



Jenny Mikakos MP

Minister for Health
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Subordinate Legislation Act 1994

HUMAN RIGHTS CERTIFICATE

(Section 12A)

Public Health and Wellbeing Regulations 2019

I, Jenny Mikakos, Minister for Health and Minister responsible for administering the **Public Health and Wellbeing Act 2008** (the Act) certify that, in my opinion the proposed Public Health and Wellbeing Regulations 2019 (the proposed Regulations) do not limit any of the human rights set out in the **Charter of Human Rights and Responsibilities Act 2006** (the Charter Act). The proposed regulations do however engage the right to privacy and the right to property. The nature of this engagement is considered below.

The Right to Privacy

Section 13(a) of the Charter Act provides that a person has the right not to have his or her privacy unlawfully or arbitrarily interfered with. Parts 5 and 7 of the proposed Regulations require the collection and disclosure of identifiable information, including health information. These provisions require businesses that perform tattooing and skin penetration to retain client contact information and provide for the Secretary of the Department of Health and Human Services (the Department) to receive information about persons diagnosed with infectious diseases and those treated for anaphylaxis. The purpose of these provisions is to ensure the Department has the information necessary to monitor, respond to and prevent the transmission of infectious diseases. These obligations engage but do not limit the Charter right to privacy.

The Right to Property

Section 20 of the Charter Act provides that a person must not be deprived of his or her property other than in accordance with the law. Parts 4, 5 and 6 of the proposed Regulations impose obligations on owners and occupiers of property that impact on their ability to enjoy uninterrupted use of their property. These obligations include requirements to comply with authorised officer directions, maintain hygiene standards and manage public health risks. The purpose of these obligations is to minimise the risk of infectious disease transmission associated with the breeding of mosquitoes and other disease vectors, business premises that pose a risk to public health (including tattoo parlours and public swimming pools) and the operation of cooling tower and water delivery systems. These obligations engage but do not limit the Charter right to property.

Dated:

Jenny Mikakos

Minister for Health