QUEENSLAND PARLIAMENT

COMMITTEES

Report on subordinate legislation tabled on 9 December 2025

Health, Environment and Innovation Committee

Report No. 22

58th Parliament, March 2026

Overview

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled on 9 December 2025. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992* (LSA).[1]

The report also notes any issues identified by the committee in its consideration of compliance with the *Human Rights Act 2019* (HRA)[2] and the human rights certificates tabled with the subordinate legislation.[3]

Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
142	Proclamation – *Queensland Institute of Medical Research Act 2025*	9 December 2025	23 April 2026
144	Forestry and Other Legislation (Revocation of Forest Reserves) Amendment Regulation 2025	9 December 2025	23 April 2026
145	Nature Conservation Legislation Amendment Regulation (No. 2)	9 December 2025	23 April 2026
148	Medicines and Poisons (Medicines) Amendment Regulation (No. 4) 2025	9 December 2025	23 April 2026
151	Health Legislation Amendment Regulation (No. 2) 2025	9 December 2025	23 April 2026
154	Waste Reduction and Recycling and Other Legislation Amendment Regulation 2025	9 December 2025	23 April 2026

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

1 *Legislative Standards Act 1992*, Part 4. See also, LSA s 4.

2 *Human Rights Act 2019*, ss 8, 13.

3 HRA, s 41.

Committee consideration of the subordinate legislation

Committee Comment

Unless noted below, the committee did not identify any significant issues regarding the policy, consistency with fundamental legislative principles, the lawfulness of the subordinate legislation or non-compliance with the HRA.

Similarly, unless noted below, the committee considers that the explanatory notes tabled with the subordinate legislation noted in this report comply with the requirements of section 24 of the LSA, which includes advice about consultation, and that the human rights certificates tabled with the subordinate legislation provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to their compatibility with the HRA.

1 SL No. 142 – Proclamation – *Queensland Institute of Medical Research Act 2025*

SL No. 142 commences the *Queensland Institute of Medical Research Act 2025* (QIMR Act). The QIMR Act was passed by the Legislative Assembly on 14 October 2025 and received Royal Assent on 24 October 2025.

The QIMR Act repeals and replaces the *Queensland Institute of Medical Research Act 1945* (1945 Act). The 1945 Act had been amended extensively in the organisations' 80-year history and was no longer fit for purpose, namely to uphold appropriate governance standards and expectations for an organisation of QIMR's size, complexity, and influence.[4] Notably, the QIMR Act is intended to support the QIMR's ability to attract funding so it can continue delivering impactful research and remain competitive in the medical research sector.[5]

1.1 Consultation

The explanatory notes provide that consultation that was undertaken with stakeholders during the development of the QIMR Act, which was considered in the Primary Industries and Resources Committee's Report No. 5, which was tabled in the Legislative Assembly on 11 July 2025.[6]

The explanatory notes provide that the Queensland Institute of Medical Research were consulted on SL No. 142 and on the proposed commencement date of the QIMR Act.[7]

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4 *Queensland Institute of Medical Research Act 2025* (QIMR Act), explanatory notes, p 1.

5 QIMR Act, explanatory notes, p 2.

6 Primary Industries and Resources Committee, 'Inquiry Overview' (Webpage, accessed 16 January 2026) <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=270&id=4527>. Note: Pursuant to Standing Order 135A(b), the Committee of the Legislative Assembly varied the responsible committee for the QIMR Bill from the Health, Environment and Innovation Committee on 22 May 2025.

7 SL No. 142, explanatory notes, p 2.

2 SL No. 144 – Forestry and Other Legislation (Revocation of Forest Reserves) Amendment Regulation 2025

SL No. 144 amends 7 pieces of legislation to transfer existing 'forest reserves' to permanent protected areas including national parks, State forests and conservation parks.

With respect to the change of tenure of forest reserves, the explanatory notes provide:

> *The proposal to change the tenure of all remaining 23 forest reserves to national park, conservation park or State Forest is part of the long-term forest reserve transfer process in Queensland. This process is necessary due to the upcoming expiry of Part 4A Forest reserves of the NC Act [Nature Conservation Act 1992] on 31 December 2025, as per section 70R of the NC Act. … The forest reserve areas have been assessed for their conservation values and pre-existing interests such as permits and leases, to determine the most appropriate tenure.*[8]

The expiry of section 70R of the *Nature Conservation Act 1992* means that the forest reserve classification no longer exists. As such, SL No. 144 repeals the Nature Conservation (Forest Reserves) Regulation 2000, and changes the tenure of all remaining 23 forest reserves to allow the areas to be added to national parks, conservation parks or State forests.[9] This will allow permanent preservation of these areas, with all forest reserves having been assessed for their conservation values and pre-existing interests to determine the most appropriate tenure.[10]

SL No. 144 also:[11]

- redescribes one timber reserve, 2 state forests and one national park
- adds to 10 state forests, 17 national parks and one conservation park
- dedicates one new conservation park
- continues the use of the land for beekeeping activities in areas of forest reserve (apiary areas) that are being dedicated as national park; and
- removes redundant references to forest reserves and makes other changes, such as correcting the plans that define the boundaries of state forests or protected areas.

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8 SL No. 144, explanatory notes, p 2.

9 SL No. 144, cl 28. See also SL No. 144, explanatory notes, p 1.

10 SL No. 144, explanatory notes, p 2. See also SL No. 144, explanatory notes, pp 4-6, which provides an overview of the forest reserves to be transitioned, noting that following conversion and redescription, the total area of some protected areas increase, while others decrease.

11 SL No. 144, cls 6, 9, 15, 21 and 24.

3 SL No. 145 – Nature Conservation Legislation Amendment Regulation (No. 2) 2025

SL No.145 amends the Nature Conservation (Protected Areas) Regulation 1994 to redescribe Boodjamulla (Lawn Hill) National Park and Boodjamulla National Park (Aboriginal Land).[12] These amendments partially implement the proposed Indigenous Land Use Agreement (ILUA) between the Waanyi Native Title Aboriginal Corporation Registered Native Title Body Corporate (Waanyi PBC) and the State of Queensland.[13]

SL No. 145 removes redundant references to joint trustee agreements for former resource reserves.[14] The explanatory notes state the SL No. 145 intends to:

> *… enable cooperative management of the national park between the Aboriginal Traditional Owners, Aboriginal people particularly concerned with the land, and the Queensland Government. The action facilitates an opportunity for Traditional Owners to explore economic sustainability through expansion of local commercial recreation and ecotourism ventures.*[15]

The explanatory notes also provide that dedicating new, or amending existing, protected areas allow for the permanent preservation, to the greatest extent possible, of the natural condition of protected areas, including natural resources; and to provide for ecologically sustainable tourism activities and consultation with Indigenous landowners.[16]

3.1 Consultation

The explanatory notes detail consultation that was undertaken with Waanyi PBC, who have indicated their support for the implementation of the ILUA through SL No. 145.[17]

[12] SL No. 145, ss 5, 6.

[13] SL No. 145, explanatory notes, pp 1-2; SL No. 145, human rights certificate, p 1.

[14] SL No. 145, s 3; SL No. 145, explanatory notes, p 1.

[15] SL No. 145, explanatory notes, p 3.

[16] SL No. 145, explanatory notes, p 2.

[17] SL No. 145, explanatory notes, p 4.

4 SL No. 148 – Medicines and Poisons (Medicines) Amendment Regulation (No. 4) 2025

SL No. 148 amends the Medicines and Poisons (Medicines) Regulation 2021 (2021 Regulation) to:

- authorise specialist general practitioners (GPs) to deal with psychostimulants for the treatment of adults with attention deficit hyperactivity disorder (ADHD)[18]
- authorise paediatricians to deal with psychostimulants for the treatment of ADHD in adults aged 18 to 25 years to support continued treatment of young persons' transitioning to adulthood[19]
- allow appropriately qualified and credentialed first contact emergency physiotherapist practitioners (EPPs) to prescribe and administer additional medicines under the Physiotherapists Extended Practice Authority (Physiotherapists EPA), when treating patients in public sector urgent care settings[20]
- authorise registered nurses (RNs) employed by, or for, a Hospital and Health Service (HHS) to give a treatment dose of a Schedule 2 (S2), Schedule 3 (S3) or Schedule 4 (S4) medicine for preparation of the bowel for a procedure, where the medicine is given on a prescription or a standing order[21]
- remove hydroxychloroquine from the list of restricted medicines;[22] and
- make other administrative amendments and update outdated language.[23]

4.1 Detailed consideration of amendments progressed by SL No. 144

4.1.1 Authorisations to deal with psychostimulants

SL No. 148 aims to improve access to psychostimulant medicines for the treatment of ADHD in Queensland.[24] Psychostimulant medicines, such as dexamfetamine, lisdexamfetamine, and methylphenidate, are classified as Schedule 8 medicines under the Commonwealth Poisons Standard due to the potential for misuse and dependence.[25]

[18] SL No. 148, s 20.

[19] SL No. 148, s 26.

[20] SL No. 148, s 8.

[21] SL No. 148, s 32.

[22] SL No. 148, explanatory notes, p 6; SL No. 148, ss 9(1), 15, 18, 21, 23, 28, 29, 30(1). Note: Hydroxychloroquine is an S4 medicine under the Commonwealth Poisons Standard. It is primarily used for the treatment of autoimmune conditions, such as, rheumatoid arthritis, and for the prophylaxis and treatment of malaria.

[23] SL No. 148, explanatory notes, pp 2, 3, 7-8, 10, 13. For example, SL No. 148 replaces 'attention deficit disorder' with 'attention deficit hyperactivity disorder' and 'brain damage' with 'brain injury'.

[24] SL No. 148, explanatory notes, p 2.

[25] SL No. 148, explanatory notes, p 2.

The application process for a prescribing approval often created delays in treatment, impose an administrative burden on prescribers, and limits persons with diagnoses access to adequate care.[26]

The process previously limited prescribing authorisations to specified health practitioners in limited circumstances.[27] Specialist GPs undergo extensive training, followed by 3 years of post-graduate hospital training and 3 years of supervised training in a general practice setting.[28] They then must pass an accredited examination to be registered by the Medical Board of Australia.[29]

The expansion of prescribing conditions for adults with ADHD intends to support continuity of care in the transition to adulthood and otherwise enable adults to seek treatment in Queensland.[30]

4.1.2 Prescribing and administering additional medicines under the Physiotherapists EPA

SL No. 148 intends to enhance the scope of practice for credentialed first contact EPPs,[31] enabling them to 'deliver timely, autonomous, and high-quality care for patients presenting with musculoskeletal conditions in public sector emergency departments and urgent care facilities'.[32] To be credentialed to deal with medicines, physiotherapists must complete a tertiary level program covering essential competencies in clinical therapeutics, safe prescribing practices and quality use of medicines and must have undertaken a period of supervised practice.[33]

SL No. 148 updates the Physiotherapists EPA to enable credentialed EPPs to prescribe and administer additional medicines and amends the current conditions for certain medicines already within the Physiotherapists EPA.[34] According to the explanatory notes, the Physiotherapists EPA does not currently enable credentialed EPPs to fully utilise their professional capabilities, limiting their autonomy and efficiency in public sector urgent care environments.[35]

4.1.3 Bowel preparation medicines

SL No. 148 seeks to address the existing restriction which prevents RNs from providing prescription (or standing order) medicines directly to patients to take home as part of in-person pre-procedural consultations, requiring patients to subsequently obtain them from a pharmacy.[36]

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[26] SL No. 148, explanatory notes, p 3.
[27] SL No. 148, explanatory notes, p 2.
[28] SL No. 148, explanatory notes, p 3.
[29] SL No. 148, explanatory notes, p 3.
[30] SL No. 148, explanatory notes, p 3.
[31] SL No. 148, explanatory notes, p 4.
[32] SL No. 148, explanatory notes, p 4.
[33] SL No. 148, explanatory notes, p 4.
[34] SL No. 148, explanatory notes, p 5.
[35] SL No. 148, explanatory notes, p 5.
[36] SL No. 148, explanatory notes, p 5.

The explanatory notes state that bowel preparation medicines are essential for ensuring accurate diagnostic outcomes, particularly in procedures such as colonoscopies used to detect bowel cancer or investigate gastrointestinal concerns. The proposed amendments in SL No. 148 aim to 'improve patient access to bowel preparation medicines required for gastrointestinal procedures conducted at HHSs'.[37]

The explanatory notes state that this amendment will reduce duplication in patient education, remove unnecessary steps in the pre-procedural gastrointestinal process, improve access to essential medicines, and support timely and accurate diagnostic procedures.[38]

4.1.4 Hydroxychloroquine

Hydroxychloroquine is an S4 medicine primarily used for the treatment of autoimmune conditions, and for the prophylaxis and treatment of malaria. During the COVID-19 pandemic, there was a significant increase in 'off label' prescribing of hydroxychloroquine, which raised concerns about potential shortages of the medicine in Australia. The Therapeutic Goods Administration amended the Commonwealth Poisons Standard in March 2020 to restrict prescribing to mitigate against the risk of medicine shortages.[39]

SL No. 148 removes hydroxychloroquine from the list of restricted medicines to 'align the Medicines Regulation with the removal of restrictions by the Commonwealth' and ensure that Queensland health practitioners can 'provide timely and clinically appropriate care to patients'.[40] Given the public health risks of a potential shortage of hydroxychloroquine are now mitigated, the removal of Commonwealth controls mean it is no longer necessary for hydroxychloroquine to be listed as a restricted medicine in the Medicines Regulation.[41]

4.1.5 Administrative amendments

SL No. 148 amends the Medicines Regulation to:

- remove reference to the outdated 'Price information code of practice' published by the Therapeutic Goods Administration and replaces it with the 'Therapeutic Goods Advertising Code'
- replace references to 'adrenaline (epinephrine) autoinjector' with 'adrenaline (epinephrine) device' to 'enable the use of new S3 non-injectable adrenaline devices, such as nasal sprays, for anaphylaxis management'; and
- amend the specified extended practice authorities to 'reflect the changes to include alternative routes of administration of adrenaline for anaphylaxis'.[42]

The explanatory notes state that this will ensure that the Medicines Regulations remain responsive to evolving clinical practice and device innovation.[43]

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[37] SL No. 148, explanatory notes, p 5.
[38] SL No. 148, explanatory notes, p 6.
[39] SL No. 148, explanatory notes, p 6.
[40] SL No. 148, explanatory notes, p 7.
[41] SL No. 148, explanatory notes, p 7.
[42] SL No. 148, s 8; SL No. 148, explanatory notes, p 8.
[43] SL No. 148, explanatory notes, p 7.

4.2 Fundamental legislative principles – institution of Parliament and EPAs

The committee's assessment of SL No. 148's compliance with the LSA identified potential issues with whether the regulations have sufficient regard to the institution of Parliament. Whether subordinate legislation has sufficient regard to the institution of Parliament depends on whether, for example, the subordinate legislation allows the sub-delegation of a power delegated by an Act only in appropriate cases and to appropriate persons; and if authorised by an Act.[44]

An EPA is a document made by the chief executive of Queensland Health that sets out matters of technical detail for how an approved person can carry out a regulated activity with a regulated substance.[45]

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 qualifications or training to deal with the registered substance.[46]

EPAs contain technical information and are 'developed through consultation with relevant experts and stakeholders' and must be published on the department's website.[47] The updated version of the Physiotherapists EPA complies with this requirement.[48]

The significance of dealing with such matters other than by subordinate legislation (as an EPA) is that, since the relevant document is not subordinate legislation, it is not subject to the tabling and disallowance provisions in part 6 of the *Statutory Instruments Act 1992*. Previous Parliamentary Committees have concluded:

> *Where there is, incorporated into the legislative framework of the State, an extrinsic document that is not reproduced in full in subordinate legislation, and where changes to that document can be made without the content of those changes coming to the attention of the House, it may be argued that the document (and the process by which it is incorporated into the legislative framework) has insufficient regard to the institution of Parliament.*[49]

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44 LSA, s 4(5)(e).

45 *Medicines and Poisons Act 2019*, s 232; SL No. 148, explanatory notes, p 13.

46 *Medicines and Poisons Act 2019*, s 232; SL No. 148, explanatory notes, p 13.

47 SL No. 148, explanatory notes, p 14. See also *Medicines and Poisons Act 2019*, s 236.

48 See Queensland Health, 'Extended practice authority - Physiotherapists – version 3', <https://www.health.qld.gov.au/__data/assets/pdf_file/0028/1108945/epa-physiotherapists.pdf>.

49 For example, see State Development, Natural Resources and Agricultural Industry Development Committee, Report No. 32 – 56th Parliament, Medicines and Poisons Bill 2019 (July 2019) <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5619t1054/5619t1054.pdf>, pp 57-58.

The explanatory notes seek to justify any breach of fundamental legislative principles as follows:

> *The use of EPAs is considered justified due to the rigorous development process, the technical nature of the documents, and their role in ensuring Queenslanders receive healthcare based on best clinical practice.*[50]

The Medicines Regulation details the name of each EPA and its version number. The explanatory notes state that EPAs are updated regularly and the Medicines Regulation is amended to list 'the name and version number of each EPA' and a copy is 'tabled as extrinsic material each time the Medicines Regulation is amended'.[51] The Physiotherapists EPA was tabled on 28 November 2025.

Committee Comment

The committee is satisfied that any potential breach of fundamental legislative principles arising from the approval in SL No. 148 of the updated EPA is justified, having regard to the technical nature of the detail within the document.

The committee notes that although the EPA itself is not subject to disallowance, it has been tabled in the Legislative Assembly, and SL No. 148 is subject to disallowance, which provides an opportunity for parliamentary oversight.

4.3 Compliance with human rights

Assessment of SL No. 148's compatibility with the HRA identified issues with property rights.

4.3.1 Property Rights

A person must not be arbitrarily deprived of their property.[52] SL No. 148 could limit property rights by placing restrictions on which health practitioners may deal with medicines. The human rights certificate states that SL No. 148 could interfere with a health practitioner's ability to derive profits through certain forms of economic activity that involve dealings with scheduled medicines.[53] For example, by expanding authorisations for some classes of health practitioners but not others, such as, by authorising specialist GPs to deal with psychostimulants for the treatment of adults with ADHD and authorising paediatricians to deal with psychostimulants for the treatment of ADHD in adults aged 18 to 25.[54]

According to the human rights certificate, by imposing restrictions on dealings with medicines (such as prescribing, dispensing, and administering medicines), SL No. 148 supports the purpose of mitigating 'the risk of misuse or substance abuse by vulnerable

[50] SL No. 148, explanatory notes, p 14.
[51] SL No. 148, explanatory notes, p 14.
[52] HRA, s 24.
[53] Including to derive income from their profession. SL No. 148, human rights certificate, p 2.
[54] SL No. 148, human rights certificate, p 2.

persons' and assisting 'in the management of health risks associated with these substances'.[55]

The human rights certificate contends that the limitation on the right to property is justified because restricting those who may deal with medicines is necessary to 'ensure that those who possess the appropriate knowledge and training and have a thorough understanding of the risks of medicines, have oversight and control over medicines'.[56]

Committee Comment

The committee notes the human rights certificate states that SL No. 148 is 'narrowly tailored to ensure that patient safety is maintained while access to health services is improved'.[57] In that context, and noting that restrictions on the use of medicines are intended to ensure safe use, the committee is satisfied that SL No. 148 is compatible with human rights and that any potential limit on property rights is proportionate and justified in the circumstances.

4.4 Human rights certificate

Section 41 of the HRA requires that the responsible Minister for the subordinate legislation must prepare a human rights certificate for the legislation.

Committee Comment

The committee is satisfied the human rights certificate contained a sufficient level of information to facilitate understanding of SL No. 148 in relation to its compatibility with human rights.

4.5 Explanatory Notes

The explanatory notes comply with part 4 of the LSA.

5 SL No. 151 – Health Legislation Amendment Regulation (No. 2) 2025

SL No. 151 amends 5 pieces of subordinate legislation (detailed below) with varied impacts on health services in Queensland.

5.1.1 Public Health Regulation 2018

SL No. 151 removes Japanese encephalitis (JE)[58] and Murray Valley encephalitis (MVE)[59] as pathology request notifiable conditions. Queensland is the only jurisdiction in Australia that prescribes JE and MVE as pathology request notifiable conditions. This exceeds the

[55] SL No. 148, human rights certificate, p 3.

[56] SL No. 148, human rights certificate, p 3.

[57] SL No. 148, human rights certificate, p 4.

[58] JE is a mosquito-borne virus that transmits infection to humans through the bite of a mosquito infected with the JE virus. SL No. 151, explanatory notes, p 2.

[59] MVE is a disease caused by the MVE virus, spread to humans through the bite of an infected mosquito. SL No. 151, explanatory notes, p 2.

national minimum reporting requirements set by the Communicable Diseases Network Australia, which only require notification of confirmed and probable cases.[60]

5.1.2 Hospital and Health Boards Regulation 2023

In September 2025, Queensland Health entered into a new agreement with Services Australia (2025 Agreement), replacing the earlier 2019 Agreement and allowing for the sharing of additional contact information for eligible women, such as telephone numbers and email addresses.[61] SL No. 151 updates references to the information sharing agreement between Queensland Health and Services Australia,[62] enabling improved identification of women eligible for BreastScreen Queensland's (BSQ) free breast screening service.[63]

5.1.3 'The Medicines and Poisons Scheme'

SL No. 151 amends the Medicines and Poisons (Medicines) Regulation 2021, the Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021 and the Medicines and Poisons (Pest Management Activities) Regulation 2021 (together, the 'Medicines and Poisons Scheme') to clarify that the processing fee for an initial application for a substance authority applies only to licences, not approvals.[64] SL No. 151 also amends the Medicines and Poisons Scheme to clarify that the fee for replacing a lost, stolen, or damaged hard copy document applies only to licences, not approvals.[65] A substance authority refers to a licence or approval that authorises a person to carry out a regulated activity with a regulated substance, including manufacturing, wholesale, retail and pest management licences, as well as prescribing and general approvals.[66]

The processing fee has not applied to general or prescribing approvals since the commencement of the Medicines Regulation and Poisons Regulation on 27 September 2021. SL No. 151 makes minor amendments to ensure that language is consistent across the scheme.[67]

5.2 Compliance with human rights

Assessment of SL No. 151's compatibility with the HRA identified issues with the right to privacy.

5.2.1 The right to privacy

A person has the right not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with.[68] SL No. 151 amends the Hospital and Health Boards Regulation 2023 to allow sharing of additional personal contact information (such as telephone numbers and email addresses) between Queensland Health and Services

60 SL No. 151, explanatory notes, p 2.
61 SL No. 151, explanatory notes, p 3.
62 Formerly, the Commonwealth Department of Human Services.
63 SL No. 151, explanatory notes, p 3.
64 SL No. 151, explanatory notes, p 1.
65 SL No. 151, explanatory notes, p 1.
66 SL No. 151, explanatory notes, p 4.
67 SL No. 151, explanatory notes, pp 2, 4.
68 HRA, s 25.

Australia.[69] This may limit the right to privacy by allowing confidential information for eligible women to be disclosed.

According to the human rights certificate, the purpose of the limitation is to modernise outreach methods, which is 'expected to increase screening participation rates, particularly among women who may not respond to traditional postal invitations'.[70] The limitation is intended to improve women's health, will permit access to limited contact details, and is necessary to give effect to the updated data sharing agreement. [71]

The human rights certificate states that the information sharing must comply with the *Privacy Act 1988* (Cth), *Information Privacy Act 2009* and Information Privacy Principles. Additionally, confidential information must not be disclosed to any third party, unless specifically authorised.[72]

Committee Comment

The committee is satisfied that the limitation on privacy is justified to ensure that Queensland Health is able to contact eligible women by SMS, telephone and email to increase participation in the BSQ program. Therefore, the committee is satisfied that SL No. 151 is compatible with human rights.

5.3 Human rights certificate

Section 41 of the HRA requires that the responsible Minister for the subordinate legislation must prepare a human rights certificate for the legislation.

Committee Comment

The committee is satisfied the human rights certificate contained a sufficient level of information to facilitate understanding of SL No. 151 in relation to its compatibility with human rights.

[69] SL No. 151, s 3 (Hospitals and Health Boards Regulation 2023, amends sch 8, item 10). Under the agreement made on 5 September 2025 called 'Services Agreement for Information Exchange to Identify Women who are Eligible to receive Breast Screening Services in Queensland' between the Commonwealth of Australia represented by Services Australia and the State of Queensland acting through Queensland Health (2025 Agreement).

[70] SL No. 151, human rights certificate, p 4.

[71] SL No. 151, human rights certificate, p 4.

[72] That is, under the 2025 Agreement. *Hospital and Health Boards Act 2011*, s 151(2).

6 SL No. 154 – Waste Reduction and Recycling and Other Legislation Amendment Regulation 2025

SL No. 154 amends the:

- Waste Reduction and Recycling Regulation 2023 (Waste Regulation)
- Nature Conservation (Animals) Regulation 2020 (Animals Regulation); and
- Nature Conservation (Plants) Regulation 2020 (Plants Regulation).

6.1.1 Waste Reduction and Recycling Regulation 2023

SL No. 154 amends the Waste Regulation to provide a permanent waste levy exemption for all forms of ash waste from coal fired power stations and continues the effect of current waste levy exemptions to avoid substantial economic cost to the industry, which would likely be passed on to electricity users.[73]

It achieves these objectives by replacing 'fly-ash produced from a power station' with 'coal power station ash'[74] and removing the expiry date for coal power station ash.[75]

The explanatory notes provide two alternative means of achieving this objective, which the explanatory notes state were considered:

- Allowing the current section 35 declaration of exempt waste for fly-ash combined with other ash to expire on 31 December 2025 forcing coal fired power stations that combine fly-ash with other ash waste to comply with all waste levy obligations. The explanatory notes acknowledge that this option could encourage reuse options, they contend it would be a new cost with significant economic impacts that could be passed on to electricity users in Queensland;[76] and
- Extending the section 35 declaration of exempt waste for fly-ash combined with other ash would continue the existing arrangements. The explanatory notes contend that this option would not improve clarity or long-term certainty for industry or the community on the application of the waste levy to this waste type.[77]

SL No. 154 also extends the existing arrangements for waste generated in Norfolk Island and imported by the Norfolk Island Regional Council into Queensland as exempt waste until 30 June 2030.[78] This amendment is consistent with the Intergovernmental Agreement on State Service Delivery to Norfolk Island, which was signed by the Queensland Government and the Australian Government on 22 October 2021.[79] The explanatory notes state that allowing the arrangement to expire would not align with Queensland's obligations under the agreement, which is the basis of the partnership to provide state-level services to Norfolk Island on an enduring basis.[80]

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73 SL No. 154, explanatory notes, p 2.

74 SL No. 154, ss 16, 17, 19. SL No. 154, explanatory notes, pp 1, 9-10.

75 SL No. 154, s 17. SL No. 154, explanatory notes, pp 1, 9.

76 SL No. 154, explanatory notes, p 5.

77 SL No. 154, explanatory notes, p 5.

78 SL No. 154, s 17. SL No. 154, explanatory notes, pp 1, 2, 9.

79 SL No. 154, explanatory notes, p 2.

80 SL No. 154, explanatory notes, p 5.

SL No. 154 also updates the unit of measurement for the thickness of banned plastic shopping bags by replacing microns with micrometres to comply with Queensland drafting standards.[81]

6.1.2 Nature Conservation (Animals) Regulation 2020

The lethal take of flying-foxes in Queensland for crop protection purposes is currently permitted through a damage mitigation permit (DMP) under the Animals Regulation and was subject to an expiry clause which prohibited the lethal take of flying-foxes after 30 June 2026.[82]

SL No. 154 repeals expiry provisions that apply to the grant of flying-fox lethal take DMPs.[83] The explanatory notes state that consultation with affected industry stakeholders highlighted significant challenges in fully transitioning to non-lethal damage mitigation measures (for example, the significant cost to install and maintain permanent exclusion netting).[84]

DMPs are issued to allow the lethal take of flying-foxes by shooting but are subject to conditions intended to limit the impact of lethal take on flying-fox species populations and minimise welfare concerns.[85] These include:

- only commercial growers can be issued a DMP, and they must have previously held a DMP;
- DMP holders must demonstrate they may suffer significant economic loss if flying-fox damage is not prevented or controlled; and
- DMPs are issued subject to the *Code of practice—ecologically sustainable lethal take of flying-foxes for crop protection* which, among other things, requires that use of non-lethal measures is demonstrated before a DMP is issued, sets out the method by which DMP holders must take and deal with flying-foxes, and imposes annual quotas for lethal take of flying foxes which cannot be exceeded.[86]

While the committee did not call for submissions, the committee received correspondence from conservation stakeholders in relation to the lack of consultation undertaken on the proposal to repeal the sunset clause for the lethal take of flying foxes. The committee considered this correspondence and sought further explanation from DETSI.

In a written briefing, DETSI explained that as a part of a departmental review which commenced in July 2025, some agricultural stakeholders noted an inability to comply with the non-lethal take provisions set out in the Animals Regulation by the expiry date.[87] The amendments were prepared and tabled pursuant to the requirements set out in the

[81] SL No. 154, s 18. SL No. 154, explanatory notes, pp 1, 2-3, 10.
[82] SL No. 154, explanatory notes, p 3.
[83] SL No. 154, ss 3-9. SL No. 154, explanatory notes, pp 1, 3, 5.
[84] SL No. 154, explanatory notes, p 3.
[85] SL No. 154, explanatory notes, p 3.
[86] SL No. 154, explanatory notes, p 3.
[87] DETSI, written briefing, 20 February 2026, pp 1-2.

Statutory Instruments Act 1992, which empowers the Government of the day to make and amend subordinate legislation.[88]

The explanatory notes state that, in 2025, consultation was not undertaken with conservation and animal welfare stakeholders on the basis that 'conservation views are unlikely to have changed since consultation on the phase-out provisions in 2023'.[89]

The Impact Analysis Statement (IAS) outlines the options that were considered by the department:[90]

- Option 1: That the phase out provisions apply as intended, and the lethal take of flying-foxes is prohibited as of 30 June 2026. In consultation, agricultural stakeholders explained that lethal take is often used as a last resort measure, but that the alternative measures of control (i.e. netting, light, sound) have significant financial outlays, especially for smaller farms.
- Option 2: That the phase out provisions are extended to 30 June 2029, to provide additional time for stakeholders to undertake changes to comply with non-lethal take provisions. DETSI concluded that, while this would spread financial outlays over a longer period, some landholders are unable to implement the non-lethal prevention measures due to geography; and an extended implementation period does not address concerns of stakeholders to be able to use lethal take as a last resort.
- Option 3: That the lethal take is permitted to continue until the statutory review of the subordinate legislation in 2030,[91] with strict restrictions. This option empowers stakeholders to apply for permits only where they already held a permit between 2013 and 2023 (which is a measure of the 2023 phase out provisions that is being retained).

DETSI noted that in 2024-25, there are only six active DMPs, down from 13 in 2020.[92] Under the existing provisions, new applicants are ineligible to seek a DMP. SL No. 154 does not re-introduce eligibility for new applicants.

Further, the 2023 phase out amendments placed substantial restrictions on the cap of lethal take per year. For example, the grey-headed flying fox (*Pteropus poliocephalus*) has a limited annual take of 8 animals per financial year, per permit, up to a statewide cap of 130 animals. This is down from previous caps of 60 animals per financial year, per permit, and a statewide cap of 1280 animals. The DETSI website outlines that where a permit application is received, the overall number of animals allowed to be taken does not increase, rather, the number of animals permitted to be taken on each existing permit is

88 *Statutory Instruments Act 1992*, ss 22, 23.

89 SL No. 154, explanatory notes, p 7. See also DETSI, Impact Analysis Statement, pp 5-6.

90 DETSI, Impact Analysis Statement, pp 3-5.

91 *Statutory Instruments Act 1992*, s 54.

92 DETSI, Impact Analysis Statement, p 2.

amended to correspond to the existing limits.[93] SL No. 154 does not amend, or increase, these limits.

Correspondence received by the committee outlined the risks to the spectacled flying fox (*Pteropus conspicillatus*), which is listed as 'endangered' under the NC Act.[94] DETSI confirmed that lethal and non-lethal take of the spectacled flying fox is already prohibited on the basis of the sub-species protected status.[95] Applications require that the permit holder is able to differentiate the sub-species of flying fox in Queensland to prevent lethal take of protected sub-species. SL No. 154 does not amend this classification, nor does it remove requirements for applicants to demonstrate their knowledge of the relevant sub-species.

An application for a DMP also requires an applicant to provide evidence of their attempts to implement non-lethal take measures, and detail why they are not feasible, for consideration by DETSI officers. Agricultural stakeholders advised DETSI that lethal take measures are typically a 'last-resort' measure and that the preferable regulatory option would be to allow for restricted lethal take. DETSI noted that the lethal take of flying foxes generally occurs in limited circumstances, including for example, where the topography of the land area makes it untenable to rely on non-lethal take measures alone. SL No. 154 does not change these requirements.

The correspondence received from conservation stakeholders, and DETSI's response, is available on the committee's webpage.[96]

Committee Comment

The committee carefully considered changes progressed by the amendments to the Animals Regulation, the concerns raised by stakeholders, and DETSI's response.

The committee is satisfied that the amendments are appropriate. The amendments were informed by consultation and appropriate consideration of the issues arising from the impending expiry date. There are appropriate

[93] DETSI, 'Flying-fox damage mitigation permits for crop protection' (Webpage, accessed 23 February 2026) <https://www.qld.gov.au/environment/plants-animals/animals/living-with/bats/flying-foxes/managing-impacts-of-flying-foxes/damage-mitigation-permits-for-crop-protection>.

[94] DETSI, 'Search Queensland's Threatened Species Register' (Webpage, accessed 24 February 2026) <https://app.powerbi.com/view?r=eyJrIjoiY2I3ZThmODMtNDhhNS00ZGJjLTgxZTAtZjc2ODQwMzM0Yzk2IiwidCI6ImQxNmRlNTMwLTk0ZTctNDE1OC1iN2UyLTZlZTIyMGFmNjI4ZCJ9>.

[95] DETSI, written briefing, 20 February 2026, p 3. See also, DETSI, 'Flying-fox damage mitigation permits for crop protection' (Webpage, accessed 23 February 2026) <https://www.qld.gov.au/environment/plants-animals/animals/living-with/bats/flying-foxes/managing-impacts-of-flying-foxes/damage-mitigation-permits-for-crop-protection>. Note: DETSI also stated that the risk of misidentification is low, given that the majority of active DMP holders are located outside of the habitat areas of the spectacled flying fox in North Queensland.

[96] See Health, Environment and Innovation Committee, Examination of Portfolio Subordinate Legislation – Related Publications (Webpage, accessed 23 February 2026) <https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=274&id=4484>.

safeguards to ensure environmental impacts are minimised, which are already in effect and remain unchanged by SL No. 154.

The committee notes its receipt of 5 informal submissions regarding the Animals Regulation, which were sent to the committee in the absence of a formal call for submissions. This appears to be the result of a lack of consultation by DETSI with these stakeholders. The committee encourages the department to ensure that consultation is undertaken with all relevant stakeholder groups in the future.

6.1.3 Nature Conservation (Plants) Regulation 2020

SL No. 154 amends the Plants Regulation to update the conservation status of native fauna and flora species to reflect recent scientific assessment against criteria outlined under sections 76 to 80 of the NC Act.[97]

SL No. 154 reclassifies one fauna species and 10 flora species, including the prescription of one newly protected invertebrate species, as recommended by the Species Technical Committee (an expert panel responsible for undertaking independent scientific assessments and making recommendations to the responsible Minister) on 29 September 2025.[98]

6.2 Consultation

Notwithstanding the correspondence received regarding the Animals Regulation, the explanatory notes detail consultation that was undertaken in relation to the other subordinate legislation contained in SL No. 154.

6.3 Explanatory Notes

The explanatory notes comply with part 4 of the LSA.

Recommendation 1

The committee recommends that the Legislative Assembly note this report.

Rob Molhoek MP

Chair

[97] SL No. 154, ss 11-14. SL No. 154, explanatory notes, pp 1, 3-4, 5.

[98] SL No. 154, explanatory notes, p 4.

Health, Environment and Innovation Committee

Chair	Mr Rob Molhoek MP, Member for Southport
Deputy Chair	Mr Joe Kelly MP, Member for Greenslopes
Members	Ms Sandy Bolton MP, Member for Noosa
	Ms Kerri-Anne Dooley MP, Member for Redcliffe
	Dr Barbara O'Shea MP, Member for South Brisbane
	Mr David Lee MP, Member for Hervey Bay

Statement of Reservation – Member for Noosa

Health Environment and Innovation Committee (HEIC)

HEIC Report No. 22 - Subordinate Legislation tabled on 9 December 2025

Statement of Reservation — Sandy Bolton MP, Member for Noosa

This report of the committee considers various pieces of subordinate legislation tabled on 9 December 2025.

My concerns, and the reason for this statement of reservation, relate to measures progressed through SL No. 154 of 2025, particularly the amendments to the Animals Regulation which continue previous provisions to allow the lethal take of flying foxes through a damage mitigation permit, and removal of the existing sunset clause which would have seen lethal take phased out by 30 June 2026.

As per standard, the committee did not call for submissions on this subordinate legislation, however, did receive correspondence from 5 entities (conservation stakeholders and concerned individuals) which are published on the HEIC's webpage. Those submitters raised concerns about the effect of SL No. 154 and noted they had not been consulted by the Department of Environment and Science (DETSI) on the proposal to remove the existing sunset clause.

As a result, the committee wrote to DETSI to seek advice and was provided extensive rationale for the lack of this consultation, which is also published on the HEIC webpage.

Even though this gave some measure of reassurance, it remains that there was no consultation with conservation and animal welfare stakeholders on the amendments prior to notification and commencement due to belief by DETSI that the views of those stakeholders were 'unlikely to have changed since consultation on the phase-out provisions in 2023'. While this may be so, as noted by Humane World for Animals, the absence of such consultation means 'regulation was developed without the benefit of up-to-date evidence on flying fox ecology, crop damage mitigation, animal welfare impacts, and broader environmental and legal considerations.'

I urge government agencies to ensure such consultations are undertaken in the future. In addition, for governments to commit to further investigating and investing in these alternatives and consider providing grants or other funding to support the remaining DMP farmers to transition to non-lethal methods.

I would like to thank our Chair, fellow committee members and secretariat for their work, to the submitters and the department for their assistance.

Sandy Bolton MP
Member for Noosa