

Health Legislation Amendment Bill (No. 2) 2025

Statement of Compatibility

FOR

Amendments to be moved during consideration in detail by the Honourable Tim Nicholls MP, Minister for Health and Ambulance Services

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

In accordance with section 38 of the *Human Rights Act 2019*, I, the Honourable Tim Nicholls MP, Minister for Health and Ambulance Services, make this statement of compatibility with respect to amendments to be moved during consideration in detail of the Health Legislation Amendment Bill (No. 2) 2025 (Bill).

In my opinion, the amendments are compatible with the human rights protected by the Human Rights Act. I base my opinion on the reasons outlined in this statement.

Overview of the Amendments

Amendments to the *Medicines and Poisons Act 2019*

The Crisafulli Government has a zero-tolerance approach to illicit drugs. The Government's policy position is there is no safe way to take drugs and that drug checking services may send the wrong message to Queenslanders. The *Medicines and Poisons Act 2019* does not currently prohibit substance authorities from being issued or renewed in relation to drug checking services. Drug checking, also known as pill testing, allows people to provide samples of illicit drugs for analysis, testing the chemical make-up of the drugs to find out what is in them. Drug checking can be done with pills, capsules, powders, crystals and liquids, and for drugs such as ecstasy, ketamine, fentanyl and cocaine.

State-funded drug checking services were trialled in Queensland by the former Government from March 2024 to April 2025. Two providers were funded under service agreements with Queensland Health to deliver drug checking services at fixed sites and festivals, and were granted substance authorities to deal with relevant substances.

In accordance with the Government's policy position, no subsequent contractual agreements have been made or funded by Queensland Health. However, the *Medicines and Poisons Act* does not allow the chief executive of Queensland Health to refuse to grant substance authorities for the purpose of drug checking services based on the Government's policy position outlined above. Similarly, the *Medicines and Poisons Act* does not permit the chief executive to discontinue an existing substance authority that has been granted for the purpose of drug checking based on the Government's position. This means that privately funded drug checking can currently occur in Queensland if the service provider obtains or already holds a substance authority under the *Medicines and Poisons Act*.

The objective of the amendments to be moved during consideration in detail of the Bill is to give legislative effect to the Government's policy position by amending the Medicines and Poisons Act to:

- prevent the chief executive of Queensland Health from granting an initial application, amendment application or renewal application for a substance authority for the purpose of drug checking;
- discontinue current substance authorities to the extent that they were granted for the purpose of drug checking; and
- clarify that compensation is not payable, and any fees paid are not refundable, in relation to the above changes.

The amendments also make a clarifying change to provide that the main purposes of the Medicines and Poisons Act are to be achieved, in part, by providing a scheme to authorise additional activities using particular substances under approvals or licences and to restrict the grant of approvals or licences for inappropriate purposes.

Amendments to the *Fire Services Act 1990*

The objective of the amendments is to amend the *Fire Services Act 1990* to clarify how rural fire brigades can help communities or other entities prepare for and respond to events and disasters, such as a severe weather events. The amendments provide that a brigade may carry out activities at the direction of the commissioner, in response to a request for help by the community or other entity, or on its own initiative, in relation to fire and other events such as flooding and severe weather.

Human Rights Issues

Human rights relevant to the amendments (Part 2, Divisions 2 and 3 Human Rights Act 2019)

Amendments to the *Medicines and Poisons Act 2019*

In considering whether the amendments limit human rights, I have given particular consideration to whether the following amendments limit the right to property:

- the amendments discontinuing existing substance authorities to the extent that they were issued for the purpose of drug checking; and
- the amendments clarifying that compensation is not payable, and any fees paid are not refundable, in relation to the amendments.

Section 24 of the Human Rights Act states that all persons have the right to own property, either alone or in association with others, and must not be arbitrarily deprived of their property.

The amendments have the potential to impact the right to property of existing substance authority holders because they may impact on funding arrangements, and prohibit service providers from recovering costs expended in reliance on the current authorities.

However, section 11 of the Human Rights Act is clear that only individuals have human rights. Corporations do not have human rights.

All holders of current substance authorities for the purposes of drug checking are corporations. Accordingly, those holders do not have a human right to property that can be limited by the amendments.

No other human rights are limited by the amendments.

Amendments to the *Fire Services Act 1990*

In my opinion, the amendments do not raise any human rights considerations under the Human Rights Act as they simply clarify the processes for operationalising the functions of rural fire brigades already established in the Fire Services Act.

Conclusion

In my opinion, the amendments to be moved during consideration in detail of the Bill are compatible with human rights under the Human Rights Act because they do not limit human rights.

TIM NICHOLLS MP
MINISTER FOR HEALTH AND AMBULANCE SERVICES

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