

## FAQs regarding Public Health Act (PHA) approvals

### Disclosure to a designated person for evaluating, managing, monitoring or planning health services

**Question 1:** I work in Queensland Health and I have been supported by my Department to conduct research to evaluate the impact of a new treatment/process on the Hospital and Health Service's discharge times.

The Human Research Ethics Committee (HREC) waived the requirement of consent. Can I disclose confidential, personal or health information to another designated person for the purpose of that other designated person evaluating, managing, monitoring or planning health services as part of my research project?

**Answer:** Yes. Disclosure of confidential information is permitted under Section 150 *Hospital and Health Board's Act 2011* (HHB Act). No *Public Health Act 2005* (PHA) approval is required.

### Consent from a Statutory Health Attorney - Civil and Administrative Approval Tribunal (QCAT approved)

**Question 2:** I am doing an Intensive Care Unit (ICU) clinical trial of a potential new drug. The participants will not have capacity to provide their own consent to participate. I do have (QCAT) approval for Statutory Health Attorney consent. Do I need a PHA approval?

**Answer:** No. The HHB Act has been amended to include a new section: Section 150A. This new section recognises that consent from a person authorised under a law to make decisions for an adult with impaired capacity (such as a statutory health attorney) now includes disclosure of that person's confidential information. A PHA approval for the disclosure of confidential information is no longer required in this instance.

### Consent from a Statutory Health Attorney - Civil and Administrative Approval Tribunal (Non- QCAT approved)

**Question 3:** I am doing an Intensive Care Unit (ICU) clinical trial comparing two registered products. The participants will not have capacity to provide their own consent to participate. I do not have QCAT approval however the HREC has approved Statutory Health Attorney consent. Do I need a PHA approval?

**Answer:** No. The HHB Act has been amended to include a new section: s150A. This new section recognises that consent from a person authorised under a law (such as a statutory health attorney) to make decisions for an adult with impaired capacity now includes disclosure of that person's confidential information. A PHA approval for the disclosure of confidential information is no longer required in this instance.