

Media Release

The Hon Martin Foley MP

Minister for Health
Minister for Ambulance Services
Minister for Equality



Friday, 11 December 2020

DUTY OF CANDOUR LAW CONSULTATION BEGINS

Safer Care Victoria is launching community consultation on a proposed Australia- first duty of candour law and related proposals aimed at further strengthening the culture of our health services.

The Andrews Labor Government today released the 2018 report from a former Expert Working Group appointed to advise on legislative reforms proposed in *Targeting Zero*, the final report of the Review of Hospital Safety and Quality Assurance in Victoria released in 2016.

The Government has accepted in principle all recommendations made by the report and will undertake further consultation to get the details right.

Under the proposed law, hospitals would have an obligation to apologise to any person seriously harmed while receiving care and explain what went wrong and what action will be taken. Apologies would not be admissible in court. The duty would build on existing requirements under the Australian Open Disclosure Framework.

As part of the most significant reform of our health system in decades, the Labor Government created Safer Care Victoria to overhaul oversight of quality and safety in Victoria's hospitals. We've also required health services to publicly report sentinel events through their annual reports for the first time.

The content of a new set of *Victorian candour and open disclosure guidelines* will be the subject of further consultation along with a proposed model of legal protections for clinical incident reviews undertaken by hospitals.

The Expert Working Group report along with the government's response, is available at <https://www2.health.vic.gov.au/hospitals-and-health-services/quality-safety-service/better-safer-care/statutory-duty-of-candour>.

Members of the public and stakeholders will also have the opportunity to provide their input at <https://engage.vic.gov.au/> and through targeted online forums.

Quotes attributable to Minister for Health Martin Foley

"We are constantly looking to how we can improve our health system, further boost patient safety and transparency and ensure patients voices are heard."

"These new laws will ensure that in those few instances when something does go wrong, patients will always get the answers they need and lessons are always learned."

"This consultation will give Victorians a chance to have a say in designing workable and effective Victorian candour and open disclosure guidelines and clinical incident review protections."