



# Annual Report 2021-22

**Report No. 26, 57th Parliament**  
**Health and Environment Committee**  
**October 2022**

## **Health and Environment Committee**

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<b>Deputy Chair</b>	Mr Robert (Rob) Molhoek MP, Member for Southport
<b>Members</b>	Mr Stephen (Steve) Andrew MP, Member for Mirani
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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.<sup>1</sup>

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.<sup>2</sup> 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.<sup>3</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 4 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 2021 to 30 June 2022.

## 3 Inquiries and reports

The committee considered a number of issues and tabled 11 reports during the 2021-22 financial year. The committee also undertook an inquiry into the provision of primary, allied and private health care, aged care and NDIS care services and its impact on the Queensland public health system. 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](http://www.parliament.qld.gov.au/HEC).

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<sup>1</sup> *Parliament of Queensland Act 2001*, section 88 and Standing Order 194.

<sup>2</sup> *Parliament of Queensland Act 2001*, section 94.

<sup>3</sup> *Parliament of Queensland Act 2001*, section 92.

### **3.1 Bills and subordinate legislation**

The committee examined 3 bills and 26 items of subordinate legislation in the reporting period 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.

The committee also considered for each piece of legislation, that legislation's human rights implications under the *Human Rights Act 2019*.

#### **3.1.1 Report No. 14 – Environmental and Other Legislation (Reversal of Great Barrier Reef Protection Measures) Amendment Bill 2021**

On Wednesday 21 April 2021 (in the previous financial year), the Environmental and Other Legislation (Reversal of Great Barrier Reef Protection Measures) Amendment Bill 2021 (Bill) was introduced into the Parliament by the Member for Hinchinbrook and referred to the committee for detailed consideration and report.

The explanatory notes stated that the main policy objective of the Bill was to repeal a number of amendments made by the *Environmental Protection (Great Barrier Reef Protection Measures) and Other Legislation Amendment Act 2019*.

During its examination of the Bill, the committee accepted 32 submissions. The committee also received a briefing on the Bill from the Member for Hinchinbrook on 11 June 2021 and heard from a range of stakeholders at public hearings conducted on 11 June 2021 and 3 September 2021 in Brisbane.

The committee tabled its report on 20 October 2021 with one recommendation, that the Bill not be passed. The question that the Bill be read a second time was resolved in the negative, and therefore the Bill did not pass.

#### **3.1.2 Report No. 10 – Voluntary Assisted Dying Bill 2021**

On 25 May 2021 (in the previous financial year), the Voluntary Assisted Dying Bill 2021 was introduced and referred to the committee for examination and report.

The explanatory notes stated 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.

During its examination of the Bill, the committee received 1,360 submissions in addition to 4,767 form type submissions. The committee held a public briefing on 14 June 2021 with representatives from the Department of Health and Department of Justice and Attorney-General and received written advice from Queensland Health in response to submissions received. The committee held public hearings in Townsville on 12 July 2021, Rockhampton on 13 July 2021, and in Brisbane on 14, 15 and 16 July 2021.

The issues considered by the committee included the eligibility criteria to access voluntary assisted dying, assessment and substance administration processes, additional safeguards, operational matters, palliative care and equity of access to voluntary assisted dying.

The committee tabled its report on 20 August 2021 with recommendations that the:

- Bill be passed
- Commonwealth Government amend the *Criminal Code Act 1995* (Cth) by inserting a definition declaring that ‘suicide’ does not include voluntary assisted dying carried out lawfully pursuant to a law of a state or territory
- Commonwealth Director of Public Prosecutions issue prosecutorial charging guidelines indicating that the offences in sections 474.29A and 474.29B of the *Criminal Code Act 1995* (Cth) will not be prosecuted where a doctor or other person is acting in accordance with the procedure outlined in state or territory voluntary assisted dying laws.

The Bill was passed on 16 September 2021. The government noted the committee’s recommendations, advised that the Premier had written to then-Prime Minister Scott Morrison regarding the recommendations, and outlined the Australian Government’s response to that letter.

### **3.1.3 Report No. 2 – 2021-22 Budget Estimates and Volume of Additional Information**

The Appropriation Bill 2021 was introduced on 15 June 2021 and referred to the committee on 18 June 2021 (in the previous financial year), for the committee’s investigation and report on the 2021-22 portfolio budget estimates within the committee’s area of responsibility, as set out in Schedule 6 of the Standing Orders.

The committee held a public hearing on 30 July 2021 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 20 August 2021, recommending the Bill be passed.

The 2021-22 Appropriation Bill was passed on 2 September 2021.

### **3.1.4 Bills under consideration as at 30 June 2022**

#### **3.1.4.1 Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2022**

On 11 May 2022, the Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2022 was introduced and referred to the committee for examination and report.

The Bill proposed to amend the Health Practitioner Regulation National Law (National Law), as agreed by Australian Health Ministers on 18 February 2022. The Bill implemented a range of reforms which aim to update and improve the regulation of Australia’s health professions, with the main objectives being to:

- strengthen public safety and confidence in the provision of health services
- improve the governance of the National Registration and Accreditation Scheme for health professionals (National Scheme)
- enhance the effectiveness and efficiency of the National Scheme.

Key reforms in the Bill included:

- refocusing the objectives and guiding principles of the National Law to make public safety and confidence paramount considerations, and to recognise the National Scheme's role in ensuring the development of a culturally safe and respectful health workforce for Aboriginal and Torres Strait Islander Peoples
- introducing a power for national regulators to issue interim prohibition orders to prohibit or restrict unregistered practitioners from providing health services or using protected titles, similar to the power already given to the Health Ombudsman in Queensland (the Health Ombudsman)
- introducing a power for the Health Ombudsman and national regulators to issue public statements about persons whose conduct poses a serious risk to public health and safety
- removing barriers to information sharing to protect the public and enable more efficient and appropriate resolution of notifications
- improving processes by which National Boards make registration decisions and manage health, conduct and performance issues.

The committee held a public briefing on 23 May 2022, and a public hearing on 8 June 2022.

Submissions closed on 1 June 2022. The committee accepted 40 submissions.

The committee was due to table its report on 1 July 2022.

#### 3.1.4.2 Consideration of 2022/2023 Portfolio Budget Estimates

On 21 June 2022, the budget estimates for the committee's portfolio areas were referred to the committee for examination and report. A public hearing was scheduled for 30 July 2022 to examine the portfolio's proposed expenditures for the relevant portfolio areas. The committee was required to table its report by 12 August 2022.

### **3.1.5 Portfolio subordinate legislation**

#### 3.1.5.1 Subordinate legislation tabled between 21 April 2021 and 11 May 2021 (Report No. 11)

On 2 September 2021, the committee tabled Report No. 11, 57th Parliament - Subordinate legislation tabled between 21 April 2021 and 11 May 2021. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 33 of 2021 – Proclamation made under the *Health Legislation Amendment Act 2020*
- No. 34 of 2021 – Hospital and Health Boards (Health Equity Strategies) Amendment Regulation 2021
- No. 36 of 2021 – Nature Conservation and Other Legislation Amendment Regulation 2021.

No significant issues regarding policy, consistency with fundamental legislative principles, lawfulness or compatibility with human rights for the 3 items of subordinate legislation were identified.

The committee considered that the explanatory notes tabled with the subordinate legislation comply with the requirements of section 24 of the *Legislative Standards Act 1992* (LSA). Further, 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 the *Human Rights Act 2019* (HRA).

#### 3.1.5.2 Subordinate legislation tabled between 12 May 2021 and 15 June 2021 (Report No. 12)

On 29 September 2021, the committee tabled Report No. 12, 57th Parliament - Subordinate legislation tabled between 12 May 2021 and 15 June 2021. The report advised of the committee's findings with respect to the following subordinate legislation:



- No. 42 of 2021 – Environmental Protection (Commercial Cropping and Horticulture Activities in Great Barrier Reef Catchment) Amendment Regulation
- No. 58 of 2021 – Forestry and Other Legislation Amendment Regulation 2021.

No significant issues regarding policy, consistency with fundamental legislative principles, lawfulness or compatibility with human rights of the Environmental Protection (Commercial Cropping and Horticulture Activities in Great Barrier Reef Catchment) Amendment Regulation were identified.

The committee sought more information from the Department of Environment and Science in regard to the Forestry and Other Legislation Amendment Regulation. The committee also considered 2 human rights issues in respect of the same regulation, but was ultimately satisfied that any limitations were reasonable and demonstrably justified.

The committee considered that the explanatory notes tabled with the subordinate legislation complied with the requirements of section 24 of the LSA. Further, the committee considered that the human rights certificates tabled with the subordinate legislation provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with the HRA.

### 3.1.5.3 Subordinate legislation tabled between 16 June 2021 and 31 August 2021 (Report No. 15)

On 28 October 2021, the committee tabled Report No. 15, 57th Parliament - Subordinate legislation tabled between 16 June 2021 and 31 August 2021. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 65 of 2021 — Health Legislation (Fees) Amendment Regulation 2021
- No. 77 of 2021 — Public Health (Further Extension of Declared Public Health Emergency-COVID-19) Regulation (No. 2) 2021
- No. 82 of 2021 — Public Health Amendment Regulation (No. 2) 2021
- No. 90 of 2021 — Environmental Legislation (Fees) Amendment Regulation 2021
- No. 99 of 2021 — Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2021
- No. 104 of 2021 — Nature Conservation (Protected Areas) (Heathlands and Jardine River Resources Reserves) Amendment Regulation 2021
- No. 111 of 2021 — Tobacco and Other Smoking Products Regulation 2021
- No. 125 of 2021 — Radiation Safety Regulation 2021
- No. 131 of 2021 — Biodiscovery Regulation 2021
- No. 132 of 2021 — Proclamation—Waste Reduction and Recycling (Plastic Items) Amendment Act 2021
- No. 133 of 2021 — Radiation Safety (Radiation Safety Standards) Notice 2021.

No significant issues regarding policy, consistency with fundamental legislative principles, lawfulness or compatibility with human rights were identified with the Health Legislation (Fees) Amendment Regulation 2021, Environment Legislation (Fees) Amendment Regulation 2021, Nature Conservation (Protected Areas) Amendment Regulation (No. 2) 2021, Nature Conservation (Protected Areas) (Heathlands and Jardine River Resources Reserves) Amendment Regulation 2021, or the Proclamation—Waste Reduction and Recycling (Plastic Items) Amendment Act 2021.

The committee sought further information about the Biodiscovery Regulation 2021. The committee also considered a number of potential fundamental legislative principle (FLP) and/or human rights issues in respect of the following items of subordinate legislation, but was ultimately satisfied that the provisions in question were appropriate and reasonably and demonstrably justifiable in the circumstances:

- No. 77 of 2021 — Public Health (Further Extension of Declared Public Health Emergency—COVID-19) Regulation (No. 2) 2021
- No. 82 of 2021 — Public Health Amendment Regulation (No. 2) 2021
- No. 111 of 2021 — Tobacco and Other Smoking Products Regulation 2021
- No. 125 of 2021 — Radiation Safety Regulation 2021
- No. 131 of 2021 — Biodiscovery Regulation 2021
- No. 133 of 2021 — Radiation Safety (Radiation Safety Standards) Notice 2021.

The committee considered that the explanatory notes tabled with the subordinate legislation complied with the requirements of section 24 of the LSA. Further, the committee considered the human rights certificates tabled with the subordinate legislation provided a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with the HRA.

*3.1.5.4 Subordinate legislation tabled between 1 September 2021 and 12 October 2021 (Report No. 16)*

On 31 January 2022, the committee tabled Report No. 16, 57th Parliament - Subordinate legislation tabled between 1 September 2021 and 12 October 2021. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 140 of 2021 — Medicines and Poisons (Medicines) Regulation 2021
- No. 141 of 2021 — Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021
- No. 142 of 2021 — Medicines and Poisons (Pest Management Activities) Regulation 2021
- No. 143 of 2021 — Therapeutic Goods Regulation
- No. 145 of 2021 — Nature Conservation and Other Legislation (COVID-19—Fee Waiver) Amendment Regulation 2021
- No. 148 of 2021 — Public Health (Further Extension of Declared Public Health Emergency—COVID-19) Regulation (No. 3) 2021
- No. 150 of 2021 — Nature Conservation (Protected Areas) Amendment Regulation (No. 3) 2021.

The committee considered a number of potential FLP and/or human rights issues in respect of the following items of subordinate legislation, but was ultimately satisfied that the provisions in question were appropriate and reasonably and demonstrably justifiable in the circumstances:

- No. 140 of 2021 — Medicines and Poisons (Medicines) Regulation 2021
- No. 141 of 2021 — Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021
- No. 142 of 2021 — Medicines and Poisons (Pest Management Activities) Regulation 2021
- No. 145 of 2021 — Nature Conservation and Other Legislation (COVID-19—Fee Waiver) Amendment Regulation 2021
- No. 148 of 2021 — Public Health (Further Extension of Declared Public Health Emergency—COVID-19) Regulation (No. 3) 2021.

The committee considered that all explanatory notes accompanying the subordinate legislation complied with requirements of section 24 of the LSA. Further, the committee considered that the human rights certificates provided with the subordinate legislation included a sufficient level of information to facilitate understanding of the subordinate legislation's compatibility with human rights.

### 3.1.5.5 Subordinate legislation tabled between 13 October 2021 and 16 November 2021 (Report No. 17)

On 1 March 2022, the committee tabled Report No. 17, 57<sup>th</sup> Parliament - Subordinate legislation tabled between 13 October 2021 and 16 November 2021. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 158 of 2021 – Forestry and Other Legislation Amendment Regulation (No. 2) 2021
- No. 165 of 2021 – Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2021.

The committee identified no significant issues regarding the policy, consistency with FLPs, lawfulness or human rights implications of the subordinate legislation. The committee considered potential fundamental legislative principle and human rights implications in relation to the Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2021 (SL No. 165), but ultimately considered it had sufficient regard to FLPs and that any limitations on human rights were reasonable and demonstrably justifiable in the circumstances.

The committee also raised concerns about the compliance of the explanatory notes tabled with SL 165 with the requirements at section 24 of the LSA.

The committee considered the human rights certificates 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.

### 3.1.5.6 Subordinate legislation tabled between 17 November 2021 and 15 March 2022 (Report No. 19)

On 18 May 2022, the committee tabled Report No. 19, 57<sup>th</sup> Parliament - Subordinate legislation tabled between 17 November 2021 and 15 March 2022. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 169 of 2021 — Public Health (Further Extension of Declared Public Health Emergency—COVID-19) Regulation (No. 4) 2021
- No. 188 of 2021 — Forestry and Other Legislation Amendment Regulation (No. 3) 2021
- No. 189 of 2021 — Nature Conservation (Protected Areas Management) (Communications and Electrical Distribution Facilities) Amendment Regulation 2021
- No. 17 of 2022 — Environmental Legislation (Fee Unit Conversion) Amendment Regulation 2022.

The committee identified no significant issues regarding the policy, consistency with FLPs, lawfulness or human rights implications of the subordinate legislation.

The committee considered potential FLP and human rights implications in relation to the Public Health (Further Extension of Declared Public Health Emergency—COVID-19) Regulation (No. 4) 2021 and human rights implications in relation to the Nature Conservation (Protected Areas Management) (Communications and Electrical Distribution Facilities) Amendment Regulation 2021 but considered them justified in the circumstances.

The committee noted that the explanatory notes tabled with the subordinate legislation complied with section 24 of the LSA and that the human rights certificates 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.

### 3.1.5.7 Subordinate legislation tabled between 16 March 2022 and 10 May 2022 (Report No. 20)

On 28 June 2022, the committee tabled Report No. 20, 57<sup>th</sup> Parliament - Subordinate legislation tabled between 16 March 2022 and 10 May 2022. The report advised of the committee's findings with respect to the following subordinate legislation:

- No. 19 of 2022 — Public Health (Further Extension of Declared Public Health Emergency—COVID-19) Regulation 2022
- No. 26 of 2022 — Environmental Protection (ERA Standards) Amendment Regulation 2022
- No. 27 of 2022 — Wet Tropics (Rainforest Area) Amendment Management Plan 2022
- No. 37 of 2022 — Nature Conservation and Other Legislation Amendment Regulation 2022
- No. 40 of 2022 — Health Legislation (Fee Unit Conversion) Amendment Regulation 2022.

The committee identified no significant issues regarding the policy, consistency with FLPs, lawfulness or human rights implications of the subordinate legislation.

The committee considered potential FLP and/or human rights implications in relation to the listed subordinate legislation, except for the Health Legislation (Fee Unit Conversion) Amendment Regulation 2022. The committee considered the potential breaches of FLP, but was ultimately satisfied that the provisions in question were appropriate and reasonable in the circumstances.

The committee considered that the explanatory notes tabled with the subordinate legislation complied with section 24 of the LSA and that the human rights certificates 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.

### **3.2 Inquiry into the provision of primary, allied and private health care, aged care and NDIS care services and its impact on the Queensland public health system**

On 17 November 2021, the Legislative Assembly agreed to a motion that the committee inquire and report on the provision of primary, allied and private health care, aged care and NDIS care services and its impact on the Queensland public health system.

The terms of reference were that the committee inquire into and report to the Legislative Assembly by 31 March 2022 on:

1. The provision of:

- primary and allied health care
- aged and NDIS care
- the private health care system

and any impacts the availability and accessibility of these services have on the Queensland public health system.

2. In conducting this inquiry, the Health and Environment Committee should consider:

- the current state of those services (outlined in 1) in Queensland
- bulk billing policies, including the Commonwealth Government's Medicare rebate freeze
- the Commonwealth Government's definition of the Commonwealth Distribution Priority Areas
- the availability of medical training places at Queensland universities, compared to other jurisdictions.

On 19 November 2021, the committee invited stakeholders and subscribers to make written submissions to the committee. The committee received 79 submissions.

On 29 November 2021, the committee held a public briefing with representatives from Queensland Health, the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships, and the Department of Education.

The committee held public hearings in Brisbane on 8 and 9 December 2021, and 11 and 21 February 2022. The committee also held hearings in Cairns (7 February 2022), Mossman (8 February 2022), Townsville (9 February 2022), Logan (10 February 2022), Gold Coast (10 February 2022), Bundaberg (2 March 2022), Rockhampton (3 March 2022) and Longreach (4 March 2022).

On 17 March 2022, the Legislative Assembly resolved to extend the reporting date for the Inquiry to Friday 8 April 2022.<sup>4</sup> The committee tabled its report on 8 April 2022.

The committee made 40 recommendations targeted at the Australian Government and Queensland Government regarding health, aged and disability care. The Queensland Government provided an interim response on 11 May 2022.

### 3.3 Statutory oversight

Standing Order 194A read with Schedule 6 of the Standing Orders, sets out the committee's oversight functions and responsibilities in respect of 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.<sup>5</sup>

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
- 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
- Para-medicine 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

<sup>4</sup> Queensland Parliament, Record of Proceedings, 17 March 2022, p 528.

<sup>5</sup> *Health Ombudsman Act 2013* (Qld), sections 19 and 179.

- 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 2 years.

During the year the committee held a public briefing and a private briefing on 15 November 2021 with the then Health Ombudsman, Mr Andrew Brown. Matters raised by the committee in the public briefing included:

- increase in the number of medical centre health complaints received by the Office of the Health Ombudsman
- nature of complaints against nurses, dental practitioners and psychologists
- source of complaints about mental health services
- access to general practitioners (GPs)
- trends affecting the health system
- trend in complaints against GPs who are refusing requests for exemptions around the COVID vaccine for patients
- nature of any complaints about Mackay and Caboolture hospitals
- number of complaints about private residential aged-care facilities and Home Care packages.

The committee held another briefing on 27 May 2022 with the new Health Ombudsman, Dr Lynne Coulson Barr OAM, along with staff from the Office of the Health Ombudsman, and the CEO and representative staff of Ahpra. Matters raised by the committee at this briefing included:

- increasing numbers of referrals due to people being more inclined to make reports and complaints and awareness of access to the complaints process
- number of doctors in training
- North Queensland full scope of practice pilot program
- sections of the community that may not be represented in the complaints statistics
- identification and treatment of vulnerable complainants

- impact of the COVID-19 vaccine mandate on the health complaints system and on the training of doctors
- difficulties experienced in collating and presenting OHO reports, including the impact of the new IT solution data reporting capability
- percentage of the registered workforce in Queensland that is checked to ensure that clinical registration is current and correct
- questions in the Medical Training Survey regarding GP interest in working in rural and remote areas
- complaints about bullying, how they are handled and the potential impact of bullying on deterring doctors from working in rural and remote areas
- purpose of a temporary sub-register
- reasons for a paused proceeding and OHO control over the length of time a proceeding is paused
- trends in the complaints received, including in particular geographic areas or particular hospital and health services
- process of pursuing a complaint aired in the media.

### 3.4 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.<sup>6</sup>

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.

#### 3.4.1 Consideration of Auditor-General Report 2: 2021-22 – *Measuring emergency department patient wait times*

The Auditor-General Report 2: 2021-22 - *Measuring emergency department patient wait times* was tabled on 14 September 2021 and referred to the committee on 16 September 2021.

The Auditor-General's report follows on from the Auditor-General Report 3: 2014–2015 *Emergency department performance reporting* and assessed whether Queensland Health:

- is effectively managing performance in terms of emergency length of stay (ELOS—the amount of time people spend in emergency departments (EDs) before being admitted or discharged) and patient off stretcher time (POST—the amount of time it takes to transfer people from the care of ambulance staff to the care of emergency departments)
- has implemented all the recommendations the Auditor-General made in Report 3: 2014–15 concerning the reliability of the data being reported.

The report provided 5 recommendations to assist Queensland Health improve its processes for data reliability, ED performance measures, appropriate use of ED short-term treatment areas and the interface between ED and Queensland Ambulance Service systems.

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<sup>6</sup> *Parliament of Queensland Act 2001*, s 94(1)(a).

During its consideration of the report, the committee held a private briefing with the Department of Health in Brisbane on 25 October 2021. Following the briefing, the committee determined to take no further review action in relation to the report.

### **3.4.2 Consideration of Auditor-General Report 8: 2020-21 – *Improving access to specialist outpatient services***

The Auditor-General Report 8: 2020-21 - *Improving access to specialist outpatient services* was tabled on 6 December 2021 and referred to the committee on 24 February 2022.

This Auditor-General's report sets out the results of an audit examining whether, by implementing the *Specialist Outpatient Strategy* (Strategy), Queensland Health (comprising the Department of Health and the hospital and health services (HHSs)) has improved patient access to specialist outpatient services and reduced waiting lists.

The report contains 4 recommendations to help Queensland Health address pressure points in the health system by changing how hospitals triage non-urgent cases and embedding proven models of care and effective practice across the state.

As at 30 June 2022, the committee's consideration of the report was ongoing.

### **3.4.3 Consideration of Auditor-General Report 12: 2021-22 – *Health 2021***

The Auditor-General Report 12: 2021-22 – *Health 2021* was tabled on 16 December 2021 and referred to the committee on 24 February 2022. An erratum was tabled on 20 May 2022.

The report summarises the results of the annual audits of:

- Queensland Health entities, which include the Department of Health (department) and 16 hospital and health services (HHSs)
- 13 hospital foundations, 4 other statutory entities and 3 controlled entities.

The report contains 2 recommendations, the first of which is directed at strengthening procurement and contracting controls within the department and HHSs, and calls for improvements to systems, training and record-keeping, including ensuring all contract documents are kept in a central location.

Recommendation 2, which is directed at the department only, advocates for the department arranging another entity to manage hotel quarantine debts, with the QAO observing that this would 'allow the department to focus on the provision of health care'.

The committee considered the Auditor-General Report No. 12: 2021-22, and determined to take no further review action in relation to the report.

## **3.5 Non-inquiry related activities**

### **3.5.1.1 QIMR Berghofer site visit**

On 19 November 2021, the committee undertook a site visit to the QIMR Berghofer Medical Research Institute. The committee met key leadership staff and researchers and toured the facility.

The committee also learned about the work being undertaken in cancer research, infection and inflammation, COVID-19 research, mental health and neuroscience, and Aboriginal and Torres Strait Islander Health.





Members of the Health and Environment Committee visit the QIMR Berghofer Medical Research Institute.

#### 3.5.1.2 *Office of the Health Ombudsman site visit*

On 28 March 2022, the committee undertook a site visit to the Office of the Health Ombudsman. During the visit, the committee met with key staff and gained a clearer understanding of the set up and structure of the Office of the Health Ombudsman. The committee also gained a better understanding of the workings of the Office of the Health Ombudsman to assist with the committee's monitoring of the operations and performance of the Office of the Health Ombudsman during the 57th Parliament.

## 4 Committee expenditure

The committee had no revenue during 2021-22. The committee is funded from the appropriation made to the Legislative Assembly. The expenditure of the committee from 1 July 2021-30 June 2022 is shown in the table below.

Item	
Staff salaries and related expenses <sup>7</sup>	\$356,642
Business travel	\$81,684

<sup>7</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.

Meeting expenses	\$16,642
Technology	\$11,082
Printing and supplies	\$6,429
Miscellaneous expenses	\$241
Legal advice	\$4,470
<b>Expenditure Total</b>	<b>\$477,190</b>

## 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 member's 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	Dr Mark Robinson MP
05/07/2021	PM	✓	✓	✓	✓	✓	✓
07/07/2021	PM	✓	✓	✓	✓	✓	✓
12/07/2021	PH	✓	✓	✓	✓	✓	✓
13/07/2021	PH	✓	✓	✓	✓	✓	✓
14/07/2021	PH	✓	✓	✓	✓	✓	✓
15/07/2021	PM	✓	✓	x	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓
16/07/2021	PM	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓
29/07/2021	PM	✓	✓	✓	✓	✓	✓
30/07/2021	PM	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓

Meeting Date	Activity	Aaron Harper MP Chair	Robert Molhoek MP Deputy Chair	Stephen Andrew MP	Ali King MP	Joan Pease MP	Dr Mark Robinson MP
18/08/2021	PM	✓	✓	✓	✓	✓	✓
30/08/2021	PM	✓	✓	✓	✓	✓	✓
03/09/2021	PH	✓	✓	✓	✓	✓	✓
13/09/2021	PM	✓	✓	✓	✓	✓	✓
24/09/2021	PM	✗ <sup>8</sup>	✓	✗	✓	✗ <sup>9</sup>	✓
11/10/2021	PM	✓	✓	✓	✓	✓	✓
14/10/2021	PM	✓	✓	✓	✓	✗ <sup>10</sup>	✓
25/10/2021	PM	✓	✓	✓	✓	✓	✓
	PrB	✓	✓	✓	✓	✓	✓
15/11/2021	PM	✓	✓	✓	✓	✗ <sup>11</sup>	✓
	PH	✓	✓	✓	✓	✗ <sup>12</sup>	✓
	PrB	✓	✓	✓	✓	✗ <sup>13</sup>	✓
18/11/2021	PM	✓	✓	✓	✓	✓	✓
29/11/2021	PM	✓	✓	✓	✓	✓	✓
	PB	✓	✓	✓	✓	✓	✓
08/12/2021	PH <sup>14</sup>	✓	✓	✗	✓	✗	✗
09/12/2021	PH <sup>15</sup>	✓	✓	✗	✓	✓	✗

<sup>8</sup> Chris Whiting MP replaced Aaron Harper MP as Chair on 3 September 2021 under SO 202(1).

<sup>9</sup> James Sullivan MP replaced Joan Pease MP as a committee member on 24 September 2021 under SO 202(1).

<sup>10</sup> Corinne McMillan MP replaced Joan Pease MP as a committee member on 14 October 2021 under SO 202(1).

<sup>11</sup> Don Brown MP replaced Joan Pease MP as a committee member on 15 November 2021 under SO 202(1).

<sup>12</sup> Don Brown MP replaced Joan Pease MP as a committee member on 15 November 2021 under SO 202(1).

<sup>13</sup> Don Brown MP replaced Joan Pease MP as a committee member on 15 November 2021 under SO 202(1).

<sup>14</sup> Subcommittee – Aaron Harper MP, Rob Molhoek MP and Ali King MP.

<sup>15</sup> Subcommittee – Aaron Harper MP, Rob Molhoek MP, Ali King MP and Joan Pease MP.

Meeting Date	Activity	Aaron Harper MP Chair	Robert Molhoek MP Deputy Chair	Stephen Andrew MP	Alli King MP	Joan Pease MP	Dr Mark Robinson MP
21/01/2022	PM	✓	✓	✓	✓	✓	✗
24/01/2022	PM	✓	✓	✓	✓	✓	✗
07/02/2022	PM	✓	✓	✓	✓	✓	✗ <sup>16</sup>
	PH	✓	✓	✓	✓	✓	✗ <sup>17</sup>
08/02/2022	PH	✓	✓	✓	✓	✓	✗ <sup>18</sup>
09/02/2022	PH	✓	✓	✓	✓	✓	✗ <sup>19</sup>
10/02/2022	PM	✓	✓	✓	✓	✓	✗ <sup>20</sup>
	PH	✓	✓	✓	✓	✓	✗ <sup>21</sup>
	PH	✓	✓	✓	✓	✓	✗ <sup>22</sup>
11/02/2022	PH	✓	✓	✓	✓	✓	✗ <sup>23</sup>
21/02/2022	PM	✓	✓	✓	✓	✓	✗ <sup>24</sup>
	PH	✓	✓	✓	✓	✓	✗ <sup>25</sup>

<sup>16</sup> Trevor Watts MP replaced Dr Mark Robinson MP as a committee member on 7 February 2022 under SO 202(1).

<sup>17</sup> Trevor Watts MP replaced Dr Mark Robinson MP as a committee member on 7 February 2022 under SO 202(1).

<sup>18</sup> Trevor Watts MP replaced Dr Mark Robinson MP as a committee member on 8 February 2022 under SO 202(1).

<sup>19</sup> Trevor Watts MP replaced Dr Mark Robinson MP as a committee member on 9 February 2022 under SO 202(1).

<sup>20</sup> Trevor Watts MP replaced Dr Mark Robinson MP as a committee member on 10 February 2022 under SO 202(1).

<sup>21</sup> Trevor Watts MP replaced Dr Mark Robinson MP as a committee member on 10 February 2022 under SO 202(1).

<sup>22</sup> Trevor Watts MP replaced Dr Mark Robinson MP as a committee member on 10 February 2022 under SO 202(1).

<sup>23</sup> Trevor Watts MP replaced Dr Mark Robinson MP as a committee member on 11 February 2022 under SO 202(1).

<sup>24</sup> Trevor Watts MP replaced Dr Mark Robinson MP as a committee member on 21 February 2022 under SO 202(1).

<sup>25</sup> Trevor Watts MP replaced Dr Mark Robinson MP as a committee member on 21 February 2022 under SO 202(1).

Meeting Date	Activity	Aaron Harper MP Chair	Robert Molhoek MP Deputy Chair	Stephen Andrew MP	Ali King MP	Joan Pease MP	Dr Mark Robinson MP
26/02/2022	PM	✓	✓	✓	✓	✓	x <sup>26</sup>
28/02/2022	PM	✓	✓	✓	✓	✓	x <sup>27</sup>
02/03/2022	PH <sup>28</sup>	✓	✓	✓	x	✓	x
03/03/2022	PM	✓	✓	✓	✓	✓	x <sup>29</sup>
	PH <sup>30</sup>	✓	✓	✓	✓	✓	x
04/03/2022	PH <sup>31</sup>	✓	✓	✓	x	✓	x
14/03/2022	PM	✓	✓	✓	✓	✓	x <sup>32</sup>

Meeting Date	Activity	Aaron Harper MP Chair	Robert Molhoek MP Deputy Chair	Stephen Andrew MP	Ali King MP	Joan Pease MP	Sam O'Connor MP
28/03/2022	PM	✓	✓	✓	✓	✓	✓
01/04/2022	PM	✓	✓	✓	✓	✓	x
05/04/2022	PM	✓	✓	✓	✓	x <sup>33</sup>	✓
09/05/2022	PM	✓	✓	✓	✓	✓	✓

<sup>26</sup> Trevor Watts MP replaced Dr Mark Robinson MP as a committee member on 26 February 2022 under SO 202(1).

<sup>27</sup> Trevor Watts MP replaced Dr Mark Robinson MP as a committee member on 28 February 2022 under SO 202(1).

<sup>28</sup> Sub-committee — Aaron Harper MP, Rob Molhoek MP, Stephen Andrew MP, Joan Pease MP.

<sup>29</sup> Lachlan Millar MP replaced Trevor Watts MP as a committee member on 3 March 2022 under SO 202(1) (who was appointed under SO 202(1) as substitute for Mark Robinson MP).

<sup>30</sup> Sub-committee — Aaron Harper MP, Rob Molhoek MP, Stephen Andrew MP, Joan Pease MP. Ali King MP also attended.

<sup>31</sup> Sub-committee — Aaron Harper MP, Rob Molhoek MP, Stephen Andrew MP, Joan Pease MP.

<sup>32</sup> Trevor Watts MP replaced Dr Mark Robinson MP as a committee member on 14 March 2022 under SO 202(1).

<sup>33</sup> Joe Kelly MP replaced Joan Pease MP as a committee member on 5 April 2022 under SO 202(1).

Meeting Date	Activity	Aaron Harper MP Chair	Robert Molhoek MP Deputy Chair	Stephen Andrew MP	Ali King MP	Joan Pease MP	Sam O'Connor MP
13/05/2022	PM	✓	✓	✗	✓	✓	✓
23/05/2022	PM	✓	✓	✓	✓	✓	✓
	PH	✓	✓	✓	✓	✓	✓
27/05/2022	PM	✗ <sup>34</sup>	✓	✓	✓	✓	✓
	PrB	✗ <sup>35</sup>	✓	✓	✓	✓	✓
	PB	✗ <sup>36</sup>	✓	✓	✓	✓	✓
03/06/2022	PM	✓	✓	✓	✓	✓	✓
08/06/2022	PM	✓	✓	✓	✓	✗ <sup>37</sup>	✓
	PH	✓	✓	✓	✓	✗ <sup>38</sup>	✓
20/06/2022	PM	✓	✓	✓	✓	✓	✓
28/06/2022	PM	✓	✓	✓	✓	✓	✓

*Legend:*

PM - private meeting  
PB - public briefing

PrH - private hearing

PH - public hearing

PrB - private briefing

## Aaron Harper MP Chair

### October 2022

<sup>34</sup> Chris Whiting MP replaced Aaron Harper MP as Chair on 27 May 2022 under SO202(1).

<sup>35</sup> Chris Whiting MP replaced Aaron Harper MP as Chair on 27 May 2022 under SO202(1).

<sup>36</sup> Chris Whiting MP replaced Aaron Harper MP as Chair on 27 May 2022 under SO202(1).

<sup>37</sup> Jess Pugh MP replaced Joan Pease MP as a committee member on 8 June 2022 under SO202(1).

<sup>38</sup> Jess Pugh MP replaced Joan Pease MP as a committee member on 8 June 2022 under SO202(1).

