



LOCAL GOVERNMENT ASSOCIATION  
OF QUEENSLAND

Sub# 1

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26 SEP 2011

HEALTH AND DISABILITIES  
COMMITTEE

11-1-2-3

26 September 2011

The Research Director  
Health and Disabilities Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Sir/Madam

**Submission: Health Legislation Amendment Bill 2011**

The Association is in receipt of the above Bill and has made a number of comments below.

***Clause 14 – Insertion on new Chapter 11, Part 3B Food Business Rating Schemes***

The Association has been lobbying Queensland Health (QH) for some years to introduce a single food business rating scheme for the state and to date has not been successful in getting QH to even consider such a scheme. Our requests to QH have been largely ignored until recently when QH decided to consider such a scheme.

Meanwhile, the community has lobbied local government elected members to introduce schemes similar to those found in other states and countries. Subsequently, a number of councils have proceeded with the development of their own schemes. The most notable scheme is that introduced by Brisbane City Council, "Eatsafe" which now has 2705 premises signed up to the scheme voluntarily (this number constitutes 57% of the total number of food premises in Brisbane City Council). This scheme has a 5 star rating option and to date 505 premises have qualified for the 5 star rating despite the requirements for this level being rigorous and above legislative requirements (and voluntary).

In early July 2011 a QH officer contacted the Association and outlined a proposed change to the Food Act that would allow for the state to develop a Regulation on food business rating schemes. In principle this development was welcomed until it was outlined that any local government introducing a scheme that was not in accordance with the yet to be developed Regulation would be fined up to 1000 penalty units (\$10,000). The Association's officer advised the QH officer that the Association would not support such a penalty clause. Local government and QH are co-regulators in food safety and one tier of government should not be introducing penalties on another tier of government. Such penalties do not indicate a sound working partnership in the regulation of food safety.

On 21 July the Association received a letter from the QH Legislative Policy Unit advising of a proposed change and seeking the Association's support for the same amendment. On this occasion, QH were advised officially that the Association supported the development of a Regulation for food business rating schemes and requested that local government be involved in the development of any proposed Regulation and that where possible, existing schemes should be used as the model.

When the Health Legislation Amendment Bill 2011 and Explanatory Notes were released recently, page 22 of the Explanatory Notes comment: "*a consultation draft of the amendments to the Food Act was provided to the Local Government Association of Queensland*". There is no reference to our verbal or written comments. The Association is concerned that the absence of our comments in the Explanatory Notes may directly mislead Parliament into thinking that the Association is content with these proposed amendments when this is far from the truth.

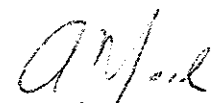
Any proposed Regulation should:

- Be developed using existing local government schemes where possible;
- Should involve local government in the development of the Regulation, and
- Should not include any penalty clause on local governments choosing to develop their own scheme.

The Association would welcome an opportunity to speak to the Committee at the Public Hearing on this Bill.

Please contact Christine Blanchard, Principal Advisor Environmental Health on telephone 3000 2243 or email [christine\\_blanchard@lgaq.asn.au](mailto:christine_blanchard@lgaq.asn.au) if you require further information.

Yours faithfully,



Tony Goode  
WORKFORCE STRATEGY EXECUTIVE