QUEENSLAND PARLIAMENT
COMMITTEES

Health, Environment and Agriculture Committee

Report No. 13, 57th Parliament

Subordinate legislation tabled between 17 April 2024 and 30 April 2024

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 17 April 2024 and 30 April 2024. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles (FLPs),[1] its compatibility with human rights,[2] and its lawfulness.[3] It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA),[4] and the compliance of the human rights certificate with the *Human Rights Act 2019* (HRA).[5]

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date*
44	Medicines and Poisons (Medicines) Amendment Regulation 2024	30 April 2024	11 September 2024

* Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

3 Committee consideration of the subordinate legislation

No issues with the policy or lawfulness of the subordinate legislation were identified. The committee considered a potential FLP issue, which is discussed in this report, and was ultimately satisfied that the subordinate legislation is consistent with FLPs. The committee was also satisfied that the subordinate legislation is compatible with human rights.

The explanatory notes tabled with the subordinate legislation comply with the requirements of part 4 of the LSA and the accompanying human rights certificate provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with the HRA.

A brief overview of the subordinate legislation is provided in the following section.

4 SL No. 44 – Medicines and Poisons (Medicines) Amendment Regulation 2024

The Medicines and Poisons (Medicines) Amendment Regulation 2024 (SL No. 44) amends the Medicines and Poisons (Medicines) Regulation 2021 to:

- exempt relevant practitioners from the requirement to check QScript (the monitored medicines database) in specified low-risk circumstances

1 *Legislative Standards Act 1992,* s 4.

2 *Human Rights Act 2019*, s 8.

3 *Legislative Standards Act 1992*, Part 4.

4 *Legislative Standards Act 1992*, Part 4.

5 *Human Rights Act 2019*, s 41.

- give effect to a new version of the Monitored Medicines Departmental Standard which reduces the scope of the standard so that it only applies minimum requirements to monitored medicine treatment provided to current Queensland Opioid Treatment Program patients
- give effect to new versions of the extended practice authorities (EPAs) to:
  - authorise a broad workforce to administer respiratory syncytial virus (RSV) preventative therapies
  - remove references to the mandatory COVID-19 vaccination training program requirements
  - increase the number of vaccinations registered nurses and midwives can administer, broaden the locations where registered nurses can administer vaccines and remove restrictions/conditions imposed on midwives for some of the current vaccines
  - enable registered nurses and midwives to administer hormonal intrauterine devices
  - provide for an additional study option of a rural and isolated practice area program of study.

Extrinsic materials (EPAs and a departmental standard) to accompany SL No. 44 were tabled on 29 April 2024, and are published on the Queensland Health website:

- Queensland Health Departmental Standard: Monitored medicines—version 2, 1 July 2024
- *Medicines and Poisons Act 2019*: EPA 'Aboriginal and Torres Strait Islander health practitioners' (Version 4), 1 May 2024
- *Medicines and Poisons Act 2019*: EPA 'Aboriginal and Torres Strait Islander health workers' (Version 2), 1 May 2024
- *Medicines and Poisons Act 2019*: EPA 'Indigenous health workers' (Version 3), 1 May 2024
- *Medicines and Poisons Act 2019*: EPA 'Midwives' (Version 3), 1 May 2024
- *Medicines and Poisons Act 2019*: EPA 'Pharmacists' (Version 5), 1 May 2024
- *Medicines and Poisons Act 2019*: EPA 'Registered Nurses' (Version 4), 1 May 2024.

4.1 Consistency with fundamental legislative principles

4.1.1 Sufficient regard to the institution of Parliament – external documents

External documents, such as EPAs and standards, are not required to be tabled and are not subject to the disallowance provisions in the *Statutory Instruments Act 1992.* As a result, they could be considered to have insufficient regard to the institution of Parliament, and therefore be inconsistent with FLPs.[6]

New versions of extended practice authorities

An EPA is a document certified by the chief executive of Queensland Health (or delegate) that sets out matters of technical detail for how an approved person can carry out a regulated activity with a regulated substance.[7]

An EPA may:

- state the places or circumstances in which the approved person may deal with the regulated substance
- impose conditions on dealing with the regulated substance
- require the approved person to hold particular qualifications or training to deal with the registered substance.[8]

6 *Legislative Standards Act 2004*, s 4(5)(e).

7 *Medicines and Poisons Act 2019*, s 232; SL No. 44, explanatory notes, p 12.

8 *Medicines and Poisons Act 2019*, s 232; SL No. 44, explanatory notes, pp 3, 14.

The explanatory notes advise that an EPA includes details, such as the specific dose, quantity, duration and restrictions placed on substances and the circumstances in which they may be administered, and is:

> … monitored and updated, when necessary, to align with best clinical practice and is published on the Queensland Health website. When making or amending an extended practice authority, relevant individuals or organisations with expertise in, or experience of, the matters under consideration are consulted.[9]

New version of departmental standard

The *Medicines and Poisons Act 2019* empowers the chief executive or their delegate to make a departmental standard about carrying out a regulated activity with a regulated substance and other matters relating to the purposes and administration of the Act.[10]

According to the explanatory notes, the standards align with industry best practice, are published on the Queensland Health website, and are subject to consultation with relevant expert individuals and organisations when made or amended.[11]

The explanatory notes advise in regard to both the new EPAs and the new departmental standard, that the rigour surrounding their development, their use to ensure health care based on best clinical practice, and the detailed nature of the documents, justifies the sub-delegation by reference to external documents in the Medicines Regulation.[12]

Committee comment

The committee considers that SL No. 44 has sufficient regard to the institution of Parliament.

We are satisfied that any breach of FLP arising from the use of external documents is justified, having regard to the technical nature of and detail within the documents, the opportunity for parliamentary oversight when the Medicine Regulation is amended to include new or amended EPAs or standards, and the tabling of the updated EPAs and the departmental standard in the Legislative Assembly.

4.2 Compatibility with human rights

The committee is satisfied that the subordinate legislation is compatible with human rights.

4.3 Human rights certificate

The human rights certificate tabled with the subordinate legislation provides a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.

5 Recommendation

The committee recommends that the Legislative Assembly notes this report.

Aaron Harper MP
Chair
August 2024

9 SL No. 44, explanatory notes, p 14.

10 *Medicines and Poisons Act 2019*, s 233.

11 SL No. 44, explanatory notes, p 14.

12 SL No. 44, explanatory notes, pp 15, 16.

Health, Environment and Agriculture Committee

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