




Speech By
Rob Molhoek

MEMBER FOR SOUTHPORT

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HEALTH LEGISLATION AMENDMENT BILL (NO. 3)

Second Reading

 **Mr MOLHOEK** (Southport—LNP) (12.30 pm): I rise to make a brief contribution to the Health Legislation Amendment Bill (No. 3). At the outset, I want to congratulate the health minister on the fact that he has brought so much reform to this House over the last 12 months. While, yes, there have been three amendment bills, that simply reflects the fact that there has been a lot needing to be fixed. What we have seen is the health minister coming in and having to deal with a decade of decline. That has required a lot of well-thought-out action, just like this legislation with important, well-thought-out amendments. Each and every one of these amendment bills has had a place in time and an important role to play in fixing many of the issues confronting Queenslanders with what was a failing and broken health system.

I also want to commend the minister for the last round of legislation we debated just a few weeks ago with regard to the tobacco and other legislation amendment bill and the rapid response by Queensland Health and other enforcement agencies in our state in dealing with what has been an absolutely appalling abuse of the law. I congratulate him on the, I think, 148 illegal tobacco shops that have been shut in the course of just the last fortnight. Well done, Minister.

This bill proposes amendments to eight pieces of health portfolio legislation to strengthen governance, improve regulatory frameworks and ensure legislation operates effectively across Queensland's health system. Key reforms include: amendments to the Assisted Reproductive Technology Act 2024 to address issues identified during implementation; amendments to the Private Health Facilities Act 1999 to improve patient safety in cosmetic surgery; and amendments to the Transplantation and Anatomy Act 1979 to establish a consent framework for ante-mortem interventions in cases of circulatory death. The bill also introduces governance changes to allow the removal of certain office holders without cause, reflecting the importance of public confidence in the health leadership.

The committee received 17 submissions from stakeholders and held a public briefing with Queensland Health, followed by a public hearing with a range of organisations and individuals. On behalf of the committee I want to thank those individuals and organisations who made written submissions on the bill and who appeared before the committee at the public hearing. I also want to thank my committee colleagues, our secretariat and Queensland Health, who assisted the committee during this inquiry.

The bill includes amendments to the Assisted Reproductive Technology Act 2024. It also includes amendments to the Hospital and Health Boards Act and other acts to allow without-cause removal of certain office holders to maintain public confidence. I will return to that point in a moment. It also amends the Private Health Facilities Act to require private health facilities that provide cosmetic surgery to comply with the National Safety and Quality Cosmetic Surgery Standards and enable

information-sharing agreements. It also makes amendments to the Transplantation and Anatomy Act 1979 to establish a consent framework for ante-mortem interventions in cases of circulatory death, enhancing opportunities for organ donation.

Key themes and submissions that were considered by the committee included: the practical impacts of overly prescriptive requirements contained within the ART Act and the landscape of fertility legislation across Australia; the need for amendments to counselling requirements for couples who are separated; the risk of unregulated cosmetic surgery practices and the need for standardisation to protect patient safety; a duplication of regulatory regimes associated with cosmetic surgery facilities and potential impacts this may have on smaller facilities; the potential for divergent decision-making in end-of-life care and how conflicts might be resolved where two people disagree with a proposed course of action in advance of organ donation; and the potential governance risks of no-cause removals for certain office holders balanced against the public interest of maintaining trust in the leadership of health entities. The committee considered all of these issues and took into account fundamental legislative principles and human rights which are engaged by the operation of the bill. The committee made one recommendation: that the bill be passed.

I want to turn now to the comments of the deputy chair within his statement of reservation and again here today. I note that, while Labor have said they support these amendments, they also say they have reservations around the removal of office holders under the Hospital and Health Boards Act and other acts. Further on in the statement of reservation they acknowledge that removal powers are included within other acts and they also express concern about this new provision. It is an understatement to say that it is in some Queensland acts. It is, in fact, in 21 other pieces of legislation, and I want to draw the House's attention to those 21 pieces of legislation. We hear our Labor colleague in the House raising grave concerns about these 'special' powers that are being introduced, yet for more than two decades these provisions have existed within other pieces of legislation that Labor have happily presided over for this period of time.

We see these provisions in the Major Sports Facilities Act 2001, the Trade and Investment Queensland Act 2013, the Queensland Rail Transit Authority Act 2013, the South East Queensland Water (Restructuring) Act 2007, the Queensland Museum Act 1970, Queensland Art Gallery Act 1987, the Queensland Performing Arts Trust Act 1977, the Queensland Theatre Company Act 1970, the Libraries Act 1988, the Workers' Compensation and Rehabilitation Act 2003, the Work Health and Safety Act 2011, the Queensland Reconstruction Authority Act 2011, the Tourism and Events Queensland Act 2012, the Legal Aid Queensland Act 1997, the Rural and Regional Adjustment Act 1994, the Coexistence Queensland Act 2013—should I go on?—the Racing Act 2002, the Food Production (Safety) Act 2000, the Gold Coast Waterways Authority Act 2012, the Residential Tenancies and Rooming Accommodation Act 2008 and the Corrective Services Act 2006.

Labor have form on this provision, and for them to come into this House and suggest it is an inappropriate provision is absolutely disingenuous. In fact, I want to draw the House's attention to the comments that were made by Queensland Health. Queensland Health made the comment in public hearings that this is a matter of policy for the government. The previous four or five Labor governments presided over many boards and bills and appointed all their Labor mates to those boards and union reps have used their powers inappropriately over many years, so for those opposite to come in here now and suggest that this is an inappropriate use of power is nothing short of breathtaking. The advice from the Queensland Department of Health is important and I think it is important to draw the House's attention to it. The committee report stated—

... the Bill requires the decision to remove a person from office to be made by Governor in Council. It was said that this provides a safeguard to ensure that all decisions will be subject to a considered Government process, with consultation between Ministers and a formal process. In response to concerns about procedural fairness and natural justice, Queensland Health noted that procedural fairness and natural justice processes are part of the common law and apply without needing an express provision in an Act. Procedural fairness and natural justice are expected to be followed if a person is to be removed from office under the amendments, which may include the giving of notice of the proposed removal from office and an opportunity to be heard.

This is not just a policy decision of the current Crisafulli government and it is not some new idea; this is standard practice and has been for decades within the state of Queensland.

I want to finish with one final comment, and that is that the Queensland Law Society raised concerns about this amendment. It is curious to me—and I think it should be curious to the House—that it never raised concerns about it when the other 21 acts embraced the same condition or provisions.