

# Health Legislation (Ratios and Other Matters) Amendment Regulation 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 *Health Legislation (Ratios and Other Matters) Amendment Regulation 2024* (Amendment Regulation).

In my opinion, the 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 purpose of the Amendment Regulation is to amend the *Hospital and Health Boards Regulation 2023* and *Medicines and Poisons (Medicines) Regulation 2021*.

Amendments to the Hospital and Health Boards Regulation and Medicines and Poisons (Medicines) Regulation support the changes made by the *Health and Other Legislation Amendment Act 2024* (Amendment Act) which received Royal Assent on 18 March 2024.

The Amendment Act:

- amended section 138B of the *Hospital and Health Boards Act 2011* to clarify that for the purposes of nurse-to-patient and midwife-to-patient ratios, a newborn baby is counted as a patient when they are staying in a room on a maternity ward with their birthing parent; and
- inserts a new section 6A in the *Termination of Pregnancy Act 2018* to allow additional registered health practitioners to perform a medical termination of pregnancy to the extent they are authorised to do so under the *Medicines and Poisons Act 2019* and instruments made under that Act.

The Health Legislation (Ratios and Other Matters) Amendment Regulation 2024 (Amendment Regulation) amends the:

- *Hospital and Health Boards Regulation 2023* to prescribe a minimum midwife-to-patient ratio and the maternity wards the ratio will apply to; and
- *Medicines and Poisons (Medicines) Regulation 2021* to update references to the new versions of the Midwives and Registered Nurses Extended Practice Authorities (EPAs) to allow registered nurses and midwives to perform medical terminations of pregnancy.

## Human Rights Issues

### **Human rights relevant to the subordinate legislation (part 2, division 2 and 3 of the Human Rights Act)**

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.

#### ***Amendments to the Hospital and Health Boards Regulation***

The amendments to the Hospital and Health Boards Regulation do not limit human rights.

#### ***Amendments to the Medicines and Poisons (Medicines) Regulation***

The amendments to the Medicines and Poisons (Medicines) Regulation do not limit human rights.

## Conclusion

I consider that the *Health Legislation (Ratios and Other Matters) Amendment Regulation 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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