




Speech By
James Lister

MEMBER FOR SOUTHERN DOWNS

Record of Proceedings, 3 April 2019

HEALTH AND OTHER LEGISLATION AMENDMENT BILL

 **Mr LISTER** (Southern Downs—LNP) (4.43 pm): I rise to speak to the Health and Other Legislation Amendment Bill 2018. As has been said, we will not be opposing the bill but we have moved an amendment regarding part 9. We really feel that the Retirement Villages Act provisions have no place in this particular bill.

I thank the committee, its staff and those who provided submissions to help us better understand the implications of the bill. The bill will repeal the Public Health (Medicinal Cannabis) Act 2016 and make consequential amendments to the Health Act 1937 to significantly streamline the regulatory framework for prescribing medicinal cannabis in Queensland. It will amend the Public Health Act to establish the Notifiable Dust Lung Disease Register and require prescribed medical practitioners to notify the chief executive of Queensland Health about cases of notifiable dust lung disease; enable the chief executive to require a person responsible for causing a pollution event to publish a pollution notice to inform the public of potential risks to public health; and enable the standard that a person must comply with when manufacturing, selling, supplying or using paint to be prescribed by regulation rather than in the act.

The bill will also amend the Radiation Safety Act 1999 to provide that certain persons are deemed to have a use or transport licence. It will amend the Transplantation and Anatomy Act 1979 to clarify the provisions about research that involve removing tissue from adults and children; ensure pathology laboratories can access tissue based products that are necessary for diagnostic and quality control purposes; and remove the requirement that a post-mortem examination of a body conducted in a hospital only be held in the hospital mortuary.

The bill will also amend the Births, Deaths and Marriages Registration Act 2003, the Coroners Act 2003 and the Cremations Act 2003 to enable human body parts used at a school of anatomy for the study and practice of anatomy to be lawfully cremated without a corresponding death certificate or the approval of an independent doctor.

Lastly—this is the part with which I have the most concern—the bill proposes to amend the Retirement Villages Act 1999 to clarify a recent amendment in relation to timely payment of exit entitlements at retirement villages and make associated amendments to the Duties Act 2001. I will come back to the Retirement Villages Act. As this bill has such far-reaching implications, I will confine my comments to that and to the issue of medicinal cannabis. Constituents of mine come to see me about this matter from time to time and I am sure it would be of interest to them.

The medicinal cannabis act 2016 provides a state based regime for patients to access medicinal cannabis products. It establishes a robust system of approvals by Queensland Health and controls to ensure medicinal cannabis is only prescribed by suitable medical practitioners for patients with conditions where there is evidence of health benefits.

Queensland's medicinal cannabis framework was designed to operate in the absence of any other controls on access to medicinal cannabis at the Commonwealth level. By the time the Queensland act commenced in March 2017, the Therapeutic Goods Administration, TGA, had rescheduled medicinal cannabis to schedule 8, meaning that it joined a range of other medicines that can be accessed for therapeutic use with strict controls under existing frameworks.

The changes that have taken place at the Commonwealth level have meant that Queensland and the Commonwealth have a duplication of systems. This duplication encompasses the following lines of activity: checking doctors' registration with the Australian Health Practitioner Regulation Agency, ensuring that there are no conditions on the registration and that they are a suitable specialist in the relevant field to prescribe or support the prescribing by a general practitioner; considering if there is scientific evidence for the use of medicinal cannabis to treat the condition and whether the patient has already used conventional treatments for the condition; and whether the proposed product and dose comply with the guidance for the use of medicinal cannabis in Australia and the standard for medicinal cannabis published by the TGA.

Having two approval processes assessing the same matter introduces the potential for Queensland and the TGA to reach different conclusions about applications. This may weaken confidence in the system. I think it is appropriate that that duplication not be there.

The bill also reduces red tape for pharmacists. Currently each individual pharmacist who dispenses medicinal cannabis in Queensland must have a dispensing approval. Dispensing approvals are site-specific to an individual pharmacy, so pharmacists working at multiple pharmacies require an approval for each pharmacy at which they work.

I now turn to the proposed amendments to the Retirement Villages Act. There really is no place for these provisions in this bill. A number of speakers before me talked about some of the absurdities that will occur if this is allowed to go through.

I do have some experience of this through my parents. When my grandparents passed on they had a freehold title at a retirement village on the Gold Coast and my mother and my uncle were unable to sell the property. I think it took three or four years before they were able to do that. Part of the reason was that the contract surrounding the property said that only the agent—which was, in effect, the operator of the retirement village, a very large one—had the right to market the property. The problem there was that, if they were incompetent or if they were weighed down by extraneous considerations like whether or not they had new accommodation in the same precinct to sell, it meant that the sale process was ineffective and there was very little that they could do about it.

I do support a requirement that a buyback occur for large corporate retirement villages. However, we have heard already that this bill captures minnows—the small operators made up of a dozen or so residents who together are the operator. If we have the retrospectivity that is proposed and if there has been the vacation of a unit in the time since the last bill came through in 2017, there could be a number of small occupiers of a small retirement village up for the purchase costs of any vacant properties. I understand that the Pebble Beach situation could include four such properties. Where is the money going to come from for that? It is a drastic thing. It is very bad law. It does not help anyone.

The thing which is most telling here is the government's suggestion that all those retirement villages need to do is change their name; they need to no longer be a retirement village. That may not suit them. They may not wish to have young families moving into their precinct. That is why they were a retirement village in the first place. The fact that this is still before us after the comments we have made today in raising the obvious absurdities where individuals in small holdings are going to be disadvantaged beggars belief. I certainly will be supporting the amendment standing in the name of the Manager of Opposition Business, the member for Kawana. However, I do acknowledge that this bill has good points and I do not wish to reflect negatively on those, but the implications for retirement villages are iniquitous and something must be done to stop it.