

Public Health (Emergency Officers (General)) Amendment Regulation 2020

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 *Public Health (Emergency Officers (General)) Amendment Regulation 2020* made under the *Public Health Act 2005*.

In my opinion, the *Public Health (Emergency Officers (General)) Amendment Regulation 2020* 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

The *Public Health (Emergency Officers (General)) Amendment Regulation 2020* (Amendment Regulation) amends the *Public Health Regulation 2018* to prescribe fire service officers under the *Fire and Emergency Services Act 1990* and harbour masters under the *Transport Operations (Marine Safety) Act 1994* as persons who may be appointed as emergency officers (general) under section 333 of the *Public Health Act 2005*.

Prescribing fire service officers as persons who may be appointed as emergency officers (general)

Chapter 8 of the Public Health Act includes powers to declare and respond to public health emergencies and emergency notifiable conditions. Section 333 of the Act allows the chief executive to appoint persons as emergency officers (general) for a public health emergency including public service officers and employees, health service employees, local government employees, SES members and persons prescribed under a regulation. Under section 61 of the Public Health Regulation, ambulance officers and police officers are already prescribed as persons who may be appointed emergency officers (general). It is proposed to also prescribe fire service officers under the *Fire and Emergency Services Act 1990* and harbour masters under the *Transport Operations (Marine Safety) Act 1994* as additional categories of persons who may be appointed emergency officers (general).

During a public health emergency, an emergency officer (general) has emergency powers to respond to a declared public health emergency as provided under the Public Health Act. These powers are subject to the direction of the chief executive and may be limited by conditions on the appointment.

The Amendment Regulation prescribes fire service officers and harbour masters as additional categories of person who may be appointed an emergency officer (general). Prescribing fire service officers and harbour masters as persons who may be appointed as emergency officers (general) will provide additional operational capacity and flexibility to respond to COVID-19 and any future declared public health emergencies.

Human Rights Issues

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

The Amendment Regulation does not raise any human rights issues as allowing fire service officers and harbour masters to be appointed emergency officers (general) will not limit any human rights. Providing for the appointment of these additional emergency officers (general) will promote human rights, in particular the right to life, by providing operational capacity and flexibility to prevent the spread of COVID-19 and to respond to other serious public health risks during declared public health emergencies.

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

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

Conclusion

I consider that the *Public Health (Emergency Officers (General)) Amendment Regulation 2020* is compatible with the *Human Rights Act 2019* because it promotes and does not limit any human rights.

STEVEN MILES MP
MINISTER FOR HEALTH and MINISTER FOR AMBULANCE SERVICES

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