

Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2022

Statement of Compatibility

FOR

Amendments to be moved in consideration in detail by the Honourable Yvette D'Ath MP, Minister for Health and Ambulance Services and Leader of the House

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019*, I, Yvette D'Ath, Minister for Health and Ambulance Services and Leader of the House, make this statement of compatibility with respect to amendments to be moved in consideration in detail to the Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2022.

In my opinion, the amendments are 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 Bill

The Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2022 (Bill) amends the Health Practitioner Regulation National Law (National Law), as agreed by Australian Health Ministers on 18 February 2022. The Bill also amends the *Health Ombudsman Act 2013* and the local modification provisions of the National Law to ensure the National Law amendments operate effectively in Queensland.

The amendments in the Bill strengthen public protection and increase public confidence in health services provided by practitioners registered under the National Registration and Accreditation Scheme for health professions (National Scheme). The amendments also implement reforms to improve governance and promote the efficient and effective operation of the National Scheme, while ensuring the scheme remains up to date and fit for purpose.

Clause 85 of the Bill amends section 133 of the National Law to, in part, remove a ban on the use of testimonials in health service advertising.

During the Health and Environment Committee's inquiry, stakeholders raised concerns about this proposed change to advertising restrictions, particularly in relation to advertisements about cosmetic surgery and procedures.

On 1 September 2022, the final report of the *Independent review of the regulation of medical practitioners who perform cosmetic surgery* was released. This report was commissioned by the Australian Health Practitioner Regulation Agency and the Medical Board of Australia. Some of the comments in the review mirror the concerns about testimonials raised during the Parliamentary Committee process.

On 2 September 2022, federal, state and territory Health Ministers agreed to progress legislative and non-legislative reforms to improve consumer protections relating to cosmetic surgery.

To ensure any amendments to advertising laws are consistent with these future cosmetic surgery actions and reforms, Health Ministers agreed to withdraw the amendments in the Bill relating to testimonials. The issue of patient testimonials will instead be reviewed as part of the wider measures to improve safety in the cosmetic sector.

Human Rights Issues

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

Consideration has been given to whether the proposed amendments to the Bill might engage human rights under the *Human Rights Act 2019*, and which rights might be relevant to the Bill.

Following consideration of the proposed amendments, it has been concluded that the amendments to the Bill do not engage any human rights, as the omission of clauses 85(1) and (4) maintain the advertising restrictions already in effect under the National Law.

Conclusion

In my opinion, the amendments to be moved in consideration in detail to the Health Practitioner Regulation National Law and Other Legislation Amendment Bill 2022 are compatible with human rights under the *Human Rights Act 2019* because they do not engage or limit any human rights.

HON YVETTE D'ATH MP
MINISTER FOR HEALTH AND AMBULANCE SERVICES
and LEADER OF THE HOUSE

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