



Speech By  
**Hon. Yvette D'Ath**


**MEMBER FOR REDCLIFFE**

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Record of Proceedings, 29 November 2022

## **HEALTH AND OTHER LEGISLATION AMENDMENT BILL**

### **Introduction**

 **Hon. YM D'ATH** (Redcliffe—ALP) (Minister for Health and Ambulance Services) (12.32 pm): I present a bill for an act to amend the Hospital and Health Boards Act 2011, the Medicines and Poisons Act 2019, the Mental Health Act 2016, the Public Health Act 2005, the Radiation Safety Act 1999, the Recording of Evidence Act 1962, the Transplantation and Anatomy Act 1979 and the Water Fluoridation Act 2008 for particular purposes. I table the bill, the explanatory notes and a 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 2022 [1983](#).

*Tabled paper:* Health and Other Legislation Amendment Bill 2022, explanatory notes [1984](#).

*Tabled paper:* Health and Other Legislation Amendment Bill 2022, statement of compatibility with human rights [1985](#).

The Palaszczuk government is focused on making Queensland home to good jobs, better services and a great lifestyle. To ensure our health services continue to deliver for future generations, our government is committed to significant reform in Queensland Health. At its core, this reform must be about innovating the way we deliver care, including all health workers working to their full potential and skills. The Health and Other Legislation Amendment Bill 2022 will implement key policy initiatives to support better public health outcomes for Queenslanders and ensure health legislation is contemporary and effective.

Our public health workforce work in high-pressure, complex environments day in and day out. Going above and beyond can pose safety risks and impact their physical and psychological health. Queenslanders can only stay healthy if we have a healthy workforce to support them. That is why this bill will amend the Hospital and Health Boards Act 2011 to require hospital and health boards and hospital and health services to proactively consider ways to support the health, safety and wellbeing of their staff. The amendments will enshrine in legislation that the physical and psychological health, safety and wellbeing of the public health workforce is appropriately prioritised.

HHSs already prioritise the safety and wellbeing of their workforce; however, the bill ensures this obligation is clear. It will require boards and HHSs to promote a culture and implement measures within their HHS to support the health, safety and wellbeing of their staff. The obligations will apply to all staff working in public sector health services—our doctors, nurses, midwives and allied health professionals through to the operational and administrative staff who keep our HHSs running. The requirements will complement Queensland's Work Health and Safety Act, Work Health and Safety Regulation and the new managing the risk of psychosocial hazards at work code of practice, which will commence on 1 April 2023.

Health security officers play a crucial role in ensuring everyone within a hospital stays safe and secure. The bill amends the Hospital and Health Boards Act to make clear that health security officers cannot provide a direction for a person to leave hospital and health service land if the person requires

emergency medical treatment. This amendment is reflective of current practice whereby security officers communicate with clinical staff before providing a direction to a person to leave HHS land, to ensure they are not preventing access to essential medical treatment.

The bill will amend the Public Health Act 2005 to authorise schools to disclose student information to Queensland Health's vision screening program. Each year, Queensland Health's vision screening program screens around 45,000 Queensland prep students for the presence of amblyopia, known as lazy eye, and amblyopic risk factors. Screening a child takes less than five minutes, but can help to give them the best possible start to their education. Early detection of vision problems ensures a child can be treated early, reducing the impact on their learning and development.

The Public Health Act already allows student information to be shared between schools and public dental and immunisation programs. The bill inserts the Queensland Health Primary School Nurse Health Readiness Program, known as the vision screening program, as a program to which student information can be disclosed under the Public Health Act. This will enable vision screening nurses to oversee the consent process for vision screening without relying on school staff.

Sadly, we all have someone close to us who has been affected by cancer. Around 31,000 Queenslanders are diagnosed with cancer annually and over 9,400 Queenslanders lose their lives to cancer each year. The Queensland Cancer Register is one of the largest population-based cancer registries in Australia. It is a unique data source, bringing cancer data together to provide an accurate picture of cancer in Queensland. Information from the register assists in planning the care for cancer patients in Queensland, monitoring and evaluating the quality of cancer treatments and outcomes of cancer care, and providing data for research. The bill will amend the Public Health Act 2005 to modernise the Queensland Cancer Register. A technological solution has also been developed in collaboration with the CSIRO to reduce the impost of the proposed new requirements for diagnostic imaging practices.

The bill amends the Recording of Evidence Act 1962 to establish a new statutory framework for recording the proceedings of prescribed tribunals and providing access to copies of records and transcriptions of the proceedings. The tribunals to which the new framework will apply will be prescribed by regulation. It is intended that the Mental Health Review Tribunal will be a prescribed tribunal. In recognition of the different requirements of smaller tribunals such as the Mental Health Review Tribunal, the bill establishes a new framework that provides greater flexibility in how the proceedings of prescribed tribunals may be recorded and how records of proceedings may be provided.

The new framework provides safeguards to protect the privacy, safety and wellbeing of persons referred to in records or transcriptions by providing that access to a copy of a record or transcription may be restricted under the Recording of Evidence Act or another act, or by an order of a court, tribunal or judicial person.

The bill also amends the Mental Health Act 2016 to support the Mental Health Review Tribunal to contemporise its recording of proceedings with the use of technology. The amendments to the Recording of Evidence Act will require all tribunals to ensure a recording or transcription is available to any person, unless prohibited by legislation or a tribunal order. The bill will ensure this applies appropriately to the sensitive and typically closed nature of Mental Health Review Tribunal proceedings. These amendments will promote fairness, accountability and accessibility in hearings about the treatment of vulnerable people in our community.

The bill also amends the Mental Health Act to remove the requirement for an adult with capacity to waive the right to be represented at a Mental Health Review Tribunal hearing in writing. The requirement for waiver to be in writing is an administrative burden for patients and can create a barrier to individuals exercising their rights in a timely manner. It has resulted in situations where the Mental Health Review Tribunal is unable to dismiss a legal representative even though a person with capacity has chosen to waive their right to representation. In these circumstances, the Mental Health Review Tribunal must adjourn the proceeding until the written waiver can be completed. During an adjournment period, a person's involuntary treatment can continue without independent review, or access to important treatment may be delayed.

A person's right to legal representation will continue to be protected. The Mental Health Review Tribunal will remain responsible for assessing a person's capacity to waive the right to a representative. If the Mental Health Review Tribunal assesses a person as lacking capacity to waive their right to representation, they will not be able to do so. The Mental Health Review Tribunal will also retain the ability to require a waiver in writing if they consider it necessary. Given the importance of the right to representation, the amendment only allows a verbal waiver in place of a written waiver if the Tribunal is satisfied that this would not cause injustice to the person who wants to waive the right.

Amendments to the Medicines and Poisons Act 2019 will allow for the disclosure of information to protect the health and safety of members of the community. To enable the public and wholesalers to verify whether a person they are dealing with has appropriate approvals to deal with medicines or

poisons, the bill will provide that the chief executive of Queensland Health can disclose information from the substance authority register by providing information directly to a person or publishing information from the register on the department's website where it is in the public interest and disclose information from the administrative action register directly to a person where it is in the public interest. However, the bill will remove the ability for the chief executive to publish the administrative action register on the department's website. The bill will also make other technical and clarifying changes to improve the operation of the Medicines and Poisons Act.

We know that organ and tissue donation saves many lives each year—a single donor can save up to seven lives. I remind members that, if you are not on the donor register, if you have not had the conversation with your family and your loved ones, please consider doing so because it could save not just one life but many lives.

**Mr Stevens:** I'm on it.

**Mrs D'ATH:** I am glad to hear that. I take that interjection from the member for Mermaid Beach. On a side note, on my way in this morning I noticed that the blood bank has their van outside the front of parliament, if anyone would like to contribute in that way as well. We know how, especially going into summer and school holidays, we need to ensure that we have sufficient blood and plasma supplies.

Families are always asked to say 'yes' to tissue being removed from a deceased loved one in a hospital. As only two per cent of people who die in hospital can be considered for organ donation, every opportunity counts.

The bill will amend the Transplantation and Anatomy Act 1979 to ensure that consent processes are consistent between public and private hospitals for the donation of human tissue, such as organ donation. The amendments will enable families in private hospitals to provide verbal consent to organ donation, followed by written consent.

The bill will also remove the requirement for a Queensland doctor to be granted a ministerial permit before they can obtain tissue already approved under the Therapeutic Goods Administration's Special Access Scheme. The bill removes the duplicative approval process. The TGA has a thorough, well-established oversight process in place for the tissue products available under the scheme. Tissue products obtained through the Special Access Scheme may be needed to assist a person who is seriously ill, who is facing death without access to the treatment.

Finally, the bill will amend the Water Fluoridation Act 2008 to remove the requirement that fluoridation decisions be notified specifically in a newspaper and replace it with a requirement that the decision be made publicly available. We know that it is important that we use other media streams to notify of these measures when we have fewer and fewer print newspapers operating, particularly in the regions, in our local communities. The bill will make two technical amendments to the Radiation Safety Act 1999 to improve the operation of that act and its interaction with the Radiation Safety Regulation 2021.

The Palaszczuk government is committed to ensuring that Queensland's health legislation is serving the needs of Queenslanders. This bill will facilitate initiatives that promote the health of Queenslanders and support the effective operation of our health system.

Many of the things that I have covered in this bill will help create efficiencies across our health system, but the one I am most proud of is the fact that we are entrenching the safety of our staff, our health workers, across the health system into the Hospital and Health Boards Act 2011. The fact that the objects of the act will require our boards and our HHSs to proactively support the health, safety and wellbeing of their staff sends a clear message that we expect those hospital and health services and their boards to support those staff members each and every day—because, if we do not look after our staff and their wellbeing, how can we expect them to look after the health and wellbeing of Queenslanders? We value our staff and we know that this is an important step forward in providing them with a very strong message that we support their wellbeing and that that is an obligation on all the HHSs and the boards. I commend the bill to the House.

### **First Reading**

**Hon. YM D'ATH** (Redcliffe—ALP) (Minister for Health and Ambulance Services) (12.58 pm): 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 Hart): Order! In accordance with standing order 131, the bill is now referred to the Health and Environment Committee.

Sitting suspended from 12.59 pm to 2.00 pm.