

HEALTH LEGISLATION AMENDMENT BILL

Introduction and Referral to the Health and Disabilities Committee

 **Hon. GJ WILSON** (Ferny Grove—ALP) (Minister for Health) (12.37 pm): I present a bill for an act to amend the Food Act 2006, the Health Act 1937, the Health Quality and Complaints Commission Act 2006, the Pest Management Act 2001, the Public Health Act 2005, the Public Health (Infection Control for Personal Appearance Services) Act 2003 and the Tobacco and Other Smoking Products Act 1998 for particular purposes. I table the bill and present the explanatory notes. I nominate the Health and Disabilities Committee to consider the bill.

Tabled paper: Health Legislation Amendment Bill.

Tabled paper: Health Legislation Amendment Bill, explanatory notes.

The bill makes amendments to seven Health portfolio acts to support policy initiatives that seek to protect the health of Queenslanders and ensure a current legislative base. Most significantly the bill amends the Food Act, the Tobacco and Other Smoking Products Act, the Public Health Act and the Health Quality and Complaints Commission Act.

The purpose of the Queensland Food Act is to ensure that businesses providing food and food services to the public do so in a safe and hygienic way. The Australian and New Zealand Food Regulation Ministerial Council is currently working on developing a national framework for a food business rating scheme to allow consumers to easily identify food businesses that comply with safety standards required under the Food Act.

020 This bill provides an authority in the Food Act to introduce a food business rating scheme once developed by the ministerial council for implementation by local councils across the state. To ensure consistency across the state, the bill introduces a penalty of 1,000 penalty units for not complying with a model prescribed in regulation.

Consistency across local councils within Queensland is important to ensure that businesses are rated the same way regardless of where they are located and to ensure that the community is not confused by different rating schemes with different criteria. This is particularly important for businesses that operate in more than one local council area.

I recognise that this penalty appears to be significant and it would be unfair to impose it on local councils without ensuring that they have adequate notice of new regulations and any subsequent amendments. Therefore, I have directed the Department of Health to ensure that appropriate consultation and notification processes are in place to inform the Local Government Association of Queensland and local councils of new regulations and any subsequent amendments concerning a food business rating scheme.

The amendments in this bill will not immediately result in the introduction of a food business rating scheme. Rather it allows the uptake of a state-wide scheme once one has been developed by the Australian and New Zealand Food Regulation Ministerial Council and consultation on the scheme has been undertaken with Queensland's local councils and the Local Government Association of Queensland.

The prescribing of the scheme in regulation will enable a more successful translation of what is expected to be highly complex and technical elements into legislation. It will also enable Queensland to prescribe a scheme relatively quickly following approval of the national framework, which is expected to occur in 2012.

The bill also makes minor and operational amendments to the Food Act to provide better responses to suspected intentional food contaminations, to provide a fairer licensing model for mobile food business, to extend the time period for approving applications for auditors to take into account the delays often experienced with obtaining criminal history checks and to update various references in the act to reflect changes to the Food Standards Code.

This bill amends the Tobacco and Other Smoking Products Act to ban the sale of certain products and to clarify the statutory requirements for the designation of outdoor smoking areas in licensed premises. The bill amends the tobacco act to ban the sale of fruit and confectionary flavoured cigarettes. The bill also broadens the type of products that are prohibited from sale under the act to include other gadgets and trinkets that resemble tobacco products, such as cigarette shaped pens and lighters.

This builds upon the current prohibition against selling food and toys that resemble tobacco products and is based upon these objects having a similar novelty value to toys. These types of objects normalise smoking to young people and may encourage experimentation with smoking. It is therefore very important that we ban the sale of such items that may have the effect of increasing the number of our young people who take up smoking.

One of the main purposes of the tobacco act is to protect public health by limiting the exposure to cigarette smoke in public places. To this end, the tobacco act prohibits smoking in licensed premises

and allows the creation of designated outdoor smoking areas, or DOSAs, where smokers may smoke without interfering with other patrons.

The act outlines the requirements for DOSAs, including the need for buffers that are impervious to smoke to separate the DOSA from other areas. Enforcement of the DOSA provisions has highlighted conflicting interpretations of some of the provisions. To remove ambiguity in the legislation, this bill amends the tobacco act to clarify the original policy intent and to better protect the public health.

Specifically, the bill amends the tobacco act to (1), specify how the required 2.1 metre high buffer between smoking and non-smoking areas of different floor heights must be measured to ensure that the height is measured from the floor of the DOSA and not a lower floor of the non-smoking area; and, (2), remove the reference to 'a thick screening hedge' as an example of a screen that is impervious to smoke, as this has been shown in practice to not meet the intent of a screen that blocks smoke between a DOSA and other areas of a premise. I believe these amendments will better protect the community from the effects of cigarette smoke in public places.

The Public Health Act is amended by this bill to enable a more appropriate response to outbreaks of contagious conditions. At present, the Public Health Act is limited in the action that can be taken when an outbreak of, or exposure to, a contagious condition occurs outside—that is, away from—a school or child-care service. The amendments expand the current circumstances in the Public Health Act that can trigger closure or removal of a child to include such situations where exposure to a contagious condition occurs through, for example, an interschool sports carnival or in the home via siblings attending a different school or child-care service.

It is important to note that these amendments do not broaden the existing powers or change the requirements for activating powers under the Public Health Act. Requirements such as consulting a doctor for advice before removing a child or consulting with the Minister for Education before ordering the closure of a school remain unamended.

The bill also makes a minor amendment to the Public Health Act to enable the chief executive of Health to delegate the power to authorise a public interest disclosure in relation to a notifiable condition to the Chief Health Officer or other appropriately qualified senior officer. On occasion, the chief executive's unavailability has prevented the urgent disclosure of information to people who may have been exposed to infections such as HIV. This amendment will enable the delegated officer to make the notification. However, the amendment will not permit the delegated officer from further delegating the authority to ensure only appropriate disclosures are made in urgent circumstances.

Finally, the bill amends the Health Quality and Complaints Commission Act to ensure a stronger interaction with the national registration and accreditation scheme for health professionals. These amendments are consequential to the implementation of that scheme and will enable the Health Quality and Complaints Commission to more effectively deal with complaints about registered health practitioners.

Other amendments in the bill are operational in nature and will provide better support to Queensland Health officers in performing their duties under the various acts that are amended. Queensland has an extensive legislative base that aims to balance the need to protect public health with the interests of the public, relevant industry groups and health consumers. The amendments to health legislation proposed in this bill seek to continue this balance and improve the effective operation of health legislation.

The primary focus of the amendments in this bill is the protection of the public health through improved community awareness of business with strong food safety standards, stronger and improved restrictions on smoking and smoking products, more appropriate authority for containing outbreaks of contagious conditions and strengthened relationships between the overseers of health service delivery. I believe these objectives to be vital to the continued improvement of the health of Queenslanders and I am delighted to commend the bill to the House.

First Reading



Hon. GJ WILSON (Ferny Grove—ALP) (Minister for Health) (12.47 pm): I move—

That the bill be now read a first time.

Question put—That the motion be agreed to.

Motion agreed to.

Bill read a first time.

Mr DEPUTY SPEAKER (Mr Ryan): Order! In accordance with standing order 131, the bill is now referred to the Health and Disabilities Committee.