

## Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee

### Report No. 7, 56<sup>th</sup> Parliament

### Subordinate legislation tabled between 6 March 2018 and 20 March 2018

#### 1 Aim of this report

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 6 March and 20 March 2018. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles (FLPs) and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA).

#### 2 Subordinate legislation examined:

No.	Subordinate legislation	Date tabled	Disallowance date
010	Proclamation made under the <i>Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017</i>	6 March 2018	14 June 2018
021	Health (Drugs and Poisons) (Cannabis and Other Matters) Amendment Regulation 2018	20 March 2018	22 August 2018

##### 2.1 Proclamation made under the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017* – SL No. 010

The objective of the proclamation was to fix a commencement date of 1 March 2018 for certain provisions of the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017*.

##### **Fundamental legislative principle issues**

No issues regarding consistency with FLPs or the lawfulness of the subordinate legislation were identified.

##### **Explanatory notes**

The explanatory notes tabled with the regulation comply with part 4 of the LSA. In relation to consultation, the explanatory notes state:

*The Australian Health Practitioner Regulation Agency and the Health Ombudsman support the proposed commencement date.*

*The proclamation was assessed by Queensland Health, in accordance with The Queensland Government Guide to Better Regulation, as being excluded from regulatory impact assessment*

*on the basis that the proclamation is of a machinery nature. Therefore, consultation with the Queensland Productivity Commission was not required.*<sup>1</sup>

## **2.2 Health (Drugs and Poisons) (Cannabis and Other Matters) Amendment Regulation 2018 – SL No. 021**

The objectives of the Health (Drugs and Poisons) (Cannabis and Other Matters) Amendment Regulation 2018 are to amend the Health (Drugs and Poisons) Regulation 1996 (HDPR) to:

- facilitate and streamline patient treatment
- ensure consistency with state and Commonwealth legislation, and
- update references to national guidelines and codes.

The regulation aims to:

- expand patient access to Nabiximols (a medicinal cannabis product) in a similar manner as if it were regulated under the *Public Health (Medicinal Cannabis) Act 2016*
- allow the sale of certain products containing Schedule 3 substances (being asthma inhalers and adrenaline auto-injectors, such as EpiPens) by a pharmacist to a school or education and care service, where the products are intended for a first aid kit to treat any child needing future emergency treatment
- correct an error which unintentionally removed some localities from the isolated practice area designation
- update references to Commonwealth legislation and terminology, to enable the *Pandemic Influenza Drug Therapy Protocol* to be invoked when needed
- provide for the use of electronic purchase forms by amendments adopting the new *Australian Code of Good Wholesaling Practice for Medicines* in schedules 2, 3, 4 and 8 (which supersedes a previous code), and
- enable the Podiatry Board of Australia to update their protocols and procedures guidelines without needing to amend the HDPR each time the title of the document changes.

### ***Fundamental legislative principle issues***

No issues regarding consistency with FLPs or the lawfulness of the subordinate legislation were identified.

### ***Explanatory notes***

The explanatory notes tabled with the regulation comply with part 4 of the LSA.

## **3 Committee consideration of the subordinate legislation**

The committee has examined the policy to be given effect by the subordinate legislation and its lawfulness. No issues regarding consistency with FLPs or the lawfulness of the subordinate legislation were identified.

The explanatory notes tabled with the proclamation and regulations comply with the requirements of section 24 of the *Legislative Standards Act 1992*.

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<sup>1</sup> Proclamation made under the *Health Practitioner Regulation National Law and Other Legislation Amendment Act 2017*, explanatory notes, p 2.

#### 4 Recommendation

The committee recommends that the House notes this report.

A handwritten signature in blue ink, appearing to read 'Aaron Harper'.

Aaron Harper MP  
**Chair**

**July 2018**

#### **Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee**

<b>Chair</b>	Mr Aaron Harper MP, Member for Thuringowa, Chair
<b>Deputy Chair</b>	Mr Mark McArdle MP, Member for Caloundra, Deputy Chair
<b>Members</b>	Mr Michael Berkman MP, Member for Maiwar
	Mr Martin (Marty) Hunt MP, Member for Nicklin
	Mr Barry O'Rourke MP, Member for Rockhampton
	Ms Joan Pease MP, Member for Lytton