

Proclamation—*Medicines and Poisons Act 2019*

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, the Honourable Steven Miles MP, Minister for Health and Minister for Ambulance Services provide this human rights certificate with respect to the Proclamation—*Medicines and Poisons Act 2019* made under the *Medicines and Poisons Act 2019*.

In my opinion, the Proclamation—*Medicines and Poisons Act 2019*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

Background

The *Medicines and Poisons Act 2019*:

- repeals the *Health Act 1937* and the *Pest Management Act 2001*, replaces these existing frameworks with a new regulatory framework for medicines and poisons in Queensland;
- simplifies licensing requirements; and
- introduces outcomes-focused management plans for handling regulated substances.

The *Medicines and Poisons Act* also provides for a real-time prescription monitoring system to be implemented in Queensland. This will assist in reducing the instances of excessive and inappropriate prescribing and deliberate misuse of prescribed medication for non-therapeutic effects.

The *Medicines and Poisons Act* was passed by the Legislative Assembly on 17 September 2019 and received Royal Assent on 26 September 2019.

Overview

The proclamation fixes 1 May 2020 for the commencement of some provisions of the *Medicines and Poisons Act*.

The proclamation will commence the *Medicines and Poisons Act* provisions that enable Queensland Health to collect and disclose information associated with the monitored medicines database. The monitored medicines database is the technical solution to implement real-time prescription monitoring and will record information about the prescription and supply of monitored medicines.

There is already a requirement, under section 84 of the *Health (Drugs and Poisons) Regulation 1996*, that dispensers are required to submit information to the chief executive regarding the dispensing, administration and supply of Schedule 8 medicines. However, this involves dispensing pharmacies manually sending or uploading data on a weekly basis. Establishing the monitored medicines database will facilitate the automated collection of this information in real-time, enabling the capture of up-to-date data and reducing regulatory burden.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The proclamation commences provisions of the Medicines and Poisons Act, in accordance with section 2 of that Act. As the proclamation does not contain any substantive legislative provisions and is of a machinery nature, it does not raise any human rights issues.

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

As the proclamation does not raise any human rights issues, it does not limit any human rights and therefore it is not necessary to consider section 13 of the *Human Rights Act 2019*.

Conclusion

I consider that the Proclamation—*Medicines and Poisons Act 2019* is compatible with the *Human Rights Act 2019* because it does not raise any human rights issues.

STEVEN MILES
MINISTER FOR HEALTH and MINISTER FOR AMBULANCE SERVICES

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