




Speech By
James Martin

MEMBER FOR STRETTON

Record of Proceedings, 19 April 2023

HEALTH AND OTHER LEGISLATION AMENDMENT BILL

 **Mr MARTIN** (Stretton—ALP) (11.51 am): I would like to start by acknowledging the commitment of the Minister for Health as well as the Health and Environment Committee for their efforts in developing the Health and Other Legislation Amendment Bill. The Palaszczuk government is committed to ensuring that all Queenslanders have the highest quality public health care. This bill will have a positive impact on the health and wellbeing of the people of Queensland by ensuring our health legislation is contemporary and effective. It is a comprehensive document that implements key policy initiatives to support the provision of better health services and to improve the operation of the health portfolio.

The bill will 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. These amendments reflect the ever-evolving healthcare landscape in Queensland. They will innovate the delivery of care and allow all healthcare workers to fulfil their potential by utilising their full range of skills.

Over the course of the pandemic it became very evident just how vital our healthcare workers are to our state. Healthcare staff work in high pressure environments every day, and they go above and beyond to treat and assist Queenslanders. We talk a lot about mental health, so it is important that the mental health of our healthcare workforce is also supported. That is why this bill amends the Hospital and Health Boards Act. It will require hospital boards and health service providers to proactively consider methods of supporting the health and safety and wellbeing of their staff. It will ensure that both the physical and psychological wellbeing of one of our most important workforces is being prioritised appropriately.

Various health and safety obligations to protect staff wellbeing in Queensland are already in place. However, these provisions are specific to the public health workforce due to the complex nature of their work and unique risks posed to their wellbeing. The requirements of the healthcare service providers to actively consider supporting the wellbeing of staff will be extended to those who perform community or home-based work. This means that all hospital boards and healthcare providers will have a clear obligation to support all of our fantastic doctors, nurses, midwives, allied healthcare professionals, and operational and admin staff who keep our system running.

Further amendments to the Hospital and Health Boards Act will reinforce the right to access healthcare services under the Human Rights Act 2019 by clarifying when security officers can direct persons to leave public healthcare premises. Health security officers play a key role in the safety and security of everyone—staff and patients—in the hospital environment. Current practices involve security officers communicating with clinical staff before providing direction to a person to leave the premises. Amendments in this bill reflect that by clarifying that a person must not be directed to leave a public health premises if they require emergency medical treatment, hence the communication with clinical staff.

To achieve the objective of keeping our health legislation contemporary and effective, amendments will be made to the Recording of Evidence Act. These amendments will establish a new statutory framework for the recording of proceedings at prescribed tribunals and provide access to copies of those records and transcripts of proceedings. In recognition of the different requirements of smaller tribunals that often do not sit in a regular controlled premises such as a courtroom, the new framework is more appropriately suited to the operational requirements. Recordings and transcripts will be available to any person unless prohibited by legislation or a tribunal order. These safeguards will be put in place to protect the privacy, safety and wellbeing of persons referred to in the recording and transcripts. As has been stated previously, mental health and wellbeing is a very important topic of discussion. One of the smaller tribunals that will now have greater flexibility thanks to this new recording framework is the Mental Health Review Tribunal. This tribunal will be provided with even more support through amendments to the Mental Health Act 2016.

On top of contemporising its recording and proceedings with the use of better technology through the Recording of Evidence Act, the amendments to the Mental Health Act will remove the requirement for an adult with capacity to waive the right to be represented at a Mental Health Review Tribunal hearing in writing. This requirement for a waiver to be in writing is an administrative burden for patients and creates an extra barrier for individuals who wish to exercise their rights in a timely manner. In the past situations have arisen where the tribunal has been unable to dismiss a legal representative even though a person with capacity has chosen to waive their right to representation. In those circumstances, the tribunal has had to adjourn proceedings until written waivers could be completed, thus causing delays to what is important treatment.

A person's right to legal representation needs to be protected and, as such, the Mental Health Review Tribunal will still be responsible for assessing a person's capacity to waive the right to legal 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.

Each year Queensland's Health's vision-screening program screens about 45,000 prep students for the presence of lazy eye and its associated risk factors. The screening process takes less than five minutes but helps to provide them the best possible start to their education. The early detection of vision problems reduces any impact on their learning and development by ensuring that young students can receive effective treatment early on.

Queensland's Public Health Act already allows student information to be shared between schools and public dental and immunisation programs. As part of this bill, amendments to the Public Health Act will insert the vision-screening program into that group of programs in which student information can be disclosed. This will remove the burden on school staff by enabling vision-screening nurses to oversee the consent process.

Further amendments to the Public Health Act will modernise the Queensland Cancer Register. These amendments certainly hit close to home as, unfortunately, we all know someone who has been affected by cancer. Sadly, around 31,000 Queenslanders are diagnosed with cancer annually and around 9,400 lose their life. The Queensland Cancer Register is a vital source of data that provides an accurate outlook of cancer in Queensland. It is one of the largest population-based registers in the country and it provides vital assistance in planning the care of cancer patients in Queensland by monitoring and evaluating the quality of cancer treatments and outcomes of care. This data is then used for further research.

Amendments in this bill will modernise the Queensland Cancer Register by using technology developed by the CSIRO to reduce the impost of requirements for diagnostic imaging practices. They will allow the Queensland Cancer Register to collect more accurate data, inform understanding of cancer, analyse the use of treatments and develop strategies and education programs. It will also align with the Palaszczuk government's record funding commitment to develop a standalone cancer hospital with treatment, research, education and training facilities.

Protecting the health and safety of members of the community is a top priority, and amendments to the Medicines and Poisons Act will allow us to do just that. The amendments will enable wholesalers and the general public to verify whether a person they are dealing with has the appropriate approvals to deal with medicines or poisons. The chief executive officer of Queensland Health will be able to disclose information from the substance authority register by providing information either directly to a person or via the department's website where it is in the public interest. The bill will make other technical and clarifying changes to improve the operation of the Medicines and Poisons Act.

Other amendments in this bill amend the Transplantation and Anatomy Act and the Water Fluoridation Act. The amendments to the Transplantation and Anatomy Act ensure the consent process for the donation of organs is consistent between public and private hospitals and will enable families in private hospitals to provide verbal consent for organ donation followed by written consent. Duplicate

approval processes, such as the requirement for doctors to be granted a ministerial permit before obtaining organs that are already approved under the TGA Special Access Scheme, will also be removed. The TGA already has a thorough oversight process in place and organs are often needed by those who are facing death, meaning their treatment is very time sensitive. The amendments to the Water Fluoridation Act will remove the requirement for fluoridation decisions to be notified specifically in a print newspaper. Instead, other media streams will be able to be used.

Finally, two amendments will be made to the Radiation Safety Act so that operation and interaction with the legislation is improved. The Palaszczuk government is fully committed to ensuring our health legislation is contemporary and effective. The initiatives in the bill will promote the health and safety of Queenslanders and support the operation of our health system. I commend the bill to the House.