

Proclamation – Health Practitioner Regulation National Law and Other Legislation Amendment Act 2025

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 Timothy Nicholls MP, Minister for Health and Ambulance Services provide this human rights certificate with respect to the Proclamation made under the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2025* (Amendment Act).

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 December 2025 for commencing certain provisions of the Amendment Act that did not commence on Royal Assent.

Amendment Act

The Amendment Act was passed by the Legislative Assembly on 3 April 2025 and received Royal Assent on 9 April 2025.

The Amendment Act amends the Health Practitioner Regulation National Law (National Law), which is set out in the schedule to the *Health Practitioner Regulation National Law Act 2009* (Qld), to give effect to nationally agreed reforms to the National Registration and Accreditation Scheme for health professions.

Specifically, the Amendment Act amends the National Law to:

- require practitioners who have had their registration cancelled by a responsible tribunal, or have been disqualified from registration, to obtain a reinstatement order from a responsible tribunal before applying to a National Board for re-registration;
- require National Boards, in conjunction with the Australian Health Practitioner Regulation Agency, to permanently publish additional information on the public register for health practitioners who have been found to have engaged in professional misconduct involving sexual misconduct;
- strengthen protections for notifiers against reprisals or other detriment, threats and intimidation and void non-disclosure agreements that purport to prevent someone from making a notification.

In 2013, Queensland amended the *Health Practitioner Regulation National Law Act 2009* to modify the application of the National Law in Queensland, to adopt a co-regulatory model. Queensland's co-regulatory model means that, in Queensland, the Office of the Health Ombudsman has primary responsibility for managing complaints about a health practitioner's conduct or performance but may refer appropriate matters to national regulators to deal with under the National Law.

To accommodate these co-regulatory arrangements, the Amendment Act also amends the *Health Ombudsman Act 2013* and makes minor modifications to how certain amendments to the National Law will operate in Queensland. The modifications are made through amendments to the local application provisions of the National Law in part 4 of the *Health Practitioner Regulation National Law Act 2009*.

Proclamation

Section 2 of the Amendment Act provides for stated provisions of the Amendment Act to commence on a day to be fixed by proclamation. The Proclamation will commence provisions of the Amendment Act to strengthen the current protections for notifiers (also known as 'complainants' in Queensland and New South Wales) under the National Law. These provisions will:

- make it an offence to threaten, intimidate, dismiss, refuse to employ, or subject a person to other detriment or reprisal because they intend to or have made a notification or provided assistance to persons performing functions under the National Law;
- make it an offence to enter into a non-disclosure agreement unless the agreement clearly sets out, in writing, that it does not limit a person from making a notification or providing assistance to regulators and others performing functions under the National Law; and
- void non-disclosure agreements to the extent they seek to prevent or limit a notifier from making a notification or providing assistance to persons performing functions under the National Law.

Pursuant to section 15DA of the *Acts Interpretation Act 1954* the remaining provisions of the Amendment Act will commence automatically on 10 April 2026, unless earlier commenced by proclamation or a regulation is made to extend the period before automatic commencement.

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 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 2019*.

The Proclamation itself does not engage any human rights. Nor will separate and later commencement of the remaining provisions of the Amendment Act.

Conclusion

I consider that the Proclamation - *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2025* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

TIMOTHY NICHOLLS MP
MINISTER FOR HEALTH AND AMBULANCE SERVICES

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