

## Health and Other Legislation Amendment Bill 2022

**Submission No:** 6  
**Submitted by:** AMA Queensland  
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**Submitter Comments:**

**From:** [REDACTED]  
**To:** [Health and Environment Committee](#)  
**Cc:** [REDACTED]; [REDACTED]  
**Subject:** RE: Call for submissions - Inquiry into the Health and Other Legislation Amendment Bill 2022.  
**Date:** Thursday, 8 December 2022 11:36:30 AM  
**Attachments:** [REDACTED]

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Good morning,

Please find attached a copy of AMA Queensland's feedback on the confidential draft of the *Health and Other Legislation Amendment Bill 2022*.

AMA Queensland welcomes the inclusion of key aspects of its submissions into the final *Health and Other Legislation Amendment Bill 2022*, particularly amendments that:

- make HHS' and HHS Boards responsible for staff wellbeing and culture;
- repeal existing provisions that allow Queensland Health to publish the administrative action register on its website to better safeguard health practitioners' rights to natural justice; and
- provide a 12-month transition period and technical support for Qld Cancer Register notifiers to comply with increased reporting obligations.

We also thank Queensland Health for its commitment to provide guidance and training to its officers who are delegated responsibility to apply the public interest test.

AMA Queensland now provides the remaining feedback as set out in its original submission to the Health and Environment Committee's inquiry into the Bill for the Committee's further consideration.

If you have any questions, please don't hesitate to contact [REDACTED], Policy Lead, on the below details.

Kind regards,

AMA Queensland.

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**AMA Queensland Feedback on *Health and Other Legislation Amendment Bill 2022*  
Submitted 20 October 2022**

**Organisation:** Australian Medical Association Queensland

**Name:** Dr Brett Dale

**Position:** CEO

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AMA Queensland thanks Queensland Health for the opportunity to provide feedback on the *Health and Other Legislation Amendment Bill 2022*. Submissions on relevant proposed amendments are set out below under headings as per the consultation paper.

Staff wellbeing amendments

AMA Queensland welcomes the proposed amendments to make HHS' responsible for the health, safety and wellbeing of staff in public health care services. We particularly note the inclusion of mandatory requirements for HHS' to implement measures which support this aim.

As the peak body representing Queensland doctors, we have been advocating for HHS responsibility and accountability for staff health, safety and wellbeing for some time. We are pleased to see Queensland Health is now taking this much-needed action.

In addition to the proposed amendments, AMA Queensland submits that HHS' must be provided sufficient resources to ensure they can fulfil these obligations. We also strongly advocate for independent evaluation of all measures implemented by each HHS in support of the amendments, and that these evaluations be made public on an annual basis. It is essential that our health workforce and patients can adequately review and assess all public investments made in the interests of staff wellbeing in our public hospitals.

Disclosure of information to other entities

AMA Queensland supports these amendments in principle but submits that the disclosure of confidential information must only be done with adequate safeguards in place to protect health professionals' rights to natural justice. A failure to properly handle and limit unwarranted disclosure of health professionals' information before a breach of the Act is proven can have catastrophic and undue impact on reputations, careers and lives.

Disclosure of information from confidential registers

AMA Queensland does not support these proposed amendments and submits the Bill contains inadequate safeguards to protect health practitioners' rights to natural justice. Disclosure, especially online and to the public, before an adverse decision has been made against a doctor does nothing to protect patients from harm, is not in the public interest and has devastating consequences for individual reputations and wellbeing.

AMA Queensland submits that the proposed safeguards to:

- 'remove information about administrative action from a published register if the action no longer has effect'; and
- 'develop guidelines for staff to enable a risk assessment to be completed before the disclosure of confidential information' with 'appropriate delegations';

are wholly inadequate. Disclosure should not occur until after it has been proven that a practitioner has breached the Act and available avenues of appeal have been exhausted.

#### Clarifying the operation of section 210

AMA Queensland supports the amendments but notes the potential for increased administrative burden for mental health service administrators. AMA Queensland submits that services and administrators be appropriately supported to comply with any increase in the associated notification responsibilities.

#### Modernising the Queensland Cancer Register

AMA Queensland strongly advocates for health planning and service delivery to be evidence-based and consistent with best practice models of care. This is the only means of ensuring patient safety, optimal health outcomes and the most efficient use of scarce health funding and resources.

As such, AMA Queensland supports the proposed amendments in principle, however, highlights they impose a significant, extra burden on pathologies, diagnostic imaging practices and hospitals. AMA Queensland submits that these services must be supported to shoulder this extra burden, including the provision of technological, administrative and financial support and sufficient time to implement the requirements once enacted.

AMA Queensland also notes the amendments extend the offence provisions to all notifiers in breach of the notification requirements. AMA Queensland does not support unwarranted prosecution of health professionals who act in good faith but fail to comply with administrative requirements for the notification of population-based data. Health professionals should be supported to provide this valuable information with adequate practical assistance and funding, not punitive measures which only serve to alienate and victimise our already over-stretched and fatigued health workforce.