

Health Legislation Amendment Bill (No. 3) 2025

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PRIVATE AND CONFIDENTIAL

Mr Rob Molhoek MP
Chair
Health Environment and Innovation Committee
Parliament House
George Street
BRISBANE QLD 4000

Email sent to: HEIC@parliament.qld.gov.au

Dear Mr Molhoek

Health Legislation Amendment Bill (No. 3) 2025

Thank you for your correspondence on 21 October 2025 and the invitation to provide a submission about the *Health Legislation Amendment Bill (No. 3) 2025* (the Bill) which is currently being considered in detail by the Committee.

About the Office of the Health Ombudsman

As the Committee is aware, the Office of the Health Ombudsman's functions are aimed at promoting high standards of health service delivery and protecting the public by ensuring that health services are provided safely, competently, and ethically through the functions and powers set out in the *Health Ombudsman Act 2013* (Qld) (the HO Act).

The OHO must act independently, impartially and in the public interest. As outlined under section 25 of the HO Act, the OHO's functions include:

- receiving and managing health service complaints and taking relevant action to deal with them;
- identifying and dealing with health service issues by undertaking investigations, inquiries, and other relevant actions;
- identifying and reporting on systemic issues in the way health services are provided, including issues affecting the quality of health services;
- monitoring the National Boards' and National Agency's performance of their functions relating to the health, conduct and performance of registered health practitioners who provide health services in Queensland;

- providing information to the public, health practitioners and health service organisations about providing health services in a way that minimises health service complaints and resolving health service complaints;
- reporting to the Minister about the Parliamentary Committee, and publishing reports about the health service complaints management system.

Under Queensland's coregulatory system, the OHO and Australian Health Practitioner Regulatory Agency (AHPRA) and the associated National Boards share certain responsibilities related to overseeing and regulating registered health practitioners.

The OHO manages a single-entry point for all health service complaints in Queensland, including notifications and information regarding registered health practitioners and students. Complaints and notifications concerning registered health practitioners and students are jointly considered with AHPRA in accordance with Division 2A and 2B of the HO Act.

The OHO also collaborates with AHPRA on approaches to dealing with the range of issues identified in complaints and notifications about registered health practitioners.

The OHO applies the Code of Conduct for Health Care Workers (Queensland) when managing complaints about unregistered practitioners and the National Safety and Quality Health Service Standards and the Australian Charter of Health Care Rights when dealing with complaints about health service organisations.

Background to the proposed amendments

We understand from the Bill and the published Explanatory Notes¹ that the Bill will amend eight health portfolio Acts, of which include:

- to the *Assisted Reproductive Technology Act 2024* (Qld) (ART Act) by supporting the implementation of the regulatory framework for assisted reproductive technology (ART) services in Queensland by clarifying provisions, promoting equitable outcomes and, where appropriate, introducing a pathway for case-by-case decision-making so the administration of the Act does not result in undue hardship;
- to the *Private Health Facilities Act 1999* (Qld) (PHF Act) by:
 - clarifying the power to identify types of private health facilities required to comply with standards of accreditation and providing a mechanism to require facilities which provide cosmetic surgery to comply with the National Safety and Quality Cosmetic Surgery Standards (Cosmetic Surgery Standards) and support the safe delivery of cosmetic surgery in Queensland; and
 - enabling new regulation prescribing information sharing agreements with Queensland Government entities about information collected under the Act similar to current arrangements with public health facilities;
 - making consequential amendments to the Act based on the changes to the *National Occupational Respiratory Disease Registry Act 2023* (Cth);
- to the *Transplantation and Anatomy Act 1979* (Qld) (TA Act) to maximise opportunities for organ donation in cases of circulatory death through a clear framework for consent to be given to conduct interventions on a potential donor, before life-sustaining measures are withdrawn, to better determine suitability and matching of organs, and improve organ viability.

¹ Health Legislation Amendment Bill (No. 3) 2025 Explanatory Notes. Accessed on 3 November 2025 available at <https://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2025-040>.

ART Act amendments

The OHO is broadly supportive of the amendments to the Act where there is an opportunity to provide ART users in Queensland with greater equitable outcomes to accessing ART services in Queensland and further note in relation to the ART Act amendments:

- in response to a direction in November 2023 by the then Health Minister to investigate assisted reproductive technology (ART) providers in Queensland, the OHO undertook investigation to examine issues raised about ART services in Queensland, determine the extent they were systemic and use findings to complement QH's considerations on proposals for state legislation and published a section 81 Report².
- the Report completed on 28 June 2024 thematically identified, among other things, inadequate donor profiling (Theme 2), challenges and shortcomings in record keeping and information by some ART providers (Theme 3), inconsistencies in adhering to family limits across ART providers (Theme 4) and significant concerns relating to informed consent to treatment, complaints about delays and unclear disposal of gamete or embryos by ART providers, as well as the additional issues surrounding withdrawal of consent particularly for the use of gametes for ART considering the limits of withdrawals depending on how far treatment cycles had progressed³.
- The Bill, if passed, would address these identified issues in the investigations undertaken by the OHO in relation to ART services provided in Queensland.

PHF Act amendments

- The OHO is supportive of the amendments proposed to the PHF Act with a view to improving the licensing of cosmetic surgery facilities where currently the PHF Act requires all private health facilities to comply with the NSQHS Standards, there remains no way to require explicit facilities providing cosmetic surgery to comply with the Cosmetic Surgery Standards, or other standards of accreditation.
- The OHO support improving the health outcomes of all Queenslanders by improving accessibility to private hospital data to Queensland Government entities as agreed when in the public interest and in a way detailed in the Bill and Explanatory Note. It is noted that this would be on a similar basis to how public health facilities currently disclose this same information.
- The OHO also support the making of the consequential amendments to the Commonwealth's *National Occupational Respiratory Disease Registry Act 2023* (Cth).

TA Act amendments

- The OHO acknowledge the importance of organ donation and note that the Australian Law Reform Commission is currently undertaking a review of human tissue laws in Australia, with the final report due to the Commonwealth Attorney-General by 16 August 2026.
- The OHO particularly in cases of circulatory death the quality and viability of organs decreases rapidly once the heart stops beating and acknowledge the current legislative challenges in the TA Act preventing consent to be given to allow appropriate testing and interventions to be conducted prior to death even where appropriate consent to organ donation has been given by the next of kin.

² Section 81 – Investigation of ART providers in QLD Final Report, published by the Office of the Health. Accessed on 3 November 2025 and available at <https://www.oho.qld.gov.au/assets/reports/OHO-ART-Investigation-Final-Report.pdf> at page 19.

³ Section 81 – Investigation of ART providers in QLD Final Report, published by the Office of the Health. Accessed on 3 November 2025 and available at <https://www.oho.qld.gov.au/assets/reports/OHO-ART-Investigation-Final-Report.pdf> at pages 16-18.

- The OHO therefore support the changes proposed to enhance opportunities for lifesaving and potentially life changing organ donations.

We again thank the Committee for the opportunity to provide a submission about this Bill and remain available to provide any further information should the Committee need about these important health portfolio legislative changes.

If you require any further information, I will be pleased to assist.

Yours sincerely



Dr Lynne Coulson Barr OAM
Health Ombudsman