

Spencer
26 November 2010

Health and Community Services Committee

Health Legislation Amendment Bill 2014

Report No. 59

Government Response

Recommendations

Recommendation 1

The Committee recommends that the Health Legislation Amendment Bill 2014 be passed.

Government response: Supported.

The Government thanks the Committee for its consideration of the Health Legislation Amendment Bill 2014 and its recommendation to the Parliament to pass the Bill.

Recommendation 2

The Committee recommends that the Minister for Health ensure that the Department of Health work with Hospital and Health Services and private health facilities to ensure that appropriate nicotine replacement therapy products are made available to patients during their stay in a health facility.

Government response: Supported

The Department of Health is working with Hospital and Health Services and operators of private health facilities to ensure Queensland inpatients are given every opportunity to receive nicotine replacement therapy and support to quit smoking during their stay.

Current Hospital and Health Service initiatives include:

- routine provision of free nicotine replacement therapy to inpatients
- a Smoking Cessation Clinical Pathway that guides clinicians to assess and assist patients and provide them with appropriate nicotine replacement therapy and Quitline referral
- a Quality Improvement Payment (\$5.0 Million in 2014-15) to incentivise clinicians to assist patients to quit smoking during their hospital stay
- an online training program to increase the confidence and skill of clinicians to help inpatients quit smoking

The Department of Health is supporting private health facilities through:

- access to resources to support inpatients to quit, including the Smoking Cessation Clinical Pathway
- Quitline referral pathways
- online training program to increase the confidence and skill of clinicians to help inpatients quit smoking.

Recommendation 3

The Committee recommends that the Minister for Health ask the Department of Health to:

- review local government's current use of the power at sections 26ZPA to 26ZPE of the *Tobacco and Other Smoking Products Act 1998* to ban smoking at public transport waiting points and outdoor pedestrian malls
- if current regulation by local government is deemed inadequate to protect the public from harm, consider introducing a state-wide smoking ban at public transport waiting points and outdoor pedestrian malls
- consider extending existing and proposed smoking bans to outdoor areas frequented by the public, including, for example, TAFE colleges.

Government response: Not supported

Local government authority under sections 26ZPA to 26ZPE of the *Tobacco and Other Smoking Products Act 1998* aligns with the Queensland Government's 'Empowering Queensland Local Government Policy' which enables local governments to deliver region-specific solutions that can be contextualised to local needs.

Ipswich, Fraser Coast, Redlands and Brisbane City Councils have created smoke-free local laws using this authority and other councils are considering or preparing to take similar action. The Department of Health will continue to work with and encourage local governments to use their legislated authority to increase the number of smoke-free outdoor public places across the state.

The Department of Health will continue to monitor the effectiveness of smoke-free legislation including considering opportunities to extend existing or introduce further smoking bans to protect the public from exposure to environmental tobacco smoke.

Recommendation 4

The Committee recommends that the Bill be amended to ensure that the definitions of *personal vaporiser* and *personal vaporiser related product* capture all of the vaporiser devices and products which are intended to be regulated.

Government response: Supported.

The Minister for Health will introduce legislative amendments to this effect during Consideration in Detail.

Recommendation 5

The Committee recommends that, if evidence becomes available on the potential harm caused by the use of nicotine and non-nicotine vaporisers, the Minister for Health initiate a review the regulation of vaporisers, as proposed in the Bill.

Government response: Supported

The Department of Health will continue to monitor emerging national and international research regarding harms caused by nicotine and non-nicotine vaporisers. If further evidence of harm is established, the Department of Health can review the regulation of vaporisers.

Recommendation 6

The Committee recommends that the Minister for Health work with his colleagues in the Health Council of the Council of Australian Governments to urgently introduce statutory product standards for all personal vaporiser devices and a requirement for all vaporisers and packaging to contain health warnings and instructions on the safe use of the device.

Government response: Supported

The Minister for Health will write to the Chair of the Health Council of the Council of the Australian Governments to request that product standards, health warnings and product safety matters for personal vaporiser devices be included as part of a proposed review into electronic nicotine delivery systems to be undertaken by the Australian Health Protection Principal Committee.

Recommendation 7

The Committee recommends that the Minister for Health:

- examine the options for amendment of section 41 of the *Transplantation and Anatomy Act 1979* to remove the requirement for approval of advertisements for altruistic non-commercial advertising for sperm or eggs for fertility treatment
- with a view to achieving a nationally consistent approach to advertising, raise the issue with health ministers in other jurisdictions through the Health Council of the Council of Australian Governments

Government response: Supported

The Government is supportive of assisting individuals, who are acting on their own behalf, to obtain altruistic non-commercial donation of ova or sperm in order to have a chance at starting a family.

The Minister for Health will introduce legislative amendments to this effect during Consideration in Detail.


Subsequent to the passage of these amendments, the Government will consider taking the matter to the Health Council of the Council of Australian Governments for their consideration.

Recommendation 8

The Committee recommends that the Bill be amended to remove the potential ambiguity in drafting of proposed new section 454D, inserted by clause 43, so there is no doubt about the circumstances in which the State may recover a financial contribution from a local government for a liability indemnified under proposed new section 454C.

Government response: Supported.

The Minister for Health will introduce legislative amendments to this effect during Consideration in Detail.

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	Date: 26 November 2014	
	Member: Ken Springborg	
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Clerk at the Table: <i>[Signature]</i>		