

Proclamation - Health Legislation Amendment Act 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 Yvette D'Ath MP, Minister for Health and Ambulance Services provide this human rights certificate with respect to the Proclamation – *Health Legislation Amendment Act 2020* (Proclamation) made under the *Health Legislation Amendment Act 2020*.

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

The *Health Legislation Amendment Act 2020* (Amendment Act), which received Royal Assent on 20 August 2020, amended five health portfolio Acts and two Regulations to implement key policy initiatives and improve the effective operation of the Acts.

The Amendment Act included amendments to the *Hospital and Health Boards Act 2011* to strengthen the commitment to health equity for Aboriginal people and Torres Strait Islander people and strengthen the capability and effectiveness of Hospital and Health Boards by:

- including as a guiding principle a commitment to achieving health equity and delivery of responsive, capable and culturally competent healthcare to Aboriginal people and Torres Strait Islander people (section 13 of the Amendment Act);
- requiring each Hospital and Health Service to have a strategy for achieving health equity for Aboriginal people and Torres Strait Islander people (sections 13, 14 and 19 (to the extent it inserts the definition of ‘health equity strategy’) of the Amendment Act); and
- requiring each Hospital and Health Board to have one or more Aboriginal persons and/or Torres Strait Islander persons as members (sections 11(3) and (4), 12 and 18 of the Amendment Act).

Most of the provisions in the Amendment Act commenced on Assent. However, section 2 of the *Health Legislation Amendment Act 2020* provides that sections 11(3) and (4), 12 to 14, 18 and 19 (to the extent it inserts the definition for ‘health equity strategy’) commence on a day to be fixed by proclamation.

Section 13 of the Amendment Act, which amends the *Hospital and Health Boards Act 2011* to require Hospital and Health Boards to have at least one member who is an Aboriginal person or Torres Strait Islander person, commenced by proclamation on 25 September 2020.

The Proclamation will commence the remaining provisions of the Amendment Act, which require Hospital and Health Services to develop and implement a health equity strategy, on 30 April 2021.

Human Rights Issues

The Proclamation does not affect or engage human rights protected under the *Human Rights Act 2019*.

Conclusion

I consider that the Proclamation is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

YVETTE D'ATH MP
MINISTER FOR HEALTH and AMBULANCE SERVICES
and LEADER OF THE HOUSE

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