QUEENSLAND PARLIAMENT
COMMITTEES

Report on subordinate legislation tabled between 26 August and 16 September 2025

Health, Environment and Innovation Committee

Report No. 17

58th Parliament, November 2025

Overview

This report summarises the committee's findings following its examination of the subordinate legislation within its portfolio areas tabled between 26 August 2025 and 16 September 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
60	Medicines and Poisons (Medicines) Amendment Regulation (No. 2) 2025	26 August 2025	20 November 2025
83	Forestry (State Forests) and Other Legislation Amendment Regulation (No. 2) 2025	26 August 2025	20 November 2025
90	Medicines and Poisons (Medicines) Amendment Regulation (No. 3) 2025	26 August 2025	20 November 2025
91	Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Regulation 2025	26 August 2025	20 November 2025
93	Environmental Protection (Extractive Activities) Amendment Regulation 2025	26 August 2025	20 November 2025
94	Major Events (Motor Racing Events) (Gold Coast 500) Amendment Regulation 2025	26 August 2025	20 November 2025
117	Assisted Reproductive Technology (Postponement) Regulation 2025	16 September 2025	11 December 2025

* 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*, s 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. 60 – Medicines and Poisons (Medicines) Amendment Regulation (No. 2) 2025

The policy intention of SL No. 60 is to enhance access to primary health care by transitioning successful pharmacy pilot programs into permanent services, streamline regulatory processes for dental assistants and intern pharmacists, and ensure safe and effective medicine use through updated authorisations and prescribing rules. The amendments reduce administrative burden, support workforce capability, and improve health service delivery, particularly in rural and remote communities.

SL No. 60 does this by:

- ensuring regulated substances are used safely and effectively to reduce harm
- setting out the 'authorised way' for a person to perform regulated activities with certain regulated substances (medicines); and
- providing flexible requirements for authorised activities commensurate with the approved person's qualifications and activities, such as storage and disposal.[4]

Amendments include:[5]

- transitioning practice authorisations for pharmacists to deal with medicines under the Pharmacy Pilot and Contraception Pilot to 'business-as-usual' authorisations
- administrative amendments to change the circumstances and conditions and list of medicines for the Urinary Tract Infection Community Pharmacy Service to align with clinical best practice and the transitioning pilot services
- authorise dental assistants employed with Hospital and Health Services (HHS), and who are suitably trained, to possess and administer fluoride varnish under the supervision of a registered dental practitioner; and
- authorise intern and trainee pharmacists to deal with additional medicines to an authorised extent for a pharmacist, while they are working under the supervision of a pharmacist.

[4] SL No. 60, explanatory notes, p 1.
[5] SL No. 60, explanatory notes, p 2-8.

1.1 Consultation

The explanatory notes detail that the changes in SL No. 60 aim to address practical and operational issues which have been identified by stakeholders and operational areas within Queensland Health.[6]

1.2 *Legislative Standards Act 1992*

The explanatory notes state that SL No 60 is 'generally consistent with fundamental legislative principles' contained in the LSA, but that there may be potential impacts on the institution of Parliament as a result of the power to sub-delegate power provided under SL No. 60.[7] However, the committee's assessment of SL No. 60's compliance with the fundamental legislative principles identified additional issues with the below.

1.2.1 Institution of Parliament – Sub-delegation of 'Extended Practice Authorities'

Subordinate legislation will have a sufficient regard to the institution of Parliament where sub-delegation of power is made only in appropriate cases, and where that sub-delegation is authorised by an Act.[8]

Extended Practice Authorities

An Extended Practice Authority (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, beyond what is normally permitted under general authorisations.[9] This includes:

- imposing conditions on dealing with the regulated substance
- placing requirements on the approved person to hold particular qualifications or training to deal with the regulated substance; and
- state places or circumstances in which the approved person may deal with a regulated substance.[10]

The explanatory notes provide that EPAs will include details relevant to the regulated substance, including dosage, quantity, duration and circumstances in which a regulated substance may be administered by an approved person.[11] The explanatory notes state:

> *[An EPA is] monitored and updated, when necessary, to align with best clinical practice and is published on the Queensland Parliament website. When making or amending an EPA, relevant individuals or organisations with expertise in, or experience of, the matters under consideration are consulted.*[12]

However, since the relevant document is not subordinate legislation, it is not subject to tabling and disallowance provisions under part 6 of the *Statutory Instruments Act 1992*, nor is it subject to the scrutiny of the Parliament.

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6 SL No. 60, explanatory notes, p 1.
7 SL No. 60, explanatory notes, p 17-18.
8 LSA, s 4(5)(e).
9 *Medicines and Poisons Act 2019*, s 232; SL No. 60, explanatory notes, p 17.
10 *Medicines and Poisons Act 2019*, s 232; SL No. 60, explanatory notes, p 17.
11 SL No. 60, explanatory notes, p 17.
12 SL No. 60, explanatory notes, p 17.

Previous Parliamentary Committees have considered that:

> *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.*[13]

The explanatory notes seek to justify the use of EPAs:

> *It is considered the rigour surrounding the development of EPAs, their use in ensuring Queenslanders receive health care based on best clinical practice and the detailed nature of the documents justifies the need to sub-delegate by referring to external documents in the Medicines Regulation.*[14]

The *Medicines and Poisons Regulation 2021* (Medicines Regulation) provides the name and version of each relevant EPA, and the explanatory notes state that updates to relevant EPAs are reflected in the Regulation when necessary.[15]

Committee Comment

The committee is satisfied that the practice of updating the Medicines Regulation to reflect amended details in extrinsic materials allows for any potential breach of fundamental legislative principles to be justified. This is because the extrinsic materials are tabled concurrently to subordinate legislation, notwithstanding the committee comment in section 1.2.2 below.

1.2.2 Institution of Parliament – Scrutiny

SL No. 60 was notified on 27 June 2025, commenced on 1 July 2025, but was not tabled until 26 August 2025.[16] Extrinsic materials were tabled on 30 June 2025, namely the:

- Medicines and Poisons Act 2019 – Extended Practice Authority 'Pharmacists' (version 8); and
- Medicines and Poisons Act 2019 - Extended Practice Authority 'Community Pharmacy Chronic Conditions Management Pilot' (version 1).

The timing of the tabling, noting the scheduled Budget and Estimates sittings, denied the Parliament the ability to scrutinise SL No. 60, and denied the ability to potentially move a disallowance motion, prior to SL No. 60 and its associated extrinsic materials taking effect. It follows that any justified use of extrinsic materials would be moot, because the reliance on tabling of subordinate legislation to allow for parliamentary oversight is not sufficient to the allow for a sub-delegation of legislative power.

[13] See, for example, State Development, Natural Resources and Agricultural Industry Committee, *Report No 32, 56th Parliament – Medicines and Poisons Bill 2019* (July 2019) pp 56-58.
[14] SL No. 60, explanatory notes, p 18.
[15] SL No. 60, explanatory notes, p 18.
[16] Queensland Legislation, 'SL as made – Medicines and Poisons (Medicines) Amendment Regulation (No. 2) 2025' (Webpage, accessed 29 October 2025) <https://www.legislation.qld.gov.au/view/html/asmade/sl-2025-0060>.

Committee Comment

The committee encourages the Minister to ensure that future regulations of this nature (especially those with such a direct impact on services provided to the public) are tabled in a timely fashion and with consideration of the Parliamentary sitting calendar, to ensure the availability of the Parliament to duly consider the regulation is not impeded in advance of commencement and effect.

1.3 *Human Rights Act 2019*

Assessment of SL No. 60's compatibility with the HRA identified issues with property rights.

1.3.1 Property Rights

A person must not be arbitrarily deprived of their property.[17] The human rights certificate acknowledges that SL No. 60 has the potential to interfere with the with employment or economic activity for dental assistants by regulating who may possess and administer fluoride, where that person is employed by an HHS.[18]

Committee Comment

The committee is satisfied that SL No. 60 is compatible with human rights. Limitations on who may possess and administer medicines is necessary to ensure those persons have a comprehensive understanding and knowledge base to ensure that risk is mitigated for persons seeking treatment, and to ensure public trust in the healthcare system more broadly.

1.4 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. The statement contained a sufficient level of information to facilitate understanding of SL No. 60 in relation to its compatibility with human rights.

1.5 Explanatory Notes

The explanatory notes comply with part 4 of the LSA.

[17] HRA, s 24.
[18] SL No. 60, human rights certificate, p 2.

2 SL No. 83 – Forestry (State Forests) and Other Legislation Amendment Regulation (No. 2) 2025

SL No. 83 expands Queensland's protected area estate and supports the conservation of nature in Queensland by updating the tenure and boundaries of certain State forests and National Parks. By providing new protected areas, and amending existing protected areas, SL No. 83 aims to 'permanently preserve, to the greatest extent possible, the area's natural condition, to protect the area's cultural resources and values and provide for ecologically sustainable activities and ecotourism'.[19] The amendments also facilitate public access to newly designated protected areas.

SL No. 83 makes the following changes to the schedule of the *Forestry (State Forest) Regulation 1987*: [20]

- redescribe the entirety of the Powrunna State Forest as lots 13 and 14 on SP3522347 and revoke the separation and declaration of lot 14 to allow for the opening of Powrunna Road
- redescribe the entirety of Curra State Forest as lot 700 on AP23898
- redescribe the entirety of Booyal State Forest as lots 1 and 2 on AP23907; and
- redescribe the entirety of Wongi State Forest as lots 1 -3 on AP23764.

SL No. 83 makes the following changes to schedule 2 of the *Nature Conservation (Protected Areas) Regulation 1994*: [21]

- redescribe the entirety of Expedition (Limited Depth) National Park as lots 27 to 31 on AP23909
- dedicate lot 54 on LX927 as part of Grongah National Park
- dedicate an area described as lot 1 on AP23885 as part of South Cumberland Islands National Park; and
- redescribe the entirety of White Mountain National Park as lots 1 and 2 on AP23905.

The explanatory notes provide that SL No. 83 is consistent with the objectives of the *Forestry Act 1959* and the *Nature Conservation Act 1992* because the Governor in Council is empowered to make regulations under the relevant acts.[22] Further, the Minister may revoke in whole or in part, by regulation, an area of a State forest for the purposes of the land being used to open a public road; and may dedicate or declare an area which represents biological diversity, natural features or wilderness of the State.[23]

[19] SL No. 83, explanatory notes, p 1.
[20] SL No. 83, explanatory notes, p 2.
[21] SL No. 83, explanatory notes, p 2-3.
[22] SL No. 83, explanatory notes, p 3.
[23] SL No. 83, explanatory notes, p 3.

3 SL No. 90 – Medicines and Poisons (Medicines) Amendment Regulation (No. 3) 2025

The policy intention of SL No. 90 is to improve continuity of care and access to essential medicines in institutional settings and reduce the administrative burden for health professionals and Queensland Health. SL No. 90 amends the *Medicines and Poisons Regulation 2021* (Medicines Regulation) to:

- authorise medical and nurse practitioners to deal with an approved opioid for the continuing institutional treatment (CIT) of a patient under the Queensland opioid treatment program (QOTP) when a patient is either admitted to a hospital; or taken into custody at a custodial facility;[24] and
- extend authorised dealings for nuclear medicine technologists (NMTs) to allow those persons to administer schedule 4 and schedule 8 medicines insofar that it is necessary to conduct diagnostic investigations.[25]

Authorisation to deal with an approved opioid

Approved opioids are currently limited to buprenorphine and methadone, which, when used to treat opioid dependence in certain dosage forms, these medicines are regulated as restricted medicines due to the specific health risks and clinical considerations involved.[26]

The QOTP provides treatment to people experiencing opioid dependence and involves the provision of approved opioids, within a wider treatment and harm minimisation framework, to assist in the reduction of opioid withdrawal symptoms and cravings.[27] QOTP patients generally receive treatment in community-based settings under the care of a practitioner who holds a prescribing approval. However, if admitted to a hospital or taken into custody at a custodial facility, QOTP patients may require CIT to ensure safe, timely and clinically appropriate medical care.[28]

The explanatory notes provide that the existing requirements to apply for prescribing approvals and renewals creates an administrative burden which impacts the provision of medical care:

> *Individual prescribers must apply for a prescribing approval to be considered by the chief executive or delegate, and approvals are typically granted for a two-year period.*[29]

The explanatory notes provide that amending the Medicines Regulation to permit approved practitioners in prescribed circumstances to treat persons with opioid dependence for purpose of CIT, without the burdensome application and renewal requirements, allows for authorisations to be managed in line with QOTP clinical

[24] SL No. 90, s 3-5 (amends sch 2, 6, and 7 of the Medicines Regulation); SL No. 90, explanatory notes, p 2.
[25] SL No. 90, s 6 (amends sch 12, pt 3, s 6); SL No. 90, explanatory notes, p 5-7.
[26] SL No. 90, explanatory notes, p 2.
[27] SL No. 90, explanatory notes, p 2.
[28] SL No. 90, explanatory notes, p 2.
[29] SL No. 90, explanatory notes, p 3.

governance arrangements and professional practice to mitigate risk, while balancing the necessary clinical treatment needs of the patient in question.[30]

Authorised dealings for Nuclear Medicine Technologists

Under the Medicines Regulation, NMTs are not authorised to administer specified schedule 4 or schedule 8 medicines in the provision of routine nuclear medicine procedures.[31] The explanatory notes state:

> *Due to ongoing workforce constraints, authorised health practitioners often have limited or no availability to administer these medicines within procedural timeframes, which significantly impacts the ability for NMTs to carry out important nuclear medicine services. These issues are exacerbated by an increasing demand for nuclear medicine services in both the public and private sector. This disproportionately impacts patient access to services in regional areas, where a lack of available authorised health practitioners to administer the relevant medicines has resulted in patients being required to travel significant distances to access necessary procedures.*[32]

The explanatory notes suggest that these changes will ensure patient safety while increasing the availability of services, especially in regional areas.[33] The amendments future proofs the legislation where changes may be made to medicines that are used in diagnostic procedures and is considered appropriate given:

- the administration of the medicine must be carried out in accordance with a written prescription or a clinical protocol
- NMTs' skills, training and experience in dealing with medicines for nuclear medicine procedures; and
- the local protocols in place to support the safe use of medicines, such as the requirement for co-signing of monitored medicines and medicines for parenteral administration (that is, injection or infusion).[34]

Some stakeholders identified issues with the extension of these authorisations. The Australasian Association of Nuclear Medicine Specialists provided feedback to the department during consultation that there were risks around the unsupervised use of higher-risk medicines, such as morphine and insulin; and the ability of stand-alone nuclear medicine practices to adhere to clinical governance controls around schedule 8 medicines, such as storage and record-keeping.[35]

The explanatory notes contend that NMTs have the necessary skills, qualifications and training to safely administer schedule 4 and schedule 8 medicines, to the extent necessary to undertake diagnostic investigations, and identify that these authorisations only apply in

[30] SL No. 90, explanatory notes, p 3-5, 8.
[31] SL No. 90, explanatory notes, p 6.
[32] SL No. 90, explanatory notes, p 6.
[33] SL No. 90, explanatory notes, p 5, 9.
[34] SL No. 90, explanatory notes, p 6-7, 9.
[35] SL No. 90, explanatory notes, p 11. See also, additional consultative feedback from the Queensland Nurses and Midwives Union on p 11.

certain circumstances.[36] Further, there are additional controls and penalties which apply for relevant non-compliance offences.[37]

3.1 *Human Rights Act 2019*

Assessment of SL No. 90's compatibility with the HRA identified issues with property rights.

3.1.1 Property rights

A person must not be arbitrarily deprived of their property.[38] The human rights certificate acknowledges that SL No. 90 has the potential to interfere with the with employment or economic activity of medical practitioners by regulating who may deal with approved opioids, for example, at a general practitioner's clinic or aged care facility.[39]

According to the human rights certificate, these restrictions support the purpose of mitigating risks of misuse or substance abuse by vulnerable persons and support the overall objective of the Medicines Regulation, by preventing medical and nurse practitioners from dealing with approved opioids in circumstances with comparatively less control and oversight.[40]

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'.[41]

Committee Comment

The committee is satisfied that SL No. 90 is compatible with human rights.

3.2 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. The statement contained a sufficient level of information to facilitate understanding of SL No. 90 in relation to its compatibility with human rights.

3.3 Explanatory Notes

The explanatory notes comply with part 4 of the LSA.

[36] SL No. 90, explanatory notes, p 11.
[37] SL No. 90, explanatory notes, p 11.
[38] HRA, s 24.
[39] SL No. 90, human rights certificate, p 2.
[40] SL No. 90, human rights certificate, p 3.
[41] SL No. 90, human rights certificate, p 3.

4 SL No 91 – Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Regulation 2025

SL No. 91 supports the ethical and safe conduct of research involving human embryos and upholds the prohibition of human cloning for reproductive purposes by replacing *Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Regulation 2015* (2015 Regulation) which expired under *Statutory Instruments Act 1992* on 1 September 2025. [42] The new regulation is largely consistent with the 2015 regulation, with minor and technical changes to ensure the regulation remains current and reflects modern drafting practices.[43]

The regulation is made under the *Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act 2003* (RIHEPHCR Act), which was made in 2002 as part of an inter-governmental agreement between Commonwealth and State and Territory governments to introduce nationally consistent legislation prohibiting human cloning and other unacceptable practices, and to regulate research involving excess ART embryos.[44]

SL No. 91 prescribes:[45]

- the Reproductive Technology Accreditation Committee of the Fertility Society of Australia and New Zealand as an entity accredited to carry out assisted reproductive technology (ART)
- 2 guidelines for obtaining 'proper consent' as defined in the Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act 2003 (RIHEPHCR Act)
- 2 guidelines to which the National Health and Medical Research Council (NHMRC) Licensing Committee must have regard in deciding whether to issue a licence authorising matters; and
- a guideline which sets out criteria for determining whether a human embryo is unsuitable for implantation in the body of a woman.

4.1 *Legislative Standards Act 1992*

4.1.1 Institution of Parliament – Sub-delegation of NHMRC Guideline

Subordinate legislation will have a sufficient regard to the institution of Parliament where sub-delegation of power is made only in appropriate cases and where that sub-delegation is authorised by an Act.[46]

The RIHEPHCR Act provides that a regulation may prescribe guidelines made by the NHMRC for the particular purposes.[47] The explanatory notes set out the following justification for using guidelines rather than legislation:

> *Reference to external documents is considered justified noting the detailed, technical and clinical nature of the matters contained in the documents, and the flexibility this provides the scheme to remain up to date with current practices and requirements. If the matters referenced in external documents*

[42] SL No. 91, s 7; SL No. 91, explanatory notes, p 4.
[43] SL No. 91, explanatory notes, p 4.
[44] SL No. 91, explanatory notes, p 1.
[45] SL No. 91, ss 3-6.
[46] LSA, s 4(5)(e).
[47] See RIHEPHCR Act, ss 21, 29, sch.

were contained in the Regulation, they would regularly be out of date and not reflect changing practices and activities.[48]

Neither the guidelines, nor any amendments to them, are tabled in the Queensland Parliament but the guidelines are publicly available and free of charge.[49] The explanatory notes provide assurance that the guidelines do not provide for the delegation of any administrative powers.[50]

Committee Comment

The committee is satisfied that the practice of updating the NHMRC Guidelines without reference to subordinate legislation or tabling procedures in the Parliament is justified. To do otherwise would cause the regulation to be out of date on a regular basis as a result of the clinical and technical nature of the documents. Further, the committee is satisfied the NHMRC Guidelines do not delegate administrative power, which should be subject to parliamentary scrutiny.

4.1.2 Institution of Parliament – Scrutiny

SL No. 91 was notified on 8 August 2025, commenced on 1 September 2025, but was tabled on 26 August 2025.[51] The timing of the tabling, noting the scheduled Budget and Estimates sittings, denied the Parliament the ability to scrutinise SL No. 91, and denied the ability to potentially move a disallowance motion, prior to SL No. 91 taking effect. It follows that any justified use of extrinsic materials would be moot, because the reliance on tabling of subordinate legislation to allow for parliamentary oversight was insufficient.

Committee Comment

The committee encourages the Minister to ensure that future regulations of this nature (especially those with such a complex framework of application) are tabled in a timely fashion and with consideration of the Parliamentary sitting calendar, to ensure the availability of the Parliament to duly consider the regulation is not impeded in advance of commencement and effect.

4.2 Explanatory Notes

The explanatory notes comply with part 4 of the LSA.

[48] SL No.91, explanatory notes, p 5.
[49] SL No.91, explanatory notes, p 5. See, for example, NHMRC, 'Ethical guidelines on the use of assisted reproductive technology' (Webpage, accessed 30 October 2025) <https://www.nhmrc.gov.au/research-policy/ethics/ethical-guidelines-use-assisted-reproductive-technology>.
[50] SL No.91, explanatory notes, p 5.
[51] Queensland Legislation, 'SL as made – Medicines and Poisons (Medicines) Amendment Regulation (No. 2) 2025' (Webpage, accessed 29 October 2025) <https://www.legislation.qld.gov.au/view/html/asmade/sl-2025-0060>.

5 SL No 93 – Environmental Protection (Extractive Activities) Amendment Regulation 2025

SL No. 93 reduces the regulatory burden for regional local governments by allowing them to undertake certain extractive and screening activities without needing an environmental authority (EA) under certain specific conditions. The amendments are intended to support the timely delivery of essential community infrastructure and maintenance, particularly in response to natural disasters. [52]

The amendments will allow regional councils to extract and screen up to 10,000 tonnes per year of state-owned quarry material, under the *Forestry Act 1959* without an EA, where the local government is acting in accordance with their responsibilities under the *Local Government Act 2009* or the *Transport Act 1994*. [53]

The exemptions in SL No. 93 are tightly defined and limited to ensure environmental values are protected.

6 SL No. 94 – Major Events (Motor Racing Events) (Gold Coast 500) Amendment Regulation 2025

SL No. 94 facilitates the '2025 Boost Mobile Gold Coast 500' (Gold Coast 500) between 24 October 2025 and 27 October 2025 as a major event under the *Major Events Act 2014* (ME Act) and utilises the same prescribed event area which was declared for the event in 2024.[54] SL No. 94 also prescribes relevant periods of time in relation to the declaration under the ME Act:

- from the beginning of the day on 8 September 2025 to midday on 23 October 2025; and,
- from midday on 27 October 2025 to midnight on 22 November 2025.[55]

6.1 *Legislative Standards Act 1992*

The explanatory notes do not identify any fundamental legislative principles which may be impacted by its introduction, contending that SL No. 94 is 'machinery in nature and does not depart from fundamental legislative principles'.[56] However, the committee's assessment of SL No. 94's compliance with the LSA identified issues listed below:

- rights and liberties of individuals; and
- clear and unambiguous drafting.

6.1.1 Rights and liberties of individuals

By declaring the Gold Coast 500 as a 'major event' under the ME Act, the rights and liberties of individuals will be restricted within the major event area, potentially commencing with works occurring in advance of the event itself. The restrictions in a declared major event area include:

- altered road and pathway access
- limitation on entrance (i.e. entrance being limited to ticket holders); and

[52] SL No. 93, explanatory notes, p 2.
[53] SL No. 93, explanatory notes, p 1.
[54] SL No. 94, explanatory notes, p
[55] SL No. 94, s 5.
[56] SL No. 94, explanatory notes, p 2.

- subjecting individuals within the area to infringements on their rights, such as:
  - being frisked by a police officer
  - limitations on what a person may possess or do while entering, or remaining within, the major event area (i.e. no weapons)
  - being directed to leave the area and not enter for up to 24 hours; and
  - unless certain circumstances apply, not being permitted to park a car in the event area, that, but for the declaration of the major event area, the individual would be able to freely enter and park.[57]

The explanatory notes for SL No. 155 of 2024 (for the 2024 iteration of the event) state:

> *The provisions prescribed under the Major Events (Motor Racing Events) Regulation 2015 will not be ongoing, will only be in force for limited periods and in clearly defined major event areas. These limitations will minimise undue impacts on individuals' rights and liberties, ensuring there are no unnecessary limitations on public enjoyment of the event or restrictions on nearby businesses and residents going about their ordinary activities. The specific time limitations help ensure sufficient regard for the rights and liberties of individuals who may be inconvenienced by altered access to roads and paths and the carrying out of temporary works.*[58]

The explanatory notes for SL No. 94 note tourism and economic benefits resulting from the event.[59]

Committee Comment

The committee is satisfied that the potential short-term limitations on the rights and liberties of individuals are outweighed by, and adequately balanced against, the economic benefit of the event. Any potential limitation is justified.

6.1.2 Clear and unambiguous drafting

Legislation should be unambiguous and drafted in a sufficiently clear way.[60] SL No. 94 includes prescribed times wherein the powers under the ME Act are enlivened, but the drafting of the relevant sections could lead to multiple interpretations (for example, references to 'midday' and 'midnight', which may not be sufficiently clear to define when SL No. 94 is intended to operate).[61]

Committee Comment

The committee encourages the Minister to ensure that future subordinate legislation, which contains prescribed periods of application and effect, should be explicit. This is especially relevant where the application of the subordinate legislation has the potential to impact on the rights and liberties of individuals.

[57] See, for example, MEA, s 9, 20, 26 (Note: the event organiser can impose exclusion from the area for a period of more than 24 hours in certain circumstances) and 28.
[58] SL No 155/2024, explanatory notes, p 2.
[59] SL No. 94, explanatory notes, p 2.
[60] LSA, s 4(3)(k).
[61] SL No. 94, s 13(a), (b).

6.2 *Human Rights Act 2019*

Assessment of SL No. 90's compatibility with the HRA identified issues with:

- freedom of movement
- freedom of expression
- property rights; and
- privacy and reputation.

6.2.1 Freedom of Movement

Every person lawfully in Queensland has the right to move freely within Queensland.[62] The ME Act and Major Events (Motor Racing Events) Regulation 2015 (as amended by SL No. 94) (combined, the motor events legislation) limit the ability of persons to move freely due to road closures, other restrictions on vehicles, being subject to a possible direction to leave an area, and limited entry and exit points.[63]

As regards the limitation on the freedom of movement, the human rights certificate states:

> *The limitations help achieve the purpose by limiting the movement of individuals into and within the major event area, ensure appropriate behaviour of visitors and spectators, and are necessary to ensure the major event organisers have sufficient capacity to provide for and manage a safe event space for the 2025 Gold Coast 500 event.*[64]

Committee Comment

The committee is satisfied that the limitations on the freedom of movement are justified by helping achieve the purpose of the ME Act to ensure appropriate behaviour of visitors and spectators.

6.2.2 Freedom of expression

Every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds.[65] The motor events legislation limits this right through limits on conduct within the event area.[66] Regarding the restriction on broadcasting, the human rights certificate states:

> *The potential limitation on the right to freedom of expression by section 36(1) which might be provided to individuals by broadcasting the 2025 Gold Coast 500 event is justifiable, in that it prevents unauthorised third parties from exploiting the major event for their own gain or affecting the integrity of the event or the exclusive rights of the event's official sponsors. The freedom of expressions is not unreasonably limited because an individual may still broadcast or record the major event:*
>
> - *on a personal electronic device*
> - *for personal use; and*

[62] HRA, s 19.
[63] SL No. 94, human rights certificate, p 2.
[64] SL No. 94, human rights certificate, p 4.
[65] HRA, s 21.
[66] SL No. 94, human rights certificate, p 2.

- *for a purpose other than for profit or gain.*[67]

Regarding the restriction on the use of logos and the like, the human rights certificate notes:

> *… the provisions regarding the use of the official logo or title are not intended to limit freedom of expression; rather, they are intended to protect the rights of event organisers and sponsors from unauthorised activities, consistent with the objective of the ME Act.*[68]

The explanatory notes assert that the offence for impersonating an authorised person is reasonable and justifiable because 'it prevents an individual from assuming the identity of an authorised person, presumably to illegally use the powers of an authorised person'.[69]

Committee Comment

The committee is satisfied that the limitation on freedom of expression is justifiable as SL No. 94 prevents unauthorised third parties from exploiting the 2025 Gold Coast 500 event for their own gain and attempts to protect the integrity of the exclusive rights of the event's official sponsors.

6.2.3 Property rights

A person must not be arbitrarily deprived of their property.[70] The motor events legislation involves limits on this right, including through:

- conditions of entry to a person's property (if within the event area);
- limits on conduct within the event area;
- powers to move unattended vehicles,
- remove articles of clothing from a person or items from a vehicle; and
- to inspect a person's possessions.[71]

With respect to allowing the movement of an individual's unattended vehicle located in the major event area, the human rights certificate states:

> *The potential for a limitation to occur on property rights is managed through provisions under the ME Act which require details of the temporary works and time periods to be published in advance of the works occurring; to allow individuals time to prepare and remove vehicles which might otherwise need to be moved. There are also restrictions on how vehicles may be moved or removed […] including notification procedures once a vehicle has been moved.*[72]

Further, in relation to other limits on property rights, for example:

> *The power to seize an item from a person is also available [under the ME Act] where the person has an item that displays the official logo or official title of the*

[67] SL No. 94, human rights certificate, p 5.
[68] SL No. 94, human rights certificate, p 5.
[69] SL No. 94, human rights certificate, p 5.
[70] HRA, s 24.
[71] SL No. 94, human rights certificate, p 3.
[72] SL No. 94, human rights certificate, p 6.

event, and it is reasonably suspected that the person intends to sell the item and does not have the authority to do so.[73]

Committee Comment

The committee is satisfied that the limitations on the freedom of expression are justified because they intend to prevent unauthorised persons from seeking to unlawfully exploit a major event for their own gain. The provisions are intended to protect the rights of event organisers and sponsors from unauthorised street trading, consistent with the object of the ME Act.

6.2.4 Privacy and reputation

A person has the right to not have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with.[74] The human rights certificate identifies a number of ways in which the right to privacy may be limited by the motor events legislation.[75]

The human rights certificate states:

The inspection of property and the search of a person is necessary to ensure prohibited items are not being carried and is similar to a search at an airport or a private ticketed venue. These limitations are balanced by the requirement under the ME Act that individuals must consent to the search, and authorised persons must be appropriately trained and have a sufficient reason to exercise these powers.[76]

Further, regarding the power to photograph a person who is being removed from the event area, the human rights certificate justifies the limitation as follows:

This limitation is considered reasonable and necessary in circumstances where multiple entry points to the major event area are available and will assist the major event organiser in managing disruptive behaviour and the potential for the reoccurrence of unauthorised or un-ticketed entry by individuals.[77]

Committee Comment

The committee is satisfied that the limitations on the right to privacy under SL No. 94 are appropriate and justified. Further, safeguards against inappropriate exercise of this power are included under sections 25 and 63 of the ME Act in an attempt to mitigate any potential impact on the right to privacy when applying these powers.

6.3 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. The certificate contained a sufficient level of information to facilitate understanding of SL No. 94 in relation to its compatibility with human rights and adequately justified the limits on human rights.

[73] SL No. 94, human rights certificate, p 6.
[74] HRA, s 25.
[75] SL No. 94, human rights certificate, pp 3-4.
[76] SL No. 94, human rights certificate, pp 6-7.
[77] SL No. 94, human rights certificate, p 7.

6.4 Explanatory Notes

The explanatory notes comply with part 4 of the LSA.

7 SL No 117 – Assisted Reproductive Technology (Postponement) Regulation 2025

SL No. 117 delays the automatic commencement of the remaining provisions of the *Assisted Reproductive Technology Act 2024* (ART Act) to allow sufficient time for implementation planning and operational readiness. The ART Act establishes a state-based regulatory framework for assisted reproductive technology providers. It also establishes a donor conception information register in Queensland for people to access information about donors and donor-conceived people. The explanatory notes provide:

> *Following the postponement, the un-commenced provisions relating to the regulation of assisted reproductive technology services are intended to be commenced by proclamation on 1 March 2026. Provisions relating to the Register are intended to be commenced in two stages in 2026. This will allow time for implementation activities associated with establishing the regulatory framework and the Register.*[78]

The amendments will now automatically commence on 20 September 2026.

7.1 *Legislative Standards Act 1992*

The committee's assessment of SL No. 117's compliance with the LSA identified issues with the institution of Parliament.

7.1.1 Institution of Parliament

The delaying by the executive of commencement of provisions of an Act may be considered not to have sufficient regard to the institution of Parliament because the executive could be regarded as frustrating the will of the legislature. However, the postponement of the provisions complies with the requirements of the *Acts Interpretation Act 1954* and allows for the effective implementation of amendments in, for example, the *Health Legislation Amendment Bill (N0. 3) 2025*, which is currently under inquiry by the committee.

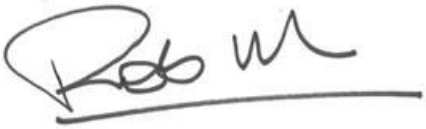
Committee Comment

The committee recognises the need to allow time for implementation and adequate evaluation of the regulatory framework for assisted reproductive technology providers and the establishment of the donor conception information register. The committee is satisfied that SL No. 117 has sufficient regard to the institution of Parliament and is consistent with fundamental legislative principles.

[78] SL No. 117, explanatory notes, p 1.

Recommendation 1

The committee recommends that the Legislative Assembly note this report.



Rob Molhoek MP

Chair

Health, Environment and Innovation Committee

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