

# ***Health Practitioner Regulation National Law and Other Legislation Amendment (Postponement) Regulation 2023***

## **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 Shannon Fentiman MP, Minister for Health, Mental Health and Ambulance Services and Minister for Women, provide this human rights certificate with respect to the *Health Practitioner Regulation National Law and Other Legislation Amendment (Postponement) Regulation 2023* (Postponement Regulation) made under the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2022* (Amendment Act).

In my opinion, the Postponement 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 Postponement Regulation postpones commencement of certain provisions of the Amendment Act for up to one additional year.

The Amendment Act was passed by the Legislative Assembly on 13 October 2022 and received Royal Assent on 21 October 2022. It amends the following legislation:

- the *Health Ombudsman Act 2013*;
- the Health Practitioner Regulation National Law (National Law), as set out in the schedule to the *Health Practitioner Regulation National Law Act 2009*; and
- the Queensland application and modification provisions in the *Health Practitioner Regulation National Law Act 2009*.

A staged commencement of the Amendment Act was planned to allow for:

- administrative systems to be put in place to appropriately implement the reforms;
- further stakeholder education and preparation for certain reforms; and
- national consistency in commencing certain reforms, reflecting the need for some States to either pass subordinate legislation to apply the Amendment Act or to pass their own corresponding legislation.

Some of the provisions of the Amendment Act commenced on Royal Assent and some further provisions were commenced on 15 May 2023 by *Proclamation No. 1 – Health Practitioner Regulation National Law and Other Legislation Amendment Act 2022*.

The Postponement Regulation postpones commencement of the remaining provisions to provide additional time for the provisions to be given effect in all jurisdictions. This will allow those provisions to commence nationally at the same time.

Once all jurisdictions have passed their corresponding legislation, it is intended to commence the postponed provisions via a subsequent proclamation.

## **Human Rights Issues**

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

The Amendment Act engages and limits human rights. The Statement of Compatibility that accompanied the Amendment Act details how the provisions of that Act are reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom under section 13 of the Human Rights Act.

The Postponement Regulation itself does not engage any human rights. There are no human rights limited by delaying commencement of the remaining provisions of the Amendment Act.

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

As outlined above, the relevant human rights are not limited by the Postponement Regulation. As such, an analysis as to whether any limitation is reasonable and demonstrably justified is not applicable.

## **Conclusion**

I consider that the *Health Practitioner Regulation National Law (Postponement) Regulation 2022* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

**SHANNON FENTIMAN MP**  
MINISTER FOR HEALTH, MENTAL HEALTH AND  
AMBULANCE SERVICES AND  
MINISTER FOR WOMEN