

DRAFT SECOND READING SPEECH

HON MICHAEL FERGUSON MP

Health Miscellaneous Amendments Bill 2019

check Hansard for delivery

Madam Speaker

The purpose of this Bill is to make a number of minor and technical amendments to the *Ambulance Service Act 1982*, *Food Act 2003*, *Mental Health Act 2013*, *Pharmacy Control Act 2001*, *Poisons Act 1971* and the *Public Health Act 1997*.

Ambulance Service Act 1982

The Bill amends the definition of non-emergency patient transport to specify that regulated non-emergency patient transport relates to transport on public roads or by air or water to remove uncertainty relating to private property and to change the types of services that may be provided from “basic care and observation” to “clinical care and monitoring” to add clarity and to better reflect the scope of current NEPT services.

Changes have also been made to the penalties for offences under the Act for better proportionality, by increasing the penalty for unauthorised provision of ambulance services and decreasing penalties for breach of conditions of a non-emergency patient transport license and failure to notify of a change in chief executive officer or director.

Food Act 2003

The Bill makes amendments to the Food Act 2003, primarily to reduce red-tape and support current initiatives. These amendments include a focus on removing unnecessary duplication and improving administrative processes.

The Bill will permit a single state-wide notification of a mobile food business, rather than separate notifications in each relevant council. This supports the change to the Food Act in 2015 that extended single state-wide registration to all mobile food businesses.

The Bill will remove the specific application and approvals process for laboratories under the Food Act and automatically recognise laboratories accredited by the National Association of Testing Authorities Australia (NATA).

The Bill will allow notice of an emergency order made to several persons, or a class of persons, to be served on each person as an alternative to, or in addition to, the current requirement to publish notice in a relevant newspaper.

The Bill will clarify that where an audit is required it must be conducted by a food safety auditor approved under the Food Act. Previous amendments to the Food Act

introduced the requirement for audits and the framework for approving food safety auditors but it did not clearly provide the link between the two.

The Bill provides for changes to link the priority classification system to notification and registration provisions. This means, instead of being used only in relation to food safety programs and determining frequency of audits, the priority classification system approved by the Director of Public Health can be used to determine which food businesses must notify or register under the Food Act. This change is included in the Bill to achieve clarity and transparency for the existing notification and registration provisions.

The Bill also makes changes to allow regulations to exempt certain food businesses from notifying information in the Food Standards Code (as required by section 86 of the Food Act) or to require notice of alternative information. This provides scope to require particular information that is more appropriate for certain food businesses than that required by the Code. The change would extend the existing exemption for registered businesses at section 85 of the Act. Typically, the regulations can exempt certain aspects of the Food Standards Code from applying in Tasmania. However, the specific exemption at section 85 will provide certainty on this.

Mental Health Act 2013

Section 204 of the Act has been amended to enable the intent of the Act to be met to allow interstate transfers of mental health patients. Advice had been received that the previous drafting of subsection 204 (b) (i) was an impediment to such agreements.

Pharmacy Control Act 2001

Recent changes to the Pharmacy Control Act provided for a power to regulate pharmacy depots. However, this power did not include a provision to charge fees for the regulation of depots.

The Pharmacy Authority has requested an amendment to the Act to allow fees to be charged for the regulation of pharmacy depots if required.

The Bill therefore varies the fees provisions in the Act to provide a head of power to charge fees for the regulation of pharmacy depots. As always, prescribed fees are assessed against cost-recovery principles and subject to regulatory impact statements and consultation if required.

Poisons Act 1971

The Bill includes a minor amendment in respect of poppy grower's licence renewals under the *Poisons Act 1971*. With the move from annual licences to licenses of up to five years duration, more late applications are likely to be received from poppy growers.

Currently any late application after the expiry of a licence must be treated as a new application under the Act.

It is proposed to allow for a period of three months following the expiry of a license where a late application can be processed as a renewal of licence rather than a new application.

Sections 36 and 48 of the Poisons Act currently do not explicitly provide for the holder of a permit, license or authorisation under the Act or Regulations to possess and use the relevant substances in sections 36 (declared restricted substances) and section 48 (narcotic substances) in accordance with the conditions of that permit, license or authorisation. The Bill includes amendment to make it clear that the holder of a permit, license or authorisation under the Act or Regulations is permitted to possess and use the relevant substances in accordance with the conditions of that permit, licence or authorisation.

Further small amendments to the Poisons Act are included in the Bill to correct cross-references so that the Poppy Advisory and Control Board provisions in Schedule 1 and the Poisons Order provisions in Section 40 do not refer to repealed sections of the Act.

Public Health Act 1997

The Bill makes changes to the Public Health Act 1997 to the definitions associated with regulated systems (which are systems where Legionella bacteria are likely to proliferate and so are at risk systems for Legionnaires' disease). Existing systems include warm-water systems, cooling towers, and air-handling systems. Regulated systems can be required by the Director of Public Health to register under the Act, and then comply with relevant requirements in the Act and guidelines. The existing definition of a warm-water system is not consistent with current national standards.

The changes will ensure water distribution systems (including warm-water systems) that create environments where Legionella are likely to proliferate are included as regulated systems. The current definition of regulated system does include any system or process that may involve a risk of Legionnaires' disease. However, this amendment will provide greater clarity on this.

The Bill also makes an additional change to remove unnecessary words from the definition of regulated system, consistent with recent advice and review of these provisions.

Madam Speaker, the Bill contains a number of small but important amendments to clarify the operation of a number of Acts within the Health portfolio and I commend the Bill to the House.