



Speech by

John-Paul Langbroek

MEMBER FOR SURFERS PARADISE

Hansard Wednesday, 23 March 2005

HEALTH LEGISLATION AMENDMENT BILL

Mr LANGBROEK (Surfers Paradise—Lib) (2.34 pm): I am pleased to rise to speak to the Health Legislation Amendment Bill. I endorse the comments made by the two previous Liberal Party contributors to the debate, in particular the comments of my learned friend the honourable member for Moggill. The honourable member for Moggill's comments about confidentiality and the practical workings of confidentiality clauses in any legislation to do with the medical profession are comments that should be heeded by the minister. The two issues are very clear.

The first is the practicalities of ensuring a patient's confidentiality whilst still having a strong regard for the best outcomes health wise for the patient. While there will always be grey areas, and tinkering around with the provisions will only move these grey areas rather than significantly reducing them, doctors need to be able to make judgment calls based on the years of experience they have gained when dealing with patients. That is to say that practitioners who have been seeing patients and situations day in, day out for a number of years should be trusted to make the right calls; calls they believe will most benefit the patient when it comes to tricky questions of the conflict between confidentiality and the general wellbeing of a patient.

This is to be contrasted with the other issue to do with confidentiality, and that is the tendency to hide matters from the public eye under the banner of confidentiality. The member for Moggill pointed that out using the Mahar report example. This is one example of the many times that this government has used confidentiality to prevent the scrutiny of problems and ingrained deficiencies in the health system.

To suggest that confidentiality is a legitimate excuse for preventing next of kin from seeing the results of an inquiry into the death of their own kin is ridiculous; so ridiculous that I doubt even this government would consider it as an option. Yet it is not so ridiculous for this government to believe that people will accept, and swallow, this as correct practice. I encourage any confidentiality provisions to be used for the correct and practical purposes that the framers of this legislation no doubt intended. That means ensuring that the confidential aspects of a patient's condition are kept between a doctor and a patient. However, where there is an instance where the patient's health will be greatly benefited by information being provided to kin or close friends, I believe it should be provided. Over and above all of this, the framers of this legislation certainly did not contemplate for these provisions to continually be used as a means of circumventing public scrutiny. I urge the government to discontinue this practice.

I also believe that the provision in the bill that allows an operator to give a general statement of a patient's condition over the phone is a positive step. There is significant anguish suffered by close friends and relatives in situations where a patient is in a hospital that is some distance away or even in situations where the said persons are not able to be at a person's bedside. General information that may put the friend or relative's mind at ease is much more comforting than all of the thoughts that can go through one's mind when they are told by an operator on the other end of the phone that they cannot release information about the person's condition. Even if everything is fine, being told this can make the imagination tick over. Therefore, being able to be told over the phone that a patient's condition is, for instance, stable is a reassuring provision of this bill.

Moreover, I endorse the member for Moggill's comments regarding enforcement officers with regard to confidentiality. I would not like to see any doctors picked on. There need not be any reported breach of confidentiality and the generally accepted principles of natural justice. I would have thought that to ensure accountability in these cases the process of having a breach reported followed by an investigation would be the preferred option over a situation that says there need not be any breach whatsoever.

Moving on to the second main theme of the Liberal shadow spokesman's speech, I would like to underline his comments about friendly societies. The Liberal Party will not support any move that can see the introduction of southern state friendly societies into Queensland. This is a very heavily regulated industry, for some very good reasons. Pharmacy cannot even contemplate a situation where there is the chance of individual stores becoming dime a dozen shopping marts. The same level of care that we have come to know from local pharmacies needs to be maintained.

Many of the other provisions are good. I commend the government on provisions that allow for greater time limits in some administrative matters to ensure that a greater quality of justice can flow from these decision-making processes. With that contribution to the debate, I reiterate that the minister should consider some of these points and look to rectify the bill accordingly.