



The Royal
Australian &
New Zealand
College of
Psychiatrists



28 June 2013

Mr Trevor Ruthenburg MP
Chair, Health and Community Services Committee
Parliament House
George Street
BRISBANE QLD 4000
By email to: hcsc@parliament.qld.gov.au

Dear Mr Ruthenburg

Re: Health and Community Services Committee Inquiry into the *Health Ombudsman Bill (2013)*

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) welcomes the opportunity to provide a response to Health and Community Services Committee Inquiry into the *Health Ombudsman Bill (2013)* (the Bill).

The RANZCP supports a renewed effort to strengthen and simplify the health complaints management system in Queensland. Increased regulation around health complaints will ensure patient safety and provide clarification for clinicians on this issue.

The RANZCP supports the submission made by the Australian Medical Association (Queensland) and in addition would like to draw the Committee's attention to the following specific concerns about the proposed legislation:

- There is no obligation for the Health Ombudsman to consult with expert clinicians before taking a decision.
- While some positive changes have been made to clarify the National Law's requirements around mandatory reporting, these do not go far enough to address concerns that may dissuade some health practitioners from seeking treatment. For those who do seek treatment, fears about mandatory reporting may result in them withholding information that is required to ensure that they receive appropriate care.

Further, the amendment is inconsistent with the exemption in the relevant legislation in Western Australia and will create a third legal framework under which medical practitioners will have to operate on this critical and sensitive issue. The RANZCP recommends that the Bill be amended to adopt the exemption as it is written in the legislation in Western Australia.

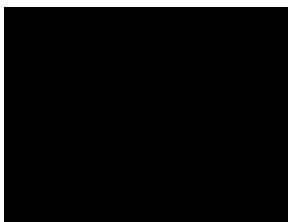
- The Health Minister has power to direct the Health Ombudsman to commence an investigation of an individual practitioner, among other powers. It would be more appropriate for a bipartisan Parliamentary Committee to have this function as this

would avoid the potential for a perception of political influence or interference with the Health Ombudsman's duties.

- The proposed legislation represents a fragmentation of the national system, as more states exercise co-regulatory powers. A national body (AHPRA) has been set up for this purpose.
- The RANCP is particularly concerned that s288 allows the Minister to prescribe a 'Code of Conduct' for health professionals. As Queensland participates in a national registration system, standards should be set at a national level to avoid confusion for patients and practitioners and duplication of services. In addition, professional standards should be set by clinicians in consultation with the community, not by bureaucrats or politicians.

Thank you for the opportunity to provide feedback into this consultation. If you would like to discuss any matters relating to this response, please contact Dr Anne Ellison, via [REDACTED] or by phone on [REDACTED]

Yours sincerely



Dr Murray Patton
President

Ref: 3157

cc: Dr Christian Rowan, President, AMA Queensland - By email to: [REDACTED]