

## State Development and Regional Industries Committee

### Health and Other Legislation Amendment Bill 2021

#### Report No. 17, 57<sup>th</sup> Parliament

#### Government Response

The State Development and Regional Industries Committee has published a report following its inquiry into the Health and Other Legislation Amendment Bill 2021.

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

#### ***Recommendation 2 – Environmental Protection Act 1994***

The committee recommends that the Minister, during the second reading debate, provide detail on how instances of environmental nuisance relating to a Ministerial infrastructure designation as exempted by the amendment, would be investigated and regulated.

#### ***Government response: supported***

This matter will be addressed during the second reading debate.

Environmental nuisance will be regulated through an infrastructure designation in the same way that other requirements of an infrastructure designation are regulated.

Non-compliance with a requirement of an infrastructure designation may constitute a development offence under the *Planning Act 2016*. The *Planning Act 2016* sets out provisions for enforcement, offences and proceedings in the relevant courts, and local governments are empowered to use these provisions for matters they are responsible for administering.

Once a Ministerial infrastructure designation is made, it is administered and enforced by local governments. This reflects the experience and expertise local governments have in investigating and prosecuting offences under the *Planning Act 2016* for development approvals and environmental nuisance under the *Environmental Protection Act 1994*.

The proposed amendments do not impact the existing compliance and enforcement arrangements under the *Planning Act 2016*.

#### ***Recommendation 3 – Hospital and Health Boards Act 2011***

The committee recommends that Queensland Health examine enhancing the functionality of The Viewer, in consultation with key stakeholders, so that an individual may have greater control over who can access specific information or categories of information.

#### ***Government response: supported***

Queensland Health will examine the functionality of The Viewer and whether changes could be implemented to give patients increased control over the sharing of their health information. The examination will include consultation with clinicians and health consumers and will require consideration of the feasibility and cost of system changes.

#### ***Recommendation 4 – Hospital and Health Boards Act***

The committee recommends that Queensland Health, in consultation with relevant providers, deliver a comprehensive and accessible engagement campaign to inform the community about what health information is available on The Viewer, who can access their health information, and what options they have to control it.

#### ***Government response: supported***

Queensland Health will deliver a consumer engagement strategy developed in consultation with Health Consumers Queensland to inform patients about The Viewer.

Queensland Health will seek advice from Health Consumers Queensland about appropriate methods to disseminate information about The Viewer, as it has expertise in consumer engagement and brokering partnerships between health services and consumers. The consumer engagement strategy will include updating all current physical and electronic resources about The Viewer to reflect the legislative amendments and updating privacy collection notices that patients complete at points of care to explain how patient data is used.

#### ***Recommendation 5 – Termination of Pregnancy Act 2018***

The committee recommends that for the avoidance of any doubt, the Minister make clear in the second reading speech:

- that it will not be compulsory for students to assist with or observe terminations of pregnancy in order to complete their qualifications
- information on alternative study options for students who express a conscientious objection to assist in a termination of pregnancy
- what measures will exist to ensure students feel supported in exercising a conscientious objection.

#### ***Government response: supported***

The Minister will address the Committee's recommendation in her second reading speech.

While curriculum and qualification requirements for health students in Queensland are a matter for tertiary education providers, the Bill does not make it compulsory for students to assist in the performance of a termination of pregnancy to complete their qualifications.


A conscientious objection will not be a barrier to a student fulfilling requirements of their clinical placement. This is in line with the right to freedom of thought, conscience, religion and belief under section 20 of the *Human Rights Act 2019*.

The Bill requires a student to disclose they have a conscientious objection if they are asked to assist in the performance of a termination. In practice, it is likely that students would be informed about the possibility of assisting in the performance of a termination as part of their clinical placement, and be given the opportunity to conscientiously object, well before their placement begins or their supervisor directly asks them to assist. This will allow for students with a conscientious objection to be allocated to alternative or tailored placements in advance.

Health students undertake placements in many settings, including large hospitals with multiple units that provide a variety of services. There would not be a shortage of alternative clinical education options if a student has conscientiously objected to assisting in the performance of a termination.

Queensland Health is continuing to work with higher education providers to encourage them to develop tailored materials that address students assisting in the performance of terminations and how they will be supported to conscientiously object.

In addition, Queensland Health has published an extensive suite of resources on termination of pregnancy for health practitioners and health services (see [link](#)). These resources include information about conscientious objection and legislative obligations. They will be updated to include tailored material about students undertaking clinical placements as the amendments in the Bill are being implemented.

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