Strait Islander health as a government priority. The bill includes as guiding principles of the act commitments to achieving health equity for Aboriginal and Torres Strait Islander Queenslanders through the delivery of responsive, capable and culturally appropriate health care. The bill also requires each hospital and health service to have an Aboriginal and Torres Strait Islander health equity strategy.

Finally, this bill will ban the highly destructive practice of gay conversion therapy by health service providers in Queensland. Practices that try to change or suppress a person's sexual orientation or their gender identity have always been immoral and unethical. Now they will be illegal. Gay conversion therapy is based on the belief that being LGBTIQ is a disorder that requires correction. The Palaszczuk government utterly rejects the notion that LGBTIQ people are broken or sick. These ideas have long been discredited by the medical community and are not evidence based. However, there is overwhelming evidence that conversion therapy is harmful and that it correlates with high rates of suicide and self-harm.

To young people out there who might hear this who are still figuring out who they are: there is nothing wrong with you. If one day you fall in love with someone the same gender as you, there is nothing wrong with you. You cannot be fixed because you are not broken. Anyone who tells you otherwise is wrong. Your government supports you. I am proud that Queensland is leading the way to ensure the protection of our LGBTIQ community. Last year I convened a round table of stakeholders including LGBTIQ leaders, doctors, healthcare workers and gay conversion therapy survivors. The amendments in this bill are based on the recommendations of that round table.

This new offence will apply to health service providers, which includes anyone who provides services for maintaining a person's health or wellbeing. It captures registered health practitioners such as doctors, nurses and psychologists, and unregistered health practitioners such as counsellors, naturopaths and social workers. The bill is limited to health service providers because, as health professionals, they have ethical obligations not to engage in practices that are harmful and not evidence based.

The bill also amends a number of health portfolio acts and regulations to support the implementation of policy initiatives to protect and improve the health of Queenslanders and to clarify the operation of legislation. It will amend the Public Health Act to allow the Patient Safety and Quality Improvement Service within Queensland Health to disclose root-cause analysis reports to quality assurance committees. These reports are used by hospital and health services as a quality improvement technique to assess and respond to clinical events that unexpectedly result in death or permanent harm.

The bill will amend the Private Health Facilities Act and regulation to remove certain licensing conditions for private health facilities and replace them with a requirement to comply with the nationally adopted Australian Health Service Safety and Quality Accreditation Scheme. Currently the act is out of step with the requirements under the national scheme.

The bill will amend the Queensland Mental Health Commission Act to give effect to the recommendations of the 2018 review into the effectiveness of the act. The bill will clarify that the Mental Health Commissioner has the power to employ staff and will allow the commissioner to be appointed for a term of up to five years. Extending the maximum tenure of the commissioner will provide greater continuity in the role and is generally consistent with other commissioner appointments made under Queensland legislation. The bill will also make minor amendments to health portfolio legislation to correct drafting errors and make technical amendments and repeal redundant provisions.

The Palaszczuk government is strengthening our health system and protecting our LGBTIQ Queenslanders. We are leading the way in recognising the harms of conversion therapy and ensuring that health service providers have a legal and ethical obligation to refrain from these harmful treatments. This government is committed to serving the health needs of all Queenslanders. I commend the bill to the House.

First Reading

Hon. SJ MILES (Murrumba—ALP) (Minister for Health and Minister for Ambulance Services) (12.39 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee

Mr DEPUTY SPEAKER (Dr Robinson): In accordance with standing order 131, the bill is now referred to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee.