

28 July 2026

Our ref: [LP:HD]

Committee Secretary
Health, Environment and Innovation Committee
Parliament House
Cnr George and Alice Streets
Brisbane Qld 4000

By email: [REDACTED]

Dear Committee Secretary

Supplementary Submission: Health Legislation Amendment Bill 2026

Thank you for the opportunity to provide feedback on the Health Legislation Amendment Bill 2026 (**the Bill**).

Having had the opportunity to review further submissions to the inquiry on the Bill, QLS wishes to provide a supplementary submission to our response dated 8 July 2026.

Mental Health Act Amendments

Clause 12 Detention for Examination - report on chief psychiatrist's initiative

QLS and other submitters have emphasised that the power to detain is significant, limiting an individual's rights in several ways.

Under the *Human Rights Act 2019* (Qld), where rights are limited, the limitation must be reasonable and demonstrably justifiable. This includes identifying the purpose of the limitation, in this case, the reason for empowering the chief psychiatrist to detain people for the purpose of a mental health examination to prepare a psychiatrist report. The purpose should be for a legitimate aim, and achieve balance with the nature and extent of the limitation on human rights. There should also be no less restrictive options available to achieve the purpose.

We highlight the reservations raised by the Queensland Nurses and Midwives' Union (**QNMU**) that "A person must not be detained for a long period of time due to workload issues, and without proper consideration, as the detention period could cause significant distress for the individual".¹

In our view, extended periods of detention for examination based on workload or staffing pressures would be unjustifiable.

¹ 00000018.pdf at p 20.

The QNMU submission recommends "Safety provisions may be included to ensure that review occurs at a minimum at each 24-hour interval by the Chief Psychiatrist and this review must be undertaken within strict timeframes"²

QLS agrees that the legislative provision should clearly reflect clinically appropriate time periods for review, in addition to a clear policy (and accountability) framework to support its implementation.

Review of the *Mental Health Act 2016*

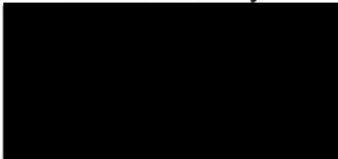
Whilst outside of the scope of this Inquiry, we take the opportunity to highlight the Queensland Public Advocate's "Proposal that the Queensland *Mental Health Act* be reviewed Discussion Paper".³

QLS considers that a comprehensive review would provide an important opportunity to consider whether reforms are needed.

We understand the Committee will not be holding a public hearing on the Bill. QLS would be pleased to assist the Committee or the department if required.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on [REDACTED]

Yours faithfully



Peter Jolly
President

² 00000018.pdf at p 20.

³ [Microsoft Word - 2026 Mental Health Act Review - Discussion Paper.](#)