

# Inquiry into the Queensland Institute of Medical Research Bill 2025

Primary Industries and Resources Committee



Report No. 5 58th Parliament, July 2025

#### **Primary Industries and Resources Committee**

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#### Acknowledgements

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#### **Chair's Foreword**

This report presents a summary of the Primary Industries and Resources Committee's examination of the Queensland Institute of Medical Research Bill 2025.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill. I also thank our Parliamentary Service staff and Queensland Health.

I commend this report to the House.

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Stephen Bennett MP Chair

#### **Executive Summary**

The Queensland Institute of Medical Research Bill 2025 proposes to repeal and replace the *Queensland Institute of Medical Research Act 1945* in order to introduce new procedural and operational frameworks and to remove redundant provisions.

The Bill aims to support the Institute's ability to attract funding, deliver impactful research and remain competitive in the medical research sector by:

- providing for more equitable commercialised incentive payments
- requiring the Council immediately notify the Minister of matters that significantly affect the financial viability, administration or management of the Institute or the Council
- allowing the Council or the Director to delegate their functions or powers
- providing for criminal history checks and disclosures on current and prospective Council members
- allowing the Minister to appoint and remove Council members and prescribe the circumstances in which a person is disqualified from becoming or continuing as a Council member
- providing procedures for the declaration of conflicts of interest
- allowing the Council to appoint an Acting Director
- clarifying requirements for dealing with property gifted, devised, or bequeathed
- making minor and technical amendments.

The committee has recommended that the Bill be passed.

The committee received 4 written submissions, held a public briefing with Queensland Health, and a public hearing with selected stakeholders on Wednesday, 11 June 2025.

There was general support from stakeholders for the reforms proposed by the Bill. Stakeholders, including the Queensland Institute of Medical Research, were particularly supportive of provisions relating to commercialisation, integrity, and streamlined appointment processes.

#### Legislative compliance

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

The committee concluded that the Bill was compatible with the *Legislative Standards Act 1992* and the *Human Rights Act 2019*.

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The committee recommends that the Bill be passed.	

#### 1. Overview of the Bill

The Queensland Institute of Medical Research Bill 2025 (Bill) was introduced by the Honourable Tim Nicholls MP, Minister for Health and Ambulance Services on 22 May 2025 and was referred to the Health, Environment and Innovation Committee for consideration. On 22 May 2025 the Committee of the Legislative Assembly re-referred the inquiry to the Primary Industries and Resources Committee for detailed consideration.

#### 1.1. Aims of the Bill

The purpose of the Bill is to repeal and replace the *Queensland Institute of Medical Research Act 1945* (QIMR Act).<sup>1</sup> According to the explanatory notes, the QIMR Act 'lacks essential governance provisions for the Council, including clearly defined functions, membership requirements and integrity safeguards'.<sup>2</sup> Repealing and replacing the QIMR Act will 'introduce new governance, procedural and operational frameworks and remove redundant provisions'.<sup>3</sup>

The objectives of the Bill are to 'support the Institute's ability to attract funding, deliver impactful research and remain competitive in the medical research sector by':

- providing more equitable arrangements for the payment of commercialised incentive payments from the Council to persons who discover, invent, or make a significant contribution to the Council's intellectual property
- creating an obligation for the Council to immediately notify the Minister of matters that raise significant concerns about the financial viability, administration, or management of the Institute or Council
- allowing the Council or the Director to delegate their functions or powers to appropriately qualified staff of the Institute
- creating a legislative mechanism for the Minister to undertake criminal history checks on current and prospective Council members, placing an obligation on Council members to disclose changes to their criminal history, and making it an offence if a person with access to criminal history information discloses it in a way not permitted under the Bill
- allowing the Minister to appoint and remove Council members and prescribe the circumstances in which a person is disqualified from becoming or continuing as a Council member
- providing for general meeting procedures and requiring Council members to declare any material personal interest in a matter being considered by the Council
- allowing the Council to appoint an Acting Director for a period of not more than 6 months, with the possibility to extend for a further 6 months with the Minister's approval

<sup>&</sup>lt;sup>1</sup> Explanatory notes, p 1.

<sup>&</sup>lt;sup>2</sup> Explanatory notes, p 1.

<sup>&</sup>lt;sup>3</sup> Explanatory notes, p 1.

- clarifying requirements for dealing with property gifted, devised or bequeathed to the Institute
- making minor and technical amendments to improve the operation of the new Act.<sup>4</sup>

#### 1.2. Background

The Queensland Institute of Medical Research (the Institute/QIMR) is a Queensland statutory body and world-leading medical research institute. The Institute is renowned for its discovery and real patient outcomes, including its research into skin cancer, malaria and other mosquito-borne diseases, and the genetic risk factors associated with various cancers and mental health conditions.<sup>5</sup> It has over 1,000 scientists, staff and students who research hundreds of diseases and conditions in 60 specialised laboratories.<sup>6</sup>

The purpose of the Institute is set out in clause 5(2) of the Bill:

(2) The institute is established for the purpose of –

(a) initiating and conducting research into any branch of medical science, particularly in relation to diseases of particular significance to Queensland; and

(b) directing and using the research to improve the health and the wellbeing of the people of Queensland.<sup>7</sup>

The Institute is managed and controlled by the Council.<sup>8</sup>

**1.2.1. History of the Institute** 

The Institute came into existence via Dr Edward Derrick, a Director of the Queensland State Health Department laboratory of Microbiology and Pathology.<sup>9</sup> His work on Q fever, scrub typhus and leptospirosis identified the need for a full-time research institute focussing on infectious diseases in Northern Australia.

The Institute was established in 1945 under the QIMR Act for the purpose of initiating and conducting research across any branch of medical science, with a particular focus on diseases of significance to Queensland.<sup>10</sup>

In his second reading to the original QIMR Bill in 1945, then Secretary for Health and Home Affairs Tom Foley summarised the importance and long-term goals of the proposed Institute, which remain relevant today:

<sup>&</sup>lt;sup>4</sup> Explanatory notes, pp 1-2.

<sup>&</sup>lt;sup>5</sup> QIMR, *Our Research*, https://www.qimrb.edu.au/our-research; explanatory notes, p 1.

<sup>&</sup>lt;sup>6</sup> QIMR, *Our Research*, https://www.qimrb.edu.au/our-research.

<sup>&</sup>lt;sup>7</sup> Bill, cl 5(2).

<sup>&</sup>lt;sup>8</sup> QIMR, *Our Council and Patron*, https://www.qimrb.edu.au/about/governance/our-council-and-patron.

<sup>&</sup>lt;sup>9</sup> QIMR, *Our history*, https://www.qimrb.edu.au/about/history.

<sup>&</sup>lt;sup>10</sup> Explanatory notes, p 1.

The research worker is international in outlook, and is willing to sacrifice many hours of labour even his life in the interests of his science. I have pointed out earlier that many research workers infect themselves with a virus or a serum in order that they may study its effects and thus they take a risk of death or recovery. Some die. The research worker is unselfish in the highest degree. His work involves great sacrifice, it is international in character, and in any country where such an institution as we propose to establish is set up, we must see that they are well paid and that they have the necessary facilities to carry out their work.

I would say that the establishment of this institute in Queensland will eventually lead to the production of the right type of student to carry out the research work in the years that lie ahead, and that their work will add to the sum of medical knowledge and thus benefit humanity and prevent disease amongst the people, especially amongst the industrial workers and infants in hospital who fall victims to many diseases that our medical practitioners even today do not know much about.

Tom Foley, Secretary for Health and Home Affairs

Second reading speech, Queensland Institute of Medical Research Bill 1945, 3 October 1945, pp 578-9.

The Institute had humble beginnings, initially consisting of 7 staff working from an exmilitary hut in Victoria Park.<sup>11</sup> In 1977 the Institute relocated to laboratories on the grounds of the then-Royal Brisbane Hospital. In 1988, the QIMR Act was amended to make the Institute a statutory authority, and \$30 million was allocated to the construction of a purpose-built facility.

In recent years, the Institute has received several generous donations which have assisted in its development:

- in 1997, Chuck Feeney donated \$20 million to QIMR, which enabled the construction of the Cancer Research Centre
- in 2002, Clive Berghofer donated \$1 million per year for five years to QIMR and the Cancer Research Centre was named in his honour
- in 2010, Chuck Feeney donated a further \$27.5 million, which enabled the construction of a new central building, which was contributed to by both the state and federal governments
- in 2013, Clive Berghofer donated \$50.1 million to QIMR, and the Institute was renamed in his honour, and the new central building was completed.<sup>12</sup>

In 2015, Q-Gen Cell Therapeutics, QIMR's commercial arm for the contract manufacture of cell-based therapies, became the first Australian manufacturing facility to receive Therapeutic Goods Administration approval to manufacture cellular therapies for human use.

<sup>&</sup>lt;sup>11</sup> Explanatory speech, p 1432.

<sup>&</sup>lt;sup>12</sup> QIMR, *Our history*, https://www.qimrb.edu.au/about/history.

#### 1.2.2. Queensland Institute of Medical Research Act 1945

The QIMR Act has been significantly amended during its nearly 80-year history. The explanatory notes to the Bill contend that the Act 'no longer meets the legislative expectations or governance standards appropriate for a modern, world-class research institution of the Institute's size and complexity'. They further note that the Act:

- lacks essential governance provisions for the Council, including clearly defined functions, membership requirements, and integrity safeguards such as requirements to declare personal interested and legislated power for the Minister to request criminal history reports
- lacks provisions allowing for the Council or the Director to delegate functions in appropriate circumstances.<sup>13</sup>

The Bill would address these and other issues by repealing the Act and introducing a 'modernised legislative framework' that improves clarity, and 'updates and consolidates existing provisions to align with contemporary legislative drafting practices, introduces new governance, procedural and operational frameworks and removes redundant provisions'.<sup>14</sup>

#### 1.3. Consultation

Queensland Health advised that stakeholders were consulted throughout the development and drafting of the Bill. Stakeholders who were consulted included the Council and the Institute, other medical institutes, universities, research funding bodies, unions, peak professional bodies, legal bodies, state agencies and federal regulators.<sup>15</sup>

On 27 April 2023, Queensland Health distributed a consultation paper to stakeholders for comment. On 11 September 2024, further policy consultation was undertaken on the proposed amendments. On 17 March 2025, Queensland Health undertook consultation on a draft version of the Bill. Queensland Health noted that stakeholders were supportive of the Bill and its objectives to improve the Institute's operations, enabling it to continue delivering high-impact research. Where relevant, stakeholder feedback was incorporated into the Bill.<sup>16</sup>

#### 1.4. Inquiry process

The committee opened its inquiry to submissions on 23 May 2025, and received 4 submissions (see Appendix A for a list of submitters). The committee conducted a public briefing with officers from Queensland Health, and a public hearing with witnesses drawn from submissions on 11 June 2025.

<sup>&</sup>lt;sup>13</sup> Explanatory notes, p 1.

<sup>&</sup>lt;sup>14</sup> Explanatory notes, p 1.

<sup>&</sup>lt;sup>15</sup> Queensland Health, correspondence, 28 May 2025, p 6.

 $<sup>^{\</sup>rm 16}$  Queensland Health, correspondence, 28 May 2025, p 6.

On 19 May 2025, members of the Health, Environment and Innovation Committee conducted a site visit to QIMR Berghofer, information from which was shared with this committee.

#### 1.4.1. Key issues

The following key issues were raised during the committee's examination of the Bill,<sup>17</sup> which are discussed in Section 2 of this Report:

- commercialisation and its impact on research and funding
- membership and appointment of Council members, role of the Director, and delegation of functions
- integrity provisions, including criminal history checks, and conflict of interest.

#### 1.5. Legislative compliance

The committee's deliberations included assessing whether the Bill complies with the requirements for legislation as contained in the *Parliament of Queensland Act 2001*, the *Legislative Standards Act 1992* (the LSA),<sup>18</sup> and the *Human Rights Act 2019* (the HRA).<sup>19</sup>



#### 1.5.1. Legislative Standards Act 1992

Fundamental legislative principles (FLPs) require that legislation has sufficient regard to the rights and liberties of individuals and the institution of Parliament.<sup>20</sup> The committee's assessment of the Bill's compliance with the LSA identified issues with the following FLPs, which are analysed in Section 2 of this Report:

- rights and liberties of individuals
- natural justice.

Explanatory notes were tabled with the introduction of the Bill. The notes contain the information required by Part 4 of the LSA and a sufficient level of background information and commentary to facilitate understanding of the Bill's aims and origins.



#### 1.5.2. Human Rights Act 2019

Assessment of the Bill's compatibility with the HRA identified issues with the following, which are analysed further in Section 2:

- the right to take part in public life
- the right to privacy and reputation.

A statement of compatibility was tabled with the introduction of the Bill as required by section 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

<sup>&</sup>lt;sup>17</sup> Note that this section does not discuss all consequential, minor, or technical amendments.

<sup>&</sup>lt;sup>18</sup> Legislative Standards Act 1992.

<sup>&</sup>lt;sup>19</sup> Human Rights Act 2019.

<sup>&</sup>lt;sup>20</sup> Legislative Standards Act 1992, s 4(2).

#### 1.6. Should the Bill be passed?

The committee is required to determine whether or not to recommend that the Bill be passed.



#### **Recommendation 1**

The committee recommends that the Bill be passed.

#### 2. Examination of the Bill

This section discusses key themes which were raised during the committee's examination of the Bill.

#### 2.1. Commercialisation focus and commercialised incentive payments

The Bill would add a new function for the Council relating to the commercialisation of intellectual property:

To exploit commercially, for the institute's benefit, a facility or resource owned by the council, including, for example, study, research or knowledge, or the practical application of study, research or knowledge, managed by the council, whether alone or with someone else  $\dots$ <sup>21</sup>

According to the explanatory notes, these changes reflect the Council's existing practice and recognise commercialisation 'as a vital component of translating research into real-world health and economic outcomes by encouraging research through financial incentivisation'. The provisions would 'align the Council's statutory functions with those of comparable medical research organisations operating in a modern, innovation-driven environment'.<sup>22</sup>

The Bill also proposes to update arrangements for commercialised incentive payments, allowing any individual who contributes to the development of intellectual property, including non-employees, to receive payment.<sup>23</sup> Previously, payments were only available to employees. Governor in Council approval would be required for payments for a single piece of intellectual property exceeding \$10 million in value in a financial year, or if an amount paid to a single person exceeds \$5 million in a financial year.<sup>24</sup>

#### 2.1.1. Stakeholder submissions and department advice

Stakeholders were supportive of the Bill's focus on commercialisation.

In their submission to the committee, QIMR endorsed the Bill's objective to support the commercialisation of research.<sup>25</sup> It noted that the research funding environment in Australia has become increasingly competitive, and that traditional sources of grant funding are subject to intense demand, with success rates often falling below 15 per cent. This means that 'even world-class research projects may struggle to secure sufficient

<sup>&</sup>lt;sup>21</sup> Bill, cls 9, 11; explanatory notes, p 3.

<sup>&</sup>lt;sup>22</sup> Explanatory notes, p 3.

<sup>&</sup>lt;sup>23</sup> Bill, cl 42; explanatory speech, p 1433.

<sup>&</sup>lt;sup>24</sup> Explanatory speech, p 1433; explanatory notes, p 8.

<sup>&</sup>lt;sup>25</sup> QIMR, submission 1, p 1.

funding through grants alone'.<sup>26</sup> Commercialisation, it submitted, provides 'alternative and supplementary revenue streams through licensing, partnerships, royalties, and the creation of spin-off companies'. Commercialisation helps bridge funding gaps and enables the Institute to reinvest in new research, infrastructure, and talent.<sup>27</sup>

QIMR noted that the Bill recognises this shift in the research funding landscape by expressly including commercialisation of intellectual property as a core function of the Council and therefore provide legislative clarity that:

- signals to funders, partners and staff that QIMR is committed to maximising the value of its research
- enables the institute to attract Council members with commercialisation expertise, strengthening its capacity to navigate complex IP and industry landscapes
- provides for equitable incentive arrangements, motivating researchers to pursue innovations with commercial potential.<sup>28</sup>

During the public hearing, the committee questioned whether an increased focus on commercialisation would affect the type of research performed by the Institute, and whether this could result in a focus on financial return rather than public good.<sup>29</sup>

In response to these questions, the Institute advised that the commercialisation provisions in the Bill would not interfere with the Institution's focus on public health outcomes for Queenslanders. It stated that commercialisation provisions would allow them to 'do what we actually have been trying to do', which is to undertake health and medical research that is aligned with better health outcomes for Queenslanders.<sup>30</sup>

The Institute further noted that commercialisation is a necessary step toward ensuring that research comes to fruition and may receive revenue. It noted that '[i]t is a constant struggle to find money to attract the world's top scientists and give them an environment to work, and that commercial revenue also helps in getting a better revenue source for the institute'.<sup>31</sup>

The Institute clarified that it does not undertake research just because it is 'exciting' or 'might lead to commercialisation', and noted that it undertakes projects that may not necessarily have commercial benefit.<sup>32</sup> It noted that commercialisation was often a precursor to public benefit, as significant investment is required in clinical trials before patients will see a benefit.<sup>33</sup>

<sup>&</sup>lt;sup>26</sup> QIMR, submission 1, p 2.

<sup>&</sup>lt;sup>27</sup> QIMR, submission 1, p 2.

<sup>&</sup>lt;sup>28</sup> QIMR, submission 1, p 2.

<sup>&</sup>lt;sup>29</sup> Public hearing transcript, Brisbane, 11 June 2025, p 2.

<sup>&</sup>lt;sup>30</sup> Public hearing transcript, Brisbane, 11 June 2025, p 2.

<sup>&</sup>lt;sup>31</sup> Public hearing transcript, Brisbane, 11 June 2025, p 2.

<sup>&</sup>lt;sup>32</sup> Public hearing transcript, Brisbane, 11 June 2025, p 6.

<sup>&</sup>lt;sup>33</sup> Public hearing transcript, Brisbane, 11 June 2025, p 2.

In the public briefing, Queensland Health advised that commercialisation payments, including those of \$5 million per individual and \$10 million per item of intellectual property were in line with competing research institutes and partners in the medical research space, including universities.<sup>34</sup> It advised that they are aware of only one instance of an individual researcher being paid in excess of the \$5 million cap, which occurred in 2022.<sup>35</sup> Queensland Health advised that most research is conducted collaboratively, and payments are spread amongst a large team.<sup>36</sup> Queensland Health also clarified that commercialised incentive payments are drawn directly from the profits that flow from the innovations in question.<sup>37</sup>

In response to questions posed by the committee relating to the impact of commercialisation, Queensland Health advised that the Institute's paramount principles are about delivering health benefits and treatments that are of relevance to Queenslanders, and that 'when entering into these commercial partnerships and ventures, the act provides that that is ultimately the touchstone'. It advised that:

Any kinds of commercial ventures should support the ultimate goal of driving research and translating it into cures, treatments and therapies that are going to be impactful for people throughout Queensland and, as part of that, that are going to be financially accessible for Queenslanders as well.<sup>38</sup>

While not directly related to the Bill inquiry, in response to a question taken on notice from the committee during the public briefing, Queensland Health provided information on the rising incidence of bowel cancer in specific age groups in Queensland. It outlined research initiatives and partnerships investigating the causes of this trend and advised of several education and awareness campaigns underway. This information has been published on the inquiry webpage.

#### Committee comment



The committee is satisfied that the Bill's commercialisation provisions reflect the Institute's existing practice and current practice for research institutions in Australia and globally.

The committee acknowledges the highly competitive funding environment in which the Institute operates, and notes that commercialised incentive payments play an important role in driving research innovation and ensuring global competitiveness.

The committee notes the Bill's commercialisation provisions will assist in providing access to revenue streams and in attracting world-class researchers to work on problems that matter most to Queenslanders.

<sup>&</sup>lt;sup>34</sup> Public briefing, 11 June 2025, p 3.

<sup>&</sup>lt;sup>35</sup> Public briefing, 11 June 2025, p 3.

<sup>&</sup>lt;sup>36</sup> Queensland Health, public briefing transcript, 11 June 2025, p 3.

<sup>&</sup>lt;sup>37</sup> Queensland Health, public briefing transcript, 11 June 2025, p 4.

<sup>&</sup>lt;sup>38</sup> Queensland Health, public briefing transcript, 11 June 2025, p 7.

## 2.2. Membership and appointment of Council, role of the Director, delegation of functions

The Bill would provide for a Council consisting of no more than 9 members, appointed and removed by the Minister.<sup>39</sup> This would reflect the current composition of the Council. This provision would replace the existing requirement for 7 to 11 Council members, appointed by the Governor in Council.<sup>40</sup> According to the explanatory notes, shifting the responsibility for Council appointments and removals to the Minister is designed to ensure that appointments can be made in a timely manner. The approach would maintain 'appropriate government oversight while allowing for more agile decision-making'.<sup>41</sup>

Clause 11(2)(a) would provide eligibility criteria for Council members, stipulating that the Minister may a appoint a person as a Council member only if the Minister is satisfied that the person is qualified in at least one of the following areas:

- corporate governance
- public or academic administration
- health or clinical research
- health ethics
- financial management
- fund raising
- commercialisation of intellectual property
- another area the Minister considers appropriate having regard to the Institute's purpose.

Clauses 12 and 13 would prescribe the terms of appointment and removal, and conditions of appointment for Council members.<sup>42</sup>

Clause 33 would allow the Council to appoint the Director of the Institute, with the approval of the Minister.<sup>43</sup> This would replace the current process where the Director is appointed by the Governor in Council. The Bill does not provide for a Deputy Director role. According to Queensland Health, this reflects modern legislative practice to not prescribe operational roles in legislation establishing statutory bodies.<sup>44</sup>

Clause 45 of the Bill would allow the Council or the Director to delegate functions or power to appropriately qualified staff of the Institute.<sup>45</sup> According to Queensland Health, this has not been provided for in the current Act, which has limited administrative flexibility and responsiveness.<sup>46</sup>

<sup>&</sup>lt;sup>39</sup> Bill, cl 11.

<sup>&</sup>lt;sup>40</sup> Queensland Health, correspondence, 28 May 2025, p 2.

<sup>&</sup>lt;sup>41</sup> Explanatory notes, p 3.

<sup>&</sup>lt;sup>42</sup> Explanatory notes, p 3.

<sup>&</sup>lt;sup>43</sup> Bill, cl 33; Queensland Health, correspondence, 28 May 2025, p 4.

<sup>&</sup>lt;sup>44</sup> Queensland Health, correspondence, 28 May 2025, p 4.

<sup>&</sup>lt;sup>45</sup> Queensland Health, correspondence, 28 May 2025, pp 1-2.

<sup>&</sup>lt;sup>46</sup> Queensland Health, correspondence, 28 May 2025, p 1.

#### 2.2.1. The right to take part in public life

#### i. Limitation on eligibility for appointment

The committee considered whether the Bill would limit the right to take part in public life because it contains eligibility criteria for the roles of Council member and Director.<sup>47</sup> The Bill also seeks to provide that, in establishing a subcommittee to help the Council perform its functions, the Council may decide specified matters, including any appropriate qualifications for membership of the subcommittee.<sup>48</sup> Additionally, the Council would be able to engage a researcher to help the Council carry out the Institute's purpose, but only if the Council is satisfied the person is appropriately qualified.<sup>49</sup>

The proposed amendments would effectively limit who can apply for positions in this Queensland statutory body. They would also disqualify persons from becoming or continuing as a Council member in certain circumstances.

According to the statement of compatibility, the purpose of prescribing eligibility and disqualification criteria for Council members is to:

... ensure that the Council, as a statutory body, will have members with the appropriate skills and expertise to ensure the effective and efficient performance of its functions, including broader management of the Institute.<sup>50</sup>

The purpose of prescribing eligibility criteria for the Director is to ensure the institute is led by a person with the appropriate skills and experience to manage its day-to-day administration.<sup>51</sup> The disqualification provisions (discussed further in section 2.3 below) are 'designed to protect the integrity of the Council by excluding individuals who may pose a risk to its credibility or effective operation due to a range of circumstances, such as financial and criminal matters'.<sup>52</sup> The requirements seek to 'promote transparency and good governance'.<sup>53</sup>

There is a rational connection between the limitation and its purpose, as the limitation on the right to take part in public life advances the purpose it is designed to achieve. According to the Queensland Government's *Guide: Nature and scope of the human rights protected in the Human Rights Act 2019*, 'Criteria and processes for appointment, promotion, suspension and dismissal within the public service must be objective, reasonable, and non-discriminatory'.<sup>54</sup>

The Bill's eligibility requirements are not unnecessarily restrictive and are clearly stated. They are targeted at ensuring the people who are appointed to these positions have the relevant experience and professional qualifications and are fit for public office, such as

<sup>&</sup>lt;sup>47</sup> Bill, cl 11(2)(a).

<sup>&</sup>lt;sup>48</sup> Bill, cls 31(1), (2)(b).

<sup>&</sup>lt;sup>49</sup> Bill, cl 40(1), (2).

<sup>&</sup>lt;sup>50</sup> Statement of compatibility, p 3.

<sup>&</sup>lt;sup>51</sup> Statement of compatibility, p 3.

<sup>&</sup>lt;sup>52</sup> Statement of compatibility, p 4.

<sup>&</sup>lt;sup>53</sup> Statement of compatibility, p 4.

<sup>&</sup>lt;sup>54</sup> Queensland Government, *Guide: Nature and scope of the human rights protected in the Human Rights Act 2019* (Guide), Version 2, May 2022, p 68.

being financially solvent and demonstrating an acceptable criminal history. Public officials are held to a high standard of conduct due to their role and influence on the community and it is common for there to be restrictions on who can be appointed.<sup>55</sup>

In terms of explaining the right to have access to the public service, the United Nations Human Rights Committee states: 'Basing access to public service on equal opportunity and general principles of merit, and providing secured tenure, ensures that persons holding public service positions are free from political interference or pressures'.<sup>56</sup> The use of eligibility criteria appears to be a rational, reasonable and frequently used mechanism intended to increase the likelihood of meritorious appointment of persons to roles in the public service and public office.

Further, the right of every person to have access, on general terms of equality, to the public service and to public office, is limited by an internal qualification in the HRA, that the right be restricted to eligible people.<sup>57</sup> 'Eligible' is not defined by the HRA and 'its meaning will be determined by other Queensland legislation'.<sup>58</sup> The internal qualification means that, in the context of the Bill, it can be argued that an eligible person is one who meets reasonable criteria necessary for appointment. It is arguable that a person not able to meet objective, reasonable and non-discriminatory criteria is not protected by the right, as the right will not be engaged if the individual is not eligible.<sup>59</sup>

According to the statement of compatibility, the Bill 'takes the least restrictive approach to achieving its purpose'.<sup>60</sup> Further, that the approach is 'not unnecessarily prescriptive', allows for a 'broad and diverse range of skills and experiences to be considered', does 'not exclude candidates on arbitrary or discriminatory grounds', and seeks to ensure that 'appointments are made in accordance with transparent, merit-based criteria'.<sup>61</sup>

#### **Committee comment**

The committee is satisfied that the provisions relating to appointment eligibility for Council members and for the Director strike a fair balance between the importance of ensuring an individual's right to take part in public life and the obligation of persons appointed to important roles, such as Council member and Director, to act in the best interests of the statutory body.

<sup>&</sup>lt;sup>55</sup> See, for example, *Forensic Science Queensland Act 2024*, ss 7 & 29; *Victims' Commissioner and Sexual Violence Review Board Act 2024*, ss 15, 69, 70.

<sup>&</sup>lt;sup>56</sup> United Nations Human Rights Committee, General Comment No. 25, para 23.

<sup>&</sup>lt;sup>57</sup> HRA, s 23(2).

<sup>&</sup>lt;sup>58</sup> Queensland Government, Guide, Version 2, May 2022, p 69.

<sup>&</sup>lt;sup>59</sup> Queensland Government, Guide, Version 2, May 2022, p 69.

<sup>&</sup>lt;sup>60</sup> Statement of compatibility, p 5.

<sup>&</sup>lt;sup>61</sup> Statement of compatibility, p 5.

#### 2.2.2. Stakeholder submissions and department advice

The Institute was supportive of the Bill's provisions relating to the appointment of Council members and key management, as well as proposed powers of delegation and sub-delegation.<sup>62</sup> In its submission, it noted a number of benefits that would be provided by the Bill, including that:

- Ministerial appointments will allow for a more timely, streamlined and efficient process, reducing administrative delays and disruptions to Council operations and decision making
- the ability for the Minister to appoint and remove Council members will allow for agility in responding to changing circumstances, including needs for specific expertise or to address emerging governance issues
- the ability for the Council to appoint a Director subject to Ministerial approval allows leadership selection and recruitment to be made by those with the closest understanding of the Institute's operational needs and strategic direction, with Ministerial approval providing an important accountability check
- powers of delegation will 'facilitate streamlined decision-making processes and allow the Council and Director to focus their attention on matters of strategic priority'.<sup>63</sup>

At the public hearing, QIMR noted that the provisions would allow the Institute to more effectively compete in a global environment. For example, it noted that, in recruiting a Director, it may be necessary to undertake an overseas recruitment process that may involve lengthy visa processes. Allowing for more agility in the appointment process will help attract world-class talent.<sup>64</sup>

The Australian College of Nurse Practitioners (ACNP) was supportive of eligibility requirements for Council members and the Director that are 'not unnecessarily prescriptive and allow for a broad and diverse range of skills and experiences to be considered'.<sup>65</sup> It noted that the requirement for ministerial approval for the Director's appointment is an important safeguard to ensure accountability in the appointment process.<sup>66</sup>

Queensland Health noted the input from stakeholders and their support for the Bill in facilitating a modernised legislative framework.<sup>67</sup>

<sup>&</sup>lt;sup>62</sup> QIMR, submission 1, p 2. <sup>63</sup> QIMR, submission 1, p 3.

<sup>&</sup>lt;sup>64</sup> Queensland Health, correspondence, 28 May 2025, p 2.

<sup>&</sup>lt;sup>65</sup> ACNP, submission 2, p 5.

<sup>&</sup>lt;sup>66</sup> ACNP, submission 2, p 5.

<sup>&</sup>lt;sup>67</sup> Queensland Health, correspondence, 9 June 2025, p 2.

#### 2.3. Integrity provisions

As the Minister stated in his introductory speech, 'integrity is not optional ... public confidence in research institutions such as QIMR depend on strong ethical standards and transparency'.<sup>68</sup> The Bill includes a number of reforms focused on integrity and accountability.

Clause 29 would require the Council to notify the Minister of matters that may significantly affect the financial viability or the administration or management of the institute or the Council. These provisions recognise the Council's accountability to the Minister.<sup>69</sup>

The current Act provides a list of circumstances whereby a Council seat becomes vacant, including bankruptcy or if the member is removed by the Governor in Council for misbehaviour or incapacity.<sup>70</sup> However, the Act provides no further guidance on the circumstances that would constitute misbehaviour or incapacity, creating ambiguity and limiting the ability to take action where necessary.<sup>71</sup> Clause 16 of the Bill would address this by providing the Minister with clear powers to remove Council members who engage in misconduct or fail to meet the standards expected of a public body. This includes behaviour that is improper or inappropriate in an official or private capacity.<sup>72</sup>

Clause 18 would allow the Minister to request a criminal history report before appointing a Council member. Existing members would also be required to notify the Minister if they are charged with, or convicted of, an indictable offence during their term.<sup>73</sup>

Clause 26 would require Council members to disclose any material personal interest in matters under Council consideration that could conflict with their official duties, and to abstain from voting on the matter.<sup>74</sup>

The explanatory notes state that the current Act lacks clarity and flexibility with regards to gifts, devises and bequests.<sup>75</sup> Clause 46 would address this by specifying that where a gift, devise or bequest is given with directions, the Council must apply it as directed.<sup>76</sup>

#### 2.3.1. Stakeholder submissions and department advice

Stakeholders were supportive of the proposed provisions relating to maintaining the integrity of the Institute.

In their submission, QIMR stated that it believes the Bill strikes a balanced approach, increasing responsiveness while maintaining appropriate checks and balances, including criteria for Council and key management appointment, removal, and disqualification.<sup>77</sup>

<sup>&</sup>lt;sup>68</sup> Explanatory speech, p 1433.

<sup>&</sup>lt;sup>69</sup> Explanatory notes, p 5.

<sup>70</sup> QIMR Act, s 6.

<sup>&</sup>lt;sup>71</sup> Explanatory notes, p 4.

<sup>&</sup>lt;sup>72</sup> Explanatory speech, p 1433.

<sup>&</sup>lt;sup>73</sup> Explanatory speech, p 1433.

<sup>&</sup>lt;sup>74</sup> Queensland Health, correspondence, 28 May 2025, p 3.

<sup>&</sup>lt;sup>75</sup> Explanatory notes, p 9.

<sup>&</sup>lt;sup>76</sup> Queensland Health, correspondence, 28 May 2025, p 5.

<sup>&</sup>lt;sup>77</sup> QIMR, submission 1, p 2.

ACNP noted that it is important to ensure strong governance when overseeing trials that include medications that have not previously been tested on human, and that the proposed changes reflect this.<sup>78</sup> It supported provisions that would ensure that transparency, accountability and human rights are respected.<sup>79</sup>

Queensland Health acknowledged the broad support for the Bill's integrity provisions by submitters.<sup>80</sup> It stated that, given the size of the Institute, 'it must be supported by legislation in upholding integrity and enabling it to have good governance which reflects its strategic importance in Queensland's health and innovation environment'.<sup>81</sup> Queensland Health noted that the integrity measures and the governance measures included in the Bill would serve to protect the reputation of the Institute and attract international investment and talent.<sup>82</sup>

#### Committee comment



The committee acknowledges the importance of upholding integrity and governance standards for statutory bodies, and notes that submitters were strongly supportive of these provisions.

#### 2.3.2. Rights and liberties of individuals

The Bill proposes to introduce new penalty provisions relating to:

- failure of a Council member to disclose to the Minister if they become insolvent under administration or are charged or convicted with an indictable offence (clauses 17(2), 19(2))
- failure of the Director to disclose to the Council if they become insolvent under administration or are charged or convicted with an indictable offence (clause 37(2))
- disclosing or use of criminal history information other than in accordance with the proposed Act (clause 20(2)).

To have sufficient regard for the rights and liberties of individuals, the consequences of legislation should be relevant and proportionate. In line with this, a penalty should be proportionate to the offence, and penalties within legislation should be consistent with each other.<sup>83</sup>

The explanatory notes justify the offence relating to unauthorised use or disclosure of criminal history information on the basis of safeguarding an individual's right to protection

<sup>&</sup>lt;sup>78</sup> Public hearing transcript, Brisbane, 11 June 2025, p 8.

<sup>&</sup>lt;sup>79</sup> ACNP, submission 2, pp 2-3.

<sup>&</sup>lt;sup>80</sup> Queensland Health, correspondence, 9 June 2025.

<sup>&</sup>lt;sup>81</sup> Public briefing transcript, Brisbane, 11 June 2025, p 2.

<sup>&</sup>lt;sup>82</sup> Public briefing transcript, Brisbane, 11 June 2025, p 4.

<sup>&</sup>lt;sup>83</sup> See for example, Justice, Integrity and Community Safety Committee, *Making Queensland Safer Bill* 2024, report no. 1, 58<sup>th</sup> Parliament, December 2024, p 36. See also LSA, s 4(2)(a).

of their confidential information.<sup>84</sup> The penalty amount of 100 penalty units is consistent with similar penalty provisions across Queensland legislation.

The explanatory notes justify the other offences (relating to notification by Council members and the Director of certain circumstances) on the basis of accountability and integrity – the provisions are 'consistent with the expectation that individuals in public leadership roles conduct themselves lawfully and ethically'.<sup>85</sup> Timely disclosure of these particular circumstances, according to the explanatory notes, ensures the appointments remain appropriate and preserve the integrity of the Institute.<sup>86</sup>

The penalty amount of 100 penalty units is consistent with similar offences in Queensland legislation. It is also worth noting that the offences will not apply if a person has a reasonable excuse for not providing the Minister or Council with the required notice.<sup>87</sup>

#### Committee comment



The committee is satisfied that the penalties for the new offence provisions are relevant and proportionate, noting that the penalties appear consistent with comparable offences in other Queensland legislation.

#### 2.3.3. Natural justice

The Bill provides that a person is disqualified from becoming, or continuing as, a Council member if the person: is an insolvent under administration; is disqualified from managing corporations under the *Corporations Act 2001*; has a conviction (other than a spent conviction) for an indictable offence; is convicted of an offence against the proposed Act; is a member of the Legislative Assembly; is a staff member of the institute; or does not consent to a criminal history report request being made.<sup>88</sup>

The Minister may also remove a Council member from office if the member: has engaged in inappropriate or improper conduct in an official capacity (or in a private capacity that reflects seriously and adversely on the institute or the Council); is incapable of performing the member's functions, has neglected the member's functions, or has performed them incompetently; or, is absent from 3 consecutive meetings without permission and without reasonable excuse.<sup>89</sup>

Whilst the criteria for removal or disqualification set out in the Bill is clear and appears reasonable given the powers and functions of the Council, and role of the Council members, there is no process for Council members to make a submission in relation to a decision to disqualify them or end their appointment. This goes towards the natural justice principle of a right to be heard.

<sup>&</sup>lt;sup>84</sup> Explanatory notes, p 12.

<sup>&</sup>lt;sup>85</sup> Explanatory notes, p 12.

<sup>&</sup>lt;sup>86</sup> Explanatory notes, p 12.

<sup>&</sup>lt;sup>87</sup> Bill, cls 17(2), 19(2), 37(2).

<sup>&</sup>lt;sup>88</sup> Bill, cl 17.

<sup>&</sup>lt;sup>89</sup> Bill, cl 16.

The explanatory notes acknowledge the disqualification provisions may limit an individual's right to be heard; however, contend that this is justified in the context of the Council's governance role – 'Council members are expected to uphold high standards of integrity, accountability and conduct, given their responsibility in overseeing the strategic direction and reputation of the Institute'.<sup>90</sup> The grounds on which a member may be disqualified are objective and fact-based<sup>91</sup> (being certain financial and criminal matters) and are relevant to that individual's fitness for public office.<sup>92</sup>

The removal provisions, however, are slightly more discretionary. For example, one of the grounds of removal is that the Council member is incapable of performing, or has neglected, their functions. A Council member might, in these circumstances, wish to provide submissions on a decision to remove them from office on one of these grounds. While the explanatory notes do not directly address the lack of a submissions process in the Bill, they emphasise the need for 'swift action' when a member is no longer able to perform their duties.<sup>93</sup> According to the explanatory notes, these provisions will ensure the Council can operative effectively and maintain public confidence without being hindered by delay.<sup>94</sup> It is noted that similar removal provisions exist in relation to other statutory bodies, for example, the removal of a Council member of the Forensic Science Queensland Advisory Council.<sup>95</sup>

#### **Committee comment**



The committee is satisfied that the disqualification and removal provisions for Council members generally have sufficient regard to principles of natural justice. However, the committee notes that, while there is no explicit opportunity for individuals to make a submission in relation to a decision to disqualify them or otherwise end their appointment, the intention of the provisions is to ensure the integrity and operational effectiveness of the Institute. The Minister may wish to consider the merit of introducing amendments to provide a process for Council members to make a submission in relation to a decision to disqualify them or end their appointment.

<sup>&</sup>lt;sup>90</sup> Explanatory notes, p 14; statement of compatibility, p 4.

<sup>&</sup>lt;sup>91</sup> Explanatory notes, p 14.

<sup>&</sup>lt;sup>92</sup> Statement of compatibility, p 4.

<sup>&</sup>lt;sup>93</sup> Explanatory notes, p 3.

<sup>&</sup>lt;sup>94</sup> Explanatory notes, p 14.

<sup>&</sup>lt;sup>95</sup> Forensic Science Queensland Act 2024, s 34.

#### 2.3.4. The right to privacy and reputation

#### i. Criminal history

The Bill would limit the right to privacy and reputation of a Council member (or prospective Council member) by allowing the Minister to ask the police commissioner for a criminal history report about the person,<sup>96</sup> provided the person provides their consent.<sup>97</sup> However, if consent is withheld, the person is disqualified from becoming, or continuing as, a Council member.<sup>98</sup> The Bill would further limit the right to privacy and reputation by requiring a Council member charged with or convicted of an indictable offence to immediately give written notice of the charge or conviction to the Minister.<sup>99</sup>

The purpose of the limitations on the right to privacy and reputation is to ensure that individuals appointed to leadership roles within the Council are 'suitable and accountable'.<sup>100</sup> A high standard of transparency and ethical conduct is required, because the Council 'plays a critical role in the governance of the Institute and makes decisions that impact public resources and research priorities'.<sup>101</sup>

The statement of compatibility asserts that the provisions would help ensure that appointments to the Council are 'informed by a complete and accurate understanding of the appointee's background'.<sup>102</sup> Further, the inclusion of these obligations would be expected to 'ensure that the Minister and the Council are made aware of issues that could compromise the integrity or effective functioning of the Institute'.<sup>103</sup>

The purpose of the limitations is also to address the public interest in ensuring 'appropriate oversight and accountability imposed on people who seek appointment, or are appointed, to public office'.<sup>104</sup>

There is a rational connection between the limitations and their purposes, as the limitations advance the purposes they are designed to achieve. The Bill's criminal history requirements are clearly stated and targeted at ensuring that people who are appointed as council members are fit for public office. Public officials are held to a high standard of conduct due to their role and influence on the community and it is common for there to be restrictions on who can be appointed. The limitations facilitate 'the Minister's ability to assess the suitability of Council members by providing mechanisms to obtain and verify key information relevant to the appointment or continued service of members'.<sup>105</sup> The provisions are restricted to specific information of a criminal nature and include a range of safeguards.

<sup>&</sup>lt;sup>96</sup> Bill, cl 18(1), sch 1.

<sup>&</sup>lt;sup>97</sup> Bill, cl 18(1), (2).

<sup>&</sup>lt;sup>98</sup> Bill, cl 17(1)(g).

<sup>&</sup>lt;sup>99</sup> Unless the person has a reasonable excuse. Bill, cl 19.

<sup>&</sup>lt;sup>100</sup> Explanatory notes, p 11.

<sup>&</sup>lt;sup>101</sup> Explanatory notes, p 11.

<sup>&</sup>lt;sup>102</sup> Statement of compatibility, p 7.

<sup>&</sup>lt;sup>103</sup> Statement of compatibility, p 7.

<sup>&</sup>lt;sup>104</sup> Statement of compatibility, p 7.

<sup>&</sup>lt;sup>105</sup> Statement of compatibility, p 7.

According to the statement of compatibility there are no less restrictive and reasonably available ways to achieve the purpose of the Bill.<sup>106</sup>

Although the police commissioner would be required to comply with the Minister's request for a criminal history report about a Council member (or prospective Council member), the limitations on the right to privacy and reputation are mitigated by the Bill prohibiting the inclusion of confidential information in the Council's annual report.<sup>107</sup> This protected information would explicitly include information contained in a criminal history report or in a notice given by a Council member of a charge, or conviction, of an indictable offence.<sup>108</sup>

The Bill's proposed requirement that a Council member charged with or convicted of an indictable offence must immediately give written notice of the charge or conviction to the Minister is mitigated by the exception that compliance is unnecessary if the person has a reasonable excuse.<sup>109</sup>

Further, the proposed amendments would prohibit specified persons in possession of criminal history information from disclosing the information to anyone else, or to use the information, other than as authorised in the Bill.<sup>110</sup> Also, the amendments would compel a person who possesses criminal history information to ensure it is destroyed as soon as practicable after it is no longer needed for the purpose it was given.<sup>111</sup>

#### **Committee comment**



The committee is satisfied that the provisions appear to strike a fair balance between the importance of ensuring an individual's right to privacy and reputation and the obligations of persons appointed to important roles, such as Council members, to act in the best interests of the statutory body.

#### ii. Mandatory disclosure

The Bill's proposed requirement that a Council member disclose a conflict of interest in a matter that is to be considered at a Council meeting may limit the right to privacy and reputation by mandating the disclosure. The Council member would be required to disclose the nature of the material personal interest to the other Council members, as soon as practicable after the relevant facts come to the knowledge of the Council member.<sup>112</sup>

The limitation would be heightened by providing that the particulars of the disclosure be recorded in the Council minutes of meeting.<sup>113</sup>

<sup>&</sup>lt;sup>106</sup> Statement of compatibility, p 8.

<sup>&</sup>lt;sup>107</sup> Which would be required to be prepared under section 63 of the *Financial Accountability Act 2009* for a financial year. Bill, cl 43.

<sup>&</sup>lt;sup>108</sup> Bill, cl 43(4).

<sup>&</sup>lt;sup>109</sup> Bill, cl 16(1)(d)(iii).

<sup>&</sup>lt;sup>110</sup> Bill, cl 20(3).

<sup>&</sup>lt;sup>111</sup> Bill, cl 20(4).

<sup>&</sup>lt;sup>112</sup> Bill, cl 26(3).

<sup>&</sup>lt;sup>113</sup> Bill, cl 26(6).

The Bill would also require the Director of the institute to immediately give written notice to the Council of their insolvency or of a charge, or conviction, for an indictable offence.<sup>114</sup> The notice would need to include a range of details about a charge or conviction, such as, when it was committed, adequate details to identify the offence or alleged offence, and any sentence imposed.<sup>115</sup>

Similar to the criminal history amendments, the purpose of the limitation on the right to privacy and reputation presented by the Bill's mandatory disclosure provisions is to ensure that the Council is 'made aware of issues that could compromise the integrity or effective functioning of the Institute'.<sup>116</sup> Further, requiring both Council members and the Director to disclose relevant matters 'ensures ongoing scrutiny of their suitability for office and enables appropriate action to be taken where necessary'.<sup>117</sup> The purpose of the limitation also addresses the public interest in ensuring 'appropriate oversight and accountability imposed on people who seek appointment, or are appointed, to public office'.<sup>118</sup>

Commenting specifically on the conflict of interest provisions, the statement of compatibility asserts that they help ensure that 'conflicts of interest are appropriately managed to support impartial and transparent decision-making'.<sup>119</sup>

These are legitimate purposes, imposing an appropriate limitation consistent with a free and democratic society. The limitation advances the purposes it is designed to achieve.

The statement of compatibility notes that the disclosure requirements for both Council members and the Director 'reflect well established governance practices and are designed to protect the integrity of decision-making, minimise risk, and maintain public confidence in the operations of the Institute'.<sup>120</sup>

In specifically addressing the Director's disclosure obligations, the statement of compatibility contends that the provisions 'reflect the Director's central role in the governance and operation of the Institute and support the Council in assessing the Director's ongoing suitability for the role'.<sup>121</sup>

According to the statement of compatibility, the conflict-of-interest framework represents the least restrictive way to uphold the integrity of the Council's decision-making processes:

This framework allows the Council flexibility to assess the nature and extent of the conflict and respond proportionately, rather than imposing automatic exclusion from discussion on the matter. This approach ensures that the member's right to privacy is only limited to the extent necessary to maintain public trust, accountability, and good governance.<sup>122</sup>

<sup>&</sup>lt;sup>114</sup> Unless they have a reasonable excuse. Bill, cl 37(1), (2).

<sup>&</sup>lt;sup>115</sup> Bill, cl 37(3).

<sup>&</sup>lt;sup>116</sup> Explanatory notes, p 11.

<sup>&</sup>lt;sup>117</sup> Explanatory notes, p 11.

<sup>&</sup>lt;sup>118</sup> Statement of compatibility, p 7.

<sup>&</sup>lt;sup>119</sup> Statement of compatibility, p 7.

<sup>&</sup>lt;sup>120</sup> Statement of compatibility, p 7.

<sup>&</sup>lt;sup>121</sup> Statement of compatibility, p 7.

<sup>&</sup>lt;sup>122</sup> Statement of compatibility, p 8.

Although the particulars of a disclosure of a conflict of interest must be recorded in the Council minutes of meeting, there is no requirement in the Bill that those minutes be published or otherwise made publicly available.<sup>123</sup>

In terms of the disclosure requirements for both Council members and the Director, the statement of compatibility contends that the amendments are 'carefully drafted to require only relevant and necessary information and are designed to enable appropriate responses to changes in eligibility and appropriateness for these roles'.<sup>124</sup>

Committee comment

The committee is satisfied the provisions relating to mandatory disclosure strike a fair balance between the importance of ensuring an individual's right to privacy and reputation and the obligation of persons appointed to important roles, such as Council member and Director, to act in the best interests of the statutory body.

#### iii. Ministerial request for information

The Bill may limit the right to privacy and reputation by enabling the Minister to ask the Council to give the Minister information, in circumstances where the Council has given notice of a matter that may significantly affect the financial viability, administration or management of the Institute or the Council (or the Minister has a concern about any of those things).<sup>125</sup> In that regard, the Minister may use their own discretion to require the information and need not rely on a notice given by the Council to initiate the process.

The limitation on the right to privacy and reputation could occur because the information given to the Minister may include private or confidential information about an individual.

Further, if the Bill is passed, the Minister may disclose the information provided by the Council to an entity the Minister deems appropriate to help the Minister assess the information.<sup>126</sup>

The purpose of the limitation is to ensure that the Minister is made aware of matters that may significantly affect the financial viability, administration or management of the institute or the Council. Additionally, the limitation addresses the public interest in ensuring the good governance and efficient and effective operation of a statutory body. Specifically, it would facilitate the detection of, and response to, significant matters impacting that body.

Although the statement of compatibility does not address the proposed amendments in terms of their compliance with human rights, the explanatory notes state that the

<sup>&</sup>lt;sup>123</sup> See Bill, cl 28 for the requirement for the Council to keep minutes and other records.

<sup>&</sup>lt;sup>124</sup> Statement of compatibility, p 8.

<sup>&</sup>lt;sup>125</sup> Bill, cls 29, 30.

<sup>&</sup>lt;sup>126</sup> Bill, cl 30(6); explanatory notes, p 22.

'requirement aligns with modern legislation establishing statutory bodies and ensures the Minister is promptly informed of serious issues'.<sup>127</sup>

The limitations would advance the purposes they are designed to achieve by providing the Minister with information fundamental to the operation of the Council and the Institute, thereby acting as safeguards against significant issues impacting their ability to function.

Although the Minister would be able to use their discretion to initiate the process requiring the information, a mitigating factor is that the Bill would require the Minister to consult with the Council before giving notice compelling the disclosure of the required information.<sup>128</sup> This would be the case unless the Minister is satisfied that exceptional circumstances exist.<sup>129</sup>

Additionally, the disclosure requirements are limited in scope to financial viability, administration or management matters. Although this may appear to be quite a wide ambit, the provisions appear intended to relate only to matters of a significant nature. The Bill provides examples of matters of sufficient gravity, such as: a proceeding against the institute that may result in payment of a significant amount of damages or legal costs, or the distribution of funds held by the Council towards something that is outside the scope of the institute's purpose.<sup>130</sup>

#### **Committee comment**



The committee is satisfied the provisions relating to Ministerial requests for information strike a fair balance between the importance of ensuring an individual's right to privacy and reputation and the best interests of the statutory body and, by extension, the public interest.

<sup>&</sup>lt;sup>127</sup> Explanatory notes, p 5.

<sup>&</sup>lt;sup>128</sup> Bill, cl 30(3).

<sup>&</sup>lt;sup>129</sup> Bill, cl 30(3).

<sup>&</sup>lt;sup>130</sup> Bill, cl 29(1).

### Appendix A – Submitters

Sub No.	Name / Organisation
1	Queensland Institute of Medical Research
2	Australian College of Nurse Practitioners
3	Association of Australian Medical Research Institutes
4	College of Children and Young People's Nurses

#### Appendix B – Public Briefing, 11 June 2025 Queensland Health

Ms Peta Bryant	Deputy Director-General, Strategy, Policy and Reform Division
Mr Karson Mahler	Director, Legislative Policy Unit
Ms Angela van Wyk	Manager, Legislative Policy Unit
Ms Amy Allen	Manager, Legislative Policy Unit

#### Appendix C – Witnesses at Public Hearing, 11 June 2025

#### **Queensland Institute of Medical Research**

Professor Arun Sharma	Chair of the Council
Professor Christian Engwerda	Program Director, Infection and Inflammation
Mrs Fiona Chapman	General Counsel
Ms Heather Miller	Senior Legal Counsel

#### Australian College of Nurse Practitioners

Mrs Rebecca Sedgman

Policy Advisor

#### **Statement of Reservation**

Queensland can and should rightly be proud of the Queensland Institute of Medical Research and the contributions it has made in its 80-year history.

From the discovery of the Ross River virus in 1963, to its work supporting the Queensland Government's COVID-19 public health strategy, under successive former Labor Governments. The Queensland Institute of Medical Research are a dedicated institute delivering tangible change and breakthroughs in scientific research not only for Queenslanders, but all citizens of the globe.

The Queensland Labor Opposition supports any effort to modernise the Queensland Institute of Medical Research and make positive changes to ensure it can continue to be at the forefront of that scientific research.

However, the Queensland Labor Opposition holds reservations regarding the removal of the Governor-in-Council oversight in respect of appointments to the Council of the Queensland Institute of Medical Research. This is because it is understood that nearly all similar governing bodies that the Queensland Government is responsible for requires Governor-in-Council approval for appointments.

While we agree with a majority of the amendments contained within the Bill, and its intentions as referenced in the explanatory notes to "*improve clarity, enhance operational efficiency and embed principles of transparency and accountability*", the Queensland Labor Opposition contends Clause 11 achieves the opposite, and rather calls into question the integrity and transparency of the appointment process for this governing body.

The Queensland Labor Opposition reserves it right to articulate further views during the second reading debate of the legislation.

COMMITTEE MEMBERS QUEENSLAND LABOR OPPOSITION

Mugh

Jess Pugh MP Member for Mount Ommaney Substitute for Deputy Chair, James Martin MP

Tom Smith MP Member for Bundaberg