

Debt Reduction and Savings Bill 2021

Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable Cameron Dick MP, Treasurer and Minister for Investment

Title of the Bill

Debt Reduction and Savings Bill 2021

Objectives of the Amendments

The Debt Reduction and Savings Bill 2021 (Bill) makes minor and technical amendments to the *Medicines and Poisons Act 2019* to address issues identified during drafting of the supporting regulations. The amendments relocate provisions to the Act instead of the regulations, clarify head of power issues and will improve the operation and readability of the regulations.

Clause 234 inserts new section 48A, which requires a person who provides a tattoo ink to someone else to ensure a compliant analysis certificate has been prepared for the tattoo ink at the time of providing the ink and requires a person to be reasonably satisfied that a compliant analysis certificate has been prepared for a tattoo ink before using the ink for tattooing. The offence carries a maximum penalty of 100 penalty units, for the supplier, or 50 penalty units for the person using the tattoo ink.

During the Economic and Governance Committee's (the Committee) consideration of the Bill, some stakeholders raised concerns about the complexity of complying with the requirement to have a compliant analysis certificate for the supply and use of tattoo ink. Following consideration of industry feedback, it is proposed that the amendments be withdrawn to allow for further consultation to be undertaken with industry.

Achievement of the Objectives

The amendment will omit from the Bill clause 234, which inserts new section 48A (Requirements for compliant analysis certificates for tattoo inks). As a consequence of this change, the amendments will also:

- omit clause 241, which would have amended section 214(4) (Executive officer may be taken to have committed offence) to reference the offence in section 48A;
- amend clause 246(2) to remove the note which references section 48A; and
- omit clause 249, which would have inserted new section 279A (Compliant analysis certificates for tattoo ink), a transitional provision related to section 48A.

Alternative Ways of Achieving Policy Objectives

There are no alternative ways of achieving the policy objectives of the Bill.

Estimated Cost for Government Implementation

There are no additional costs for the removal of the amendments to the Medicines and Poisons Act. All costs will be met from existing departmental resources.

Consistency with Fundamental Legislative Principles

The Bill is generally consistent with fundamental legislative principles.

Consultation

On 28 April 2021, consultation on the regulations to support the Medicines and Poisons Act commenced. Following release of the consultation documents, Queensland Health commenced a series of consultation sessions with the tattoo industry, including the Australian Tattooists Guild, Protat, Think Aesthetics and multicultural communities.

Queensland Health will continue to consult with the tattoo industry to work towards a model that is acceptable to industry, while still ensuring tattoo inks are safe and fit for purpose.

Consistency with legislation of other jurisdictions

All other States and Territories, including Queensland, adopt by reference the Standard for the Uniform Scheduling of Medicines and Poisons (Poisons Standard) to control health risks from tattoo inks through their respective poison's legislation. Under the Poisons Standard, seven chemical substances and their derivatives are prohibited in tattoo inks.

NOTES ON PROVISIONS

Amendment 1

Amendment 1 omits clause 234, which inserted new section 48A (Requirements for compliant analysis certificates for tattoo inks). This clause is being omitted while Queensland Health undertakes further consultation with the tattoo industry.

Amendment 2

Amendment 2 omits clause 241, which references section 48A, which is being omitted by amendment 1 above.

Amendment 3

Amendment 3 omits the Note from subclause 246(2), which references section 48A, which is being omitted by amendment 1 above.

Amendment 4

Amendment 4 omits clause 249, which inserts new section 279A (Compliant analysis certificate for tattoo ink). This provision provided for a transitional period before new section 48A commenced. As section 48A is being omitted by amendment 1 above, this provision is no longer required.