

Health and Environment Committee – Request for information

Information on Queensland Health authorised officers

Authorised officers for the Act:

Since 1998, smoking reduction measures have been implemented under the *Tobacco and Other Smoking Products Act 1998* (the Act) with the aim of improving public health. Compliance with the Act is predominantly monitored by Queensland Health Environmental Health Officers (EHOs). There are currently 138 EHOs located in eleven Public Health Units positioned across the State, who are authorised to enforce the Act.

Queensland Health authorised officers can enforce all aspects of the Act and they have the primary role in monitoring the retail supply of smoking products. Several agencies have existing authority under the Act to undertake specific compliance activity, including:

- Local government Officers – (optional) for smoking bans on local government land.
- Hospital and Health Service employees – for smoking bans at a specific Health Facility.
- Queensland Police Officers - for smoking in a car where a child under 16 is present and supply of prohibited products (ice-pipes and bongs, hookahs).
- Conservation Officers – for smoking at prescribed smoke-free areas of a national park.

What is the general role of Queensland Health authorised persons?

In addition to the *Tobacco and Other Smoking Products Act 1998*, Queensland Health authorised officers enforce a range of public health legislation including:

- *Medicines and Poisons Act 2019*
- *Food Act 2006*
- *Radiation Safety Act 1999*
- *Public Health Act 2005*
- *Water Fluoridation Act 2008*

Within their role, Queensland Health authorised officers contribute to the development of and implementation of state-wide compliance plans for public health legislation. Officers assess, manage and refer key issues that require strategic consideration at a state-wide or national level. Further, they implement systems and processes that support enforcement work and where necessary, refer matters to other key stakeholders and agencies.

How do Queensland Health authorised persons undertake enforcement?

Queensland Health's regulatory model includes both proactive and reactive compliance action, including audits and inspections, compliance promotion and enforcement activities.

Reactive investigation of reported non-compliance is investigated as received by authorised officers and appropriate action taken, including, on the spot rectification (facilitated compliance), investigations, warnings, improvement notices, seizure, fines and prosecution. Proactive compliance monitoring is undertaken as a part of agreed state-wide compliance priorities. This could include inspections and audits at retail outlets and assessment of compliance with smoke-free controls for a particular area or areas.

For new laws, a period of community awareness is generally provided to educate individuals and industry obligated to obey or to enforce the Act, to protect health and safety to encourage compliance. This is followed by a period of proactive compliance monitoring and enforcement of the new requirements.