



Annual Report 2020-21

**Report No. 13, 57th Parliament
Health and Environment Committee
October 2021**

Health and Environment Committee

Chair	Mr Aaron Harper MP, Member for Thuringowa
Deputy Chair	Mr Robert (Rob) Molhoek MP, Member for Southport
Members	Mr Stephen (Steve) Andrew MP, Member for Mirani
	Ms Ali King MP, Member for Pumicestone
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1 Health and Environment Committee

The Health and Environment Committee (committee) is a portfolio committee of the Legislative Assembly which commenced on 26 November 2020 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.¹

The committee's primary areas of responsibility include:

- Health and Ambulance Services,
- Environment, Great Barrier Reef, Science and Youth Affairs.

Section 93(1) of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for examining each bill and item of subordinate legislation in its portfolio areas to consider:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles
- for subordinate legislation – its lawfulness.

In addition, portfolio committees have responsibility for scrutiny of public accounts and public works which relate to their portfolio.² Committees also consider reports of the Auditor-General and other referrals from the Legislative Assembly, and may initiate an inquiry into any other matter they consider appropriate.³

Health and Environment Committee of the 57th Parliament (2021)



Front row (L-R) Ms Ali King MP, Mr Aaron Harper MP (Chair), Ms Joan Pease MP
Back row (L-R) Mr Steve Andrew MP, Mr Rob Molhoek MP (Deputy Chair), Mr Mark Robinson MP

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 4 months and 14 days after the end of each financial year. The report must include:

¹ *Parliament of Queensland Act 2001*, section 88 and Standing Order 194.

² *Parliament of Queensland Act 2001*, section 94.

³ *Parliament of Queensland Act 2001*, section 92.

- 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 26 November 2020 to 30 June 2021.

3 Inquiries and reports

The committee considered a number of issues and tabled 8 reports during the 2020-21 financial year. 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/HEC.

3.1 Bills and subordinate legislation

The committee examined 3 bills and 5 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 to the legislation
- for subordinate legislation - its lawfulness.

3.1.1 Report No. 2 – 2020-21 Budget Estimates and Volume of Additional Information

On 1 December 2020, the Appropriation (2020-2021) Bill 2020 was introduced and referred to the committee for its examination and report on the 2020-21 portfolio budget estimates within the committee's areas of responsibility, as set out under Schedule 6 of the Standing Orders.



Health and Environment Committee Budget Estimates public hearing, 10 December 2020

The committee held a public hearing on 10 December 2020 at which it questioned the following Ministers regarding the proposed expenditure for their portfolio areas:

- Minister for Health and Ambulance Services
- Minister for the Environment and the Great Barrier Reef and Minister for Science and Youth Affairs

There were 20 questions on notice directed to each Minister. The committee also questioned the chief executives of statutory entities within its portfolio areas regarding the budget estimates for their agencies.

The committee tabled its report and volume of additional information on 12 February 2021, recommending the bill be passed.

The bill was passed on 24 February 2021.

3.1.2 Report No. 3 – Waste Reduction and Recycling (Plastic Items) Amendment Bill 2020

On Thursday 3 December 2020, the Waste Reduction and Recycling (Plastic Items) Amendment Bill 2020 was referred to the committee for examination and report. The committee was required to table its report by Friday 12 February 2021.

According to the explanatory notes the principal policy objective of the Bill was to amend the *Waste Reduction and Recycling Act 2011* to ban the supply of single-use plastic items, starting with straws, stirrers, plates and cutlery. These items are predominantly unable to be recovered for recycling through mainstream and widespread collection systems, and can end up contaminating recycling streams thereby potentially creating more waste that requires disposal. The Bill sought to achieve a reduction in plastic pollution resulting from single-use plastic by 20 per cent by 2023.

The Waste Reduction and Recycling (Plastic Items) Amendment Bill 2020, was initially referred to the Natural Resources, Agricultural Industry Development and Environment Committee (NRAIDEC) in the 56th Parliament. The NRAIDEC tabled their report on that Bill on Friday, 28 August 2020, however, the Bill lapsed before it was debated in the Parliament when the 56th Parliament was dissolved on Tuesday, 6 October 2020. The subject Bill was substantially the same as the previous Bill.

During its examination of the Bill, the committee accepted 13 submissions.

The committee tabled its report on Friday 12 February 2021 with one recommendation, that the Bill be passed. The Bill was passed with amendments on Wednesday 10 March 2021.

3.1.3 Report No. 4 – Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2020

On Thursday 3 December 2020, the Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2020 was referred to the committee for examination and report. The committee was required to table its report by Friday 12 February 2021.

The explanatory notes detailed the legislation passed to support the Queensland Government's health response to COVID-19. The amendments made to Chapter 8 of the *Public Health Act* allowed for:

- the Governor-in-Council to extend the declared public health emergency for up to 90 days (*Public Health (Declared Public Health Emergencies) Amendment Act 2020*, which received assent on 7 February 2020)
- increased powers for emergency officers and the Chief Health Officer to limit, or respond to, the spread of COVID-19 in Queensland (*Public Health and Other Legislation (Public Health Emergency) Amendment Act 2020*, which received assent on 19 March 2020)
- the chief executive to delegate their powers to the Chief Health Officer or a person with expertise or experience in public health issues and improving the operation of the provisions of emergency officers (medical) to support the Queensland Government's response to COVID-19 (*Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020*, which received assent on 25 May 2020)
- a person to be required to enter hotel quarantine at their own cost (*Community Services Industry (Portable Long Service Leave) Act 2020*, which received assent on 22 June 2020).

Amendments were also made to the *Mental Health Act 2016* through the *Justice and Other Legislation (COVID-19 Emergency Response) Amendment Act 2020* to allow:

- declarations to be made about a mental health service through an expedited process
- mental health patients to be granted leave to comply with public health directions.

The Bill extended the expiry dates of these provisions for a further six months until the end of September 2021 and also aligned the expiry dates for all the amendments made to Health portfolio legislation.

During its examination of the Bill, the committee accepted 124 submissions. The committee held a public hearing in Brisbane on Friday 22 January 2021.

The committee tabled its report on Friday 12 February 2021 with one recommendation that the Bill be passed. The Bill was passed on Wednesday 24 February 2021.

3.1.4 Bills under consideration as at 30 June 2021

3.1.4.1 Environmental and Other Legislation (Reversal of Great Barrier Reef Protection Measures) Amendment Bill 2021

On Wednesday, 21 April 2021, the Environmental and Other Legislation (Reversal of Great Barrier Reef Protection Measures) Amendment Bill 2021 was introduced by Mr Nicholas (Nick) Dametto MP, Member for Hinchinbrook and referred to the committee for examination and report. The committee is required to table its report by Thursday, 21 October 2021.

The Bill seeks to repeal the amendments made in the *Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Act 2019* to the *Environmental Protection Act 1994* and *Chemical Usage (Agricultural and Veterinary) Control Act 1988* including:

- restoring the maximum penalty for an offence under the *Environmental Protection Act 1994* to 100 penalty units as opposed to the current penalties of either 600 or 1,665 penalty units
- reverting to the previous definition of the agriculture environmentally relevant activities (ERA) being limited to activities that involve commercial sugarcane cropping and cattle grazing carried out on an agricultural property of more than 2,000 hectares
- limit red and green tape by taking some of the regulatory burden away from farmers.

According to the explanatory speech, the Bill also seeks to:

- establish an independent regulator for the industry to advise the minister when making a new ERA standard and oversee the administering of offences when a person commits an offence with respect to fertiliser application
- introduce an enforceable undertaking so that there is no financial penalty for a person committing a first offence
- mandate that the Minister publish on the department's website a copy of each ERA standard made by the Minister and the recommendations by the independent regulator in relation to the ERA standard.

The committee held a public hearing on 11 June 2021.

Submissions closed on 30 June 2021.

As at 30 June 2021, the committee had planned further consultation with stakeholders.

3.1.4.2 Voluntary Assisted Dying Bill 2021

On Tuesday, 25 May 2021, the Voluntary Assisted Dying Bill 2021 was referred to the committee for examination and report. The committee was required to table its report by Friday, 20 August 2021.

The explanatory notes state that the main purposes of the Bill were to:

- give persons who are suffering and dying, and who meet eligibility criteria, the option of requesting medical assistance to end their lives
- establish a lawful process for eligible persons to exercise that option
- establish safeguards to:
 - ensure that the process is accessed only by persons who are assessed to be eligible
 - protect vulnerable persons from coercion and exploitation
- provide legal protection for health practitioners who choose to assist, or not to assist, persons to exercise the option of ending their lives in accordance with the Act, and
- establish a Voluntary Assisted Dying Review Board and other mechanisms to ensure compliance with the Act.

The committee held a public briefing on 14 June 2021 with representatives from the Department of Health and Department of Justice and Attorney-General.

As at 30 June 2021, the committee had planned further consultation with stakeholders including public hearings in regional Queensland and Brisbane.

3.1.4.3 Consideration of 2021/2022 Portfolio Budget Estimates

On 18 June 2021, the budget estimates for the committee's portfolio areas were referred to the committee for examination and report. A public hearing was scheduled for Friday, 30 July 2021 to examine the portfolio's proposed expenditures for the relevant portfolio areas. The committee was required to table its report by 20 August 2021.

3.1.5 Portfolio subordinate legislation

3.1.5.1 Subordinate legislation tabled on 14 July 2020 (Report No. 1)

On Monday 30 November 2020, the committee tabled Report No. 1, 57th Parliament - Subordinate legislation tabled on 14 July 2020. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 90 of 2020 - Health (Drugs and Poisons) Amendment Regulation (No. 2) 2020
- No. 100 of 2020 - Ambulance Service (Fees) Amendment Regulation 2020
- No. 110 of 2020 - Environmental Legislation (Fees) Amendment Regulation 2020
- No. 111 of 2020 - Waste Reduction and Recycling (Waste Levy Rates for 2020–2021) Amendment Regulation 2020.

The committee did not identify any significant policy issues or issues relating to fundamental legislative principles in the subordinate legislation examined.

3.1.5.2 Subordinate legislation tabled between 15 July 2020 and 8 September 2020 (Report No. 5)

On Friday 12 February 2021, the committee tabled Report No. 5, 57th Parliament - Subordinate legislation tabled between 15 July and 8 September 2020. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 136 of 2020 - Nature Conservation (Animals) Regulation 2020
- No. 137 of 2020 - Nature Conservation (Plants) Regulation 2020
- No. 138 of 2020 - Nature Conservation (Protected Areas Management) and Other Legislation Amendment Regulation 2020
- No. 150 of 2020 - Medicines and Poisons (Postponement) Regulation 2020
- No. 151 of 2020 - Therapeutic Goods (Postponement) Regulation 2020
- No. 154 of 2020 - Public Health (Further Extension of Declared Public Health Emergency—COVID-19) Regulation (No. 4) 2020

- No. 161 of 2020 - Health (Drugs and Poisons) Amendment Regulation (No. 3) 2020
- No. 173 of 2020 - Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2020
- No. 174 of 2020 - Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2020
- No. 176 of 2020 - Wet Tropics (Review) Amendment Management Plan 2020

The committee did not identify any significant policy issues or issues relating to fundamental legislative principles in the subordinate legislation examined.

3.1.5.3 Subordinate legislation tabled on 26 November 2020 (Report No. 6)

On Thursday 25 March 2021, the committee tabled Report No. 6, 57th Parliament - Subordinate legislation tabled on 26 November 2020. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 190 of 2020 - Hospital and Health Boards (Information Sharing—Parole Board Queensland) Amendment Regulation 2020
- No. 195 of 2020 - Forestry and Other Legislation Amendment Regulation 2020
- No. 199 of 2020 - Health Transparency (Postponement) Regulation 2020
- No. 200 of 2020 - Proclamation No. 1—Health Legislation Amendment Act 2020 (commencing certain provisions)
- No. 201 of 2020 - Hospital and Health Boards (Prescribed Health Practitioners) Amendment Regulation 2020
- No. 210 of 2020 - Proclamation—*Biodiscovery and Other Legislation Amendment Act 2020* (commencing remaining provisions)
- No. 224 of 2020 - Environmental Protection Amendment Regulation (No. 1) 2020
- No. 225 of 2020 - Environmental Protection (Transshipping Activities) Amendment Regulation 2020
- No. 226 of 2020 - Nature Conservation and Other Legislation (COVID-19—Extension of Fee Waiver) Amendment Regulation 2020
- No. 227 of 2020 - Nature Conservation (Protected Areas Management) (Communications and Water Supply Facilities) Amendment Regulation 2020
- No. 243 of 2020 - Environmental Protection (Water and Wetland Biodiversity) Amendment Policy (No. 1) 2020
- No. 248 of 2020 - Hospital Foundations (Central Queensland Hospital Foundation) Amendment Regulation 2020
- No. 249 of 2020 - Public Health (Further Extension of Declared Public Health Emergency—COVID-19) Regulation (No. 5) 2020

The committee did not identify any significant policy issues or issues relating to fundamental legislative principles in the subordinate legislation examined.

3.1.5.4 Subordinate legislation tabled on 23 February 2020 (Report No. 7)

On 27 April 2021, the committee tabled Report No. 7, 57th Parliament - Subordinate legislation tabled on 23 February. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 255 of 2020 - Transplantation and Anatomy (Tissue Banks) Amendment Regulation 2020

- No. 258 of 2020 - Forestry (State Forests) and Other Legislation Amendment Regulation 2020
- No. 259 of 2020 - Nature Conservation (Macropod Harvest Period 2021) Notice 2020
- No. 260 of 2020 - Public Health (Further Extension of Declared Public Health Emergency—COVID-19) Regulation (No. 6) 2020
- No. 5 of 2021 - Health (Drugs and Poisons) (COVID-19 Vaccination Services) Amendment Regulation 2021
- No. 8 of 2021 - Nature Conservation (Protected Areas) Amendment Regulation 2021

The committee did not identify any significant policy issues or issues relating to fundamental legislative principles in the subordinate legislation examined.

3.1.5.5 Subordinate legislation tabled between 24 February 2021 and 20 April 2021 (Report No. 8)

On 25 May 2021, the committee tabled Report No. 8: Subordinate legislation tabled between 24 February 2021 and 20 April 2021. The report advised of the committee's findings with respect to the following subordinate legislation:

- No 17 of 2021 - Public Health Amendment Regulation 2021
- No 21 of 2021 – Nature Conservation (Protected Areas Management) (Communications Facility) Amendment Regulation 2021
- No 26 of 2021 - Public Health (Further Extension of Declared Public Health Emergency—COVID-19) Regulation 2021
- No 27 of 2021 – Hospital and Health Boards Amendment Regulation 2021

In addition, the committee considered 10 codes of practice made in accordance with the *Nature Conservation Act 1992* and one compliance code made under the *Biodiscovery Act 2004*.

The committee did not identify any significant policy issues or issues relating to fundamental legislative principles in the subordinate legislation examined.

3.2 Statutory oversight

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
- the Australian Health Practitioner Regulation Agency (Ahpra, the National Agency) and 15 health practitioner registration boards (National Boards) – regarding the conduct, performance and health of registered health practitioners who provide health services in Queensland.⁴

The National Boards are the:

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

⁴ *Health Ombudsman Act 2013 (Qld)*, ss 19 and 179.

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

In accordance with section 179 of the Health Ombudsman Act, the committee's functions are to:

- monitor and review the operation of the health service complaints management system
- identify and report on particular ways in which the health service complaints management system might be improved
- monitor and review the performance by the Health Ombudsman of the health ombudsman's functions
- monitor and review the National Boards' and National Agency's performance of their functions relating to the health, conduct and performance of registered health practitioners who provide health services in Queensland
- examine reports of the Health Ombudsman, the National Agency and National Boards
- advise the Minister in relation to the appointment of the Health Ombudsman
- report to the Legislative Assembly on matters referred by the Legislative Assembly, and any matter the committee considers should be brought to the Assembly's attention.

The committee does not have the power to re-investigate complaints or reconsider a decision or finding of the Health Ombudsman, Ahpra or the national boards. The committee does not act as an appeal body in respect of decisions made by the Health Ombudsman, Ahpra or the national boards.

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 a public briefing on 22 February 2021 with the Health Ombudsman, Mr Andrew Brown, and representatives from Ahpra. Matters raised by the committee at these hearings included:

- the number of systemic investigations undertaken by the OHO
- the number of complaints received by the OHO
- the proportion of COVID-19 related complaints
- information provided to practitioners and health service providers who are the subject of a complaint

- practitioner conduct and workplace culture
- prosecutions of health service complaints
- budget allocation for IT systems necessary for the joint consideration of complaints between the OHO and Ahpra.

3.3 Consideration of Queensland Audit Office Reports to Parliament

The committee has responsibility within its portfolio areas for the assessment of the integrity, economy, efficiency and effectiveness of government financial management by:

- examining government financial documents
- considering the annual and other reports of the Auditor-General.⁵

Standing Order 194B provides the Committee of the Legislative Assembly shall as soon as practicable after a report of the Auditor-General is tabled in the Assembly, refer that report to the relevant portfolio committee for consideration. A portfolio committee may deal with this type of referral by considering and reporting on the matter and making recommendations about it to the Assembly.

3.3.1 Consideration of Auditor-General Report 4: 2020-21 - *Queensland Health's new finance and supply chain management system*

The Auditor-General Report 4: 2020-21 - *Queensland Health's new finance and supply chain management system* was tabled on Wednesday 23 September 2020 and referred to the committee on Thursday 3 December 2020.

The purpose of the report is to provide the key facts relating to Queensland Health's implementation of SAP S/4HANA. The Department of Health and all 16 hospital and health services use S/4HANA as their new business, finance, and logistics system. S/4HANA is managed and maintained by the department.

S/4HANA replaced the 22-year-old finance and materials management information system (FAMMIS) used by Queensland Health, which was an early generation SAP product. The project that developed and implemented S/4HANA, the Financial System Renewal (FSR) program, commenced in December 2016. S/4HANA went live on 1 August 2019.

The report made two recommendations. One is directed at future whole-of-Queensland Health information and communication technology projects and one is on the inventory management module. These will be important considerations when Queensland Health restarts the Hospital Based Corporate Information System (known as HBCIS) replacement project.

During its consideration of the report, the committee held a private briefing with the Queensland Audit Office in Brisbane on Monday 8 March 2021.

3.3.2 Consideration of Auditor-General Report 12: 2020-21 - *Health 2020 (financial audit)*

The Auditor-General Report 12: 2020-21 - *Health 2020 (financial audit)* was tabled on Tuesday 9 February 2021 and referred to the committee on Thursday 25 February 2021.

The report summarises the financial audit results of Queensland Health entities for 2019–20, including the Department of Health, 16 hospital and health services, 12 hospital foundations, and 4 other statutory entities.

The report provided five recommendations for Queensland health entities to:

- automate manual financial reporting processes
- resolve outstanding audit issues

⁵ *Parliament of Queensland Act 2001, s 94(1)(a).*

- strengthen the security of information systems
- approve service agreements for shared services
- address backlog of asset maintenance.

During its consideration of the report, the committee held a private briefing with the Queensland Audit Office in Brisbane on Monday 8 March 2021.

3.3.3 Consideration of Auditor-General Report 16: 2020-21 - *Planning for sustainable health services*

The Auditor-General Report 16: 2020-21 - *Planning for sustainable health services* was tabled on Thursday 25 March 2021 and referred to the committee on Thursday 25 March 2021.

The Auditor-General audited how effectively the Department of Health and the hospital and health services (HHSs), collectively known as Queensland Health, work together to plan for a sustainable health system. The Auditor-General performed detailed work at the department and four HHSs.

The report made seven recommendations and concluded that Queensland Health needs to take further action to ensure effective planning for sustainable health services. This audit also found that there is a need for government agencies and different tiers of government to work more closely together to integrate their plans to achieve common aims and goals—whether this is improving direct healthcare, community amenities or educational opportunities.

During its consideration of the report, the committee held a private briefing with the Department of Health in Brisbane on Monday 24 May 2021.

3.4 Non-inquiry related activities

3.4.1 Herston Biofabrication Institute site visit

On 14 May 2021, the committee undertook a site visit to the Herston Biofabrication Institute (HBI). During the visit, the committee met with the HBI leadership team, HBI clinical leads and representatives from HBI partnership organisations.



Health and Environment Committee Herston Biofabrication Institute site visit, 14 May 2021

The HBI leadership team explained that HBI roles included:

- helping to deliver innovation and change within Metro North Hospital and Health Service
- networking with and supporting other health care providers and partners.

The committee was impressed by HBI's strategies for expanding advances in manufacturing and attracting industry engagement and research.

The committee saw patient matched medical devices produced by the HBI on its 3-D printers, as well as a number of other ground-breaking technologies on display.

The HBI leadership team advised that in the near future, the HBI plans to realise its ambitions to make biofabrication technologies a seamless part of the patient-care pathway and to support a network of facilities around the state that can provide a similar service for regional Queenslanders.

3.4.2 Office of the Health Ombudsman site visit

On 10 May 2021, the committee received a briefing from the Health Ombudsman, Mr Andrew Brown, on the practices and procedures undertaken by the Office of the Health Ombudsman when receiving and processing health complaints.

Following the briefing, the committee undertook a site visit to the Office of the Health Ombudsman. During the visit, the committee met with the executive leadership team.

The opportunity to talk with the leadership team and to meet with OHO officers provided the committee with an appreciation of the OHO complaint handling processes which will assist in the committee's monitoring of the operations and performance of the OHO during the 57th Parliament.



Health and Environment Committee Office of the Health Ombudsman site visit, 10 May 2021

4 Committee expenditure

The committee had no revenue during 2020-21. The committee is funded from the appropriation made to the Legislative Assembly. The expenditure of the committee from 26 November 2020 to 30 June 2021 is shown in the table below.

Item	\$
Staff salaries and related expenses ⁶	\$205,786
Business travel	\$119
Meeting expenses	\$9,620
Technology	\$3,340
Printing and supplies	\$1,567
Miscellaneous expenses	\$199
Legal advice	\$11,190
Expenditure Total	\$231,821

⁶ 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.

5 Meeting attendance record

The table below shows the attendance of committee members at committee meetings and other activities 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.

Meeting Date	Activity	Aaron Harper MP Chair	Robert Molhoek MP Deputy Chair	Stephen Andrew MP	Ali King MP	Joan Pease MP	Mark Robinson MP
30/11/2020	PM	✓	✓	✓	✓	✓	✓
03/12/2020	PM	✓	✓	✓	✓	✓	✓
10/12/2020	PM	✓	✓	✓	✓	✓	✓
	PH ⁷	✓	✓	✓	✓	✓	✓
15/01/2021	PM ⁸	✓	✓	✓	✗	✗	✗
22/01/2021	PM	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓ ⁹	✓	✓
09/02/2021	PM	✓	✓	✓	✓	✓	✓
22/02/2021	PM	✓	✓	✓	✓	✓	✓
	PB	✓	✓	✓	✓	✓	✓
08/03/2021	PM	✓	✓	✓	✓	✓	✓
	PrB	✓	✓	✓	✓	✓	✓
	PrB	✓	✓	✓	✓	✓	✓
	PB	✓	✓	✓	✓	✓	✓

⁷ Ros Bates MP, Member for Mudgeeraba; Michael Berkman MP, Member for Maiwar; Jarrod Bleijie MP, Member for Kawana; Deb Frecklington MP, Member for Nanango; Amy MacMahon MP, Member for South Brisbane; Sam O'Connor MP, Member for Bonney sought leave under SO 181(e) to attend and ask questions at the committee's hearing.

⁸ A subcommittee was appointed under SO 220A consisting of Aaron Harper MP, Steve Andrew MP and Rob Molhoek MP.

⁹ Chris Whiting MP, Member for Bancroft was appointed under SO 202(1) as substitute for Ali King MP from 2:00pm onwards.

Meeting Date	Activity	Aaron Harper MP Chair	Robert Molhoek MP Deputy Chair	Stephen Andrew MP	Ali King MP	Joan Pease MP	Mark Robinson MP
22/03/2021	PM	✓	✓	✓	✓	✓	✓
	PB	✓	✓	✓	✓	✓	✓
	PB	✓	✓	✓	✓	✓	✓
25/03/2021	PM	✓	✓	✓	✓	x ¹⁰	✓
19/04/2021	PM	✓	✓	✓	✓	✓	✓
10/05/2021	PM	✓	✓	✓	✓	✓	✓
14/05/2021	PM	✓	✓	✓	✓	✓	✓
24/05/2021	PM	✓	✓	✓	✓	✓	✓
	PrB	✓	✓	✓	✓	✓	✓
11/06/2021	PH ¹¹	✓ ¹²	✓	✓	✓ ¹³	✓	✓
14/06/2021	PM	✓	✓	✓	✓	✓	✓
	PB	✓	✓	✓	✓	✓	✓
28/06/2021	PM	✓	✓	✓	✓	✓	✓

Legend:

PM - private meeting

PrH - private hearing

PH - public hearing

PrB - private briefing

PB - public briefing


Aaron Harper MP**Chair****October 2021**

¹⁰ Jennifer Howard MP, Member for Ipswich was appointed under SO 202(1) as substitute for Joan Pease MP.

¹¹ Nicholas (Nick) Dametto MP, Member for Hinchinbrook was granted leave pursuant to SO 209 to participate in and question witnesses during the public hearing.

¹² Kim Richards MP, Member for Redlands was appointed under SO 202(1) as a substitute for Aaron Harper MP from 1:45pm.

¹³ Jonty Bush MP, Member for Cooper was appointed under SO 202(1) as a substitute for Ali King MP until 12:15pm.

6 Dissenting Reports

Mr Stephen Andrew, MP
Member for Mirani

DISSENTING REPORT

HEALTH AND ENVIRONMENT COMMITTEE - ANNUAL REPORT 2020-21
REPORT NO. 13, 57TH PARLIAMENT

More diversity of voices needed

I am concerned at the level of 'groupthink' that is developing in the whole Committee process.

Much more diversity of views is needed.

Currently, the whole system is stacked towards vested interests and government connected organisations and groups.

There is little attempt on the part of the committees to engage with anyone outside this small network of key "stakeholders". Rather than "stakeholders", such groups and individuals were once, more accurately, known as "insiders".

We need to hear more from people who are 'on the ground', or from groups operating outside the political insider web. We also need a lot more integration and engagement with the general public.

When people are involved in the consultation process, they become more informed and take a lot more interest in the findings and outcomes associated with it, regardless of whether the media covers it or not.

For example, if someone writes a submission on a Committee inquiry, they will take more of an interest in what happens next. They will read its findings and even if those findings are not to their liking, it will make them much more aware of what committees do, and how they operate.

The Committees need to find ways to listen to voices not usually heard.

That means seeking the views and input of ALL Queenslanders across ALL demographics, not just those from the same tiny select insider groups, who all hold roughly the same views and opinions and seldom deviate far from the government line on any given subject.

More public hearings in regional locations

This is particularly important in Queensland, given the broad distances involved, and the consequent inability of some community members to travel to Brisbane.

Regional hearings will also help make the Committee system more accessible, particularly if we encourage specific groups who may currently be somewhat disengaged, such as regional citizens and young people.

This goes to my overall theme on the need to bring in different people from different areas to provide their perspectives and assist in the process.

Lack of understanding about what committees actually do and the role they play within the parliamentary process is a longstanding problem in Queensland.

Secrecy and the Need for more Transparency

Another important concern I have involves the general lack of transparency that surrounds much of the committee processes and decision making.

In the current report, there were three public hearings, five public briefings, three private briefings and 16 private meetings.

In other words, the vast majority of the Committee's work is done behind closed doors.

All the committee's meetings and a number of its briefings, are convened in private and the proceedings of these meetings are also confidential.

The secrecy around a good deal of these proceedings is hard to justify.

It reflects an ever-increasing culture of secrecy around governance and parliamentary decision-making in Queensland.

There might be a case for holding committee meetings in private to protect expert witnesses' privacy, especially for any controversial information he or she may be imparting.

However, I think this only makes the case for transparency stronger, since a controversial or difficult topic is much more likely to have a strong public interest.

The clearest argument for committee confidentiality is to protect the committee's ability to review protocols independently and without coercion from the public, the media, or other interested parties.

However, too often, it can be instead used to hide inadequacies in the reviewing process or even in the reviewers themselves.

Since the integrity of the committee is not for the sake of the committee but that of the Queensland public, the veil of confidentiality requires stronger justification.

The old maxim that "for justice to be done, it must be SEEN to be done" is as true as it ever was.

The other main argument I have heard is that confidentiality protects the freedom of discussion.

Parliament normally meet in public, or have full publicly accessible minutes; the same is largely true of local council meetings, public inquiries and court proceedings.

Queensland's committee process serves several important public functions, including the demystification of health and environment decision making, and provision of a public forum for the accountability of parliament to the people.

This is particularly important in the absence of an upper house in Queensland.

The assumption that committees should meet in private and give minimal account of their decisions lacks clear justification.

In democratic societies, public law, common sense constitutions, and standing orders will protect the integrity of committee meeting better than secrecy.

There are some circumstances when particular cases or agenda items may require confidential discussion, but these are the exception, not the rule.

When such exceptions are claimed, clear appeal mechanisms and specific standing order provisions are required.

The presumption has been for confidentiality, without justification.

I argue that the presumption should be for openness, transparency and accountability instead.



Stephen Andrew MP
State Member for Mirani
Member QLD Parliamentary Health & Environment Committee (HEC)
13 October 2021

Health & Environment Committee

Report 13, 57th Parliament

Oct 2021

Dissenting Report

The Health & Environment Committee (the committee) of the Queensland Parliament is responsible for examination and review of operations and policies of the Queensland Government in respect of Health and Ambulance Services, Environment, Great Barrier Reef, Science and Youth Affairs.

These responsibilities include scrutiny of public accounts and public works, the committee also considers the reports of the Auditor-General, the Queensland Audit Office and other referrals from the Legislative Assembly.

In effect the role of the committee is to provide transparency and accountability of the Government, its conduct, its probity and financial management. Given that the combined budgets of those departments overseen by the committee account for almost half the entire State Budget and that the health of Queenslanders during the current global pandemic, and future environmental concerns and protection of the Great Barrier Reef have never been more pressing effective and meaningful review and scrutiny have never been more important.

The entire parliamentary process is open to the public, every word of every debate, every decision, every vote is recorded for all time in Hansard, but not so for our parliamentary committees.

Local government councils, senates and senate hearings around our nation are typically held in public open forums where the public, the media and stakeholders are all welcome to hear and view the proceedings and process of governing.

Why then are Queensland's Parliamentary committees permitted to conduct so much of their business in private? When the parliamentary committee system was established in Queensland it was intended to compensate somewhat for the absence of an upper house or senate. Queensland is the only unicameral state parliament in our nation. Our committees are to be in effect a place of review, a forum in which the affairs and business of the government of the day can be reviewed openly, transparently, and vigorously. The role of committees is to create that tension which keeps governments honest and on their toes.

Like our parliament, the work of committees, the discussions, findings and decisions of committees should and must be open to the public, and open to public scrutiny.

In August 2011 the former Member for Sunnybank, the Hon Judy Spence updated the House on the Committee of the Legislative Assembly, which was charged with responsibility for reviewing the activities and progress of the new portfolio committees. Of particular note she stated that it was always intended for the committee system to be as open and transparent as possible.

Hansard 02 Aug 2011 Hon. JC Spence (Sunnybank - ALP)

*"One of the things that became very obvious when we undertook a review of the old system was that few people had an appreciation of the work that our parliamentary committees were engaged in and not attention was given to the deliberations and findings. We have agreed upon the need to strengthen standing order 133, which deals with how bills are considered by portfolio committees, to clarify that **the presumption is that committee proceedings be held in public unless there are compelling reasons to hold them in private**. We have also agreed that more clarity be given to the confidentiality provision of the standing orders to*

*make it clear that committee proceedings may be discussed with other members of parliament. This is important for the new committee system to work in practice. Existing confidentiality arrangements will be kept in place for the PCMC and the Ethics Committee. I **cannot stress enough to members the need for the new portfolio committees to operate as much as possible in public, not only for their legislative functions but for all their functions.***

The honourable member specifically referred to Standing Order 133 which presumes committee hearings “be held in public unless there are compelling reasons to hold them in private”. The default position of all committee meetings, hearings, briefings and deliberations should be conducted in public.

Understandably there may be occasions where a matter may need to be discussed privately, and the standing orders make provision for such occasions.

As a former Gold Coast City Councillor I recall occasions when Council was required to move into a closed session to deal with highly sensitive matters or to be briefed on commercially sensitive matters, but these sessions were the exception. These sessions came under intense scrutiny and attracted significant criticism from the public and media.

It could be argued this need for greater transparency is even more critical in an era of declining media, On April 27 of this year the Clerk of the Queensland Parliament in his submission to Parliamentary Crime and Corruption Committee broadly raised concerns about the decline of the media in respect of monitoring the independence and transparency of the Crime and Corruption Commission.

“Take, for example, the decline of the media, the often titled “fourth estate”. It has long been maintained that investigative journalism may uncover examples of institutional corruption, abuse, or mismanagement. But commercial media revenues have been gutted by the rise of the internet and social media. Media cut-backs have seen the decline of resources for investigative journalism.”

The same could be said of our Parliamentary Committee System. It is difficult enough for public and media scrutiny of the work and findings of our committees. Locking down meetings, deliberating in private and regular potential use of the chair’s casting vote precipitates less scrutiny and makes it even more difficult for the public and media to know just what goes on behind closed doors, just what reports and information the government doesn’t want discussed or seen.

Meetings in Private

My concern is the default position of this committee is to consistently and routinely meet in private. For the period referred to in this report the committee met on twenty-seven (27) occasions. On nineteen (19) occasions the committee met in private. The frequency of meetings defaulting to private is not in keeping with the intent of Standing orders nor in the public interest.

Voting and deliberations in Private

Furthermore the deliberations, briefings, minutes and votes are also predominantly held in private. This also raises cause for concern as the Chair of each committee can potentially use a casting vote to pass resolutions and recommendations that

have not necessarily been supported by opposition and crossbench members. Subsequently it could be suggested that many reports of the committee tabled in the parliament are potentially misleading as they do not always reflect the full extent of debate and discussions conducted behind closed doors.

Under Standing Orders committee members are not permitted to disclose alternative views or divulge information about the votes and deliberations of committees conducted or discussed in private. To do so means that member could be held in contempt, referred to the Speaker or Ethics Committee and face prosecution or significant penalties.

Furthermore committee members are further restricted by Standing Orders from comment or reference to unpublished committee documents, departmental responses to questions on notice, proceedings and deliberations conducted in private. I understand the occasional need for privacy, what perplexes me simply is that far too many meetings and sessions of this committee are by default made private for no good reason and no real justification.

Withdrawing Quorum

In an environment when government members continue to conduct meetings and continue to vote in private the only option open to opposition and crossbench members would be to leave the meeting, forcing the meeting to conclude due to a lack of quorum. While such action makes a point it is not in the best interests of Queenslanders, it may be seen as somewhat frivolous and effectively leaves the government unfettered and free to function without any scrutiny or accountability. Furthermore it would potentially deny members of the public and stakeholder groups the opportunity to make submissions and participate in public hearings and briefings.

Public Meetings must be the Default

In the interests of true transparency and government accountability the default position of all committee work must be conducted in public, except on those rare occasions when some matters may be commercially or legally sensitive.

For the period covered by this report our committee examined the Appropriation (2020-2021) Bill, Waste Reduction Legislation and significantly the Public Health and Other Legislation (Extension of Expiring Provisions) Amendment Bill 2020.

Furthermore the committee also reviewed reports from the Auditor General and Queensland Audit Office in respect of Queensland Health, specifically;

- Queensland Health's new finance and supply chain management systems; Health 2020 (financial audit); and Planning for sustainable health services

These reports alone deserve far more public scrutiny particularly given the current state of the Queensland Health Care System. These reports must be fully explored and put under the microscope of public scrutiny. Queenslanders should be concerned, very concerned, aside from Queensland's ongoing challenges, failures and cost blow-outs with IT systems, more concerning are those concerns raised by the Queensland Audit Office in respect of the lack of planning for expanded health

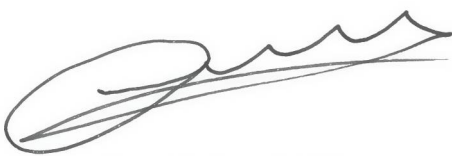
services, labour force shortages and poor strategic planning. These deficiencies should come into even sharper focus given those challenges presented by the current health crisis, the Covid-19 pandemic, unusually higher than normal population growth, border closures and our reliance on overseas recruits to fill essential places across rural and remote Queensland.

I believe the role of the Opposition is to hold Governments to account, to create that tension which keeps Government on its toes. Hiding the business of government behind closed committee meeting doors does not serve the people of Queensland, it opens the door to cover-ups and clears the path for poor decisions and at its worst the potential for corruption.

For the year ahead my sincere hope is that the default position of our committee and that of the Labor members will be to conduct all meetings, briefings and deliberations in public, and that all minutes of meetings will be made public as a matter of course.

This is especially important given the broad challenges facing Queensland Health and the important work our committee has ahead in respect of reef regulations and protections for the Great Barrier Reef.

Queenslanders deserve better. Queenslanders should not be kept in the dark. Queenslanders deserve the best form of democracy on offer. Queenslanders should be free to attend and review the work of parliamentary committees, they should know what the deliberations of those committees were, what their elected members believe and how their elected members vote.



Rob Molhoek MP
Deputy Chair
Member for Southport



Dr. Mark Robinson
Member for Oodgeroo