

10 December 2015

Your ref Health Legislation Amendment Bill

Our ref H&D - 13

Research Director
Health and Ambulance Services Committee
Parliament House
George Street
Brisbane QLD 4000

By post and by email: hasc@parliament.qld.gov.au

Dear Research Director

Health Legislation Amendment Bill 2015 (QLD)

Thank you for the opportunity to provide comments on the *Health Legislation Amendment Bill* 2015 (QLD) ("the Bill.")

This response has been compiled with the assistance of the Queensland Law Society's Health and Disability Committee ("the Committee") who have substantial expertise and practice in this area.

Members of the Committee have had the benefit of reading the submission prepared by the Australian Medical Association Queensland ("AMA Queensland") with respect to the Bill. The Society commends the work that went into that submission and wishes to endorse the AMA Queensland submission in its entirety.

The Society wishes to one further item with respect to the proposed amendments to the *Food Act*.

Food Act 2006 Amendments

The Society notes that clause 5 inserts a new Chapter 6A "Display of nutritional information for food" in the *Food Act 2006*.

Proposed s164E

In particular the new proposed section 164E sets out the requirements of a prescribed licensable food business to display nutritional information. We note the Explanatory Notes to the Bill at page 6 set out an “opt out” approach as:

“The Bill provides for certain food businesses to be exempted from the menu labelling provisions, if prescribed in regulation.”

However proposed section 164E(6) appears to have an “opt in” approach that a “prescribed licensable food business” is to be prescribed by regulation, presumably at a later date.

As there are significant implications for a person who contravenes this section (with a maximum penalty of 500 penalty units) and as subordinate legislation is not subject to the same level of public examination as a Bill, and further to ensure certainty for entities, the Society recommends that these exempt businesses be defined in this new section.

Recommendation 1

That proposed section 164E clearly set out and define which entities (eg “service stations, convenience stores, cinemas, dine-in restaurants, catering services, not-for-profit home deliver (Meals on Wheels), patient food services in health facilities and canteens in schools, sporting clubs and workplaces”) are to be excluded from the mandatory requirement.

Alternatively, if the Committee was minded for prescribed licensable food business entities to be set out in the Regulations, we would be pleased if processes could be put in place to ensure key stakeholders have the opportunity to provide feedback on the draft Regulations.

Thank you again for the opportunity to provide commentary on the Bill.

Yours faithfully



Michael Fitzgerald
President