

Public Health Amendment Regulation (No.1) 2014

Explanatory notes for SL 2014 No. 19

made under the

Public Health Act 2005

General Outline

Short title

Public Health Amendment Regulation (No. 1) 2014.

Authorising law

Section 461 of the *Public Health Act 2005*.

Policy objectives and the reasons for them

Chapter 6, part 1A of the *Public Health Act 2005* establishes the Maternal Death Statistics Collection, to facilitate the collection of data to help with the monitoring of maternal mortality rates, increase awareness of the incidence and causes of maternal death, monitor and analyse obstetric patterns and outcomes, research into obstetric care and strategies to improve obstetric care and the planning of obstetric health services to prevent or minimise maternal mortality.

Section 228F of the *Public Health Act 2005* sets out the requirements under which a health professional will be required to report a maternal death to the chief executive. A health professional will only be required to notify the chief executive if they had primary responsibility for the care of a woman while she was pregnant, or within 365 days after the end of her pregnancy, and they are aware of the maternal death of the woman. This section also specifies that the health professional must notify the chief executive within the time prescribed under a regulation, and that the notification must be in the approved form.

Achievement of policy objectives

To achieve the policy objectives, the regulation prescribes the time period within which a health professional must notify the chief executive of the maternal death of a woman.

Specifically, the regulation prescribes 60 days as the time period within which a health professional must notify the chief executive of a maternal death. The approved form in which the notification must be provided is the National Maternal Death Report form, which will be available on the website of Queensland Health.

Consistency with policy objectives of authorising law

The regulation is consistent with the main objectives of the *Public Health Act 2005*, that is, to protect and promote the health of the Queensland public. This object is, in part, achieved by collecting and managing particular health information, and establishing mechanisms for health information to be accessed for appropriate research.

Inconsistency with policy objectives of other legislation

No inconsistencies with the policy objectives of other legislation have been identified.

Alternative ways of achieving policy objectives

The amendment is the only effective means of prescribing the time period within which a health professional must notify the chief executive of a maternal death, and the approved form for the notification, in accordance with the *Public Health Act 2005*.

Benefits and costs of implementation

The amendment imposes an obligation on health professionals in relation to notifying the chief executive of the maternal death of a woman. This obligation is not expected to impose a significant financial or other cost on health professionals.

This new reporting obligation on health professionals will improve the quality of information available for review of the causation of maternal deaths and the possible presence of avoidable factors. The monitoring and review of maternal mortality is critical to the provision of evidence-based services capable of supporting women during and following pregnancy.

Consistency with fundamental legislative principles

The amendment is consistent with fundamental legislative principles, as set out in section 4 of the *Legislative Standards Act 1992*.

Consultation

Key stakeholder bodies, including the Australian Medical Association (Queensland) and the Royal Australian college of Obstetricians and Gynaecologists, as well as health professionals, have been consulted about the prescribed time period for notifying the chief executive of a maternal death of a woman.

The Office of Best Practice Regulation was also consulted in relation to the regulation meeting the requirements of the Regulatory Impact Statement system.

All stakeholders consulted support the amendments.

Notes on provisions

Short Title

Clause 1 provides the short title of the regulation.

Commencement

Clause 2 provides that the regulation will commence on 1 March 2014.

Regulation amended

Clause 3 specifies that the regulation amends the *Public Health Regulation 2005*.

Insertion of new pt 3A

Clause 4 inserts a new part 3A into the *Public Health Regulation 2005*. This new part relates to maternal death statistics

Under part 3A, a new section 13A is inserted. This new section provides that a health professional must notify the chief executive of a maternal death within 60 days after the health professional becomes aware of the maternal death of a woman. The clause also clarifies that the approved form for making a notification is available on the department's website.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is Queensland Health.

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