

~~**Madam SPEAKER:** Member for Gaven, I have before me the *Hansard* relating to the issue of the dissent motion which has been moved by a member. Those comments are not actually relevant to the dissent motion. I ask you to focus on the issue of dissent which is before the House and not to enter into a broad-ranging political debate.~~

020 ~~**Dr DOUGLAS:** Thank you, Madam Speaker, and I take your guidance. There is nothing about abusing your opponents that actually does you any good, and it does not help the parliament. The mere fact that the Attorney General when in the position of an overwhelming majority—~~

~~**Madam SPEAKER:** Member, I will sit you down if you do not respect the fact that this is actually a specific motion moved by a member of the parliament. It is not a broad-ranging political debate. Address the issue or I will sit you down. Have respect for the motion that is before the House.~~

~~**Dr DOUGLAS:** Thank you. There is a pervasive culture of using false statements and provocative language and personal abuse, and it leads to matters such as these dissent motions. What has the government got to hide? It has an overwhelming majority—~~

~~**Madam SPEAKER:** Member, I now warn you under standing order 253A. You have been asked to address the motion before the House. You have had the opportunity to do that. You are now casting aspersions that are beyond the matter before the House and it is out of order. I name you under 253A.~~

~~**Mr STEVENS** (Mermaid Beach—LNP) (Manager of Government Business) (12.40 pm): I move—~~

~~That the member, for disrespecting the House, be suspended from this House.~~

~~**Madam SPEAKER:** The member has time on the clock. He can continue in respect of the motion that is being debated.~~

~~**Dr DOUGLAS:** Thank you, Madam Speaker. I will take your guidance and I will continue no further.~~

~~**Madam SPEAKER:** I will correct the record. I meant to say I warned the member under standing order 253A, just so I am quite clear if I used the wrong word. I apologise to the House. I call the member to continue. He has time on the clock. That was the intention of my warning under 253A, but I ask the member to stay to the dissent motion.~~

~~**Dr DOUGLAS:** Madam Speaker, I respect your guidance on the matter. I believe that I have been given a very fair chance by you and I would like to now take my seat. Thank you.~~

~~Division: Question put—That the motion be agreed to.~~

~~*In division—*~~

~~**Honourable members** interjected.~~

~~**Madam SPEAKER:** Members, order! I am going to warn members. It is not helpful to have interjections during a division and I remind members that the chair can still in fact warn members if they are unhappy with behaviour during divisions.~~

~~**AYES, 13**—Byrne, Douglas, Judge, Katter, Miller, Mulherin, Palaszczuk, Pitt, Scott, Trad, Wellington. Tellers: Hopper, Knuth~~

~~**NOES, 70**—Bates, Bennett, Berry, Bleijie, Boothman, Cavallucci, Choat, Costigan, Cox, Crandon, Cripps, Cunningham, Davies, C Davis, T Davis, Dempsey, Dickson, Dillaway, Dowling, Elmes, Emerson, Flegg, France, Frecklington, Gibson, Grant, Grimwade, Gullely, Hart, Hathaway, Hobbs, Holswich, Johnson, Kempton, King, Krause, Langbroek, Latter, Maddern, Malone, Mander, McArdle, Millard, Minnikin, Molhoek, Newman, Ostapovitch, Powell, Pucci, Rice, Rickuss, Robinson, Ruthenberg, Seoney, Shorten, Shuttleworth, Smith, Sorensen, Springborg, Stevens, Stewart, Stuckey, Symes, Trout, Walker, Watts, Woodforth, Young. Tellers: Kaye, Menkens~~

~~Resolved in the negative.~~

021

## HEALTH OMBUDSMAN BILL

### Message from Governor

 **Hon. LJ SPRINGBORG** (Southern Downs—LNP) (Minister for Health) (12.51 pm): I present a message from Her Excellency the Governor.

The Speaker read the following message—

MESSAGE

HEALTH OMBUDSMAN BILL 2013

*Constitution of Queensland 2001, section 68*

I, PENELOPE ANNE WENSLEY AC, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to establish a health ombudsman and to provide for a system for dealing with complaints and other matters relating to the health, conduct or performance of health practitioners and the services provided by health service organisations, and to amend this Act, the Health Practitioner Regulation National Law Act 2009 and the Acts mentioned in schedule 1 for related purposes

(sgd)

GOVERNOR

Date: 4 JUN 2013

*Tabled paper:* Message, dated 4 June 2013, from Her Excellency the Governor, recommending the Health Ombudsman Bill 2013.

## Introduction

 **Hon. LJ SPRINGBORG** (Southern Downs—LNP) (Minister for Health) (12.51 pm): I present a bill for an act to establish a health ombudsman and to provide for a system for dealing with complaints and other matters relating to the health, conduct or performance of health practitioners and the services provided by health service organisations, and to amend this act, the Health Practitioner Regulation National Law Act 2009 and the acts mentioned in schedule 1 for related purposes. I table the bill and the explanatory notes. I nominate the Health and Community Services Committee to consider the bill.

*Tabled paper:* Health Ombudsman Bill 2013.

*Tabled paper:* Health Ombudsman Bill 2013, explanatory notes.

As I outlined to members on 16 April 2013, a public interest disclosure about the conduct, regulation, registration and discipline of medical practitioners in Queensland and three subsequent reports arising out of those initial allegations do not instil public confidence in the way in which complaints about health services and providers are managed in this state.

This bill takes on board the findings and recommendations made by Mr Chesterman and Dr Forrester in their inquiries that followed the public interest disclosure. The bill seeks to rectify the dysfunctional handling of health related complaints in Queensland and establishes a Health Ombudsman as the lynchpin of a new and accountable health complaints management system.

The Health Ombudsman is a statutory position, which will replace the Health Quality and Complaints Commissioner. The Office of the Health Ombudsman will replace the Health Quality and Complaints Commission. The Health Ombudsman's functions as prescribed in the bill will be—

- to receive health service complaints and take action to deal with them under the act;
- to deal with systemic health service issues;
- to oversee the performance of the national boards and the national agency in their health, conduct and performance roles;
- to provide information to the public, health service providers about minimising and resolving complaints; and
- to report to the minister and the parliamentary committee.

The key outcomes of the bill are to—

- remove the role confusion between complaints entities;
- strengthen the way in which serious allegations against registered health practitioners are managed in Queensland;
- enable immediate action to be taken to suspend or place conditions on registration where there is a serious risk to the public;
- enable action to be taken against health practitioners who are not registered, including taking these persons to QCAT; and
- strengthen the transparency and accountability in the health complaints management system.

The bill will also address the issues of the poor performance and lack of oversight of the Queensland Board of the Medical Board of Australia.

The bill provides better oversight of the administration of the health complaints management system by the Minister for Health. This includes requirements for the Health Ombudsman to publish regular performance reports on the complaints management system. The Health Ombudsman, national boards and the national agency must also report to the minister on particular matters, such as allegations of professional misconduct. The minister may direct the Health Ombudsman to undertake an investigation or inquiry.

Under the bill, the relevant parliamentary committee also has the role of monitoring the operation of the health complaints management system and the performance of the Health Ombudsman, the national agency and national boards. The parliamentary committee also advises the minister in relation to appointment of the Health Ombudsman.

A guiding principle of the bill is that the health and safety of the public are paramount. This principle must be taken into account by the Health Ombudsman, QCAT and other authorised persons when administering the legislation.

In addition to an Office of the Health Ombudsman, the Health Ombudsman will be supported by advisory committees and panels comprising appropriate qualified persons to advise the Health Ombudsman about clinical matters or health consumer issues when required. The Health Ombudsman may also appoint Deputy Health Ombudsmen to assist with performing statutory functions. In deciding appointments, the Health Ombudsman will give due regard to the need to receive sound clinical, health and legal advice and support.

Another key role established under the bill is the Director of Proceedings, a lawyer within the Health Ombudsman's office who is appointed by the Health Ombudsman to make decisions about referring complaints and other matters to QCAT and whether to prosecute those matters.

The bill repeals and replaces the Health Quality and Complaints Commission Act 2006 and the Health Practitioners (Disciplinary Proceedings) Act 1999. The bill also amends the Health Practitioner Regulation National Law so that Queensland becomes a coregulatory jurisdiction for the purposes of the national law.

This will not affect the national registration of health practitioners, but enables Queensland to vary how the disciplinary provisions of the national law apply in Queensland. In particular, the bill provides that complaints—called notifications under the national law—will be received by the Health Ombudsman and all serious disciplinary matters will be dealt with by the Health Ombudsman.

The bill also provides for the exchange of relevant information between the Health Ombudsman and the national boards and national agency.

Targeted consultation with key stakeholder groups was undertaken when developing the legislative framework for a new health complaints management system and then again when the bill was being drafted. The bill takes into account valuable feedback received during these consultation processes.

Stakeholder consultation revealed strong support for improvements to the health complaints management system in Queensland. Role confusion, delays in complaints handling and investigations, and inadequate communication and transparency were highlighted as issues in most submissions.

The key matters that received support from stakeholders were—

- the establishment of a single entry point for complaints;
- investigations being primarily undertaken by the state health complaints entity, with the timeframes for investigations being expedited;
- a requirement to keep complainants and health service providers better informed of the handling of complaints, including investigations;
- the power for the health complaints entity to take immediate action in relation to health practitioners where the public is at risk;
- a requirement to notify employers of serious matters concerning their employees;
- standard setting being addressed through national arrangements; and
- strengthened oversight of the health complaints management system by the minister and the parliamentary committee.

Consultation also occurred with other jurisdictions, in response to which positive feedback was received.

I am grateful for individual health consumers who have taken the time to write to me since my announcement to overhaul the health complaints management system in Queensland. I am encouraged by their words of support for my government's commitment to transform the health complaints management system in Queensland, by establishing a system that is transparent, accountable, and expeditiously deals with health service complaints.

I welcome further input from these stakeholders and the broader public during consideration of the bill by the Health and Community Services Committee.

This bill underpins an improved health complaints management system, which seeks to—

- protect the health and safety of the public;
- promote high standards of practice and service delivery by health service providers; and
- maintain public confidence in the state's health complaints management system.

I commend the bill to the House.

### First Reading

**Hon. LJ SPRINGBORG** (Southern Downs—LNP) (Minister for Health) (1.00 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### Referral to the Health and Community Services Committee

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Health and Community Services Committee.

Sitting suspended from 1.00 pm to 2.30 pm.

022

## ~~APPROPRIATION (PARLIAMENT) BILL~~

### ~~Message from Governor~~

~~ **Hon. TJ NICHOLLS** (Clayfield—LNP) (Treasurer and Minister for Trade) (2.30 pm): I present a message from Her Excellency the Governor.~~

~~The Speaker read the following message—~~

~~MESSAGE~~

~~APPROPRIATION (PARLIAMENT) BILL 2013~~

~~Constitution of Queensland 2001, section 68~~

~~I, PENELOPE ANNE WENSLEY AC, Governor, recommend to the Legislative Assembly a Bill intitled—~~

~~A Bill for an Act authorising the Treasurer to pay amounts from the consolidated fund for the Legislative Assembly and parliamentary service for the financial years starting 1 July 2013 and 1 July 2014~~

~~(sgd)~~

~~GOVERNOR~~

~~Date: 4 JUN 2013~~

~~Tabled paper: Message, dated 4 June 2013, from her Excellency the Governor, recommending the Appropriation (Parliament Bill) 2013~~

### ~~Introduction~~

~~ **Hon. TJ NICHOLLS** (Clayfield—LNP) (Treasurer and Minister for Trade) (2.31 pm): I present a bill for an act authorising the Treasurer to pay amounts from the consolidated fund for the Legislative Assembly and Parliamentary Service for the financial years starting 1 July 2013 and 1 July 2014. I table the bill and the explanatory notes.~~