

Health Ombudsman 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, Minister for Health, Mental Health and Ambulance Services and Minister for Women, provide this human rights certificate with respect to the *Health Ombudsman Regulation 2024* (Regulation) made under the *Health Ombudsman Act 2013* (Act).

In my opinion, the 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 main objectives of the Act are to:

- protect the health and safety of the public;
- promote professional, safe and competent practice by health practitioners and high standards of service delivery by health service organisations; and
- maintain public confidence in the management of complaints and other matters relating to the provision of health services.

The Act also establishes the Office of the Health Ombudsman (OHO) and provides a system for dealing with complaints and other matters relating to health, conduct or performance of health practitioners and services provided by health service organisations. OHO is the independent statutory body established under the Act.

The *Health Ombudsman Regulation 2014* (2014 Regulation) prescribes various matters to support the operations of the Act. The 2014 Regulation is due to expire on 1 September 2024, under section 54 of the *Statutory Instruments Act 1992*.

The Regulation has been prepared to replace the 2014 Regulation. The Regulation will commence on 2 September 2024. The Regulation is largely consistent with the 2014 Regulation, with minor changes to reflect contemporary drafting practices and improve clarity and readability. As the matters prescribed in the Regulation are designed to support the operation of the Act, the 2014 Regulation must be replaced to ensure the legislative scheme can continue in effect.

The Regulation prescribes the following matters under the Act:

- recognition of interim prohibition orders and prohibition orders made under corresponding interstate legislation to enable the orders to be mutually recognised in Queensland; and
- documents that persons, such as the health ombudsman and the Queensland Civil and Administrative Tribunal (QCAT), may have regards to when making decisions under the Act about what constitutes appropriate conduct or practice for a health service provider.

The Regulation does not include any significant policy changes and is largely consistent with the 2014 Regulation, with minor changes to reflect contemporary drafting practices and improve clarity and readability.

Human Rights Issues

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

There are no human rights affected or engaged by the Regulation.

Conclusion

I consider that the *Health Ombudsman Regulation 2024* is compatible with the *Human Rights Act 2019* because it does not engage or limit human rights.

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

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