

HEALTH LEGISLATION AMENDMENT BILL (NO.3) 2025

SANDY BOLTON MP, MEMBER FOR NOOSA

Thank you, Mr Speaker.

The Health Legislation Amendment Bill (No.3)

makes amendments to a range of legislation on Assisted Reproductive Technology (ART), cosmetic surgery standards compliance, public confidence in senior health officials, and consent frameworks for organ donation in cases of circulatory death.

The ART Act 2024 established QLD's regulatory framework for ART providers and specified information collection and record keeping requirements, certain prohibitions and offences, and a new donor conception information register which commences in stages next year. Some challenges emerged implementing this 2024 legislation, hence these amendments.

Firstly, that mandated counselling for the spouse of someone undergoing ART not be required where the person is separated, which is potentially unsafe or unlawful depending on circumstances as attested by leading fertility law specialist, Stephen Page.

Secondly, where for example only one piece of the strict info requirements is missing that would otherwise prevent families from using donated gametes or donated embryos. Rainbow Families Australia noted the retrospective application of the law had also affected families where that information was missing from years prior, preventing their only opportunity to have a genetically-related child. Information collection and retention, including where an ART facility has closed, is also of paramount importance to donor conceived people wanting to establish contact, and Qld Health has committed to setting clear expectations and monitoring compliance on this.

The bill also allows flexibility for case-by-case consideration by the Director-General, including an avenue of internal review, under circumstances relating to time limits and maximum family limits. This was supported by submitters including Donor-Conceived Families Australia with the department committing to seeking expert advice where required such as from medical practitioners, counsellors, those with lived experience and legal representatives.

This being critical legislation, I raised again as did others, issues of needing a national central donor register, and concerns on the proliferation of private sperm donation on social media sites with research from ABC's Background Briefing revealing one site had over 20,000 members as of November last year, with over 2000 children born through donors via that site nationwide.

To put this into context, in your street you could be related to, date or marry a half brother or sister, and not know.

Health Ministers have agreed issues like these will be referred to the Australian Law Review Commission (ALRC).

Moving on to cosmetic surgery and the *Private Health Facilities Act 1999* amendments which require private health facilities to comply with the National Safety and Quality Cosmetic Surgery Standards. The risks of unsafe and unregulated cosmetic surgery is a concern and Australian Medical Association QLD (AMAQ) President Dr Nick Yim stressed the importance of patient safety, no matter the setting in which treatments are provided, with the QLD Nurses and Midwives Union (QNMU) supporting robust accreditation standards.

Dr Rebecca Won of the Australian Society of Plastic Surgeons (ASPS) shared the impacts to clinics of a duplication of legislation with general surgery standards, including increased costs which might push smaller facilities out of business leading to extra loads on already overloaded hospitals.

Alternately, overseas where standards could be significantly lower, and post-surgery complications difficult to navigate.

Now to organ donation, which is provided a legal framework for consent in the Transplant and Anatomy Act 1979, with current amendments relating to circulatory death. This is where the heart has stopped pumping blood, and represents 36% of organ donation cases.

Ante-mortem or prior to death interventions are medical procedures required on a potential donor to confirm suitability and in circulatory death the timeframes are more urgent.

These amendments create a consent framework for such procedures with DonateLife noting the potential to improve transplant outcomes for Queenslanders.

Consent for organ donation can be conflicted where two people are decision makers in end-of-life care and pre-donation interventions, with NSW legislating specifically to this as noted by Professor Shih-Ning Then.

However the Department of Health determined the QLD legislation specifies organ donation decisions, including these interventions, must occur after and separately to those about life-sustaining measures, and in the event of disagreement or withdrawal of decision, donation does not proceed.

Conversations with our loved ones to clarify their wishes for organ donation are vital to prevent this, and the loss of life saving organs.

Finally, the bill includes amendments to the Hospital and Health Boards Act 2011 to allow for the 'without cause' removal of board members, reflecting the public importance of these roles and where the Minister or Government has lost confidence in office holders.

It was reported to Committee that this is consistent with other statutory bodies in QLD with the safeguard of requiring the decision from the Governor in Council, as well that common law applies to protect procedural fairness and natural justice.

However, the QLD Law Society submitted that the bill creates ‘opaque’ processes and psychosocial hazards for impacted individuals, as well that public trust must also be predicated on appointment and termination processes. This change will be applied retrospectively to appointments for consistency, however as noted in the committee report and the statement of reservation there remains inconsistencies in the application of the ‘without cause’ powers across government bodies, and needs to be ‘harmonised’

I thank our Chair, fellow committee members and our Secretariat for their work, to the Minister and Queensland Health, as well submitters and attendees to the public hearing.

And to all who work to improve health outcomes for Queenslanders, our gratitude, and I commend the Bill to the House.