



16 January 2006

Dr Robert Hall
Director Public Health and
Chief Health officer
Department of Human Services
120 Spencer Street
MELBOURNE VIC 3001

*S. Stephen Wodoff
Please note
19/1/06*

Dear Mr Hall,

Review of the *Health Act 1958* – Submission

The Royal Women's Hospital is **pleased to provide the following submission** in relation to the proposed legislative changes to the *Health Act 1958*.

Name

The Royal Women's Hospital supports the **renaming of the current Act as the *Public Health Act*** to better reflect the role and purpose of the **new legislation**.

The Hospital notes with approval the proposed scope, definitions, objects and guiding principles for the new Act.

Role of the Secretary

The Hospital notes with approval the increased role of the Secretary and the establishment of a new position of Chief Health Officer.

Consultative Council on Obstetric and Paediatric Mortality and Morbidity

The Hospital does not wish to make any other submission save in relation to that which is proposed in respect of the Consultative Councils.

Suffice it to say that the Hospital agrees that all provisions to do with consultative councils be consolidated in one part of the legislation. We note that the councils will be able to share information between themselves where information is relevant to the function of another .

council and with specified statutory authority which is currently the case pursuant to **Section 162F(b)**.

The Royal Women's Hospital notes that there will be a separate provision for the establishment, function and procedures of the Consultative Council on obstetric and paediatric mortality and morbidity ("CCOPMM") such as are now contained in **Part 1XB**.

The Hospital notes with approval the proposed definition of "*maternal death*". The Hospital would support membership of the Council being simplified, provided that the current expertise on CCOPMM is maintained.

It is noted that the current provisions in **Section 162G** concerning the notification of a birth are to be retained but extended to include a mandatory requirement to report birth defects (yet to be defined). The Hospital notes with approval the proposal to amend the *Coroners Act* so as to provide that the Coroner must notify the Council of all maternal and child deaths (but not including stillbirths) reported to the Coroner.

The Hospital also notes with approval the proposed amendment to the *Births Deaths and Marriages Registration Act 1996* to provide for the Registrar to report to the Council maternal deaths that are reported to the Registry.

The Hospital notes that the current confidentiality provisions will be retained as applying to the Council and that there be the same ability of the Council to disclose information as set out currently in **Section 162FB** with the addition of the ability of the Council to inform another Consultative Council.

The Hospital notes with approval the ability of the Consultative Council to establish sub-committees but would insist that the same protection extend to Council sub-committees as are currently enjoyed by the Council – see **Section 162H(2)**. The Hospital also agrees with Recommendation 48 about the co-opting of any person with specialist knowledge or skill.

The Hospital notes with approval the proposal that Consultative Councils could jointly examine a matter – see Recommendation 51.

The Hospital notes the retention of the current ability of the consultative Council established by the Minister to request a health service provider to provide information to the Council and the new authorisation granted by the legislation for the provision of that information.

It is to be noted that whilst the health service provider is *authorised* to provide information as requested by a Council, presumably the health service provider may decline to so provide information if this provision would amount to a breach of confidence and would be inconsistent with the requirements of the Health Privacy Principles, e.g. under the *Health Records Act 2001* or any other privacy legislative requirement.

The Hospital notes the power to make regulations to require mandatory reporting of as yet unspecified "events" and queries what might be encompassed in the term "specified events."

The Hospital would be happy to elaborate on its submission should this be required.

Please do not hesitate to contact me in the first instance to discuss. My direct line is 9344 3298.

Yours sincerely,

A handwritten signature in black ink that reads "Elizabeth Kennedy". The signature is written in a cursive style with a large, stylized 'E' and 'K'.

Elizabeth Kennedy

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c.c. Dr James King