



# Annual Report 2019-20

**Report No. 41, 56<sup>th</sup> Parliament**  
**Health, Communities, Disability Services and**  
**Domestic and Family Violence Prevention Committee**  
**September 2020**

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

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## Contents

<b>1</b>	<b>Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee</b>	<b>1</b>
<b>2</b>	<b>Annual report</b>	<b>1</b>
2.1	COVID-19	1
<b>3</b>	<b>Inquiries and reports</b>	<b>2</b>
3.1	Bills and subordinate legislation	2
3.1.1	Examination of Bills	2
3.1.2	Portfolio subordinate legislation	5
3.2	Other inquiries	8
3.2.1	Inquiry into aged care, end-of-life and palliative care and voluntary assisted dying	8
3.2.2	Investigation into the sudden closure of the Earle Haven residential aged care facility	9
3.2.3	Inquiry into Queensland Government’s health response to COVID-19	10
3.3	Statutory oversight of the Health Ombudsman and health complaints management system	10
3.4	Public Accounts and Public Works	11
3.4.1	Inquiry into the Wynnum and Mermaid Waters Ambulance Station Projects	11
3.5	Consideration of Auditor-General Reports to Parliament	12
<b>4</b>	<b>Committee expenditure</b>	<b>13</b>
<b>5</b>	<b>Meeting attendance record</b>	<b>14</b>
<b>6</b>	<b>The committee’s publications tabled during 2019-20</b>	<b>17</b>



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

The Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee (the committee) is a portfolio committee of the Legislative Assembly which commenced on 15 February 2018 under section 88 of the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.

The committee's primary areas of responsibility include:

- Health and Ambulance Services
- Communities, Women, Youth and Child Safety
- Domestic and Family Violence Prevention, and
- Disability Services and Seniors.

The functions of a portfolio committee include the examination of bills and subordinate legislation in its portfolio area to consider:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles
- matters arising under the *Human Rights Act 2019*
- for subordinate legislation – its lawfulness.<sup>1</sup>

Portfolio committees also have responsibility for the scrutiny of public accounts and public works which relate to their portfolios, consider reports of the Auditor-General and other referrals from the Legislative Assembly, and may initiate inquiries into other matters they consider appropriate.<sup>2</sup>

## 2 Annual report

In accordance with section 108 of the *Parliament of Queensland Act 2001*, the committee is required to table an annual report within four months and 14 days after the end of each financial year. The report must include:

- a list of meetings of the committee and the names of members attending or absent from each meeting
- a summary of issues considered by the committee, including a description of the more significant issues arising from the considerations
- a statement of the committee's revenue and spending for the year
- a brief description of responses by Ministers to recommendations of the committee.

This report provides a summary of the activities of the committee from 1 July 2019 to 30 June 2020.

### 2.1 COVID-19

The COVID-19 global pandemic has impacted on the Queensland Parliament and its committees from March 2020. The committee has continued to conduct its business and fulfil all of its responsibilities during the pandemic, with increased use of teleconferencing and videoconferencing for its private and public meetings and hearing evidence. The committee has also continued to provide live broadcasts of its public briefings and hearings via Parliament TV and to publish transcripts of these proceedings.

<sup>1</sup> *Parliament of Queensland Act 2001*, sections 93; and *Human Rights Act 2019* (HRA), ss 39, 40, 41 and 57.

<sup>2</sup> *Parliament of Queensland Act 2001*, sections 92 & 94.

### 3 Inquiries and reports

The committee considered a number of issues and tabled 16 reports during the 2019-2020 financial year. The reports are listed at the back of this report. The committee's reports and inquiries are discussed below. Copies of the committee's publications are available from the committee's webpage: [www.parliament.qld.gov.au/Health](http://www.parliament.qld.gov.au/Health).

#### 3.1 Bills and subordinate legislation

The committee examined four Bills and 27 pieces of subordinate legislation in accordance with its responsibility under section 93(1) of the *Parliament of Queensland Act 2001*. In particular the committee considered:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles (FLPs) to the legislation
- since January 2020, the compatibility of Bills and subordinate legislation with the *Human Rights Act 2019*, and
- for subordinate legislation - its lawfulness.

##### 3.1.1 Examination of Bills

###### 3.1.1.1 2019-20 Budget Estimates - Appropriation Bill 2019

On 11 June 2019, Hon Jackie Trad MP, Deputy Premier, Treasurer and Minister for Aboriginal and Torres Strait Islander Partnerships, introduced the Appropriation Bill 2019. The Bill and the estimates for the committee's area of responsibility were referred to the committee for investigation and report.<sup>3</sup>

At its public hearing on 25 July 2019, the committee questioned the Minister for Health and Minister for Ambulance Services; the Minister for Communities, and Minister for Disability Services and Seniors; and the Minister for Child Safety, Youth and Women and Minister for the Prevention of Domestic and Family Violence about the proposed expenditures for their portfolio areas.<sup>4</sup> On 16 August 2019 the committee tabled Report No. 23 on the 2019-20 Budget Estimates.

The Bill was passed on 18 February 2020.

###### 3.1.1.2 Health Transparency Bill 2019

On 4 September 2019, Hon Dr Steven Miles MP, Minister for Health and Minister for Ambulance Services, introduced the Health Transparency Bill 2019. The Bill was referred to the committee for consideration and a report due to be tabled by 18 October 2019.<sup>5</sup>

As set out in the explanatory notes, the Bill:

- establishes a legislative framework for collecting and publishing information about public and private hospitals and residential aged cared facilities (RACFs);
- amends the *Hospital and Health Boards Act 2011* to introduce a minimum nurse and support worker skill mix ratio and minimum average daily resident care hours in public RACFs; and

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<sup>3</sup> Report No. 23, 56th Parliament Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee, *2019 – 20 Budget Estimates*, p 1.

<sup>4</sup> Report No. 23, 56th Parliament Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee, *2019 – 20 Budget Estimates*, p 1.

<sup>5</sup> Report No. 27, 56th Parliament Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee, *Health Transparency Bill 2019*, p 1.

- amends the *Health Ombudsman Act 2013* to implement recommendations of the committee's *Inquiry into the performance of the Health Ombudsman's functions pursuant to section 179 of the Health Ombudsman Act 2013*.<sup>6</sup>

During its examination of the Bill, the committee accepted 19 submissions. The committee received a public briefing from Queensland Health and the Office of the Health Ombudsman on 16 September 2019; and a second public briefing from Queensland Health on 9 October 2019. A public hearing was held in Brisbane on 9 October 2019.<sup>7</sup>

The committee tabled its report on 18 October 2019, making several recommendations including that the Bill be passed. The Government noted the recommendation to pass the Bill and supported the six remaining recommendations relating to mechanisms for greater transparency in Queensland's health system.

The Bill was passed with amendments on 28 November 2019.

### 3.1.1.3 Health Legislation Amendment Bill 2019

On 28 November 2019, the Health Legislation Amendment Bill 2019 was introduced into the Legislative Assembly by the Hon Dr Steven Miles MP, Minister for Health and Minister for Ambulance Services, and referred to the committee for examination and report by 21 February 2020.

As set out in the explanatory notes, the Bill proposes to amend five health portfolio Acts and two Regulations to implement a number of policy initiatives and improve the operation of the legislation. In particular, the Bill amends:

- the *Hospital and Health Boards Act 2011* to:
  - strengthen networked governance in Queensland's public health system by:
    - a. requiring Hospital and Health Services and Hospital and Health Boards to have regard to the effective and efficient use of resources for the public sector health system as a whole, and the best interests of patients and other users of health services throughout Queensland; and
  - strengthen the commitment to health equity for Aboriginal people and Torres Strait Islander people and strengthen the capability and effectiveness of Hospital and Health Boards by:
    - b. including as a guiding principle a commitment to achieving health equity and delivery of responsive, capable and culturally competent health care to Aboriginal people and Torres Strait Islander people;
    - c. requiring each Hospital and Health Service to have a strategy for achieving health equity for Aboriginal people and Torres Strait Islander people; and
    - d. requiring each Hospital and Health Board to have one or more Aboriginal persons and/or Torres Strait Islander persons as members;
  - allow the Patient Safety and Quality Improvement Service within Queensland Health to disclose root cause analysis reports about reportable events to quality assurance committees; and
  - make minor technical amendments;

<sup>6</sup> Health Transparency Bill 2019, explanatory notes, p 1.

<sup>7</sup> Report No. 27, 56th Parliament Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee, *Health Transparency Bill 2019*, p 1.

- the *Ambulance Service Act 1991*, to complement the amendment to the Hospital and Health Boards Act, to recognise the Queensland Ambulance Service and Hospital and Health Services have mutual obligations to collaborate;
- the *Public Health Act 2005* to:
  - prohibit the practice of conversion therapy by health service providers in Queensland;
  - repeal redundant provisions for the Queensland Pap Smear Register, which has been replaced by the National Cancer Screening Register; and
  - correct a minor drafting error in the legislative requirements for Water Risk Management Plans;
- the Public Health Regulation 2018, to repeal redundant provisions for the Queensland Pap Smear Register;
- the *Private Health Facilities Act 1999* (Private Health Facilities Act), to align the conditions of licence for private health facilities in Queensland with requirements under the nationally adopted Australian Health Service Safety and Quality Accreditation Scheme;
- the Private Health Facilities Regulation 2016, to support amendments to the Private Health Facilities Act to align conditions of licence for private health facilities in Queensland; and
- the *Queensland Mental Health Commission Act 2013*, to clarify the Mental Health Commission's powers to employ staff and to allow the Commissioner to be appointed for a term of up to five years.<sup>8</sup>

During its examination of the Bill, the committee accepted 152 submissions, held a public hearing in Brisbane on 7 February 2020 and received two public briefings from Queensland Health. These briefings were held on 9 December 2019 and 7 February 2020.

The committee tabled its report in the Legislative Assembly on 21 February 2020, recommending that the Bill be passed and two additional recommendations seeking clarity about clauses in the Bill.

The Government's response to the committee's report was to be tabled on 21 May 2020. Due to the COVID-19 public health emergency declared under the *Public Health Act 2005* (Public Health Act 2005), the Government provided an interim response<sup>9</sup> to the committee's report with a final response due to be tabled by 21 August 2020.<sup>10</sup>

#### 3.1.1.4 Disability Services and Other Legislation (Worker Screening) Amendment Bill 2020

On 18 June 2020, the Disability Services and Other Legislation (Worker Screening) Amendment Bill was introduced into the Legislative Assembly by the Hon Coralee O'Rourke MP, Minister for Communities and Minister for Disability Services and Seniors.<sup>11</sup> As set out in the explanatory notes, the objectives of the Bill are to:

- support nationally consistent worker screening for the National Disability Insurance Scheme (NDIS) and the Intergovernmental Agreement on Nationally Consistent Worker Screening for the NDIS

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<sup>8</sup> Health Legislation Amendment Bill 2019, explanatory notes, pp 1-2.

<sup>9</sup> *Parliament of Queensland Act 2001*, s 107(5)(a).

<sup>10</sup> Minister for Health and Minister for Ambulance Services, correspondence to Clerk of Parliament, dated 20 May 2020, p 1.

<sup>11</sup> Queensland Parliament, Record of Proceedings, 18 June 2020, p 1390.



- enable Queensland to operate a state disability worker screening system for certain disability services that it continues to fund, or deliver, outside of the jurisdiction of the NDIS Quality and Safeguards Commission
- streamline and strengthen the legislative framework for disability worker screening in Queensland, and
- ensure the blue card system operates effectively and efficiently alongside the disability worker screening system and the strongest possible safeguards are maintained in relation to persons working with children with disability.<sup>12</sup>

During its examination of the Bill, the committee accepted six submissions and received a public briefing on 23 June 2020. The committee's report on this Bill is due to be tabled by 3 August 2020.

### 3.1.2 Portfolio subordinate legislation

#### 3.1.2.1 Subordinate legislation tabled between 30 March 2019 and 29 April 2019

On 20 August 2019, the committee tabled *Report No. 24, 56th Parliament - Subordinate legislation tabled between 30 March 2019 and 29 April 2019*. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 35 – Public Health and Other Legislation Amendment Regulation (No. 1) 2019
- No. 38 – Hospital Foundations (Postponement) Regulation 2019.

The committee identified potential breaches of FLPs concerning the rights and liberties of individuals regarding the privacy of personal information and the rights and liberties, or obligations, dependent on administrative power in relation to the Public Health and Other Legislation Amendment Regulation (No. 1) 2019 (amendment regulation).

On further examination, the committee noted the serious public health risks the amendment regulation sought to address, and was satisfied that the potential FLP breaches were sufficiently justified.

The explanatory notes tabled with the subordinate legislation complied with the requirements of s 24 of the *Legislative Standards Act 1992* (LSA).

#### 3.1.2.2 Subordinate legislation tabled on 30 April 2019

On 3 September 2019, the committee tabled *Report No. 25, 56th Parliament - Subordinate legislation tabled on 30 April 2019*. The report advised of the committee's findings with respect to the following subordinate legislation No. 40 – Health Legislation Amendment Regulation (No. 1) 2019 (Amendment Regulation).

The committee identified a potential breach of FLPs concerning sufficient regard to the institution of Parliament and the subdelegation of a power to an external document. On further examination, the committee considered it appropriate, for practical reasons, for matters to be set out in a document other than subordinate legislation.

The explanatory notes tabled with the subordinate legislation complied with the requirements of s 24 of the LSA.

#### 3.1.2.3 Subordinate legislation tabled between 1 May and 14 June 2019

On 9 October 2019, the committee tabled *Report No. 26, 56th Parliament - Subordinate legislation tabled between 1 May and 14 June*. The report advised of the committee's findings with respect to the following subordinate legislation:

<sup>12</sup> Disability Services and Other Legislation (Worker Screening) Amendment Bill 2020, explanatory notes, p 1.

- No. 72 – Private Health Facilities (Standards) Amendment Notice 2019
- No. 94 – Adoption (Fees) Amendment Regulation 2019.

The committee identified a potential breach of FLPs concerning the Private Health Facilities (Standards) Amendment Notice 2019 (amendment notice) and sufficient regard to the institution of Parliament, as the amendment notice allows the subdelegation of a power to an external document. On further examination, the committee considered it appropriate, for practical reasons, for matters to be set out in a document other than subordinate legislation.

The explanatory notes tabled with the subordinate legislation complied with the requirements of s 24 of the LSA.

#### 3.1.2.4 Subordinate legislation tabled between 15 June and 20 August 2019

On 22 October 2019 the committee tabled *Report No. 28, 56th Parliament - Subordinate legislation tabled between 15 June and 20 August 2019*. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 98 – Health Legislation (Fees) Amendment Regulation 2019
- No. 99 – Proclamation made under the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2019* (commencing certain provisions)
- No. 109 – Disability Services (Fees) Amendment Regulation 2019
- No. 116 – Proclamation made under the *Health and Other Legislation Amendment Act 2019*
- No. 117 – Health Legislation Amendment Regulation (No. 2) 2019
- No. 118 – Proclamation made under the Health and Wellbeing Queensland Act 2019
- No. 125 – Disability Services and Other Legislation (NDIS) Amendment Regulation 2019.

The committee identified potential breaches of FLPs concerning the Health Legislation Amendment Regulation (No. 2) 2019 and its regard to the institution of Parliament; and, the Disability Services and Other Legislation (NDIS) Amendment Regulation 2019, which potentially limits the rights and liberties of individuals.

On further examination, the committee considered that the subdelegations relating to Health Legislation Amendment Regulation (No. 2) 2019 are duly authorised and that amendments proposed by the NDIS Amendment Regulation 2019 are demonstrably justified.

The explanatory notes tabled with the subordinate legislation complied with the requirements of s 24 of the LSA.

#### 3.1.2.5 Subordinate legislation tabled between 20 August 2019 and 4 February 2020

On 24 March 2020 the committee tabled *Report No. 35, 56th Parliament - Subordinate legislation tabled between 20 August 2019 and 4 February 2020*. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 126 – Disability Services (Transitional) Regulation 2019
- No. 144 – Guide, Hearing and Assistance Dogs Regulation 2019
- No. 225 – Health Legislation Amendment Regulation (No. 3) 2019
- No. 263 – Hospital and Health Board (Changes to Prescribed Services) Amendment Regulation 2019
- No. 1 – Public Health (Coronavirus (2019-nCoV) Amendment Regulation 2020.

The committee identified potential breaches of FLPs concerning the rights and liberties of individuals in relation to both the Health Legislation Amendment Regulation (No. 3) and Public Health

(Coronavirus (2019-nCoV) Amendment Regulation 2020. On further examination, the committee considered both of the amendment regulations justified given the objective of each amendment.

Two human rights issues (right to privacy and reputation, right to liberty and security) were identified by the committee in relation to the Public Health (Coronavirus (2019-nCoV) Amendment Regulation 2020. The committee considered any limitation on human rights was reasonable and demonstrably justified.

The human rights certificate tabled with the subordinate legislation provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

The explanatory notes tabled with the subordinate legislation complied with the requirements of s 24 of the LSA.

### 3.1.2.6 Subordinate Legislation tabled between 5 February and 20 February 2020

On 7 April 2020 the committee tabled *Report No. 36, 56th Parliament - Subordinate legislation tabled between 5 February and 20 February 2020*. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 7 – Public Health (Extension of Declared Public Health Emergency- Coronavirus (2019-nCoV)) Regulation 2020
- No. 8 – Public Health (Further Extension of Declared Public Health Emergency-Coronavirus (2019-nCov)) Regulation 2020
- No. 11 – Proclamation made under the Health Practitioner Regulation National Law and Other Legislation Amendment Act 2019
- No. 13 – Public Health (Further Extension of Declared Public Health Emergency-Coronavirus (2019-nCoV)) Regulation (No. 2) 2020.

The committee identified that subordinate legislation Nos. 7, 8 and 13 raise potential breaches of FLPs concerning the rights and liberties of individuals related to the emergency powers available under the Public Health Act; and human rights issues relating to privacy, freedom of movement, liberty and security of a person, and deprivation of a person's property.

On further examination, the committee considered potential breaches of FLPs and any limitations on human rights imposed by the subordinate legislation Nos. 7, 8 and 13 are reasonably and demonstrably justified for the purpose of managing the spread of coronavirus.

The human rights certificate tabled with the subordinate legislation provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

The explanatory notes tabled with the subordinate legislation complied with the requirements of s 24 of the LSA.

### 3.1.2.7 Subordinate Legislation tabled between 21 February and 17 March 2020

On 6 May 2020 the committee tabled *Report No. 37, 56th Parliament - Subordinate legislation tabled between 21 February and 17 March 2020*. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 16 – Health Legislation Amendment Regulation 2020
- No. 17 – Water Fluoridation Regulation 2020
- No. 21 – Proclamation made under the *Health Transparency Act 2019*
- No. 22 – Health Transparency Regulation 2020.

In relation to the Health Legislation Amendment Regulation 2020, the committee identified potential breaches of FLPs concerning the rights and liberties of individuals and regard to the institution of Parliament; and human rights issues relating to privacy and reputation. On further examination, the committee considered these potential breaches of FLPs, and any limitations on human rights, to be sufficiently justified.

The human rights certificate tabled with the subordinate legislation provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

The explanatory notes tabled with the subordinate legislation complied with the requirements of s 24 of the LSA.

#### 3.1.2.8 Subordinate Legislation tabled between 18 March 2020 and 19 May 2020

On 23 June 2020 the committee tabled *Report No. 38, 56th Parliament - Subordinate Legislation tabled between 18 March 2020 and 19 May 2020*. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 37 – Public Health (COVID-19) and Other Legislation Amendment Regulation 2020
- No. 48 – Public Health (Emergency Officers (General)) Amendment Regulation 2020
- No. 58 – Proclamation No. 1—*Medicines and Poisons Act 2019*
- No. 59 – Medicines and Poisons (Monitored Medicines Database Testing) Regulation 2020.

The committee identified that the Public Health (COVID-19) and Other Legislation Amendment Regulation 2020, Public Health (Emergency Officers (General)) Amendment Regulation 2020 and, Medicines and Poisons (Monitored Medicines Database Testing) Regulation 2020 raise potential breaches of the FLP concerning the rights and liberties of individuals; and also raise human rights issues related to freedom of movement, privacy and education.

On further examination, the committee considered breaches of FLPs and any limitations on human rights to be sufficiently justified.

The human rights certificate tabled with the subordinate legislation provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

The explanatory notes tabled with the subordinate legislation complied with the requirements of s 24 of the LSA.

## **3.2 Other inquiries**

### **3.2.1 Inquiry into aged care, end-of-life and palliative care and voluntary assisted dying**

On 14 November 2018, the Legislative Assembly referred an inquiry to the committee with the following terms of reference:

1. *That the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee inquire into aged care, end-of-life and palliative care and report to the Legislative Assembly on:*
  - a) *the delivery of aged care, end-of-life and palliative care in Queensland across the health and ageing service systems; and*
  - b) *Queensland community and relevant health practitioners' views on the desirability of supporting voluntary assisted dying, including provisions for it being legislated in Queensland and any necessary safeguards to protect vulnerable persons.*
2. *That in undertaking the inquiry, the committee should consider:*

- a) *in relation to aged care, the terms of reference and submissions made to the Australian Government's Royal Commission into the Quality and Safety of Aged Care and, in recognising the commission will occur in parallel, how to proactively work with the commission to ensure an appropriate exchange of information to inform the conduct of the inquiry;*
- b) *outcomes of recent reviews and work including Queensland Health's Palliative Care Services Review; and*
- c) *the current legal framework, relevant reports and materials in other Australian states and territories and overseas jurisdictions, including the Victorian Government's Inquiry into end-of-life choices, Voluntary Assisted Dying Act 2017 (Vic) and implementation of the associated reforms.*

3. *That the committee report to the Legislative Assembly by 30 November 2019.*

On 22 August 2019, the Legislative Assembly agreed to a motion that the reporting date for the inquiry be extended from 30 November 2019 to 31 March 2020.<sup>13</sup>

In total, the committee accepted 4,719 written submissions for the inquiry and heard evidence from 502 invited witnesses at 34 public and private hearings and briefings in Brisbane and other centres across the state. The committee also visited a cross section of residential aged care facilities, hospices and palliative care facilities during the inquiry.

In accordance with the inquiry terms of reference, the committee liaised regularly, and shared information with, the Royal Commission into the Quality and Safety of Aged Care.

During 2019-20 the committee:

- held 13 public hearings and briefings and a community forum for the inquiry
- visited six residential aged care and palliative care facilities
- appointed a sub-committee to meet with Commissioners for the Royal Commission into the Quality and Safety of Aged Care, the late Hon Richard Tracey AM RFD QC and Ms Lynelle Briggs AO, and senior staff in Brisbane on 5 August 2019.
- on 24 and 31 March 2020, respectively tabled two reports from the main inquiry (*Reports Nos. 33 and 34, 56th Parliament - Inquiry into aged care, end-of-life and palliative care and voluntary assisted dying*), as well as a volume of additional information and two papers summarising the findings and recommendations from the reports (*Paper No. 4, 56th Parliament - Summary of the findings and recommendations from Report No. 33 on aged care, end-of-life and palliative care; Paper No. 5, 56th Parliament – Summary of the findings and recommendations from Report No. 34 on voluntary assisted dying*).
  - Report No. 33 made 77 recommendations regarding the provision of aged care, end-of-life and palliative care in Queensland. Report No. 34 made 21 recommendations regarding a scheme for voluntary assisted dying in Queensland.

### **3.2.2 Investigation into the sudden closure of the Earle Haven residential aged care facility**

As part of the inquiry into aged care, end-of-life and palliative care and voluntary assisted dying, the committee resolved on 17 July 2019 to undertake an investigation into the sudden closure of the Earle Haven residential aged care facility at Benowa. The investigation focused on the safety and quality of the care provided to residents at Earle Haven in the lead up to the facility's sudden closure; and what could be done to prevent a similar event occurring again in Queensland.

<sup>13</sup> Queensland Parliament, Record of Proceedings, 22 August 2019, p 2459.

The committee accepted a further ten submissions and heard from 33 witnesses at three further hearings. On 28 November 2019, the committee tabled Report No. 30, 56th Parliament - Investigation of the closure of the Earle Haven residential aged care facility at Nerang (Inquiry into aged care, end-of life and palliative care and voluntary assisted dying), making twelve recommendations.

The Queensland Government response to Report No. 30 tabled on 28 February 2020 accepted all twelve of the committee's recommendations.

### **3.2.3 Inquiry into Queensland Government's health response to COVID-19**

On 22 April 2020, the Legislative Assembly referred an inquiry to the committee with the following terms of reference:

- 1. That the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee inquire into and report to the Legislative Assembly on the Queensland Government's Response to COVID-19 in relation to the health response only*
- 2. That in undertaking the inquiry, the Committee should take into account the Australian Government's health response to COVID-19 and its impacts on the Queensland Government's response*
- 3. That in conducting the inquiry the Committee is to be conscious of any requests for witnesses or materials and ensure that any requests do not unreasonably divert resources from the immediate COVID-19 response, and*
- 4. That the Committee report to the Legislative Assembly by no later than 3 months after the conclusion of the Public Health Emergency declared under the Public Health Act 2005 regarding COVID-19.*

The committee called for written submissions on 18 May 2020 with a closing date of 3 July 2020. The committee received the first public briefings for the inquiry from the Department of Premier and Cabinet and Queensland Health on 23 June 2020.

### **3.3 Statutory oversight of the Health Ombudsman and health complaints management system**

The Standing Orders provide that the committee has oversight responsibilities for the Health Ombudsman. In addition, the *Health Ombudsman Act 2013* (Qld) (Health Ombudsman Act) provides that the committee is responsible for monitoring and reviewing the operation of the health service complaints management system in Queensland, which includes:

- the Health Ombudsman, and
- the Australian Health Practitioner Regulation Agency (AHPRA) and 15 health practitioner registration boards (National Boards) – regarding the conduct, performance and health of registered health practitioners who provide health services in Queensland.<sup>14</sup>

The National Boards are the:

- Aboriginal and Torres Strait Islander Health Practice Board
- Chinese Medicine Board
- Chiropractic Board
- Dental Board
- Medical Board

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<sup>14</sup> *Health Ombudsman Act 2013*, (Qld), ss 19, 179.

- Medical Radiation Practice Board
- Nursing and Midwifery Board
- Occupational Therapy Board
- Optometry Board
- Osteopathy Board
- Paramedicine Board
- Pharmacy Board
- Physiotherapy Board
- Podiatry Board, and
- Psychology Board.

The committee's functions do not include re-investigating complaints or reconsidering decisions or findings of the Health Ombudsman, AHPRA or the National Boards.

As in previous years, the committee received and examined investigation reports and other periodic reports and correspondence from the Health Ombudsman in compliance with requirements under the Health Ombudsman Act. The committee also received and considered notifications from the Health Ombudsman under section 85 of the Health Ombudsman Act about investigations that had exceeded two years.

During the year the committee held three public hearings with the Health Ombudsman, Mr Andrew Brown, and two public hearings with AHPRA representatives. Issues raised by the committee at these hearings included:

- resourcing and staff morale within the Office of the Health Ombudsman (OHO)
- the increase in complaints received by OHO and the management of complaints related to the timeliness of access to health services
- complaints regarding COVID-19 concerning unproven treatments for the virus made by health professionals and media advertising
- complaints regarding aged-care facilities and organisations relevant to the committee's inquiry into aged care, end-of-life and palliative care and voluntary assisted dying, and
- matters awaiting adjudication before the Queensland Conciliation and Arbitration Tribunal (QCAT).

### **3.4 Public Accounts and Public Works**

#### **3.4.1 Inquiry into the Wynnum and Mermaid Waters Ambulance Station Projects**

On 29 October 2018 the committee resolved to conduct a public works inquiry into projects by Queensland Health to build replacement ambulance stations at Wynnum and Mermaid Waters.

The terms of reference for the inquiry, consistent with section 94 of the *Parliament of Queensland Act 2001*, were to inquire and report on:

- the stated purpose of the works, and the suitability of the works for the purpose
- the need for, and advisability of, the works
- the initial and recurrent costs of the works
- value for money achieved, or likely to be achieved, by the works

- the impact of the works on the community, economy and environment
- procurement methods for the works
- the balance of public and private sector involvement in the works, and
- the performance of—
  - the Department of Health as the constructing authority for the works, and
  - the consultants and contractors for the works, with particular regard to the time taken to finish the works, and the cost and quality of the works.

The committee called for written submissions, inspected both ambulance station projects and received expert briefings from Queensland Health. *Report No. 31, 56th Parliament - Inquiry into the Wynnum and Mermaid Waters Ambulance Station projects* was tabled on 27 November 2019. The committee concluded that:

- the works were suitable for the purpose in terms of location, size, functionality and technical and environmental performance
- the works were necessary and advisable and costs of the works were reasonable
- value for money was achieved by the works
- the work will have a positive impact on the community, the economy and minimise impacts on the environment
- the procurement methods were acceptable
- the balance of private and public sector involvement in the work was reasonable, and
- the performance of the constructing authority, consultants and contractors was satisfactory.<sup>15</sup>

### 3.5 Consideration of Auditor-General Reports to Parliament

One of the committee's roles is to consider the reports of the Auditor-General that fall within its portfolio area.<sup>16</sup> This is important work, though other work on legislation and referrals from the Assembly with reporting deadlines often take precedence. For its consideration of Auditor-General's reports the committee may examine and inquire into the reports, and make recommendations and report on them to the Legislative Assembly.<sup>17</sup>

The following report was referred to the committee during 2019-20:

- Consideration of Auditor-General Report 7: 2019-20—*Health: 2018-19 results of financial audits* - referred 28 November 2019.

During 2019-20, the committee considered this report and eight reports from the Auditor-General referred previously:

- Consideration of Auditor-General Report 7: 2017-18—*Health: 2016-17 results of financial audits* - referred 8 March 2018
- Consideration of Auditor-General Report 14: 2017-18—*The National Disability Insurance Scheme* - referred 3 May 2018

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<sup>15</sup> Report No. 31, 56th Parliament Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee, *Inquiry into the Wynnum and Mermaid Waters Ambulance Station Projects*, pp 13; 23.

<sup>16</sup> *Parliament of Queensland Act 2001*, s 94(1); SO 194B.

<sup>17</sup> *Parliament of Queensland Act 2001*, ss 79, 92.



- Consideration of Auditor-General Report 2: 2018-19—*Access to the National Disability Insurance Scheme for people with impaired decision-making capacity* - referred 18 October 2018
- Consideration of Auditor-General Report 4: 2018-19—*Managing transfers in pharmacy ownership* - referred 18 October 2018
- Consideration of Auditor-General Report 10: 2018-19—*Digitising public hospitals* - referred 14 February 2019
- Consideration of Auditor-General Report 13: 2018-19—*Health: 2017-18 results of financial audits* - referred 26 February 2019
- Consideration of Auditor-General Report 17: 2018-19—*Managing consumer food safety in Queensland* - referred 16 May 2019
- Consideration of Auditor-General Report 20: 2018-19—*Follow-up of Managing child safety information* - referred 14 June 2019

For its consideration of reports, the committee seeks information from departments and the Auditor-General. Based on the information provided on these reports, the committee is satisfied the issues identified by the Auditor-General are being addressed in a structured and timely way by departments.

The committee did not resolve to hold further inquiries into these audit reports and makes no recommendations to the Legislative Assembly.

#### 4 Committee expenditure

The committee is funded from the appropriation made to the Legislative Assembly. The table below provides a breakdown of the committee's expenditure from 1 July 2019 to 30 June 2020:

Item	\$
Employee expenses <sup>18</sup>	345,088
Business travel	52,048
Legal advice/consultants	26,813
Meeting expenses <sup>19</sup>	22,617
Printing, postage and supplies	4,840
Technology	3,543
Advertising	3,350
Miscellaneous expenses	163
<b>Expenditure Total</b>	<b>\$458,462</b>

<sup>18</sup> These figures reflect a three person secretariat supporting the committee. The committee's staffing might have been supplemented with additional resources from general Committee Office staff throughout the year.

<sup>19</sup> The total for meeting expenses includes \$586.38 for interpreting services.

## 5 Meeting attendance record

The table below shows the attendance of committee members at private committee meetings (PMs), public briefings (PBs), public hearings (PHs), public forums (PF), private hearings (PrHs) and private briefings (PrB) during the reporting period.

Standing Order 202(1) provides that, in the case of a committee members' illness or inability to attend, another member may be appointed to attend that meeting or stand in for a particular inquiry. Where substitute members were appointed, these appointments are noted in the footnotes below.

Meeting Date	Activity	Aaron Harper MP Chair	Mark McArdle MP Deputy Chair	Michael Berkman MP	Marty Hunt MP	Barry O'Rourke MP	Joan Pease MP
2 July 2019	PF <sup>20</sup>	✓	✓	✗	✓	✗	✓
3 July 2019	PM	✓	✓	✗	✗	✓	✓
4 July 2019	PH	✓	✓	✗	✓	✓	✓
5 July 2019	PH	✓	✓	✗	✓	✓	✓
15 July 2019	PH	✓	✓	✗	✓	✓	✓
16 July 2019	PH	✓	✓	✗	✓	✓	✓
17 July 2019	PM	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✗	✓	✓	✓
25 July 2019	PM	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓
26 July 2019	PM	✓	✓	✓	✓	✓	✓
2 August 2019	PM	✓	✓	✓	✓	✓	✓
5 August 2019	PM	✓	✓	✓	✗	✗	✓
12 August 2019	PM	✓	✓	✗	✓	✓	✗ <sup>21</sup>
19 August 2019	PM	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓
23 August 2019	PM	✓	✓	✓	✓	✓	✓
	PrH	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓
5 September 2019	PM	✓	✓	✓	✓	✓	✓
9 September 2019	PH	✓	✓	✓	✗	✓	✓
10 September 2019	PM	✓	✓	✓	✗	✓	✓
	PH	✓	✓	✓	✗ <sup>22</sup>	✓	✓

<sup>20</sup> A subcommittee was appointed under SO 220A consisting of Mr Harper MP, Mr McArdle MP, Mr Hunt MP and Ms Pease MP.

<sup>21</sup> Joe Kelly MP, Member for Greenslopes was appointed under SO 202(1) as substitute for Ms Pease MP.

<sup>22</sup> Sam O'Connor MP, Member for Bonney was appointed under SO 202(1) as substitute for Mr Hunt MP.

Meeting Date	Activity	Aaron Harper MP Chair	Mark McArdle MP Deputy Chair	Michael Berkman MP	Marty Hunt MP	Barry O'Rourke MP	Joan Pease MP
11 September 2019	PH	✓	✓	✓	x <sup>23</sup>	✓	✓
	PrH	✓	✓	✓	x <sup>24</sup>	✓	✓
12 September 2019	PM	✓	✓	✓	x <sup>25</sup>	✓	✓
	PH	✓	✓	✓	x <sup>26</sup>	✓	✓
	PrH	✓	✓	✓	x <sup>27</sup>	✓	✓
	PrH	✓	✓	✓	x <sup>28</sup>	✓	✓
13 September 2019	PM	✓	✓	✓	x	✓	✓
	PM	✓	✓	✓	x	✓	✓
	PH	✓	✓	✓	x	✓	✓
16 September 2019	PM	✓	✓	✓	✓	✓	✓
	PB	✓	✓	x	✓	✓	✓
20 September 2019 <sup>29</sup>	PM	✓	x	x	✓	✓	✓
	PM	✓	x	x	x	✓	✓
	PH	✓	x	x	✓	✓	✓
1 October 2019	PM	✓	x	✓	x	✓	✓
9 October 2019	PM	✓	✓	x	✓	✓	✓
	PH	✓	✓	✓	✓	x <sup>30</sup>	x
	PB	✓	✓	x	✓	x <sup>31</sup>	x
14 October 2019	PM	✓	✓	✓	x	✓	✓
15 October 2019	PM	✓	✓	✓	✓	✓	✓
18 October 2019	PH	✓	✓	✓	x	✓	✓
21 October 2019	PM	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓
24 October 2019	PM	✓	✓	✓	✓	✓	✓

<sup>23</sup> Michael Crandon MP, Member for Coomera was appointed under SO 202(1) as substitute for Mr Hunt MP.

<sup>24</sup> Michael Crandon MP, Member for Coomera was appointed under SO 202(1) as substitute for Mr Hunt MP.

<sup>25</sup> Michael Crandon MP, Member for Coomera was appointed under SO 202(1) as substitute for Mr Hunt MP.

<sup>26</sup> Michael Crandon MP, Member for Coomera was appointed under SO 202(1) as substitute for Mr Hunt MP.

<sup>27</sup> Michael Crandon MP, Member for Coomera was appointed under SO 202(1) as substitute for Mr Hunt MP.

<sup>28</sup> Michael Crandon MP, Member for Coomera was appointed under SO 202(1) as substitute for Mr Hunt MP.

<sup>29</sup> The committee appointed a subcommittee under SO 220A comprised of Mr Harper MP, Mr Hunt MP, Mr O'Rourke MP and Ms Pease MP.

<sup>30</sup> Linus Power MP, Member for Logan was appointed under SO 202(1) as substitute for Mr O'Rourke MP.

<sup>31</sup> Linus Power MP, Member for Logan was appointed under SO 202(1) as substitute for Mr O'Rourke MP.

Meeting Date	Activity	Aaron Harper MP Chair	Mark McArdle MP Deputy Chair	Michael Berkman MP	Marty Hunt MP	Barry O'Rourke MP	Joan Pease MP
29 October 2019 <sup>32</sup>	PH	✓	✓	✓	✓	✓	✓
30 October 2019 <sup>33</sup>	PH	✓	✓	✓	✓	✓	✓
31 October 2019 <sup>34</sup>	PrH	✓	✓	✓	✓	✓	✓
1 November 2019	PrH	✓	✗	✓	✓	✗	✓
19 November 2019	PM	✓	✓	✓	✓	✓	✓
25 November 2019	PM	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓
4 December 2019	PM	✓	✓	✗	✓	✓	✓
9 December 2019	PB	✓	✓	✓	✗	✓	✓
3 February 2020	PM	✓	✓	✓	✓	✓	✓
5 February 2020	PM	✓	✓	✓	✗	✓	✓
7 February 2020	PH	✓	✓	✓	✗	✗ <sup>35</sup>	✓
7 February 2020	PB	✓	✓	✓	✗	✗ <sup>36</sup>	✓
17 February 2020	PM	✓	✓	✓	✓	✓	✓
11 March 2020	PM	✓	✓	✓	✓	✓	✓
16 March 2020	PM	✓	✓	✓	✓	✓	✓
30 March 2020	PM	✓	✓	✓	✓	✓	✓
27 April 2020	PM	✓	✓	✓	✓	✓	✓
	PB	✓	✓	✓	✓	✓	✓
	PrB	✓	✓	✓	✓	✓	✓
8 May 2020	PM	✓	✓	✓	✓	✓	✓
18 May 2020	PM	✓	✓	✓	✓	✗ <sup>37</sup>	✓
15 June 2020	PM	✓	✓	✓	✓	✓	✓
19 June 2020	PM	✓	✓	✓	✓	✓	✓
23 June 2020	PB	✓	✓	✓	✓	✓	✓
	PB	✓	✓	✓	✓	✓	✓

<sup>32</sup> The committee appointed a subcommittee under SO 220A comprised of Mr Harper MP, Mr Hunt MP, Mr O'Rourke MP and Ms Pease MP.

<sup>33</sup> The committee appointed a subcommittee under SO 220A comprised of Mr Harper MP, Mr Berkman MP and Ms Pease MP.

<sup>34</sup> The committee appointed a subcommittee under SO 220A comprised of Mr Harper MP, Mr Berkman MP and Ms Pease MP.

<sup>35</sup> Jess Pugh MP, Member for Mount Ommaney was appointed under SO 202(1) as substitute for Mr O'Rourke.

<sup>36</sup> Jess Pugh MP, Member for Mount Ommaney was appointed under SO 202(1) as substitute for Mr O'Rourke.

<sup>37</sup> Peter Russo MP, Member for Toohey was appointed under SO 202(1) as substitute for Mr O'Rourke MP.

## 6 The committee's publications tabled during 2019-20

Publication	Date tabled
<i>Report No. 23, 56th Parliament, August 2019—2019-20 Budget Estimates And Volume of additional information</i>	16 August 2019
<i>Report No. 24, 56th Parliament, Subordinate legislation tabled between 30 March 2019 and 29 April 2019</i>	20 August 2019
<i>Report No. 25, 56th Parliament, August 2019—Subordinate legislation tabled on 30 April 2019</i>	3 September 2019
<i>Report No. 26, 56th Parliament, October 2019—Subordinate legislation tabled between 1 May and 14 June 2019</i>	9 October 2019
<i>Report No. 27, 56th Parliament, October 2019—Health Transparency Bill 2019</i>	18 October 2019
<i>Report No. 28, 56th Parliament, October 2019—Subordinate legislation tabled between 15 June and 20 August 2019</i>	22 October 2019
<i>Report No. 29, 56th Parliament, October 2019—Annual Report 2018-19</i>	29 October 2019
<i>Report No. 30, 56th Parliament, November 2019—Investigation of the closure of the Earle Haven residential aged care facility at Nerang (Inquiry into aged care, end-of-life and palliative care and voluntary assisted dying)</i>	28 November 2019
<i>Report No. 31, 56th Parliament, November 2019—Inquiry into the Wynnum and Mermaid Waters Ambulance Station projects</i>	27 November 2019
<i>Report No. 32, 56th Parliament, February 2020—Health Legislation Amendment Bill 2019</i>	21 February 2020
<i>Report No. 33, 56th Parliament—Aged care, end-of-life and palliative care</i>	24 March 2020
<i>Paper No. 4, 56th Parliament—Aged care, end-of-life and palliative care, Findings and recommendations (Report No. 33)</i>	24 March 2020
<i>Report No. 34, 56th Parliament—Voluntary assisted dying And Volume of additional information</i>	31 March 2020
<i>Paper No. 5, 56th Parliament—Voluntary assisted dying, Findings and recommendations (Report No. 34)</i>	31 March 2020
<i>Report No. 35, 56th Parliament—Subordinate legislation tabled between 20 August 2019 and 4 February 2020</i>	24 March 2020
<i>Report No. 36, 56th Parliament—Subordinate legislation tabled between 5 February and 20 February 2020</i>	7 April 2020
<i>Report No. 37, 56th Parliament—Subordinate legislation tabled between 21 February and 17 March 2020</i>	6 May 2020
<i>Report No. 38, 56th Parliament—Subordinate legislation tabled between 18 March 2020 and 19 May 2020</i>	23 June 2020

**Aaron Harper MP**  
Chair

**September 2020**