

Proclamation – Health and Other Legislation Amendment Act 2024

Explanatory notes for SL 2024 No. 80

made under the

Health and Other Legislation Amendment Act 2024

General Outline

Short title

Proclamation commencing certain provisions of the *Health and Other Legislation Amendment Act 2024* that are not in force.

Authorising law

Section 2 of the *Health and Other Legislation Amendment Act 2024*.

Policy objectives and the reasons for them

The objective of the Proclamation is to commence certain provisions of the *Health and Other Legislation Amendment Act 2024* (Amendment Act) that are not in force, on 1 July 2024. The Amendment Act was passed by the Legislative Assembly on 7 March 2024 and received Royal Assent on 18 March 2024.

The Proclamation will commence provisions that make the following amendments on 1 July 2024:

- amendments to the *Mental Health Act 2016* to authorise the release and use of expert reports and Mental Health Court transcripts for criminal proceedings in certain circumstances;
- amendments to the *Hospital and Health Boards Act 2011* to:
 - authorise key findings, recommendations and lessons learned from root cause analyses to be shared with patient safety and clinical governance areas in Queensland Health to promote state-wide patient safety improvements and shared learning and to ensure the implementation of recommendations can be more effectively monitored; and
 - require a Quality Assurance Committee to disclose information about a serious risk of harm by a health professional to the chief executive (or delegate) to ensure patient safety issues can be addressed as quickly as possible.

Achievement of policy objectives

The policy objective is achieved by fixing 1 July 2024 as the commencement date for part 3, division 3, sections 9 to 11 and part 4 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 way 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 certain 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.