

# Health and Other Legislation Amendment (Postponement) Regulation 2023

Explanatory notes for SL 2023 No. 158  
made under the

*Health and Other Legislation Amendment Act 2023*

## General Outline

### Short title

*Health and Other Legislation Amendment (Postponement) Regulation 2023*

### Authorising law

Section 15DA of the *Acts Interpretation Act 1954*  
Section 2 of the *Health and Other Legislation Amendment Act 2023*

### Policy objectives and the reasons for them

The purpose of the *Health and Other Legislation Amendment (Postponement) Regulation 2023* (Postponement Regulation) is to postpone the period before commencement of part 5, division 3 of the *Health and Other Legislation Amendment Act 2023* (Amendment Act) to the end of 2 May 2025, pursuant to section 15DA of the *Acts Interpretation Act 1954*.

Section 15DA(2) of the Acts Interpretation Act provides that if the commencement of a provision of an Act has been postponed to commence by proclamation, rather than assent, and has not commenced within one year of assent, it automatically commences on the next day. However, section 15DA(3) of the Acts Interpretation Act provides that within one year of the assent day, a regulation may extend the period before commencement under subsection (2) to not more than two years of the assent day.

Part 5, division 3 of the Amendment Act amends the *Public Health Act 2005* to modernise the Queensland Cancer Register by expanding notification requirements. A delayed commencement is required for these provisions to ensure that the relevant activities, including installation of technology for radiology practices, stakeholder education, updating approved forms and providing resources for the public online and at health sites, can first be completed.

### Achievement of policy objectives

The Postponement Regulation achieves the objective of ensuring sufficient time for implementation activities relating to the modernisation of the Queensland Cancer Register by extending the period before commencement of part 5, division 3 of the Amendment Act until the end of 2 May 2025, pursuant to section 15DA(3) of the Acts Interpretation Act.

## **Consistency with policy objectives of authorising law**

The Postponement Regulation is consistent with the policy objectives of the Amendment Act and the Acts Interpretation Act.

## **Inconsistency with policy objectives of other legislation**

The Postponement Regulation is consistent with the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

The Postponement Regulation is the only effective means of achieving the policy objectives.

## **Benefits and costs of implementation**

Postponing the period before part 5, division 3 of the Amendment Act commences will support the efficient operation of the Queensland Cancer Register by ensuring relevant activities can be completed before the new notification requirements commence.

## **Consistency with fundamental legislative principles**

The Postponement Regulation is consistent with the fundamental legislative principles in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

Queensland Health has assessed the Postponement Regulation in accordance with the *Queensland Government Better Regulation Policy* as minor and machinery in nature. The Office of Best Practice Regulation was notified of this assessment when developing the Impact Analysis Statement for the amendments. The Minister for Health, Mental Health and Ambulance Services and Minister for Women, and the Director-General of Queensland Health are satisfied that the regulatory review requirements have been met and have approved the Impact Analysis Statement for publication.

During consultation on the Amendment Act, stakeholders were supportive of delaying commencement of part 5, division 3 to ensure that the relevant implementation activities could be completed before the new notification requirements start.