

**Submission: HEALTH AND OTHER
LEGISLATION AMENDMENT BILL 2022**

QDN

QUEENSLANDERS WITH DISABILITY NETWORK
NOTHING ABOUT US WITHOUT US

23 December 2022

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The Health and Environment Committee

Dear Committee

Please accept the following submission from Queenslanders with Disability Network (QDN) to the Inquiry into the Health and Other Legislation Amendment Bill 2022.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michelle Moss', with a horizontal line extending to the right.

Michelle Moss

Chief Executive Officer

ceo@qdn.org.au

About Queenslanders with Disability Network (QDN)

Queenslanders with Disability Network (QDN) is an organisation of, for, and with people with disability. The organisation's motto is "nothing about us without us." QDN operates a state-wide network of over 2,000 members and supporters who provide information, feedback, and views from a consumer perspective to inform systemic disability policy and disability advocacy.

QDN also operates 26 Peer Support groups across a range of metropolitan, regional, and rural and remote locations in the state, run by people with disability for people with diverse disabilities, members and supporters who provide information, feedback, and views from a consumer perspective to inform systemic disability policy and disability advocacy.

QDN undertakes a range of work activities and projects as outlined on QDN's website and detailed in our Annual Report. Our systemic advocacy work encompasses a range of responses – from community campaigns, formal submissions, evidence to commissions and inquiries, and membership of roundtables and working groups around national, state, and local government legislative and policy initiatives.

QDN's work is focused on the rights and full social and economic inclusion of people with disability, along with areas of key importance identified by Queenslanders with disability. This includes the National Disability Insurance Scheme (NDIS, or the Scheme), improving mainstream services that people with disability rely on every day, including health, housing, employment, transport, and the impact of COVID-19.

QDN Responses

Queenslanders with Disability Network (QDN) welcomes the opportunity to make a submission to the Health and Environment Committee for the Inquiry into the Health and Other Legislation Amendment Bill 2022. QDN will comment only on the Bill's measures we find most directly relevant to people with disabilities. These are:

- a. establishing a statutory framework for recording tribunal proceedings and providing access to records and transcripts (Recording of Evidence Act 1962)
- b. clarifying and restricting access to copies of records or transcriptions of Mental Health Review Tribunal proceedings (Mental Health Act 2016)
- c. changing requirements for adults waiving the right to representation in Mental Health Review Tribunal proceedings (Mental Health Act 2016).

Response to (a)

Lawyers, advocates and patients may wish to review Tribunal evidence and determinations in detail before deciding to appeal, for example, new evidence may have been introduced by the treating team that patients or their representatives had not had the time to consider in detail. That evidence may later provide a basis on which to appeal.

Recording the proceedings in full will assist the Tribunal. Members will no longer be required to take notes to comply with the *Recording of Evidence Act*. Members will be free to give their full attention to those giving evidence. The full record of proceedings assists Tribunal members when preparing a statement of reasons.

Recordings ensure the accuracy of the record and hold to account those giving evidence. Where there is dispute about evidence, recordings provide an accurate basis for a challenge.

Response to (b)

QDN supports safeguards to protect the privacy, safety and wellbeing of persons referred to in records or transcriptions, and the imposition of restrictions on access to copies of records or transcriptions. QDN endorses the principle that recordings or transcriptions should be available to any persons but recognizes the safety of the people involved in proceedings is paramount.

Response to (c)

For the reasons stated by the Minister in her second reading speech, QDN supports amendment of the Mental Health Act to remove the requirement for an adult with capacity to waive the right to be represented at a Mental Health Review Tribunal hearing in writing. The written waiver may be an administrative burden, preventing individuals from exercising their rights in a timely manner. Delaying a proceeding until a written waiver can be completed means a person's involuntary treatment can continue without independent review.
