

19 July 2016

Mr Stephen Finnimore
Research Director
Legal Affairs and Community Safety Committee
Parliament House
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Dear Mr Finnimore

MIGA submission to Inquiry into the Health and Other Legislation Amendment Bill

MIGA welcomes the opportunity to make a submission to the Inquiry into the Health and Other Legislation Amendment Bill 2016 (**the Bill**).

Its submissions are directed to the discrete issue of general practitioners having access to a Queensland Health database.

MIGA is a medical defence organisation and medical indemnity insurer that has represented the medical profession for in excess of 115 years. It has a national footprint and is one of a small number of medical indemnity providers in Australia. It offers a range of medical indemnity insurance products and associated services, including both medico-legal advice and risk management services and education, to the health care profession across Australia. Its members include significant numbers of medical practitioners, both general practitioners and other specialists, who practise in Queensland.

MIGA supports general practitioners being provided with access to the Queensland Health database, The Viewer.

Through its role in advising and educating its members and policy holders, MIGA sees the crucial importance of clear and timely clinical information being available to a patient's treating practitioners. This ensures a continuity of care which is as seamless as possible, minimising the risk of important clinical information, which could impact advice and decisions relating to a patient's clinical condition, not being known by key practitioners involved in their care.

MIGA supports sensible approaches, like this proposal, towards ensuring an appropriate flow of clinical information, particularly electronically, amongst health professionals. It has been involved in various initiatives at Federal and State level in relation to these issues.

As this proposal is regulated by legislation, imposes particular obligations on participating practitioners and provides civil penalty regime for breaches, it would be important for participating general practitioners to be educated about their obligations. This could be achieved via guidelines or other information made available to them before they commence using the system.

There may be claims, complaints or other circumstances which could arise from, or otherwise relate to, use of the new system, that require health practitioners to either notify, or seek advice from, their professional indemnity insurer or another independent lawyer.

In those circumstances, MIGA proposes that Section 158 of the *Hospital and Health Boards Act 2011* (Qld) be amended so as to provide that any relevant health practitioner, whether a designated person or prescribed health practitioner, can disclose confidential information to their professional indemnity insurer or a lawyer in relation to a matter for the purposes of notifying a potential claim or complaint, or for seeking legal advice.

Please contact Timothy Bowen, Senior Solicitor – Advocacy, Claims & Education, email:

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Yours sincerely



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