

Proclamation—Health Legislation Amendment Act 2020

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 Steven Miles MP, Deputy Premier and Minister for Health and Minister for Ambulance Services provide this human rights certificate with respect to the Proclamation—*Health Legislation Amendment Act 2020* made under the *Health Legislation Amendment Act 2020*.

In my opinion, the Proclamation—*Health Legislation Amendment Act 2020*, 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

Background

In 2008, the Commonwealth and all Australian States and Territories committed to action to ‘Closing the Gap’ between Aboriginal peoples and Torres Strait Islander peoples and other Australians through the National Indigenous Reform Agreement. Successive Queensland Governments have reiterated this commitment and the Queensland Government is working in partnership with the Australian Government and Aboriginal and Torres Strait Islander peak organisations to finalise the Council of Australian Governments’ (COAG) *Closing the Gap Refresh*.

In March 2017, Adrian Marrie provided the *Addressing institutional barriers to health equity for Aboriginal and Torres Strait Islander people in Queensland’s public hospital and health services report* (the Health Equity Report) to the Anti-Discrimination Commission Queensland. The Health Equity Report identified institutional barriers to health equity for Aboriginal people and Torres Strait Islander people in Queensland’s public health system.

The Health Equity Report considered the *Hospital and Health Boards Act 2011* renders Aboriginal people and Torres Strait Islander people ‘legally invisible’ by not including, for example, a requirement that hospital and health boards have among their members a person, or persons, with expertise and experience in Aboriginal and Torres Strait Islander health care or health service delivery among the skills, knowledge and experience required for a hospital and health service to perform its functions effectively and efficiently.

In early 2019, I, as the then Minister for Health and Minister for Ambulance Services, convened an expert panel comprising Mr Jim McGowan AM, Professor Anne Tiernan and Dr Pradeep Philip (the Panel) to provide advice on Queensland Health’s governance framework as established by the Hospital and Health Boards Act.

In preparing its advice, the Panel considered the findings of the Health Equity Report and recommended the Hospital and Health Boards Act be amended to mandate Aboriginal and Torres Strait Islander representation on Hospital and Health Boards.

On 28 November 2019, the Health Legislation Amendment Bill 2019 was introduced into the Legislative Assembly. The Bill gives effect to the Panel’s recommendation to mandate Aboriginal and Torres Strait Islander representation on Hospital and Health Boards. On 13 August 2020, the Bill was passed and received Royal Assent on 20 August 2020.

Overview

The Health Legislation Amendment Act makes a range of amendments to health portfolio legislation, including amendments to the Hospital and Health Boards Act to implement the Panel’s recommendation to mandate Aboriginal and Torres Strait Islander representation on Hospital and Health Boards.

The proclamation will commence the provisions on 25 September 2020.

Human Rights Issues

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

The proclamation commences provisions of the Health Legislation Amendment Act, in accordance with section 2 of that Act. As the proclamation does not contain any substantive legislative provisions and is of a machinery nature, it does not raise any human rights issues.

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

As the proclamation does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 13 of the *Human Rights Act 2019*.

Conclusion

I consider that the Proclamation–*Health Legislation Amendment Act 2020* is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

STEVEN MILES
DEPUTY PREMIER
and MINISTER FOR HEALTH
and MINISTER FOR AMBULANCE SERVICES