Speech by

Miss FIONA SIMPSON

MEMBER FOR MAROOCHYDORE

Hansard 9 November 2001

HEALTH LEGISLATION AMENDMENT BILL

Miss SIMPSON (Maroochydore—NPA) (12.18 p.m.): There are more than 24 acts to be amended by the Health Legislation Amendment Bill, which runs to over 180 pages. Half of the acts to be amended in a fairly similar way are the 12 professional specific statutes governing the registration of health practitioners which were originally passed by the parliament in May 2001. Other acts to be altered through this omnibus bill involve a range of minor amendments, but not all are minor, particularly the changes to the Mental Health Act where it involves non-contact orders for forensic patients who are released into the community, the changes to the Transplantation and Anatomy Act, which clarifies consent required when taking organs, and certainly the changes to the Food Act, which are significant.

I will be outlining the National Party's concerns and queries with regard to some of the draconian drafting of the Food Act amendments in a moment. We strongly support food safety and good law. There is much in the food standards that I believe is good, is supported by industry and will be of public benefit. But there are some fundamental flaws in the legislation, such as a denial of individual rights and recourse through the justice system. The Food Act amendments should have been introduced as a stand-alone bill to allow for greater scrutiny and for it to have its own second reading speech, rather than the scanty one-page summary from the minister that it was afforded.

Given that aspects of the Food Act amendments are controversial and far reaching, I think it is disappointing that again the Health Minister has lumped so many unrelated bills together, including at least one which clearly should have been debated individually and afforded the opportunity of its own vote on the second and third reading. This cannot happen because it shares its passage through the parliament with 23 other bills which do not necessarily warrant being voted against in concert at the second or third reading stage. This may sound like a technical matter, but I think it is one of courtesy to the opposition and non-government members and respect for the institution of parliament.

Similarly, the Food Act amendments contained in this omnibus bill have been drafted in such a way that some individual clauses cover more than three pages each. To the uninitiated in the parliamentary process the significance is easily lost. However, I will briefly explain that this drafting is either lazy or a deliberate way of protecting a minister who cannot or does not want to answer questions at the committee stage.

Under the standing orders, a minister can be questioned up to three times per clause. However, if the clauses are drafted to cover many complex issues and are contained in several pages rather than a few lines, the opportunity to question in detail is denied to the parliament. Clause 28 at pages 30 to 33 of this legislation is a case in point. I last raised this issue during the Tobacco and Other Smoking Products Amendment Bill in May of this year. That was another of the Health Minister's bills where one clause covered a whopping 10 and a half pages. That created problems in the committee stage then, and I anticipate that the poor drafting of this bill will similarly limit interactive debate and questioning during the committee stage of this bill.

Over the years I have found the committee stage to be one of the most useful parts of a parliamentary debate because it allows interaction between a minister and other parliamentarians. It provides an opportunity to focus on the detail of clauses, with the minister taking questions and hopefully providing answers. Certainly it is the most challenging part of the parliamentary debate for a

minister. It provides a minister with an opportunity to display their knowledge of the bill and to provide a greater level of information to the parliament. Having the opportunity for interactive debate and the opportunity to put questions and hear answers is an important part of the legislative process. It is disappointing that the way this bill has been drafted will limit that process. I will be referring the matter of drafting to the Scrutiny of the Legislation Committee as well as to the Speaker of the Parliament.

Returning to the individual acts to be amended, I will commence with the Food Act 1981. I wish to state clearly that the intention of gaining some uniformity in national food rules is good. The stated aim of the standards is to provide more effective food safety regulations, to reduce the level of food-borne illness in Australia and to provide national uniformity of food standards so that businesses operating across Australia have only one set of requirements to follow.

The parts of the standards which will not come into effect from 1 July 2001 are those relating to the notification of food businesses and the skills and knowledge requirements of food handlers. Those requirements will come into effect on 1 July 2002. However, the way in which those rules will be interpreted across local governments will not be uniform. The legislation is complex in its application and in the standards which are empowered by it. The penalties for breaches are significant—a fine of up to $101,250 or two years imprisonment—and the process involves some reversal of the onus of proof. This results in added costs for local governments, businesses and charities in the implementation of those rules. I ask the minister to address the issue of whether there will be financial assistance to local governments, particularly smaller rural councils, to enable that implementation.

The food safety standards we are considering apply principally to food handling and hygiene and concentrate on the retail end of the process. It forms part of a whole review of food standards, from the paddock to the plate, but most of the focus here today has been on the issue of food preparation in retail outlets. There has been some talk about people eventually being required to provide an audit trail to track the chain of events prior to preparation and sale of food to the public. I raise those points of concern and I seek clarification of those issues from the minister. I ask the minister to advise members in what portions of the act and the standards this information is contained.

Sausage sizzles where people pay for a sausage can be deemed to be hazardous if the food is not served immediately. There have been concerns as to who will potentially be captured by the notification requirements. I note from the bulletins that the notification requirements are still to be settled upon for charities, community organisations and non-profit organisations. I seek clarification from the minister in that regard.

The definition of 'sell' has been altered. From the briefing I understand that the definition of 'sell' was not something that was widely canvassed with regard to the giving away of food. I seek feedback from the minister as to why that has been done, who she has spoken with in that regard, what the implications of this are and whether unintended implications have resulted from this change of definition. In relation to the changing of the definition of 'sell' to encompass the giving away of food from permanent or temporary premises, I would particularly like to know whether the charities have been consulted and whether this will have an impact upon food that can still be safe but, because the food falls within the provisions of the food regulations, people may decide they do not want to run the risk of being in breach of the act, even though they know the food to be safe.

Local governments will be left with considerable costs to implement these changes unless they lift their fees. That fear has certainly been expressed to me by some officers I have talked to. One of the reviews conducted was a survey of local governments. Many local government associations did not want to see a change and preferred the existing system. In fact, they even expressed concern about the costs involved with the existing system.

The food standards agreed to by ANZFA and the state Health Ministers do not come back to the Queensland parliament even for review or to make changes in the future. This has been commented on by the Scrutiny of Legislation Committee. An issue arises here as to the future relevance of the Queensland parliament to the process of reviewing changes to food standards and changes to approvals agreed to by Health Ministers, supposedly after public consultation, but without that very important reference back to the Queensland parliament.

This trend towards national scheme legislation is a worrying one in that it has the ability to downgrade the role of elected members in representing the concerns of their community. There may also be concerns as to how effective the consultation has been. As members of this place represent all areas of the state, they bring special insights into how particular regulations and laws affect their area. I think the trend towards national scheme legislation is unfortunate because increasingly it removes that review process of the state parliament.

The legislation is complex. Queensland Health briefing sheets and ANZFA briefing documents are explanatory, but do not always explain well how the exemptions relate back to the legislation or standards. Nor do they always explain well the circumstances which charitable or casual fundraising ventures will have to face in the future. I would welcome the minister's explanation in this regard and I

emphasise that I would like those standards referred back to agreements which have been signed and, specifically, to the particular parts of the agreements where those exemptions have been agreed upon.

Unless the Health Minister tables the Annex A and Annex B provisions of the intergovernmental agreement, I will seek to do that later in the committee stage. I note that I have received this document only today. When I drew to the attention of the minister's office the fact that it had not been supplied, it was supplied quickly. The office was not aware that it had not been supplied. But it is concerning that legislation comes before a parliament that is based upon agreements that have not been tabled in this place along with the detail upon which they are premised. I keep referring to the appendices to find the standards that people will be bound by in the future and the potential exemptions that could apply in the future, which is another application of this law. They really need to be in a form whereby people do not have to go digging for them. These things should be tabled. That is another issue that I will raise in regard to the drafting and the reference to the Australian food standards. If members read the Queensland legislation and the regulations, they will not be able to gauge the full breadth of them, because all of these other supplementary documents form part of the statutory requirements. It is most concerning that we do not have easy to read, plain English legislation that someone can get off the shelf and be able to understand as to how it affects their charitable organisation, their temporary event, or their permanent food business.

The Health Department and the minister may point to information sheets that state that charitable groups will not be badly affected. But the small print in those sheets states that if those groups handle so-called hazardous foods, the people involved have to undergo training. We all agree that we do not want unsafe food practices. However, although the definition of 'hazardous' is probably well understood by those who practise the law and enforce the law, it is not necessarily so easily understood by people who run not-for-profit organisations or charitable organisations and, in so doing, hold a function at which they may sell food. I note that the newsletters state that charities and community groups are not exempt from the skills and knowledge requirements if they sell potentially hazardous food that is not eaten immediately. These are foods that need to be kept at a certain temperature—either hot or cold—to minimise the growth of bacteria or the formation of toxins in the food. Some examples include soups, curries, lasagne and fried rice. If organisations are serving those potentially hazardous foods, they will need to ensure that the people who are handling the food have the appropriate skills and knowledge to prevent food-borne illnesses.

Although I understand the intention behind that, it will capture people who do not realise that if they do not serve the food immediately—and perhaps the minister will give a definition of 'immediately'—they may be employing food-handling practices that may not make anyone sick but, under those regulations, may push their food-handling practices into the hazardous range. They will then come under the full force of the definitions of this legislation and face quite significant penalties. I have already stated that an individual could face fines of over $100,000. The minister made reference also to corporations facing fines of up to, I believe, $500,000. If a business wants to run a sausage sizzle as a promotion for its customers, that is considered selling food and it is captured by the legislation. I understand that it is likely to require the business to apply for a food licence.

The industry has a real problem with ANZFA standard 3.2.1, which relates to the food plans or programs that involve food safety audits. This has not been introduced yet because of problems with unknown costs and how it is to be implemented. I will say that the industry is pleased that the state government has not pushed ahead with this standard at this time because of the cost concerns. Generally there has been good feedback about the way in which Health Department officials have been seeking to work with the industry in this regard. I understand that, through the working group that the minister has set up, a number of issues have been worked through. I understand also that the federal government, in pursuing a cost-benefit study at that level, was also keen to put this standard on hold because of the public concern about how it would work in practice.

However, I believe that this standard could apply by default under this legislation as food plans are a defence in the prosecution against unsafe food practices. The court is likely to look to the ANZFA standard in making a determination. In that regard, I certainly seek the minister's feedback on that, because although it may not be mandated that these very controversial food safety audits be applied to businesses, obviously it is going to make a lot more people who are cautious of litigation pursue the standards if they realise that they may face litigation where the defence harks back to what form of food safety program they had in place. Then it becomes a definition of what type of food safety program will be sufficient to satisfy the court or those who are pursuing that particular action.

The people in the industry to whom I have spoken—and there may be exceptions to this—would prefer mandatory training rather than mandatory food safety programs. I can see a lot of benefit in that if we are talking about lifting the standards of those who are involved in preparing food. We need to make sure that they are properly informed. As we know, ignorance of the law is no defence. Certainly, access to training provides not only a better defence legally but also the outcomes that we are seeking, that is, greater food safety.

I also note that the definition of 'food' captures water. I seek the minister's explanation in regard to what implications there may be for local government or businesses, particularly local businesses, that rely upon using potable water in the preparation of their food. The majority would use the water that comes out of the tap from the local authority. I ask the minister if she may explain whether that shifts some of the onus to businesses to ensure that they put safe water in their products, or whether they would jointly be liable with the local authority. How does the capturing of water in the definition of 'food' apply in regard to the regulation of food premises under this legislation?

Different rules seem to apply to temporary and permanent food businesses. As far as I can determine, the definition of what is 'temporary' is left up to local governments. That concerns me. One council officer said to me that they changed their definition only recently because they had concerns about businesses that would be captured by it. This is an example of the lack of uniformity among local authorities. I seek the minister's advice in this regard, because if we have regulations and penalties that vary depending upon whether it is a temporary food premise or a permanent food premises, obviously that is pretty significant.

I note that there has been consultation with the tourism sector on this, but how many tourism businesses offer the eco tourist experience of eating outdoors? That is an extremely temporary food premise that is set up out along the track. Yet the eco tourism business operates on a regular basis. It does not actually provide a permanent food premise, but it is certainly a permanent practice of that business to be providing food to customers along the way as they experience the great outdoors of Queensland. I would certainly welcome feedback as to how the regulations apply to temporary premises in those circumstances, given that there are regulations relating to hand washing and running water. Once again, in asking for clarification in regard to this issue of the temporary premises for an eco tourism facility, I ask the minister for some reference to the standards so that we can see where this exemption is sourced from. The issue of temporary facilities is one that I continually have a concern about. What defines 'temporary'? That may vary from one area to another. I can see how easily people can be captured and then face the full effect of stringent legislation.

In regard to 3.2.2, which relates to food safety practices and general requirements, I also ask the minister whether charities and community groups and temporary food businesses operating from a private home need to specifically request an exemption. There has been some reference made to those organisations needing to request an exemption in order to be able to go on with some of these practices. I think that a lot of people would not realise that, in the first instance, they have to make an application in order to gain the exemption. While there may be exemptions that can be sourced under the agreement and the standards, I have some concerns that the exemption provision first has to be applied for, and people may not be aware that they have breached the act.

The legislation provides for significant fines and up to two years imprisonment. This involves some reverse onus of proof, and the Scrutiny of Legislation Committee has remarked upon this. I am concerned that the Magistrates Court deals with the issues in the first instance and that the rules of evidence do not apply, although the legislation says that natural justice is supposed to apply. The legal advice referring to this matter certainly raises some concerns. If someone wants to appeal to a higher jurisdiction, they can only do so upon a point of law. However, as the rules of evidence do not come into application, there is some concern that a person may find that their avenues of appeal are very limited or are more limited.

I seek the minister's feedback in regard to a person's recourse to the justice system and the fact that, in the first instance, they will have reference to the Magistrates Court and then to the District Court upon appeal, but only on points of law. Given the fact that rules of evidence do not come into application according to the way that the legislation is drafted, that would appear to be bad practice in that it limits someone's right to seek appropriate recourse through the justice system.

In regard to food business notification requirements, I understand that the registration licensing requirements are still to be resolved and will go to more public consultation. I certainly would like to see further explanation in that regard. In many ways, it is unfortunate to have such significant legislation in an omnibus bill, as further aspects of it that are still to come before the parliament would be more appropriately considered in concert. Many businesses are already required to be registered. Under this legislation, there is potential to capture far more so-called food businesses or temporary food businesses. There is a potential for the expansion of those that are captured by the act and those that have to be licensed. That brings me to the point of local governments and the costs that they face.

I refer to a report of the Health Department. The summary report on the licensing and registration of food businesses and premises was listed on the Internet in May 2001 and published on 25 March this year. It states that 39 per cent of local governments issue permits for temporary food stalls, and it gives different definitions of 'temporary'. Of that 39 per cent—that is, 27 local governments—11 did not charge, nine charged a nominal fee and seven charged over $20 for a licence. As for community groups and organisations, 55 per cent of local governments license and register community and charitable organisations. Of that 55 per cent, 70 per cent offered discounted

fees or fee exemptions, and practices varied quite a lot between different local governments. The study states—

> The study did not establish the precise reason why slightly less than half of the local govts that responded do not license and register community and charitable organisations.... the fact that the majority of local govts that license and register those groups offer discount fees suggest that these local govts see a need to balance the continued economic viability of charities and community groups against either legislative obligations or basic food safety requirements.
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> The report also indicated that 43 % of local govts use the generated revenue for additional food safety activities... in many local govts, expenses from conducting licensing and registration inspection functions and other food safety activities are significantly higher than the income from licensing and registration fees. With the financial difficulties faced from licensing and registration, the current system may need to be altered to help maximise food safety activities.

I know that the current system is under review, but I draw to the attention of the House and the minister that there is a concern that, with this shift from a prescriptive model of food legislation to outcomes based legislation, for all the good reasons that may be promulgated, there will be an increase in the costs of implementation. If a lot of local governments do not now cover the costs of implementing state legislation, there is a real risk that a greater percentage will not be able to cover their costs. This can mean that they will either have to increase their fees or they simply will not fulfil the requirements of the act. I will come to that in a moment, because with litigation and recent determinations made by the courts, local governments will have no option but to enforce the legislation.

The move from a prescriptive system to an outcomes based system has been criticised by some stakeholders, but those whom I have talked to have acknowledged that it is happening, it is going to happen and, therefore, they have to try to make it work as well as possible. The survey of local governments shows that many are concerned that they would be better off with the existing system if it was modified to make it work better than it currently does. That reflects some of the viewpoints of local governments.

While an outcomes based system sounds good, the concern is that the lack of precision and complexity of interpretation can result in greater uncertainty for business and even abuse in the hands of the wrong health inspector. Councils will also be under a more clearly mandated responsibility to license and police food businesses, including temporary food outlets. They may not feel that they have the discretion previously used for low-risk businesses unless clearly prescribed by the state.

I refer to the threat of litigation for public entities outlined in the Queensland Health Department's newsletter No. 9 for the food industry and regulators, dated September 2001. It states that the Federal Court held that a public authority will be liable for not exercising its statutory powers where—

> It was foreseeable that if the powers were not exercised, a person may suffer harm; the duty is consistent with the performance of the body's statutory functions; and the body is in a position of control so as to protect a person from the relevant risk. The decision breaks new grounds because the law of negligence imposes duties of affirmative action only in limited situations. What this case highlights is that a public body, possessing a statutory power to prevent damage, will not be able to escape legal liability by remaining idle if it knew, or ought to have known, about the danger.

I have referred to the discretions that councils have used to license temporary or low-risk businesses or some charities. I raise my concerns that, unless there are clearer guidelines, councils will err on the side of being stringent rather than using their discretion. That raises the issue of the cost of implementation. As has been noted in some of the Health Department documentation, some rural councils face real financial problems in this regard.

I seek the minister's advice as to whether any financial assistance will be given. What funding will the state be putting towards helping councils train their officers to implement the legislation? The government must recognise that there will be quite significant cost imposts for larger rural councils which, although they may have to deal with only a few food businesses, have to send their officers great distances in order to cover those businesses. It would seem very unfair if those councils had a far higher cost imposed upon them that was not offset by the money that they received back through the till simply because the legislation imposes stricter criteria that officers must enforce.

There are many aspects of the food legislation on which I could easily seek further advice from the minister. I will come to the other bills in a moment. Before I do that, I will refer to an aspect of the amendments to the Food Act that are similar to those of the Private Health Facilities Act, which will be amended in this legislation.

The definition of 'sell' in the legislation the minister has put before the parliament is not the same as the definition of 'sell' agreed to in ANZFA. I have noted previously the issue about the word 'sell' in relation to the giving away of food from a licensed food business. Also, the ANZFA definition of 'sell' includes institutions such as hospitals, Crown facilities and prisons. I note that reference is made to more consultation being done as to how the rules will be applied to food outlets upon Crown premises. I am concerned that there is a possibility of having a dual system with different rules of implementation for Crown as opposed to private. It is interesting that the Crown is not bound by this act and there is a difference in laws between government owned and non-government organisations. For example, a

non-government school would need to comply with the food safety standards as they are outlined in this act. However, the food safety standards do not currently apply to government schools.

The government has promised consultation later in the year on whether the food legislation should be binding on food premises located on state government land. I refer to the new food safety standards information for schools posted in October 2001 on the Health Internet site. As I understand it, the state government signed an intergovernmental agreement which agreed to make the rules binding on state owned institutions as well. However, that has been removed from the definition of 'sell', and I would certainly appreciate the minister's explanation.

The definition of 'sell' would seem to capture private contractors supplying a government entity such as a hospital, but that would mean a different regime would apply to food prepared and served by government workers in government owned facilities than to private contractors. Furthermore, state owned child-care facilities versus private child care or a community kindergarten will find that they will be on different systems. The local community kindergarten will come under the force of this legislation. But if we have a preschool that is state owned or run, the rules do not apply. I would have concerns if we see a different application of the law applying between public and private organisations.

I might diverge and refer to the Private Health Facilities Act, which is one of the other acts to be amended in this omnibus bill. One of the criticisms of this bill is that there are rules being applied to the private sector in regard to fit-outs as well as clinical practice standards that are not always applied equally to state facilities. It seems that the two rules system is also set to occur in the food sector, and I would be very concerned about that.

I will make reference to some of the other bills in the time that I have remaining. The other significant amendments include changes to the Mental Health Act. The changes included in the Mental Health Bill, which was passed not that long ago by this parliament and which is still in totality to come into force by the end of the year, will primarily involve having the opportunity for a non-contact order to be made by the Mental Health Review Tribunal when it has revoked a forensic order. In other words, this will enable a non-contact order to be made by the Mental Health Review Tribunal when revoking a forensic order or also by the Mental Health Court on deciding not to make a forensic order for a person found to be of unsound mind or permanently unfit for trial. This is certainly something that I welcome.

There are other provisions that I have signalled before that I believe need to be altered in the mental health legislation to give greater protection to victims of crimes by the mentally ill. I am disappointed that those still have not been brought forward. Under the current legislation, if somebody escapes from a secure mental health facility, the victims of that person's crime do not have to be notified. If a forensic patient dies, the victims do not have a mechanism to seek to be notified. It could give peace of mind to somebody to know that the person who may have caused them so much trauma that they are living with on a day-by-day basis can no longer be released back into the community because they no longer exist. I agree that this non-contact order will help in regard to dealing with some of the issues of victims of crime. But I would put to the minister a question in regard to how he applies a penalty to somebody who breaches an order. What will be the process envisaged in a breach of such an order being pursued? Given the fact that somebody is already found to not be fit to stand trial and they have not been pursued through the normal justice system, what opportunity is there to make sure that this non-contact order will be applied with any force of law in order to provide that area of protection for the victims who have been severely traumatised by that offender?

There are other aspects amending the Mental Health Bill. One is clarifying the strict test for release of forensic patients by the Mental Health Review Tribunal or the Mental Health Court following questions raised by two Court of Appeal judges about the interpretation of section 204 of the new act. I raised this in the parliament back in June. I asked the minister a question on this issue. I know that the minister has maintained that she and the department did not feel this was a problem. But we had two eminent Court of Appeal judges saying there was a problem; that there was a greater likelihood that people would find a loophole in the system.

The judges advised that the changes to the new Mental Health Act might possibly make it easier for people who had been acquitted on account of unsoundness of mind to be released into the community. That was something about which they had very real concerns. I am pleased to see that that amendment is coming forward. I would also like to take the opportunity to seek some further feedback in regard to the implementation process of the new Mental Health Act, which we know is a significant act. It takes a long time to train people in that regard. I would also seek the minister's advice as to whether the positions for the new Mental Health Review Court have been filled and when the minister expects them to be in place.

Mrs Edmond: I think they're going through the recruitment process right now, but we actually don't think it will be until the end of February next year, because of problems with recruitment and training, et cetera. I would have liked it to have been up by the end of this year, but it looks as if it's not going to be feasible, and I think it's better to get it right.

Miss SIMPSON: I thank the minister for that explanation. I agree that it is better to get it right. We certainly want to see the Mental Health Act work as well as possible so that those who need that protection and care are able to receive it in a statutory framework that supports the best health outcomes.

Mrs Edmond: They have been providing training sessions around the state.

Miss SIMPSON: I thank the minister for that explanation.

The Transplant and Anatomy Act is also amended by this omnibus bill. We are all horrified by stories about baby's organs being taken for research without the consent of families. This is what this amendment seeks, among other things, to clarify—to make it very clear about the consent that is required. I note that there are different consent issues with regard to coroner and non-coroner autopsies. An issue was also raised during the briefing with regard to tissue that may be taken for research. Under the Coroners Act, tissue does not necessarily need consent in some circumstances—organs, yes, but not necessarily tissue.

Mrs Edmond: Only where it's slides. Tissue that is taken for slides and what they call pathology blocks, which are very small pieces, is put under microscopes and tested. So it's not slabs of tissue, it's little tiny pieces.

Miss SIMPSON: I thank the minister for that explanation. I can understand in certain circumstances where research is appropriate. Obviously, with slides taken—

Mrs Edmond: It's more for teaching. If you get a really interesting number of cells—to be able to keep that so that you could show other pathologists what that looks like.

Miss SIMPSON: I think that is something that most reasonable people would accept is appropriate. One issue that had been raised is that these days there is the ability to take cells and commence research into genetic manipulation. That was a concern that was raised.

Mrs Edmond: These are set pieces of cells that are set on slides or in the tissue blocks and they are actually treated.

Miss SIMPSON: That would certainly be preferable, because that is the sort of research that I think people agree is appropriate in order to provide appropriate training. While it might seem a minor and unusual issue, it is something that was raised with me. But we do agree that there has been a need to clarify these consent issues. I would certainly appreciate the minister's feedback as to the outcome of inquiries through the department about the practices in Queensland and whether it has been identified that organs have been taken without people's consent and what the process is for handling that most unfortunate situation.

Sitting suspended from 1 p.m. to 2.30 p.m.

Miss SIMPSON: I will draw my comments to a conclusion and ask further questions in the committee stage, but I will make reference to the profession specific statutes governing the registration of practitioners in the various health professions. This legislation encompasses some 20 acts. I note that the issue of core practices is still a matter that has to be brought before the parliament with regard to these professions, that the amendments are similar across these areas and that applicants are now being asked to reveal their criminal history in the application form. In relation to information about criminal history supplied to the board by both the applicant and the Commissioner of the Police Service, the rehabilitation period provisions of the Criminal Law (Rehabilitation of Offenders) Act 1986 will no longer apply. This means that old offences, as well as more recent ones, must be disclosed.

Although not expressly stated, it clearly follows from these provisions that in actually considering the applicant's criminal history the board may have regard to older offences as well as the more recent ones. For all of the above purposes, the definition of 'criminal history' has now been broadened to include convictions as well as charges which did not lead to convictions. That issue has also been highlighted by the Scrutiny of Legislation Committee. The explanatory notes make reference to this. I understand that there is a reason behind this, and I would appreciate it if the minister could further outline some of the issues that the boards have raised in this regard. However, the committee does refer to the parliament the question of whether the provisions of the bill authorising and requiring disclosure and consideration of charges and of the old convictions which would otherwise have been protected from disclosure by the Criminal Law (Rehabilitation of Offenders) Act have sufficient regard to the rights of those applicants affected by them. I welcome the minister's explanation in that regard.

As I said, this is an extensive bill which amends many acts. There are other subsequent amendments that have been tabled by the minister in the last few days. While most are uncontroversial and minor, there are quite significant amendments contained within this bill. I will certainly welcome answers to some of the questions I have raised in my contribution to the second reading debate when the minister sums up the debate and I will take the opportunity to further raise those issues in the committee stage.

The opposition has some concerns with the complexity and implementation of the Food Act. We recognise that there has to be a balance between ensuring that the best standards are applied and that economic viability continues to be taken into account, and this is something that industry has raised. There are further issues which will come forward as the standards are brought into operation under this legislation, and it is important that in the future the parliament has the opportunity to raise issues relating to the standards for implementation which are currently used as well as those being considered for future implementation. We should ensure that this legislation gives those standards further teeth, and significant penalties are applied. I would also hope that the state can provide some assistance as local governments seek to implement it and that there is some consideration of its impact upon business. I will take the opportunity in the committee stage to ask further questions.

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