

Health and Environment Committee

Health and Other Legislation Amendment Bill 2022 Report No. 29, 57th Parliament

Government Response

The Health and Environment Committee has published a report following its inquiry into the Health and Other Legislation Amendment Bill 2022.

The report contains five recommendations. The first recommendation by the Committee was that the Bill be passed. The Government's response to the following recommendations is below.

Recommendation 2 – Hospital and Health Boards Act 2011

The committee recommends that Hospital and Health Services and Hospital and Health Boards regularly report on their progress on supporting staff health, safety and wellbeing, at a minimum in their annual reports.

Government response: supported in principle

The Minister for Health and Ambulance Services will write to Hospital and Health Boards and Hospital and Health Services to draw the Committee's recommendation to their attention, and, subject to the passage of the Bill, encourage them to include updates about supporting staff health, safety and wellbeing in annual reports.

Hospital and Health Boards and Hospital and Health Services have compliance and reporting obligations under the *Work Health and Safety Act 2011* framework. The framework includes obligations to manage the risk of psychosocial hazards. Meeting existing work health and safety obligations may go towards Hospital and Health Boards and Hospital and Health Services fulfilling their new obligations under the Hospital and Health Boards Act. The amendments to the Hospital and Health Boards Act may also lead to Hospital and Health Boards and Hospital and Health Services implementing new staff wellbeing activities that go towards meeting work health and safety requirements.

Recommendation 3 – Medicines and Poisons Act 2019

The committee recommends that the Minister outline in her second reading speech the process for assessing any requests for disclosure of information on the administrative action register, as proposed by clause 13 of the Bill, and how the chief executive will determine whether it is in the public interest to disclose information.

Government response: supported

The Minister for Health and Ambulance Services will address the Committee's recommendation in her second reading speech.

The policy intent of this amendment is to allow consideration by the decision-maker with a delegation from the chief executive of risks associated with giving the information and provide some discretion about whether or not to give information from the administrative action register, based on a public interest test.

Subject to the passage of the Bill, it is proposed that Queensland Health will develop a 'public interest' decision tool for use by decision-makers. This will assist decision-makers to meet their obligations and make sound decisions.

A 'Request for information from administrative action register' form will be included on the Queensland Health webpage to enable formal requests for information from the administrative action register to be completed.

Decision-makers will be provided with guidance and training on applying the public interest test to respond to requests for confidential information from the administrative action register. Factors such as the nature of any health risks to the public, the level of the health risks, and the risks of harm to the person whose information may be disclosed, are all relevant to whether it is in the public interest to disclose information. Decisions to disclose information will therefore be made on a case-by-case basis.

This approach will allow decision-makers to provide discrete and appropriate information in the circumstances, to a person seeking the information.

The giving of information from the administrative action register also requires consideration of relevant human rights, including 'privacy and reputation' as described in section 25 of the *Human Rights Act 2019*.

In addition, the process for assessing any request for disclosure of information on the administration action register will consider:

1. whether the information is publicly available elsewhere, for example, published on the Australian Health Practitioner Regulation Agency website (for example, recording the cancelled professional registration of a health practitioner), or the Queensland Office of the Health Ombudsman website (for example, recording orders made against a health practitioner);
2. the person requesting the information, for example, are they a member of the public seeking information for general knowledge; a person checking if a pest management technician is licensed; or a member of a health profession seeking information for the purpose of treating patients;
3. the reason for requesting the information, for example, is it a pharmacist requesting information about whether they should dispense a medication from a particular health practitioner or a poisons wholesaler confirming a person is authorised to purchase high-risk poisons;
4. any risks associated with giving the information; and
5. whether the benefits gained by giving the information outweigh any risks associated with giving the information, such that if the information is given, it is in the public interest to do so.

Recommendation 4 – Mental Health Act 2016

The committee recommends that resources for technical and/or administrative support be provided to the Mental Health Review Tribunal to make recordings and/or transcriptions of proceedings.

Government response: supported

Queensland Health has worked closely with the Mental Health Review Tribunal (MHRT) since it trialled electronic recording in 2020 and during development of the Bill to ensure that the MHRT has the capacity to electronically record proceedings and appropriately share records.

The MHRT has advised that it will commence electronic recording as soon as the new legislative framework has commenced. No barriers to this have been identified.

The MHRT will have the resourcing and skills to make recordings in-house. It already owns the recording devices it will require, and is developing a training package for members about conducting recordings. The MHRT intends to appoint a dedicated staff member to support the recording process.

Other costs of implementing electronic recording will be met through existing Queensland Health budgets.

Recommendation 5 – Public Health Act 2005

The committee recommends that Queensland Health consider, as a priority, the inclusion of all basal cell carcinomas (BCCs) and squamous cell carcinomas (SCCs) as notifiable cancers in future amendments of the *Public Health Regulation 2018*.

Government response: supported

The amendments proposed to the Public Health Act as part of this Bill, will be the largest reforms to the Queensland Cancer Register since the Register was established almost 40 years ago. They will make Queensland a national leader in population-based cancer data collection. The amendments will result in substantially more data being notified that will benefit efforts to address cancer in Queensland.

As the Committee noted, Queensland has the highest rate of skin cancer in Australia. Queensland Health's approach to date has focused on obtaining data for the particular types of skin cancers with the worst outcomes for Queenslanders, such as melanoma and rare cancers. This is in line with most Australian cancer registries, which do not routinely collect data for any types of BCCs or SCCs of the skin.

Queensland Health will consider, as soon as possible, whether to amend the Public Health Regulation to make all BCCs and SCCs notifiable skin cancers. This will include careful consideration of the resource impacts for Queensland Health and health providers and whether the extra information would create benefits for effective system planning, preventive interventions and resource allocation at this time.

Queensland Health will also continue to consult with its cancer registry colleagues from other jurisdictions about best practice data collection and opportunities for improvement, for example via the Australasian Association of Cancer Registries.

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MP: Hon DWAH By Leave
Clerk's Signature: 