

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 1 September 2024 as the commencement date for the remaining provisions of the *Health and Other Legislation Amendment Act 2024* (Amendment Act) that are not in force. The overall purpose of the amendments commenced by this Proclamation is to improve the operation of health portfolio legislation and support the provision of health services in Queensland.

The provisions being commenced amend the:

- *Termination of Pregnancy Act 2018* and Criminal Code to allow additional health practitioners to perform medical terminations of pregnancy using a termination of pregnancy drug;
- *Termination of Pregnancy Act*, Criminal Code and *Powers of Attorney Act 2018* to replace references to ‘woman’ with ‘person’ in termination of pregnancy provisions to ensure legal access to termination of pregnancy services for all pregnant Queenslanders; and
- *Hospital and Health Boards Act 2011* to clarify that a newborn baby staying on a maternity ward with their birthing parent should be counted as a patient for the purposes of minimum nurse-to-patient and midwife-to-patient ratios.

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 HEATH, MENTAL HEALTH AND
AMBULANCE SERVICES AND
MINISTER FOR WOMEN

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