

# Proclamation – Health Legislation Amendment Act 2020

Explanatory notes for SL 2021 No. 33

made under the

*Health Legislation Amendment Act 2020*

## General Outline

### Short title

*Proclamation – Health Legislation Amendment Act 2020.*

### Authorising law

Section 2 of the *Health Legislation Amendment Act 2020*.

### Policy objectives and the reasons for them

The *Health Legislation Amendment Act 2020* (Amendment Act), which received Royal Assent on 20 August 2020, amended five health portfolio Acts and two Regulations to implement key policy initiatives and improve the effective operation of the Acts.

The Amendment Act included amendments to the *Hospital and Health Boards Act 2011* to strengthen the commitment to health equity for Aboriginal people and Torres Strait Islander people and strengthen the capability and effectiveness of Hospital and Health Boards by:

- including as a guiding principle a commitment to achieving health equity and delivery of responsive, capable and culturally competent health care to Aboriginal people and Torres Strait Islander people (section 8 of the Amendment Act);
- requiring each Hospital and Health Service to have a strategy for achieving health equity for Aboriginal people and Torres Strait Islander people (sections 13, 14 and 19 (to the extent it inserts the definition of ‘health equity strategy’) of the Amendment Act); and
- requiring each Hospital and Health Board to have one or more Aboriginal persons and/or Torres Strait Islander persons as members (sections 11(3) and (4), 12 and 18 of the Amendment Act).

Most of the provisions in the Act commenced on Assent. However, section 2 of the *Health Legislation Amendment Act 2020* provides that sections 11(3) and (4), 12 to 14, 18 and 19 (to the extent it inserts the definition for ‘health equity strategy’) commence on a day to be fixed by proclamation.

Section 13 of the Amendment Act, which amends the *Hospital and Health Boards Act 2011* to require Hospital and Health Boards to have at least one member who is an Aboriginal person or Torres Strait Islander person, commenced by proclamation on 25 September 2020 (SL 2020, No. 200).

The objective of this Proclamation is to commence the remaining provisions of the Amendment Act, which require Hospital and Health Services to develop and implement a health equity strategy, on 30 April 2021.

## **Achievement of policy objectives**

The policy objectives will be achieved by fixing 30 April 2021 as the commencement date for the remaining provisions of the Amendment Act – being sections 13, 14 and 19 (to the extent it inserts the definition for ‘health equity strategy’).

## **Consistency with policy objectives of authorising law**

The Proclamation is consistent with the policy objectives of the authorising law.

## **Inconsistency with policy objectives of other legislation**

No inconsistencies with the policy objectives of other legislation have been identified.

## **Alternative ways of achieving policy objectives**

The Proclamation is the only effective means of commencing the remaining provisions of the Amendment Act.

## **Benefits and costs of implementation**

There are no costs arising from the making of the Proclamation.

## **Consistency with fundamental legislative principles**

The Proclamation is consistent with fundamental legislative principles in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

The Proclamation was assessed by Queensland Health, in accordance with the *Queensland Government Guide to Better Regulation*, as being excluded from regulatory impact assessment under exclusion category ‘g’ on the basis that the proclamation is of a machinery nature. Therefore, consultation with the Queensland Productivity Commission was not required.