

Hospital Foundations (Postponement) Regulation 2019

Explanatory Notes for SL 2019 No. 38

made under the

Hospital Foundations Act 2018

General Outline

Short title

Hospital Foundations (Postponement) Regulation 2019

Authorising law

Section 15DA of the *Acts Interpretation Act 1954*
Section 2 of the *Hospital Foundations Act 2018*

Policy objectives and the reasons for them

On 29 March 2018, the *Hospital Foundations Act 2018* received Royal Assent. The *Hospital Foundations Act 2018* included a number of amendments to the *Drug Misuse Act 1986*. Commencement of a number of these amendments, including those relating to the establishment of a new licence type for seed handlers, was delayed. This delay in commencement was to allow time for industry members to apply for the new licence, and also provided an opportunity to consider a number of related areas of possible further reform.

The uncommenced provisions of the *Hospital Foundations Act 2018* are: Part 10, Division 1 which amends the long title of the Act; Part 10, Division 2, Subdivision 3 which amends Part 5B of the *Drugs Misuse Act 1986*; and Part 10, Division 3, Subdivision 3 which amends related provisions of the *Drugs Misuse Regulation 1987*.

Part 5B of the *Drugs Misuse Act 1986* contains the legislative framework for the industrial cannabis industry. In particular, it provides a licensing framework for industrial cannabis, which allows for commercial production, and research for commercial production, of cannabis fibre and seed whilst ensuring there are sufficient risk management controls.

Ordinarily, in accordance with subsection 15DA(2) of the *Acts Interpretation Act 1954*, if a postponed law has not commenced within one year of the assent date, it automatically commences on the next day. This means the uncommenced provisions of the *Hospital Foundations Act 2018* would automatically commence on 30 March 2019. However,

subsections 15DA(3) and (4) of the *Acts Interpretation Act 1954* provide that a regulation may extend this period of automatic commencement to not more than two years from the Assent day.

The policy objective of this postponement regulation is to extend the period before automatic commencement of the uncommenced provisions of the *Hospital Foundations Act 2018* to the end of 29 March 2020. This will enable consultation with industry on a number of related areas for potential further reform which broadly relate to enabling other types of analysis, fees, and information sharing for law enforcement and regulatory efficiency purposes.

Achievement of policy objectives

The postponement regulation will achieve its objectives by extending the period of automatic commencement of the remaining uncommenced provisions of the *Hospital Foundations Act 2018* to end on 29 March 2020. The effect of this is that the amendments to Part 5B of the *Drugs Misuse Act 1986* will automatically commence on the 30 March 2020 if they do not commence by proclamation at an earlier time.

The postponement regulation will expire on 31 March 2020.

Consistency with policy objectives of authorising law

The postponement regulation is consistent with the policy objectives of the Act.

Inconsistency with policy objectives of other legislation

The postponement regulation is not inconsistent with the policy objectives of any other legislation.

Benefits and costs of implementation

The postponement regulation will allow sufficient time for consultation on other areas of potential reform.

Consistency with fundamental legislative principles

The amendment regulation has been drafted with regard to, and is consistent with, the fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

Consultation with stakeholders on supplementary reforms is proposed during the additional period of delay before commencement.

The Office of Best Practice Regulation in the Queensland Productivity Commission has not been consulted about the postponement regulation because the Department of Agriculture and Fisheries determined that the proposal falls into the agency assessed

exclusion category (g) – regulatory proposals that are of a machinery nature – under the *Queensland Government Guide to Better Regulation*.

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