



Food Bill.

Second Reading

Mr HICKEY (Cessnock—Minister for Mineral Resources), on behalf of Mr Iemma [11.10 a.m.]: I move:

That this bill be now read a second time.

I have pleasure in introducing the Food Bill 2003. This bill is in the same terms as the Food Bill 2002 that was introduced in September 2002 and which lapsed when Parliament was prorogued for the recent election. The Food Bill is a major step towards a national uniform system of food regulation. The bill is the culmination of extensive work by a large number of public officials from all levels of government and from all jurisdictions over a number of years.

As the bill is in the same terms as the Food Bill 2002 I do not intend to discuss the detail of the bill in depth. However, honourable members may wish to review the second reading speech of the then Parliamentary Secretary for Health when the Food Bill 2002 was introduced on 17 September 2002. I draw the attention of honourable members to clause 1 of the bill. This clause will provide New South Wales with the power to modify by regulation the application of the Food Standards Code within this State. Honourable members will be aware that when the Food Bill 2002 was before the other place there was substantial debate over possible operation of clause 141 and that, as a result, clause 141 was amended.

The Food Bill I am introducing today includes clause 141 in its original form, without the amendments approved in the other place. I draw the attention of the House to this matter as I wish to emphasise the importance of the provision and the possible adverse consequences of amending or removing it. The Food Standards Code provides a nationally consistent mechanism for food safety standards. However, it must be recognised that the wholesale application of the code may not be appropriate for all jurisdictions. There is a need for flexibility to recognise the local issues and local concerns. In this regard, honourable members should be aware that these issues have also been recognised outside New South Wales, with the food legislation in South Australia also allowing for modification of the code by regulation.

It is important that honourable members take note of the fact that the wording of clause 141 in the New South Wales bill requires the Minister, before making any modifying regulation, to certify that a proposed regulation will not have a significant impact on the implementation and enforcement of uniform food laws in Australia. There should therefore be no concerns that by adopting the clause as drafted New South Wales will be able to undermine the national consistency of food legislation. The most immediate area in which the New South Wales Government wishes to modify the code is the notification of food businesses. The code requires that all food businesses in New South Wales notify the Department of Health of their existence and location. For the purposes of notification under the code a food business includes fund-raising activities by charitable bodies, such as cake stalls and sausage sizzles.

It is clearly unnecessary and inappropriate for fund-raising and community activities conducted by volunteer and charitable organisations such as the Country Women's Association or a surf life saving club to be subject to the notification system. That system is primarily designed to assist regulatory agencies to identify food businesses to support regular compliance monitoring activities. I emphasise that the proposed exemption for charitable groups will only apply to these notification provisions and will not in any way exempt those activities from the general requirements of the bill and the overriding principle that food is to be safe and fit for human consumption. I am sure honourable members will agree that the Food Bill 2003 represents an important advance in the ongoing development and implementation of a robust and effective food safety regime in New South Wales. I commend the bill to the House.

[Your feedback](#) [Legal notice](#)

Refer updates to Hansard Office on 02 9230 2233 or use the feedback link above.