

Private Health Facilities (Standards) Amendment Notice 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, Yvette D’Ath MP, Minister for Health and Ambulance Services and Leader of the House provide this human rights certificate with respect to the *Private Health Facilities (Standards) Amendment Notice 2022* (Amendment Notice) made under the *Private Health Facilities Act 1999*.

In my opinion, the Amendment Notice, 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 main object of the Private Health Facilities Act is to provide a framework for protecting the health and wellbeing of patients receiving health services at private health facilities. One of the ways this objective is achieved is by enabling standards to be made for the provision of health services at private hospitals.

Section 12 of the Private Health Facilities Act states the Chief Health Officer may make standards for the protection of the health and wellbeing of patients receiving health services at private health facilities. Section 12(3) states a standard made by the Chief Health Officer has no effect unless the Health Minister notifies the making of the standard.

The Private Health Facilities Standards that apply to private health facilities are notified under the *Private Health Facilities (Standards) Notice 2016* (Notice). The Chief Health Officer has amended the *Credentials and Clinical Privileges Standard*, referred to in the Notice. Changes introduced to the *Credentials and Clinical Privileges Standard* allow private health facilities to recognise the Queensland Health authorisation of voluntary assisted dying practitioners providing voluntary assisted dying in private health facilities. Credentialing is a process used by public and private hospitals to ensure that only experienced, suitably trained and qualified medical practitioners provide particular types of health care services.

By notifying version 6 of the *Credentials and Clinical Privileges Standard*, the Amendment Notice supports the operation of the *Voluntary Assisted Dying Act 2021*, which commences on 1 January 2023. Voluntary assisted dying in Queensland gives eligible people diagnosed with a life-limiting condition, who are suffering intolerably and dying, an additional end-of-life choice by allowing them to choose the timing and circumstances of their death.

Human Rights Issues

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

In my opinion, the human right that is relevant to the Amendment Notice is the right to health services.

The Amendment Notice notifies version 6 of the *Credentials and Clinical Privileges Standard*. This new Standard allows private health facilities to recognise the authorisation of voluntary assisted dying practitioners that have been approved by Queensland Health, without the need for the private health facilities to conduct their own credentialing verification process. Under the Voluntary Assisted Dying Act, entities are required to support reasonable access to voluntary assisted dying for people in a health facility. In some circumstances, an entity is required to allow reasonable access to an authorised voluntary assisted dying practitioner to carry out a step in the voluntary assisted dying process at the facility. In these circumstances, an external practitioner who is not employed by, or does not normally provide contracted services to a facility, may need to enter the facility.

Allowing private health facilities to recognise Queensland Health's authorisation of voluntary assisted dying practitioners will facilitate the provision of voluntary assisted dying in private health facilities and supports the right to access health services for people seeking voluntary assisted dying.

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

The Amendment Notice does not limit human rights.

The Amendment Notice supports access to voluntary assisted dying. The impacts on human rights of voluntary assisted dying under the Voluntary Assisted Dying Act are outlined in the Human Rights Statement of Compatibility that accompanied the Voluntary Assisted Dying Bill 2021.

Conclusion

I consider that the *Private Health Facilities (Standards) Amendment Notice 2022* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

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

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