

# Proclamation – Health and Other Legislation Amendment Act 2024

## 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 Proclamation – *Health and Other Legislation Amendment Act 2024*.

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 Proclamation fixes a date for commencement for certain provisions of the *Health and Other Legislation Amendment Act 2024* (Amendment Act) that did not commence on Royal Assent. The overall purpose of the amendments commenced by this Proclamation is to improve the operation of the health portfolio legislation and support the provision of health services in Queensland.

The Proclamation fixes 1 July 2024 as the date of commencement for part 3, division 3, sections 9 to 11 and part 4 of the Amendment Act. These provisions amend the following Acts:

- the *Mental Health Act 2016* to authorise the release and use of expert reports and Mental Health Court transcripts for criminal proceedings in certain circumstances;
- the *Hospital and Health Boards Act 2011* to:
  - authorise key findings, recommendations and lessons learned from root cause analyses to be shared with patient safety and clinical governance areas in Queensland Health to promote state-wide patient safety improvements and shared learning and to ensure the implementation of recommendations can be more effectively monitored; and
  - require a Quality Assurance Committee to disclose information about a serious risk of harm by a health professional to the chief executive (or delegate) to ensure patient safety issues can be addressed as quickly as possible.

A subsequent Proclamation will fix the commencement date for the remaining provisions of the Amendment Act that did not commence on assent.

## 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 Bill for the Amendment Act details how the provisions 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 Proclamation does not engage or limit any human rights.

## Conclusion

I consider that the Proclamation – *Health and Other Legislation Amendment Act 2024* 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

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