

# Proclamation – *Health Transparency 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 Transparency Act 2019* made under the *Health Transparency Act 2019*.

In my opinion, the Proclamation – *Health Transparency Act 2019*, 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

The *Health Transparency Act 2019*:

- establishes a legislative framework for collecting and publishing information about public and private hospitals and residential aged care facilities (RACFs);
- amends the *Hospital and Health Boards Act 2011* to introduce a minimum nurse and support worker skill mix ratio and minimum average daily resident care hours in public RACFs; and
- amends the *Health Ombudsman Act 2013* to implement recommendations of the Health, Communities, Disability Services and Domestic and Family Violence Committee’s *Inquiry into the performance of the Health Ombudsman’s functions pursuant to section 179 of the Health Ombudsman Act 2013*.

The Health Transparency Act was passed by the Legislative Assembly on 28 November 2019 and received Royal Assent on 5 December 2019.

### Overview

The proclamation fixes 1 March 2020 for the commencement of some provisions of the Health Transparency Act.

The proclamation will commence the Health Transparency Act provisions that establish a legislative framework to collect and publish information about public and private hospitals and residential aged care facilities, and consequential amendments to the *Health Ombudsman Act 2013*, *Health Practitioner Regulation National Law Act 2009*, *Hospital and Health Boards Act 2011*, *Private Health Facilities Act 1999* and *Public Health Act 2005* to support the operation of the Health Transparency Act.

## Human Rights Issues

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

The proclamation commences provisions of the Health Transparency 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 *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 Transparency Act 2019* is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

**STEVEN MILES**  
MINISTER FOR HEALTH and MINISTER FOR AMBULANCE SERVICES

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