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*Dedicated to a better Brisbane*

30 September 2014

Mr Karl Holden  
Acting Research Director  
Health and Community Services Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Holden

Thank you for the opportunity to provide comments in relation to the *Health Legislation Amendment Bill 2014* (the Bill) that proposes changes to the *Public Health Act 2005* (the Act).

The Bill proposes that the indemnity is conditional on reasonable compliance and that the onus of proof is on the local government. It is not clear how this is to be satisfied and to what standard 'reasonable compliance' will be measured. Another condition of the indemnity is for the retention of training and compliant records for at least 70 years. This is an unreasonable and impractical requirement for local governments to comply with. Council believes the standard retention periods for public records should apply.

Council is concerned that these proposed legislative changes do not address all of the issues related to transitioning the administrative and enforcement responsibility for asbestos related public health risk in a domestic setting to local governments.

Although we note that training is to be provided to local government officers, beginning in October 2014, it is still unclear how ongoing training and support for officers will be managed. Given the specialist nature of asbestos investigations, a one-off training course would not be adequate to enable local governments to effectively administer these provisions in the long term. In addition to this, in the context of Council's Zero Harm policy, there is a significant workplace health and safety risk to local government officers investigating asbestos related public health risks, yet the proposal does nothing to mitigate these risks.

Furthermore, there will be an extra workload for local governments that may result in reduced service delivery in other areas of public health and safety. The concerns about funding this additional workload have not yet been addressed. In addition to the increase in workload without an associated funding stream, the Bill fails to deal with the issues associated with clean-up costs, especially where no remedial notice is able to be issued or where an alleged offender is unable to be identified.

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Therefore, Council is not in a position to endorse the indemnity provisions as proposed by the Bill.

Should you require further information, please contact Ms Amanda Harley, Acting Principal Officer Environmental Health, on [REDACTED].

Yours sincerely



Colin Jensen  
**CHIEF EXECUTIVE OFFICER**

cc: Mr Logan Timms  
Strategic Policy and Intergovernmental Relations  
Local Government Association Queensland