

Proclamation – Health and Other Legislation Amendment Act 2023

Explanatory notes for SL 2023 No. 154

made under the

Health and Other Legislation Amendment Act 2023

General Outline

Short title

Proclamation commencing provisions of the *Health and Other Legislation Amendment Act 2023* that are not in force.

Authorising law

Section 2 of the *Health and Other Legislation Amendment Act 2023*.

Policy objectives and the reasons for them

The objective of the Proclamation is to commence provisions of the *Health and Other Legislation Amendment Act 2023* (Amendment Act) that are not in force, on 15 November 2023 and 1 May 2024. The Amendment Act will support the delivery of Queensland health services and ensure the health portfolio and related legislation operates effectively. The Amendment Act was passed by the Legislative Assembly on 19 April 2023 and received Royal Assent on 2 May 2023.

The Proclamation will commence provisions that make the following amendments on 15 November 2023:

- amendments to the *Mental Health Act 2016* to:
 - remove the requirement that adults entitled to waive the right to representation before the Mental Health Review Tribunal must do so in writing; and
 - restrict the provision of records or transcripts of Mental Health Review Tribunal proceedings that are made under the *Recording of Evidence Act 1962*;
- amendments to the *Radiation Safety Act 1999* to:
 - make operational and technical amendments to ensure a person does not receive greater than a specified dose of ionising radiation; and
 - stipulate when a regulation may prescribe particular radioactive materials as exempt from the requirements in the Radiation Safety Act;

- amendments to the Recording of Evidence Act to establish a statutory framework for recording prescribed tribunal proceedings and providing access to copies of records and transcriptions of those proceedings;
- amendments to the *Transplantation and Anatomy Act 1979* to:
 - ensure efficient processes for the supply of human tissue products for essential health purposes; and
 - support consistent and practical processes for the donation of human tissue.

The Proclamation will commence amendments to the *Hospital and Health Boards Act 2011* on 1 May 2024 to:

- strengthen protections for the wellbeing of the public health workforce by requiring Hospital and Health Boards and Hospital and Health Services to proactively consider the staff health, safety and wellbeing; and
- clarify when healthcare security officers may direct persons to leave public healthcare premises.

Achievement of policy objectives

The policy objective is achieved by fixing 15 November 2023 as the commencement date for parts 4, 6, 7 and 8 of the Amendment Act, and 1 May 2024 as the commencement date for part 2 of the Amendment Act.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the policy objectives of the Amendment Act.

Inconsistency with policy objectives of other legislation

No inconsistency with the policy objectives of other legislation has been identified.

Alternative ways of achieving policy objectives

The Proclamation is the only effective means of achieving the policy objective.

Benefits and costs of implementation

Any costs associated with the amendments that will be commenced by the Proclamation can be met through existing budgets.

Consistency with fundamental legislative principles

As outlined in the Explanatory Notes to the Amendment Act, the Amendment Act is consistent with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*. The Proclamation does not engage any additional fundamental legislative principles.

Consultation

Consultation was undertaken with relevant stakeholders during the development of the Amendment Act.

Queensland Health has assessed the Proclamation in accordance with the *Queensland Government Better Regulation Policy* as machinery in nature as it is required to bring sections of an Act into operation. The Office of Best Practice Regulation was notified of this assessment when developing the Impact Analysis Statement for the amendments. The Minister for Health, Mental Health and Ambulance Services and Minister for Women and the Director-General of Queensland Health are satisfied that the regulatory review requirements have been met and have approved the Impact Analysis Statement for publication.