

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

Report No. 2, 56th Parliament

Subordinate legislation tabled between 23 August 2017 and 10 October 2017

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 23 August and 10 October 2017. 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*.

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date
184	Proclamation - Domestic and Family Violence Protection and Other Legislation Amendment Act 2016	10 October 2017	22 March 2018
185	Domestic and Family Violence Protection (Interstate and Foreign Orders) Amendment Regulation 2017	10 October 2017	22 March 2018
186	Health (Drugs and Poisons – Dispensing of Controlled Drugs) Amendment Regulation 2017	10 October 2017	22 March 2018

2.1 Proclamation - Domestic and Family Violence Protection and Other Legislation Amendment Act 2016

This proclamation commences certain provisions of the *Domestic Family Violence Protection and Other Legislation Amendment Act 2016* on 25 November 2017.

The commencement of these provisions will enable Queensland to participate in the National Domestic Violence Order Scheme (NDVOS) from 25 November 2017. The NDVOS provides for the automatic mutual recognition of domestic violence orders (DVOs) made across Australian jurisdictions, so that a DVO issued in one state will be recognised in all others.¹

2.2 Domestic and Family Violence Protection (Interstate and Foreign Orders) Amendment Regulation 2017

The objective of the Domestic and Family Violence Protection (Interstate and Foreign Orders) Amendment Regulation 2017 is to support the commencement of the provisions of the *Domestic and Family Violence Protection and Other Legislation Amendment Act 2016* which implement the NDVOS in Queensland.

¹ Explanatory notes, p 1.

A key reform introduced by the NDVOS provisions of the above Act is the removal of Part 6 of the *Domestic and Family Violence Protection Act 2012* and the requirement to manually register domestic violence orders made in other Australian jurisdictions. (The registration of New Zealand orders is retained). The new Part 6 of the Amendment Act establishes the NDVOS in Queensland, allowing for the automatic mutual recognition of domestic violence orders made across Australian jurisdictions.

2.3 Health (Drugs and Poisons – Dispensing of Controlled Drugs) Amendment Regulation 2017

The Health (Drugs and Poisons) Regulation 1996 (HDPR) contains schedule 8 drugs - known as controlled drugs - and includes dangerous and addictive opioids, such as the painkillers fentanyl, oxycodone and morphine. Controlled drugs may be dispensed under a prescription or written instruction from a doctor.

Due to the significant risk of misuse and unlawful diversion of controlled drugs, pharmacists are required to periodically report the dispensing of these drugs to the Department of Health in electronic or paper form.

The current system does not result in timely dispensing information being available to the department and prescribing doctors. Pharmacists are required under the HDPR to report this information monthly, and must make each monthly report within two weeks of the end of the month to which the report relates. This lengthy reporting period, followed by a similarly lengthy interval before reports must be made, means information might not be reported for up to six weeks after a controlled drug has been dispensed.

To address this issue, the regulation reduces the reporting time frame by making the following changes:

- the reporting period for controlled drugs dispensed under a prescription is shortened from one month to one week. This will have the effect of requiring pharmacists to report relevant dispensing information to the department within a specified period after the end of the calendar week in which a controlled drug is dispensed, rather than within a specified period after the end of the calendar month, and
- the specified period within which a report must be made is shortened from 14 days after the end of the reporting period to 7 days. This will halve the interval between the end of a reporting period and receipt of the dispensing information by the department, maximising the currency of the information recorded in the database.

The amendments only affect reports made electronically. Reports in paper form are rare, and are already subject to appropriately short timeframes.

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 fundamental legislative principles (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*.

4 Recommendation

The committee recommends that the House notes this report.



Aaron Harper MP

Chair

March 2018

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

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