

# Health Legislation (Fee Unit Conversion) Amendment Regulation 2022

## 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 and Leader of the House provide this human rights certificate with respect to the *Health Legislation (Fee Unit Conversion) Amendment Regulation 2022* made under the *Ambulance Service Act 1991*, *Food Act 2006*, *Medicines and Poisons Act 2019*, *Private Health Facilities Act 1999*, and *Radiation Safety Act 1999*.

In my opinion, the *Health Legislation (Fee Unit Conversion) Amendment Regulation 2022* (Amendment Regulation), 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 *Queensland Government Principles for Fees and Charges* (October 2021) requires agencies to set fees and charges to accurately reflect the cost of providing their services, and to ensure these fees and charges maintain their value over time. Where a regular comprehensive review of fees and charges is not cost effective or no specific indexation method has been otherwise approved, agencies are required to annually apply the Government Indexation Rate to their fees and charges. All prescribed fees and charges in health portfolio regulations are indexed annually by the Government Indexation Rate.

On 2 June 2021, the *Acts Interpretation Act 1954* was amended to insert a new Part 12B, which introduced a fee unit model to streamline the annual process for indexing regulatory fees. Part 12B provides that an Act may express a fee as a number of fee units and the monetary value of a fee unit is \$1, or another amount prescribed by regulation. Similar to the existing model of penalty units for offences in Queensland legislation, the fee unit model allows for all relevant fees and charges to be indexed annually through an amendment regulation to prescribe a new, indexed value of a fee unit in line with the Government Indexation Rate.

From 1 July 2022, all fees that are required to be increased by the Government Indexation Rate must be expressed as a number of fee units, rather than a dollar amount, in the relevant regulations to facilitate indexation of fees for the 2022-23 financial year.

The following health portfolio Acts provide for fees and charges to be prescribed by regulation:

- *Ambulance Service Act 1991*, for ambulance services such as emergency and non-emergency transport, ambulance attendance and for the treatment of a person by an ambulance officer;
- *Food Act 2006*, for prescribed fees and charges for applications and renewals of approvals as an auditor;

- *Medicines and Poisons Act 2019*, for prescribed fees for applications, amendments and renewals of substance authorities;
- *Private Health Facilities Act 1999*, for prescribed fees for approvals and licences to operate a private health facility; and
- *Radiation Safety Act 1999*, for possession, use, transport and related licences and approvals.

The main objective of the Amendment Regulation is to convert the fees and charges prescribed in regulations made under the above Acts from dollar amounts to number of fee units, in accordance with Government policy.

## 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.

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

As the *Health Legislation (Fee Unit Conversion) Amendment Regulation 2022* does not raise any human rights issues, it does not limit any human rights, therefore it is not necessary to consider section 13 of the *Human Rights Act 2019*.

## Conclusion

I consider that the *Health Legislation (Fee Unit Conversion) Amendment Regulation 2022* is compatible with the *Human Rights Act 2019* because it does not raise any human rights issues.

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

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