

**Health, Communities, Disability Services and Domestic and Family Violence
Prevention Committee**

Report No. 4, 56th Parliament

Subordinate legislation tabled between 11 October and 24 October 2017

1 Aim of this report

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 11 October and 24 October 2017. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992*.

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
213	Health Legislation Amendment Regulation (No.2) 2017	24 October 2017	3 May 2018

2.1 Health Legislation Amendment Regulation (No.2) 2017

The objectives of the Health Legislation Amendment Regulation (No.2) 2017 are to amend:

- the Hospital and Health Boards Regulation 2012, to update the list of acute adult medical and surgical wards in which mandatory nurse-to-patient ratios are to apply, and
- the Private Health Facilities Regulation 2016, to require certain high risk surgical procedures to be performed only at licensed private health facilities.

Amendment to the Hospital and Health Boards Regulation 2012

The amendment to the Hospital and Health Boards Regulation 2012 (HHBR) impacts on requirements for mandatory staff-to-patient ratios in two Sunshine Coast hospitals.

The HHBR at Schedule 2 lists acute adult medical, surgical and mental health wards in public health facilities to which mandatory nurse-to-patient ratios apply under the *Hospital and Health Boards Act 2011*. The amendment regulation adds the Sunshine Coast University Hospital (SCUH) to the list, and removes the Caloundra Hospital.¹

According to the explanatory notes, the Caloundra Hospital no longer has an acute adult medical ward, and the SCUH has been complying with nurse-to-patient ratios since 1 April 2017. As regards consultation about the proposed changes, the explanatory notes state that the making of the amendment was discussed and supported by the Ratios Implementation Working Group.²

¹ Explanatory notes, p 1.

² Explanatory notes, p 2.

Amendments to the Private Health Facilities Regulation 2016

The amendments to the Private Health Facilities Regulation 2016, which took effect on 1 January 2018, are designed to protect the health, safety and wellbeing of patients by ensuring that certain high risk procedures can only be conducted in licensed facilities. The procedures affected by the amendment regulation are generally undertaken for cosmetic reasons, but may also be undertaken for medical reasons or a combination of both. They include: abdominoplasty; belt lipectomy; brachioplasty; breast augmentation or reduction; buttock augmentation, reduction or lift; labiaplasty; some liposuction; mastopexy; monoplasty; neck lift; rhinoplasty; face lifts; and facial and other implants.

According to the explanatory notes, the changes follow an investigation in 2015 by the New South Wales Health Care Complaints Commission of a provider of cosmetic procedures. The commission found that, over a 12-month period, 33 patients who underwent breast augmentation had questionable levels of sedation used in a premises not licensed for the level of sedation used. Six of those patients suffered serious and life-threatening adverse events, including cardiac arrest, with three patients requiring resuscitation.³ Following the investigation, New South Wales became the first state to regulate surgical cosmetic procedures, and require the performance of certain procedures only in licensed facilities. According to the explanatory notes, the amendment regulation closely mirrors the New South Wales legislation.

The explanatory notes detail the public consultation, formation of an expert advisory panel and other work by the Department of Health to develop the amendment regulation.

3 Committee consideration of the subordinate legislation

The committee has examined the policy to be given effect by the subordinate legislation and its lawfulness. No issues regarding consistency with fundamental legislative principles (FLPs) or the lawfulness of the subordinate legislation were identified.

The explanatory notes tabled with the proclamation and regulations comply with the requirements of section 24 of the *Legislative Standards Act 1992*.

4 Recommendation

The committee recommends that the House notes this report.



Aaron Harper MP

Chair

April 2018

Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee

Chair	Mr Aaron Harper MP, Member for Thuringowa
Deputy Chair	Mr Mark McArdle MP, Member for Caloundra
Members	Mr Michael Berkman MP, Member for Maiwar
	Mr Marty Hunt MP, Member for Nicklin
	Mr Barry O'Rourke MP, Member for Rockhampton
	Ms Joan Pease MP, Member for Lytton

³ Explanatory notes, p 3.