



Hon Yvette D'Ath MP
Minister for Health and Ambulance Services
Leader of the House

1 William Street Brisbane Qld 4000
GPO Box 48 Brisbane
Queensland 4001 Australia
Telephone +61 7 3035 6100

16 DEC
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Mr Neil Laurie
Clerk of the Parliament
Queensland Parliament
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I write in response to your letter regarding petition number 3539-21, tabled in Parliament on 16 November 2021, in relation to a petition on the administrative culture of the Office of the Health Ombudsman (OHO). Please see my responses below to the matters raised in the petition.

PETITION ITEM ONE – ‘Undertake an independent investigation into the administrative procedures of the OHO looking into why so many errors are occurring in the conduct of this organisation’

The OHO is established, and the Health Ombudsman is appointed, under the *Health Ombudsman Act 2013*. Except in limited circumstances, the Health Ombudsman is independent and not subject to direction about performance and functions.

The administrative procedures and performance of the OHO is overseen by the Health and Environment Parliamentary Committee (the Parliamentary Committee) and through administrative oversight by the Queensland Ombudsman.

The *Health Ombudsman Act 2013* sets out that the Parliamentary Committee has the function to monitor and review the operation of the health service complaints management system and monitor and review the performance of the Health Ombudsman’s functions.

I have confidence in the Parliamentary Committee to examine the performance of the Health Ombudsman should it consider the need arise.

Individuals dissatisfied with the OHO’s administrative procedures may make a complaint to the Queensland Ombudsman for independent review of the OHO’s actions and its administrative processes. The contact details for the Queensland Ombudsman are Level 18, 53 Albert Street, Brisbane, Qld, 4000, or GPO Box 3314, Brisbane, Qld, 4001, telephone 3005 7000, or via email at ombudsman@ombudsman.qld.gov.au.

PETITION ITEM TWO – ‘Ensure a separation of the conflict of interest when the OHO investigates non-registered health professionals in dispute with registered health professionals as it being partially funded by registered health practitioners means that it could be biased and have a conflict of interest’.

Section 26A of the *Health Practitioner Regulation National Law (Queensland)* specifically provides for the funding of the OHO in relation to the registered practitioners’ component of OHO’s work. It allows for the OHO to receive from the Australian Health Practitioner Regulation Agency (the National Agency) the reasonable cost of the Health Ombudsman performing functions, relating to the health, conduct and performance of health practitioners registered in the health profession, that would be performed by the National Agency and the National Board established for the health profession if the *Health Ombudsman Act 2013* had not been enacted.

The funding received from the National Agency for regulation of registered health service providers is only part of the funding for the OHO. The remaining funding for dealing with health service complaints is provided by Queensland Treasury and administered by the Queensland Department of Health.

These facts are publicly known and do not create a conflict of interest. I am advised that the decisions about investigating or prohibiting non-registered health service providers are made by the Health Ombudsman on the merits of the case and, in the case of interim prohibition orders or prohibition orders, may be reviewed in the Queensland Civil and Administrative Tribunal.

PETITION ITEM THREE – ‘Ensure a review of the laws associated with cervical manipulation to make sure that there is no bias towards one profession over another and that all interested parties are represented on a committee to review this law, including Naturopaths, Shiatsu practitioners and massage therapists. The safety of people of Queensland should take precedence over monopolising a technique for financial reasons and innovation should be encouraged not discouraged.’

Restrictions on the manipulation of the cervical spine are in place for the protection of all health service consumers.

Section 123 of the *Health Practitioner Regulation National Law (Queensland)* restricts the performance of manipulation of the cervical spine to registrants of appropriate health professions or persons prescribed in regulation. This is consistent with the objectives of the National Law to protect the public by ensuring that those who are suitably trained and qualified perform certain procedures.

Any review or variation to the laws governing the restrictions applying to the manipulation of the cervical spine would need to be evidence based and agreed to at a national level to ensure consistent and safe healthcare for all.

I trust this information is of assistance to the petitioners.

Yours sincerely



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