

Proclamation – Health Practitioner Regulation National Law and Other Legislation Amendment Act 2019

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, the Honourable Steven Miles MP, Minister for Health and Minister for Ambulance Services, provide this human rights certificate with respect to the Proclamation – *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2019* made under the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2019*.

In my opinion, the Proclamation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

Background

In March 2008, the *Intergovernmental Agreement for a National Registration and Accreditation Scheme for the health professions* (Intergovernmental Agreement) was agreed by the Council of Australian Governments (COAG) Health Council. The Intergovernmental Agreement provides the basis for the establishment of the National Registration and Accreditation Scheme for the Health Professions (National Scheme). The National Scheme was implemented through the adoption of the *Health Practitioner Regulation National Law* (National Law) by all States and Territories in 2009 and 2010.

Queensland is the host jurisdiction for the National Law, which is set out in the schedule to the *Health Practitioner Regulation National Law Act 2009*. Under the Intergovernmental Agreement, proposed amendments to the National Law must be approved by COAG Health Council.

The *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2019* (Amendment Act) amends the National Law as agreed by COAG Health Council on 12 October 2018. The Amendment Act was passed by the Legislative Assembly on 26 February 2019 and received Royal Assent on 7 March 2019. Most provisions of the Act commenced on assent or by proclamation on 1 July 2019 (2019 SL No. 99).

Commencement

The Proclamation fixes 1 March 2020 for the commencement of the remaining provisions of the Amendment Act that are not in force.

Overview

The Proclamation will commence the remaining provisions of the Amendment Act. These provisions implement changes to the mandatory reporting requirements for treating practitioners under the National Law. The purpose of these changes is to ensure that registered health practitioners have confidence to seek treatment for health issues, while continuing to provide appropriate reporting obligations to protect the public from harm.

The provisions of the Amendment Act to be commenced by the Proclamation include the following amendments to the National Law:

- an updated definition of notifiable conduct to reflect current drafting practice (section 140); and
- revised mandatory reporting requirements for treating practitioners (new sections 141A to 141C).

In addition to these provisions, the Proclamation will commence provisions of the Amendment Act that make consequential amendments to the Queensland local application provisions of the *Health Practitioner Regulation National Law Act 2009*. These amendments align Queensland's approach to mandatory reporting by treating practitioners with the approach in the National Law by removing a Queensland-specific provision.

The Proclamation will also commence consequential amendments to the *Ambulance Service Act 1991* and the *Hospital and Health Boards Act 2011*.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Divisions 2 and 3 *Human Rights Act 2019*)

The Proclamation commences provisions of the Amendment Act, in accordance with section 2 of that Act. As the Proclamation does not contain any substantive legislative provisions and is of a machinery nature, it does not raise any human rights issues.

Consideration of reasonable limitations on human rights (section 13 of the *Human Rights Act 2019*)

As the Proclamation does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 13 of the *Human Rights Act 2019*.

Conclusion

I consider that the Proclamation – *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2019* is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

The Honourable Steven Miles MP
Minister for Health and Minister for Ambulance Services

© The State of Queensland 2020