



Hon Lawrence Springborg MP

Minister for Health

10 NOV 2014

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Mr Trevor Ruthenberg MP
Member for Kallangur
Chair
Health and Community Services Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Ruthenberg

Thank you for your letter dated 31 October 2014, in relation to the Health and Community Services Committee's (the Committee) consideration of fundamental legislative principles issues identified in the Committee's consideration of the Health Legislation Amendment Bill 2014 (the Bill).

I acknowledge the Committee's concerns with new section 454D of the *Public Health Act 2005* and confirm that the intent of section 454D(1) is to enable the State to recover a contribution from the local government for liability indemnified under section 454C(1), but only if the circumstances in section 454D(2), (3) or (4) exist. I am advised that the Department of Health has consulted with the Office of the Queensland Parliamentary Counsel about this issue and, despite the provision conforming to drafting standards, it is agreed that the provision could be amended to remove the ambiguity.

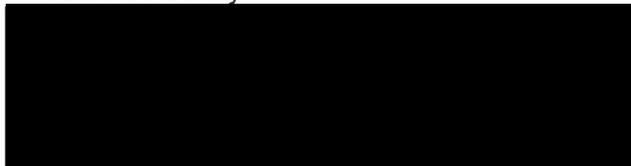
In relation to the proposed smoking bans on school land, enforcement activity (issuing of fines) on school grounds will be undertaken by environmental health officers, employed by Hospital and Health Services. Environmental health officers are appointed as authorised persons under the *Tobacco and Other Smoking Products Act 1998* following written application for approval to the Chief Executive, Department of Health. Appointment is made if the Chief Executive, or his/her delegate, is satisfied that the applicant possesses the required expertise and experience for appointment under Queensland public health legislation administered by Queensland Health.

The mandatory competencies for a person seeking appointment as an authorised person include such things as: knowledge of the Queensland legal system as it applies to environmental health regulatory issues; knowledge of enforcement issues, such as the extent and limitation of prescribed powers, identifying elements of an offence and the use of prescribed infringement notices; and evidence gathering, such as note-taking, preserving evidence and assessing if a breach has taken place. For this reason, a graduate of a tertiary environmental health course that has been accredited or recognised by Environmental Health Australia (EHA) is deemed to possess the entry level competencies required for appointment.

Enabling authorised persons to enforce the smoking bans on school land is an extension of the current powers of authorised officers under the *Tobacco and Other Smoking Products Act 1998*. Furthermore, the power of an authorised person to direct a person to stop smoking is consistent with the current smoking offence in section 184 of the *Hospital and Health Boards Act 2011* (which is repealed and moved to the *Tobacco and Other Smoking Products Act 1998* under the Bill), so authorised persons are currently experienced with appropriately exercising this power.

Thank you again for bringing these matters to my attention.

Yours sincerely



LAWRENCE SPRINGBORG MP
Minister for Health

A handwritten mark, possibly a stylized 'D' or a flourish, located to the right of the typed name.