



Food Bill.

Second Reading

The Hon. HENRY TSANG [Parliamentary Secretary] [3.03 p.m.]: I move:

That this bill be now read a second time.

I seek leave to incorporate the second reading speech in *Hansard*.

Leave granted.

I have pleasure in introducing the Food Bill 2003. This Bill is in the same terms as the Food Bill 2002 introduced in September 2002, which lapsed when Parliament was prorogued for the recent election. The Food Bill is a major step towards a nationally 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 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 any depth. However, Honourable Members may wish to review the second reading speech for the legislation when the Food Bill 2002 was introduced in 2002.

I will however draw the attention of Honourable Members to clause 141 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 Council there was substantial debate over the possible operation of clause 141, and that as a result, clause 141 was amended.

The Food Bill 2003 I am introducing today includes clause 141 in its original form, without those amendments. 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. It must be recognised however, that the wholesale application of the Code may not be appropriate for all jurisdictions. There is a need for flexibility to recognise local issues and local concerns. In this regard, Honourable Members should be aware that these issues have also been recognised outside NSW, with the food legislation in South Australia also allowing for modification of the Code by regulation.

It is important that Members take note of the fact that the wording of Clause 141 in the NSW 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 capriciously undermine the national consistency of food legislation.

The most immediate area in which the New South Wales Government wishes to modify the Code is in the area of 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 lifesaving club to be subjected 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 the point 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 that 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.

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