

Executive Summary

The Bill makes amendments to the Health Practitioner Regulation National Law (National Law) and the *Health Ombudsman Act 2013*. Queensland is the host jurisdiction for the National Law, which binds each participating Australian jurisdiction, with variations to suit each locality. The National Law is set out in the Schedule of the *Health Practitioner Regulation National Law Act 2009* in line with amendments which are agreed to by the Australian Health Ministers Meeting (HMM).

The HMM agreed to make amendments to the National Law in response to a three-fold increase in complaints over the last three years about sexual misconduct by health practitioners. The proposed amendments will make it a requirement for additional information to be included on public registers about the regulatory history of practitioners who have engaged in sexual misconduct. The Bill also introduces a requirement for health practitioners seeking to be re-registered after a period of cancellation or disqualification to obtain a reinstatement order from a tribunal as a necessary step in applying for re-registration with a National Board. The Bill additionally provides greater protections for people who make notifications or assist regulators during investigations about registered health practitioners.

The committee published 23 submissions and held a public hearing during which we heard from 15 witnesses. After considering the submissions and testimony we received and reviewing the Bill (including its explanatory notes and its statement of compatibility with human rights) for compliance with the *Human Rights Act 2019*, the *Parliament of Queensland Act 2001* and the *Legislative Standards Act 1992*, we are recommending that the Bill be passed.

Our assessment of the Bill's compliance with issues of fundamental legal principle found the Bill has sufficient regard for the rights and liberties of individuals, and the institution of Parliament. We carefully analysed one of the Bill's proposals, regarding the retrospective publication of practitioners' regulatory history to ensure it sufficiently protects the rights and liberties of individuals. We also find that the Bill is compatible with human rights, after giving careful consideration of the justifications provided for the Bill placing limits on a practitioner's ability to seek a tribunal hearing in certain circumstances.

The committee made 4 recommendations, found at page vi of this report.

Recommendations

Recommendation 16

The committee recommends that the Bill be passed.

Recommendation 216

The committee recommends that the explanatory notes and / or clause 21 of the Bill be amended to clarify any requisite legislative threshold for sexual misconduct.

Recommendation 321

The committee recommends that Clause 21 of the Bill be amended to provide that a decision to publish a health practitioner's regulatory history, based on an inference by National Boards that a tribunal's finding of professional misconduct was based on sexual misconduct, is an appealable decision under Part 8 Division 13 of the National Law.

Recommendation 441

The committee recommends that, during implementation of the Bill, the Australian Health Ministers Meeting consults further with relevant stakeholders around operationalising any legislative threshold of sexual misconduct, and the National Boards' discretion to infer.