

Health and Other Legislation Amendment Bill (No. 2) 2023

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11 January 2024

The Honourable Mr Aaron Harper MP
Member for Thuringowa
Chair of the Health and Environment Committee

Via email: HEC@parliament.qld.gov.au

Dear Chair

RE: Submission on the *Health and Other Legislation Amendment Bill (No. 2) 2023*

Thank you for the opportunity to provide submissions on the *Health and Other Legislation Amendment Bill (No. 2) 2023* (the Bill).

The Crime and Corruption Commission (CCC) has reviewed the Bill and the Explanatory Notes and provides the following submission in respect of the amendments proposed to the *Hospital and Health Boards Act 2011* (*Hospital and Health Boards Act*), in particular, the provisions related to:

- sharing of information by Quality Assurance Committees (QAC);
- appropriate action to be taken by a chief executive following clinical reviews in a Hospital and Health Service (HHS); and
- sharing of information from Root Cause Analyses.

The CCC notes that the provisions that will be amended or inserted as part of the Bill to address these matters explicitly prescribe when and to whom a member of a QAC, the chief executive or a practitioner involved in a root cause analysis may disclose information. As drafted, the provisions may not provide sufficient clarity or assurance to those individuals involved that disclosure to the CCC under section 38 of the *Crime and Corruption Act 2001* is a permitted disclosure.

The CCC considers there is the possibility that in each of the relevant activities (QCA, clinical review, or root cause analysis) information could be identified that would engage a public official's obligation under section 38 of the *Crime and Corruption Act* to notify the CCC. To avoid ambiguity as to the operation of the amendments and their engagement with section 38 of the *Crime and Corruption Act*, the CCC submits that consideration should be given to either making explicit reference within the relevant provisions (for example, section 85A(4) for QACs), or clarifying within the Explanatory

Notes, that disclosure and notification to the CCC is not affected by the confidentiality provisions. This would accord with section 39 of the *Crime and Corruption Act* which provides that the duty to notify the CCC of suspected corrupt conduct is paramount. Further, it would ensure that public service officers performing functions related to the activities referred to above are able to confidently undertake the notification process without fear of breaching the confidentiality provisions within the *Hospital and Health Boards Act*.

If you have any queries regarding the CCC's feedback, please do not hesitate to contact my office.

Yours sincerely,

A solid black rectangular box redacting the signature of Bruce Barbour.

Bruce Barbour
Chairperson