




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 1 December 2021

HEALTH AND OTHER LEGISLATION AMENDMENT BILL 2021

Introduction

 **Hon. YM D'ATH** (Redcliffe—ALP) (Minister for Health and Ambulance Services) (11.15 am): I present a bill for an act to amend the Ambulance Service Act 1991, the Criminal Code, the Environmental Protection Act 1994, the Hospital and Health Boards Act 2011, the Mental Health Act 2016, the Public Health (Infection Control for Personal Appearance Services) Act 2003, the Radiation Safety Act 1999, the Termination of Pregnancy Act 2018, the Transplantation and Anatomy Act 1979, and the legislation mentioned in schedule 1 for particular purposes. I table the bill, explanatory notes and the statement of compatibility with human rights. I nominate the Health and Environment Committee to consider the bill.

Tabled paper: Health and Other Legislation Amendment Bill 2021 [2029](#).

Tabled paper: Health and Other Legislation Amendment Bill 2021, explanatory notes [2030](#).

Tabled paper: Health and Other Legislation Amendment Bill 2021, statement of compatibility with human rights [2031](#).

The Palaszczuk government has a proud track record of investing in frontline services and infrastructure so that Queenslanders receive quality health care no matter where they live. Queensland has a world-class public health system, and the Palaszczuk government is committed to keeping it that way. That is why I am pleased to introduce the Health and Other Legislation Amendment Bill 2021 into the parliament today. The bill has been informed by consultation with representatives from the medical, nursing, pharmaceutical, mental health and Aboriginal and Torres Strait Islander sectors as well as government agencies and statutory offices. I thank them for engaging in the process to date.

The bill will make a range of amendments to improve the operation of health portfolio legislation, support the provision of health services in Queensland, and make some minor and technical amendments to legislation. The bill will make a range of amendments to the Mental Health Act. This act regulates the treatment and care provided to people with mental illness, including those people who do not have capacity to consent to treatment. It is essential that the Mental Health Act respects and promotes the rights of persons who require involuntary treatment for their mental illness.

While the vast majority of these patients have no connection to the criminal justice system, a minority are diverted from the criminal justice system because of unsoundness of mind or unfitness for trial. For this group, the act also appropriately balances their rights with the needs of victims of unlawful acts and the safety of the Queensland community.

The bill will amend the process for approving electroconvulsive therapy, or ECT. ECT is a regulated treatment and it can be effective for some types of mental illness, including severe depressive illness. The Mental Health Act provides that ECT cannot be performed on a person who has not given informed consent, unless approved by the Mental Health Review Tribunal.

Some people for whom ECT is proposed may be subject to involuntary orders under the act such as a treatment authority made by an authorised doctor, or a forensic or treatment support order made by the Mental Health Court. Even though the current framework in the act is compatible with the Human

Rights Act, the amendments will give greater human rights protections for persons receiving ECT and better support for decision-makers, while ensuring necessary treatment is not withheld from people who lack capacity to consent.

The bill will also enable the Mental Health Review Tribunal to approve an international transfer of involuntary patients. Currently, the tribunal can only approve a patient's transfer to another state or territory in Australia. The international transfer amendments aim to ensure a patient may access support from family and carer networks while also providing adequate oversight by the tribunal to ensure that patient transfers are appropriate and safe.

Other amendments to the Mental Health Act that promote the human rights and dignity of people with a mental illness include replacing references to a patient's best interests with a requirement that a decision-maker consider whether the decision being made is appropriate in the person's circumstances and the person's views, wishes and preferences to the greatest extent practicable.

The bill also expands the categories of authorised persons who may apprehend or transport a person absent from an interstate mental health service. Currently, only a Queensland police officer can do this. The bill will allow authorised persons to undertake this task where a clinical response is more appropriate and the level of risk does not warrant police involvement. This provides greater flexibility and ensures the actions taken consider the individual patient's needs and circumstances.

The bill also makes a range of amendments to the Mental Health Act to streamline and clarify procedural requirements to support the efficient conduct of Mental Health Court hearings, provide more flexibility for patient transfers to or from interstate services, ensure consistency and clarity in the provisions that apply to the confidentiality of personal information, and improve the ongoing support provided to victims of unlawful acts.

The bill will amend the Hospital and Health Boards Act to allow a regulation to prescribe additional categories of allied health professionals who may access the Viewer. The Viewer is Queensland Health's read-only web-based application that displays a consolidated view of patients' clinical and demographic information. In 2016, the Hospital and Health Boards Act was amended to allow registered health practitioners to access the Viewer. Extending access to GPs has facilitated information sharing and collaboration, and helped to ensure patients receive consistent, timely and better coordinated care. In 2019, access to the Viewer was expanded to nurses, midwives, paramedics and registered allied health practitioners, bridging the information gap between public hospitals and community health practitioners and providing patients with better coordinated care and reducing duplicate tests and clinical assessments. Previous amendments have taken the Viewer from being simply an internal system for Queensland Health staff and turned it into a powerful tool for coordinating multidisciplinary care.

To further improve the transfer of patients from acute care to the community care setting and to achieve the best possible health outcomes and quality of life for patients, the bill will expand access to the Viewer to allied health professionals who are not required to be registered under the health practitioner regulation national law. These additional categories of allied health professionals must be prescribed in regulation before they can access the Viewer. It is intended to prescribe audiologists, social workers, dietitians, speech pathologists, exercise physiologists, orthoptists, orthotists and prosthetists. These groups are all appropriately regulated and routinely work with Queensland Health during the transfer of patient care between acute and community settings.

The same safeguards and processes that currently apply for all health professionals to access the Viewer will be maintained. For example, health professionals can only find patients on the system using a unique patient identifier rather than personal details such as the patient's name. This ensures that health practitioners cannot search for or access personal information unless they are providing health care to the patient. It is also an offence under the Hospital and Health Boards Act to access information that is not directly related to providing care or treatment to a patient. This offence has a maximum penalty of 600 penalty units or nearly \$83,000. By providing additional categories of allied health professionals with access to the Viewer, improvements in continuity of care and health outcomes for patients can be achieved.

The bill will amend the Public Health (Infection Control for Personal Appearance Services) Act to make administrative processes easier for licensees under this act. Businesses such as body piercing services and tattoo parlours will benefit from greater flexibility in the licence renewal process, with extended renewal time frames and the ability to apply for a restoration of a licence that has expired. The amendment will reduce red tape for both business owners and the local governments that administer the legislation without any impact on the protections to the users of the businesses.

The bill will amend the Environmental Protection Act to ensure that essential community infrastructure such as satellite hospitals may be constructed and operate outside the environmental nuisance limits of the Environmental Protection Act, if regulated by an infrastructure designation made

by the planning minister under the Planning Act 2016. The amendment gives the planning minister the same powers as an assessment manager for a development application. The people of Queensland recognise the Palaszczuk government commitment to health care, which is why they supported our \$265 million commitment to build seven satellite hospitals at the 2020 election. Our Satellite Hospitals program is a reflection of how our government innovates and is focused on delivering health care closer to home and meeting the changing healthcare needs of the community.

I will briefly note some of the other important reforms in this bill. The bill will amend the Ambulance Service Act to ensure the framework for managing confidential information is robust, clear for officers and aligned with the Hospital and Health Boards Act. It will also remove the requirement for the Queensland Ambulance Service commissioner to be no more than 65 years of age. The bill will remove the prescriptive identity verification requirements in the Radiation Safety Act and be addressed through departmental policies, informed by the Commonwealth Department of Home Affairs best practice guidelines for identity verification.

The bill will amend the Termination of Pregnancy Act and Criminal Code to allow students on clinical placement to assist in a termination. This will ensure these students are not restricted in their ability to learn and gain experience. As with other prescribed practitioners, no student will be required to assist in a termination if they have a conscientious objection to doing so.

The bill will amend the Transplantation and Anatomy Act to clarify that the prohibition on trade in human tissue does not include donated human milk, which can be critical for the treatment of vulnerable pre-term infants.

The Palaszczuk government is committed to ensuring our health legislation is serving the needs of Queenslanders. This bill will support the efficient operation of our health system and ensure people are treated with respect and dignity when they receive treatment, to achieve the best possible health outcomes for Queenslanders. I commend the bill to the House.

First Reading

Hon. YM D'ATH (Redcliffe—ALP) (Minister for Health and Ambulance Services) (11.25 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Health and Environment Committee

Mr DEPUTY SPEAKER (Mr Krause): In accordance with standing order 131, the bill is now referred to the Health and Environment Committee.

Before calling the Clerk to read the next order of the day, may I remind the following members that they remain on warnings until lunchtime. They are the members for Broadwater, Nanango, Mudgeeraba, Miller, Thuringowa, Chatsworth, Hinchinbrook, Kawana, Oodgeroo and Everton.