

## Health, Environment and Agriculture Committee

### Report No. 5, 57th Parliament

### Subordinate legislation tabled between 15 November 2023 and 28 November 2023

#### 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 15 November 2023 and 28 November 2023. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles (FLPs),<sup>1</sup> its compatibility with human rights,<sup>2</sup> and its lawfulness.<sup>3</sup> It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA),<sup>4</sup> and the compliance of the human rights certificate with the *Human Rights Act 2019* (HRA).<sup>5</sup>

#### 2 Subordinate legislation examined

| No. | Subordinate legislation   | Date tabled      | Disallowance date* |
|-----|---|------------------|--------------------|
| 162 | Medicines and Poisons (Poisons and Prohibited Substances) Amendment Regulation 2023 | 28 November 2023 | 18 April 2024      |
| 163 | Medicines and Poisons (Pest Management Activities) Amendment Regulation 2023        | 28 November 2023 | 18 April 2024      |
| 167 | Veterinary Surgeons Amendment Regulation 2023                                       | 28 November 2023 | 18 April 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 potential FLP and human rights issues in relation to the subordinate legislation which are discussed in this report. In all cases the committee was ultimately satisfied that the subordinate legislation is consistent with FLPs and compatible with human rights.

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

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

<sup>1</sup> *Legislative Standards Act 1992*, s 4.

<sup>2</sup> *Human Rights Act 2019*, s 8.

<sup>3</sup> *Legislative Standards Act 1992*, Part 4.

<sup>4</sup> *Legislative Standards Act 1992*, Part 4.

<sup>5</sup> *Human Rights Act 2019*, s 41.

## **4 SL No. 162 – Medicines and Poisons (Poisons and Prohibited Substances) Amendment Regulation 2023**

The Medicines and Poisons (Poisons and Prohibited Substances) Amendment Regulation 2023 (SL No. 162) amends the Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021 (Poisons Regulation) to:

- expand the definition of portable testing devices, to include devices that test or analyse regulated substances, rather than only breath or bodily fluids<sup>6</sup>
- change the information requirements for purchase orders and supplier invoices, so that certain information is only required in relation to the purchase or supply of high-risk poisons<sup>7</sup>
- update provisions relating to low-risk fluoroacetic acid baits to improve clarity, exempt biosecurity officers and nature conservation officers from the need to obtain a manufacturing licence in certain circumstances, and remove the need for people who manufacture baits to maintain batch records if the baits are manufactured for immediate (same day) use<sup>8</sup>
- expand the definition of an ‘authorised supervisor’ for the purposes of the disposal of an S2, S3, S4 poison, or S7 substance, to include an appropriately qualified person approved by the holder of a substance authority<sup>9</sup>
- clarify that only an approved person can fumigate burrowing invasive animals (e.g. foxes and rabbits)<sup>10</sup>
- provide that the chief executive of the department<sup>11</sup> is authorised to approve training substantially equivalent to a competency in the departmental standard - *Competency requirements for authority holders dealing with poisons* (Poisons Competency Standard)<sup>12</sup>
- update references to certain standards that have been revised, including the Poisons Competency Standard, and remove references to a standard that is now redundant.<sup>13</sup>

### **4.1 Consistency with fundamental legislative principles**

#### **4.1.1 Institution of Parliament – subdelegation of power – external documents**

SL No. 162 amends the Poisons Regulation to update references to 2 external documents: the Poisons Competency Standard and the Commonwealth Standard for the Uniform Scheduling of Medicines and Poisons (Poisons Standard).

References to external documents effectively subdelegate legislative power and as such, could be considered to have insufficient regard to the institution of Parliament, unless the subdelegation is made in an appropriate case and to an appropriate person.<sup>14</sup>

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<sup>6</sup> SL No. 162, s 4.

<sup>7</sup> SL No. 162, ss 9 and 11.

<sup>8</sup> SL No. 162, ss 5, 12-15, 17(1), 17(2), 19.

<sup>9</sup> SL No. 162, s 8.

<sup>10</sup> SL No. 162, ss 17(3), 20.

<sup>11</sup> The chief executive of the administering department is the Director-General of Queensland Health; see *Administrative Arrangements Order (No. 2) 2023*.

<sup>12</sup> SL No. 162, ss 6.

<sup>13</sup> SL No. 162, ss 7, 16, 18.

<sup>14</sup> *Legislative Standards Act 1992*, s 4(5)(e). A variety of factors may be taken into account when determining what constitutes an appropriate case, including the nature of the subject matter of an external document, and whether it is tabled in Parliament or is otherwise publicly available at no cost.

The explanatory notes indicate the subject matter of both the Poisons Competency Standard and Poisons Standard are appropriate matters to subdelegate, and that the persons responsible for the content of each are appropriate people.<sup>15</sup>

In the case of the Poisons Competency Standard:

- the standard is made by the chief executive of the department under s 233 of the *Medicines and Poisons Act 2019*
- the standard ‘provides minimum criteria and acceptable actions to achieve the required outcomes, including multiple options in situations where a range of vocational courses or qualifications are acceptable to achieve the outcomes’ which ‘would not be suitable for inclusion in a regulation, which is inherently a more prescriptive instrument’<sup>16</sup>
- the explanatory notes state that a copy of the updated Poisons Competency Standard will be tabled in Parliament.<sup>17</sup> (The Poisons Competency Standard was tabled on 20 November 2023. The updated standard was published on the Queensland Health website on 30 January 2024.)

In the case of the Poisons Standard:

- the decision-maker responsible for the standard is the Secretary of the Commonwealth Department of Health, who is advised by 2 committees to which each state and territory is entitled to nominate a member
- the subject matter of the standard is detailed, technical and clinical in nature
- the standard is frequently updated – approximately 3 times per year
- the latest version of the Poisons Standard is always available on the Federal Register of Legislation.<sup>18</sup>

#### **Committee comment**

The committee is satisfied that SL No. 162 has sufficient regard to the institution of Parliament, despite the references to external documents, as the matters the external documents relate to are appropriate matters to subdelegate, the persons responsible for the content of each external document are suitably qualified and advised, and the external documents are readily available to the Parliament and members of the public.

#### **4.1.2 Institution of Parliament – subdelegation of power – chief executive may approve competency**

SL No. 162 amends the Poisons Regulation to provide that a licensed technician must satisfy and continue to satisfy the relevant competency standards stated in the Poisons Competency Standard, or a competency approved by the chief executive of the department that is substantially equivalent to the relevant competency in the Poisons Competency Standard.<sup>19</sup>

Allowing the chief executive of the department to approve a competency that is substantially equivalent to a competency in the Competency Standard amounts to a subdelegation of legislative power. To have sufficient regard to the institution of Parliament, legislative power should only be subdelegated in appropriate cases and to appropriate people.<sup>20</sup>

The explanatory notes identify several factors that suggest the subdelegation of power is appropriate in this case:

<sup>15</sup> SL No. 162, explanatory notes, pp 12-14.

<sup>16</sup> SL No. 162, explanatory notes, p 13.

<sup>17</sup> SL No. 162, explanatory notes, p 10.

<sup>18</sup> SL No. 162, explanatory notes, p 14; see also <https://www.legislation.gov.au/>.

<sup>19</sup> SL No. 162, s 6.

<sup>20</sup> *Legislative Standards Act 1992*, s 4(5)(e).

- The power to approve substantially equivalent alternatives was previously in the Poisons Competency Standard itself, rather than the Poisons Regulation; including it in the Poisons Regulation will improve the clarity and transparency of decision-making.
- The chief executive of the department is empowered to make the Poisons Competency Standard, so is an appropriate person to approve substantially equivalent alternatives.
- The ability to approve substantially equivalent competencies 'is necessary to avoid the duplication of education and training requirements'.<sup>21</sup>

#### **Committee comment**

Noting the factors identified in the explanatory notes, the committee is satisfied that SL No. 162 has sufficient regard to the institution of Parliament, because the subdelegation of power to approve substantially equivalent competencies is made to an appropriate person and in an appropriate case.

#### **4.1.3 Rights and liberties of individuals - ordinary activities should not be restricted**

Legislation should not unduly restrict the ordinary activities of individuals without sufficient justification.<sup>22</sup>

SL No. 162 has the potential to restrict a person's ordinary activities because it provides that:

- only a primary producer or person with a burrowing invasive animal competency certificate can possess, apply and dispose of the gaseous poison used to control a burrowing invasive animal<sup>23</sup>
- only approved persons are authorised to manufacture, possess, supply, apply and dispose of low-risk fluoroacetic acid baits.<sup>24</sup>

However, several factors suggest that these provisions do not amount to an undue restriction on a person's ordinary activities:

- According to the human rights certificate, they are a reasonable and proportionate response to a legitimate aim: protecting the public from the health risks associated with inappropriate access to, and use of, poisons.<sup>25</sup>
- The fumigation of burrowing animals was not previously regulated, which posed a risk to public health and safety.<sup>26</sup>
- The ability of the chief executive to approve competencies that are substantially equivalent to those specified in the Poisons Competency Standard will avoid the duplication of training requirements.<sup>27</sup>

#### **Committee comment**

Noting the factors identified above, the committee is satisfied that that any imposition on the ordinary activities of individuals is sufficiently justified, and as such SL No. 162 has sufficient regard to the rights and liberties of individuals.

## **4.2 Explanatory notes**

The explanatory notes comply with part 4 of the LSA.

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<sup>21</sup> SL No. 162, explanatory notes, p 13.

<sup>22</sup> Office of the Queensland Parliamentary Counsel (OQPC), *Fundamental legislative principles: the OQPC notebook* (OQPC Notebook), p 118.

<sup>23</sup> SL No. 162, cl 17.

<sup>24</sup> SL No. 162, cl 18.

<sup>25</sup> SL No. 162, human rights certificate, pp 5, 7-8.

<sup>26</sup> This is because foxes and rabbits are not defined as pests under the *Medicines and Poisons Act 2019* and the *Medicines and Poisons (Pest Management Activities) Regulation 2021*. See SL No. 162, explanatory notes, p 6.

<sup>27</sup> SL No. 162, explanatory notes, p 13.

### **4.3 Compatibility with human rights**

#### **4.3.1 Impact on work and occupation – right to property and right to privacy and reputation**

The right to property under the HRA<sup>28</sup> may be limited where legislation impacts a person's work or occupation. Courts in some overseas jurisdictions have held that equivalent rights extend to protect the right to practice a profession, the right to seek a particular kind of employment, and a licence to carry out an economic activity.<sup>29</sup>

The impact of SL No. 162 on a person's work and occupation may also limit the right to privacy and reputation.<sup>30</sup> In overseas jurisdictions, courts have found that this right extends to the right to establish and develop professional or business relationships. As a result, restrictions on work have sometimes been held to interfere with privacy and reputation.<sup>31</sup>

In this case, SL No. 162 has the potential to impact a person's work or occupation in several ways. For example, it will require people (other than primary producers) to obtain a competency to fumigate burrowing invasive animals by undertaking training that will likely be subject to a fee. In addition, SL No. 162 provides that:

- only a primary producer or person with a burrowing invasive animal competency certificate can possess, apply and dispose of the gaseous poison used to control a burrowing invasive animal
- only approved persons are authorised to manufacture, possess, supply, apply and dispose of low-risk fluoroacetic acid baits.<sup>32</sup>

The right to privacy is subject to an internal limitation as a person has a right to protection only from unlawful or arbitrary interferences with their privacy. The human rights certificate asserts that the requirements introduced by the subordinate legislation are not arbitrary, but a reasonable and proportionate response to a legitimate aim of protecting the public from the health risks associated with inappropriate access to, and use of, poisons.<sup>33</sup>

The ability of the chief executive to approve competencies that are substantially equivalent to those specified in the Poisons Competency Standard will avoid the duplication of training requirements.<sup>34</sup> This contributes to the reasonableness of the requirements imposed by SL No. 162.

#### **Committee comment**

The committee is satisfied that SL No. 162 is compatible with human rights.

### **4.4 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 SL No. 163 – Medicines and Poisons (Pest Management Activities) Amendment Regulation 2023**

The Medicines and Poisons (Pest Management Activities) Amendment Regulation 2023 (SL No. 163) amends the Medicines and Poisons (Pest Management Activities) Regulation 2021 (Pest Management

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<sup>28</sup> See *Human Rights Act 2019*, s 24.

<sup>29</sup> See SL No. 162, human rights certificate, pp 4-5.

<sup>30</sup> See *Human Rights Act 2019*, s 25.

<sup>31</sup> See SL No. 162, human rights certificate, p 5.

<sup>32</sup> SL No. 162, ss 17, 18.

<sup>33</sup> SL No. 162, human rights certificate, pp 5, 6, 7-8.

<sup>34</sup> SL No. 162, explanatory notes, p 13.

Regulation) to clarify certain aspects of its operations and reduce the administrative burden associated with certain requirements without increasing the risk to public health and safety.

The explanatory notes state that the changes include:

- removing the requirement to include unnecessary details in a pre-treatment pest control advice or activity risk management plan and clarifying that an activity risk management plan must be prepared by an appropriately qualified licensed technician<sup>35</sup>
- enabling an authorised officer under the *Biosecurity Act 2014*, or a person directed by or helping an authorised officer, to carry out pest control activity for biosecurity matter that is a pest<sup>36</sup>
- providing that pest control activity at a high-risk or sensitive place may only be carried out by, or done under the supervision of, a licensed technician with the appropriate skills and training<sup>37</sup>
- clarifying that while a pest management trainee is carrying out an authorised activity, an authorised pest management technician must supervise and carry out the pest management activity with the trainee<sup>38</sup>
- clarifying what substances are prescribed as fumigants<sup>39</sup>
- removing the requirement for a pest management technician to provide or display their address in certain circumstances<sup>40</sup>
- amending the definition of high-risk place to ensure it does not capture small retail outlets<sup>41</sup>
- amending the definition of sensitive place to ensure it does not capture medical facilities that provide outpatient services<sup>42</sup>
- updating references to the departmental standard - *Competency requirements for licensed technicians undertaking pest management activities with pesticides and fumigants* (Pesticides Competency Standard), which has been revised, and providing that the chief executive of the department is authorised to approve training substantially equivalent to a competency in that standard<sup>43</sup>
- inserting a transitional provision to provide licensed technicians with an endorsement to treat urban pests at a high-risk or sensitive place with 12 months to complete the new competency requirements.<sup>44</sup>

SL No. 163 also makes other minor and technical amendments to improve the operation of the Pest Management Regulation.

## **5.1 Consistency with fundamental legislative principles**

### **5.1.1 Institution of Parliament – subdelegation of power – Pesticides Competency Standard**

SL No. 163 amends the Pest Management Regulation to update references to an external document, the Pesticides Competency Standard.

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<sup>35</sup> SL No. 163, ss 8, 9, 14.

<sup>36</sup> SL No. 163, s 20

<sup>37</sup> SL No. 163, s 11.

<sup>38</sup> SL No. 163, s 15.

<sup>39</sup> SL No. 163, s 4.

<sup>40</sup> SL No. 163, s 21(3).

<sup>41</sup> SL No. 163, s 21(4).

<sup>42</sup> SL No. 163, s 21(5).

<sup>43</sup> SL No. 163, ss 5-6.

<sup>44</sup> SL No. 163, s 19.

References to external documents effectively subdelegate legislative power. They could be considered to have insufficient regard to the institution of Parliament, unless the subdelegation is made in an appropriate cases and to an appropriate person.<sup>45</sup>

A variety of factors may be taken into account when determining what constitutes an appropriate case, including the nature of the subject matter of an external document, and whether it is tabled in Parliament, or is otherwise publicly available at no cost.

In the case of the Pesticides Competency Standard:

- the standard is made by the chief executive of the department under s 233 of the *Medicines and Poisons Act 2019*
- according to the explanatory notes, the standard ‘provides minimum criteria and acceptable actions to achieve the required outcomes, including multiple options in situations where a range of vocational courses or qualifications are acceptable to achieve the outcomes’ which ‘would not be suitable for inclusion in a regulation, which is inherently a more prescriptive instrument’<sup>46</sup>
- the explanatory notes state that a copy of the updated Competency Standard will be tabled in Parliament.<sup>47</sup> (The Pesticides Competency Standard was tabled on 20 November 2023. It is also available on the Queensland Health website.)

#### **Committee comment**

The committee is satisfied that SL No. 163 has sufficient regard to the institution of Parliament, despite the reference to an external document, as the subject matter is an appropriate matter to subdelegate, the chief executive is an appropriate person to make the Pesticides Competency Standard, and the external documents are readily available to the Parliament and members of the public.

#### **5.1.2 Institution of Parliament – subdelegation of power – competency approved by the chief executive**

SL No. 163 amends the Pest Management Regulation to provide that a licensed technician must satisfy the relevant competency standards stated in the Pesticides Competency Standard, or a competency approved by the chief executive that is substantially equivalent to the relevant competency in the Pesticides Competency Standard.<sup>48</sup>

Allowing the chief executive of the department to approve a competency that is substantially equivalent to a competency in the Pesticides Competency Standard amounts to a subdelegation of legislative power. To have sufficient regard to the institution of Parliament, legislative power should only be subdelegated in appropriate cases and to appropriate people.

The explanatory notes identify several factors that suggest the subdelegation of power is appropriate in this case:

- The power to approve substantially equivalent alternatives was previously in the Pesticides Competency Standard itself rather than the Pest Management Regulation, and including it in the Pest Management Regulation will improve the clarity and transparency of decision-making.
- The chief executive of the department is empowered to make the Pesticides Competency Standard, so is an appropriate person to approve an alternative that is substantially equivalent.
- The ability to approve substantially equivalent competencies ‘is necessary to avoid the duplication of education and training requirements’.<sup>49</sup>

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<sup>45</sup> *Legislative Standards Act 1992*, s 4(5)(e).

<sup>46</sup> SL No. 163, explanatory notes, p 14.

<sup>47</sup> SL No. 163, explanatory notes, p 11.

<sup>48</sup> SL No. 163, s 6.

<sup>49</sup> SL No. 163, explanatory notes, p 15.



### **Committee comment**

The committee is satisfied that SL No. 163 has sufficient regard to the institution of Parliament, because the subdelegation of power to approve substantially equivalent competencies is made to an appropriate person and in an appropriate case.

#### **5.1.3 Rights and liberties of individuals - ordinary activities should not be restricted – competency requirements**

Legislation should not unduly restrict the ordinary activities of individuals without sufficient justification.<sup>50</sup>

SL No. 163 has the potential to restrict the ordinary activities of some people because in prescribing the updated Pesticides Competency Standard<sup>51</sup> it will require licensed technicians to complete additional competency requirements in order to undertake certain tasks, such as treating urban pests at a high-risk or sensitive place.

However, 2 factors identified in the explanatory notes suggest this requirement does not amount to an undue restriction on a person's ordinary activities:

- SL No. 163 provides for a transitional period, which gives pest management technicians who obtained an endorsement to undertake activities at high-risk or sensitive place prior to the update to the Pesticides Competency Standard one year to acquire the necessary competencies.
- Pest management activities carried out at a high-risk or sensitive place pose a greater risk to human health and the environment. It is therefore reasonable to require that they be carried out by, or performed under the supervision of, suitably qualified people.<sup>52</sup>

### **Committee comment**

Noting the factors identified in the explanatory notes, the committee is satisfied that any restriction on the ordinary activities of individuals is sufficiently justified, and as such SL No. 163 has sufficient regard to the rights and liberties of individuals.

#### **5.2 Explanatory notes**

The explanatory notes comply with part 4 of the LSA.

#### **5.3 Compatibility with human rights**

##### **5.3.1 Right to property and right to privacy and reputation - impact on work and occupation**

The right to property may be engaged where legislation impacts a person's work or occupation.<sup>53</sup> The impact of the subordinate legislation on a person's work and occupation may also engage the right to privacy and reputation.<sup>54</sup>

In this case, SL No. 163 has the potential to impact a person's work or occupation because it prescribes that certain activities can only be undertaken by appropriately qualified individuals.<sup>55</sup> For example, the updated Pesticides Competency Standard will require people to obtain specified competencies in order to undertake pest control activities in high-risk or sensitive places.

The human rights certificate asserts that the requirements introduced by the subordinate legislation are not arbitrary, but instead are a reasonable and proportionate response to a legitimate aim of

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<sup>50</sup> OQPC Notebook, p 118.

<sup>51</sup> SL No. 163, cl 5.

<sup>52</sup> SL No. 163, explanatory notes, p 16.

<sup>53</sup> See SL No. 163, human rights certificate, pp 4-5.

<sup>54</sup> See SL No. 163, human rights certificate, p 5.

<sup>55</sup> SL No. 163, cls 5, 6, 9, 20 and 21.



protecting the public from the health risks associated with inappropriate access to, and use of, pesticides.<sup>56</sup>

In addition, SL No. 163 includes a mitigating measure to limit the impact on pest management technicians who received an endorsement under the old version of that standard to treat urban pests at a high-risk or sensitive place. It inserts a transitional provision providing that such technicians will have one year to obtain the new competencies prescribed in the updated standard.<sup>57</sup>

Further, the ability of the chief executive to approve competencies that are substantially equivalent to those specified in the Pesticides Competency Standard will avoid the duplication of training requirements,<sup>58</sup> contributing to the reasonableness of the requirements imposed by SL No. 163.

#### **Committee comment**

The committee is satisfied that SL No. 163 is compatible with human rights.

### **5.4 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.

## **6 SL No. 167 – Veterinary Surgeons Amendment Regulation 2023**

The Veterinary Surgeons Amendment Regulation 2023 (SL No. 167) amends the Veterinary Surgeons Regulation 2016 to:

- allow specific types of pain-relief (specified preparations of lidocaine, a local anaesthetic) to be administered to livestock by non-veterinarians when carrying out certain painful husbandry procedures (e.g. castrating sheep or cattle less than 6 months old)<sup>59</sup>
- amend the process for electing members of the Veterinary Surgeons Board by:
  - allowing for electronic voting
  - retaining the option to vote using the current paper-based system for those who prefer to vote in that manner
  - removing the requirement to publish election notices in two newspapers circulating generally through Queensland and replacing it with a requirement to publish an election notice on the website of the Veterinary Surgeons Board.<sup>60</sup>

### **6.1 Consistency with fundamental legislative principles**

No FLP issues were identified by the committee.

### **6.2 Explanatory notes**

The explanatory notes comply with part 4 of the LSA, except with respect to some details about consultation. The explanatory notes provide information about consultations that took place relating to the administration of lidocaine by non-veterinarians, but do not explain whether any consultations took place regarding the new process for electing members of the Veterinary Surgeons Board. If consultation took place, the LSA requires certain matters to be included in the explanatory notes, and if consultation did not take place, the explanatory notes must include a statement of the reason for no consultation.<sup>61</sup>

<sup>56</sup> SL No. 163, human rights certificate, pp 5, 8-10.

<sup>57</sup> SL No. 163, cl 19; Pest Management Regulation, s 74 (as amended).

<sup>58</sup> SL No. 163, explanatory notes, p 13.

<sup>59</sup> SL No. 167, explanatory notes, pp 1-2; SL No. 167, s 3.

<sup>60</sup> SL No. 167, explanatory notes, pp 2; SL No. 167, s 4.

<sup>61</sup> See *Legislative Standards Act 1992*, s 24(2).

### **Committee comment**

The committee considers that it would have been beneficial for the explanatory notes to have provided more detail about consultations regarding the new process for electing members of the Veterinary Surgeons Board, in order to better inform the community about the proposed legislation. The committee considers that the explanatory notes otherwise comply with part 4 of the LSA.

## **6.3 Compatibility with human rights**

### **6.3.1 Election of Veterinary Surgeons Board members - right to take part in public life**

SL No. 167 engages the right to take part in public life, which is protected by s 23 of the HRA, because it affects how veterinary surgeons can participate in elections for the Veterinary Surgeons Board.<sup>62</sup>

SL No. 167 allows for electronic election notices and polling while retaining the paper-based system of voting, by requiring that notice of an election be published on the Veterinary Surgeons Board's website at least 3 months before the appointed day for the election, that notice of the ballot (which must provide instructions on how to cast a vote) be published at least 35 days before the day of the election, and that eligible voters who prefer the paper-based system are required to request paper ballots at least 28 days before the election.<sup>63</sup>

This contrasts with the unamended provisions for holding elections which required a postal ballot to be sent to all eligible veterinary surgeons, and the publication of election notices in two newspapers circulating generally throughout the state; a process described in the human rights certificate as 'expensive and ineffectual being labour and time intensive'.<sup>64</sup>

In regard to potential limitation on the right to take part in public life, the human rights certificate states that 'the amendments will make voting more accessible because it provides veterinary surgeons a choice on their voting method as they may still use the current paper-based system. The amendments therefore promote the right to take part in public life without discrimination'.<sup>65</sup>

### **Committee comment**

The committee is satisfied that SL No. 167 is compatible with human rights.

## **6.4 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.

## **7 Recommendation**

The committee recommends that the Legislative Assembly notes this report.



**Aaron Harper MP**  
**Chair**

**April 2024**

<sup>62</sup> SL No. 167, human rights certificate, p 2.

<sup>63</sup> See Veterinary Surgeons Regulation 2016, ss 11 and 14(1).

<sup>64</sup> SL No. 167, human rights certificate, p 2.

<sup>65</sup> SL No. 167, human rights certificate, pp 1-2.

## **Health, Environment and Agriculture Committee**

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| <b>Chair</b>        | Mr Aaron Harper MP, Member for Thuringowa        |
| <b>Deputy Chair</b> | Mr Samuel (Sam) O'Connor MP, Member for Bonney   |
| <b>Members</b>      | Mr Stephen (Steve) Andrew MP, Member for Mirani  |
|                     | Mr Craig Crawford MP, Member for Barron River    |
|                     | Mr James Martin MP, Member for Stretton          |
|                     | Mr Robert (Rob) Molhoek MP, Member for Southport |