

# **Public Health Bill 2005**

## **Explanatory Notes for Amendments to be moved during consideration in detail by The Honourable Stephen Robertson MP, Minister for Health**

### **Title of the Bill**

*Public Health Bill 2005*

### **Objectives of the Amendments**

The *Public Health Bill 2005* (the Bill) is to be amended to:

- clarify that the contractor for the Queensland Cancer Register can provide information from the Register to a researcher, if the provision of this information has been approved by the chief executive under Chapter 6, Part 4 (Research);
- clarify that information held and obtained by the contractor for the Queensland Cancer Register is 'health information held by the department' for the purposes of Chapter 6, Part 4;
- correct minor drafting errors in clauses 15, 155, 249, 250 and 462; and
- update the functions of the Chief Health Officer and remove the statutory position of Manager of Public Health Services for the State, in line with recommendations made in the Queensland Health Systems Review Final Report (QHSR Report) in September 2005.

### **Achievement of the Objectives**

Chapter 6, Part 2 (Cancer notifications) provides for the establishment and operation of the Queensland Cancer Register (Register) by the chief executive of Queensland Health. The Bill enables the chief executive to enter into an agreement with a contractor to maintain the Register on the chief executive's behalf. The Queensland Cancer Fund has managed the Register on behalf of the chief executive since October 2000. Clause 476 of the Bill provides for the existing agreement with the Fund to remain in

force as if it were an agreement under clause 232 of the Bill for the keeping of the Register.

Clause 248 of the Bill makes it an offence for the contractor for the Register, or an employee of the contractor, to disclose information obtained in relation to the Register, unless the disclosure is authorised under clause 249 or 250. Both clause 249 and 250 incorrectly refer to section 247 rather than section 248.

Clause 249 and the definition of 'health information held by the department' are to be amended to clarify how the mechanisms under the Bill for the provision of information to approved researchers operate in relation to the Register. Chapter 6, part 4 (Research) of the Bill sets out the circumstances under which a person or entity conducting research may apply to the chief executive of Queensland Health for access to 'health information held by the department'.

Consequential provisions for the *Health Services Act 1991* are to be amended to update the functions of the Chief Health Officer in accordance with the QHSR Report. The Chief Health Officer's functions will be to provide high level medical advice on health issues, particularly on policy and legislative matters associated with population health, emergency services and mental health.

Clause 455 of the Bill, which provides for the statutory position of Manager of Public Health Services for the State will be omitted. Responsibility for Population Health is being transferred to the Chief Health Officer and Area Health Services, following recommendations in accordance with the QHSR Report.

Clause 463 of the Bill will also be omitted as transitional arrangements for the continuation of the appointment of the Manager are no longer required.

## **Notes on Provisions**

Clause 1 amends clause 15 to correct a subsection reference by replacing the reference to subsection (2) with a reference to subsection (3).

Clause 2 amends clause 155 to correct a drafting error. The word 'state' is unnecessarily duplicated in paragraph (1)(e).

Clause 3 amends clause 249 to correct a section reference by replacing the reference to section 247 with a reference to section 248.

Clause 4 amends clause 249 to explicitly state that the contractor for the Queensland Cancer Register may disclose information from the Register directly to a researcher, provided that:

- under Chapter 6, Part 4 of the Bill, the chief executive decides that the person or entity conducting research should be provided with information from the Register; and
- the chief executive authorises the contractor, in writing, to disclose the information.

Clause 5 amends clause 250 to correct a section reference by replacing the reference to section 247 with a reference to section 248.

Clause 6 amends clause 455 to remove the statutory position of Manager of Public Health Services for the State.

Clause 7 amends clause 462 to omit the words ‘without limiting subsection (1)’ in accordance with current drafting style.

Clause 8 amends clause 463 to omit the transitional provision about the appointment of Manager of Public Health Services for the State as the statutory position will not be retained.

Clause 9 amends Schedule 1 regarding the *Health Services Act 1991* to update the function of the Chief Health Officer to provide high level medical advice on population health, emergency services and mental health.

Clause 10 amends the definition of ‘health information held by the department’ in Schedule 2 to clarify that this definition includes information about a person’s health or the provision of a health service to the person held or obtained by a contractor for the contractor to keep the Queensland Cancer Register.