



Speech by

CAROLYN MALE

MEMBER FOR GLASS HOUSE

Hansard 29 October 2003

PRIMARY INDUSTRIES AND OTHER LEGISLATION AMENDMENT BILL

Ms MALE (Glass House—ALP) (10.07 p.m.): I rise to speak to the Primary Industries and Other Legislation Amendment Bill 2003 which makes amendments to a number of acts in the Primary Industries portfolio, and I will speak to them in turn. At the outset I have to say that the Department of Primary Industries has a proud tradition of working with rural communities and industries to ensure prosperous and safe industries can further develop.

In terms of the Animal Care and Protection Act 2001, this legislation amends section 166 of the act to ensure that it links with the previous section to provide consistency in relation to reasonable excuses for not complying with an information requirement when requested by an inspector. In essence, this means that a person of whom an information requirement has been made must comply unless that person has a reasonable excuse—for example, the information is not relevant to a suspected contravention of the act or is not relevant to the compliance or non-compliance with an animal welfare direction.

In relation to the Chicken Meat Industry Committee Act 1976, this legislation will allow the Chicken Meat Industry Committee to charge a fee for services provided by the committee. This will align with the ideal of full cost recovery of its services. It is important to note that the charges must be to cover the reasonable cost of providing the service.

In relation to the Exotic Diseases in Animals Act 1981, in September 2002 Exercise Minotaur was conducted, which was a simulation exercise to cover the event of a major foot-and-mouth disease outbreak in Queensland. A number of deficiencies in the act were identified, and it is necessary for us to make these changes to ensure the safety of our agricultural industries. A new section 10A provides that after the notification of a restricted area the minister may by notice declare that the movement of any of the following into, within or out of the restricted area is restricted: all persons; all animals; carcasses or animal products; animal pathogens or biological preparations; all fittings or fodder; all vehicles and vessels; any other property or thing that is likely to or capable of spreading an exotic disease. This may sound a bit extreme, and I am sure that the minister would use these powers carefully, but it is important that in the outbreak of a major agricultural disease all necessary steps are taken to contain the disease so that it can be firstly contained and then eliminated.

During Exercise Minotaur it was decided that the current licensing requirements for all movements in relation to a restricted area were excessively resource intensive to administer and enforce. It is to be amended to permit the chief inspector by public notice to specify the requirements for the movement of persons, animals and animal products, vehicles and the like into, within and from restricted areas as long as the chief inspector is satisfied that the specified movement does not pose a significant risk of spreading the exotic disease.

Also, the section dealing with top-up compensation will be amended to provide that the critical date on which eligibility for additional compensation is determined is the date on which the property is eligible for restocking, as advised by the chief inspector to the property owner, rather than the date on which the quarantine ends.

In relation to the Fisheries Act 1994, there are numerous amendments to this act, which my colleagues will detail quite closely, and I am supportive of these changes.

I now wish to speak on the government's initiatives in the food safety area through the amendments to the Food Production (Safety) Act 2000. These amendments are focused on two particular areas, namely, corporate governance and the supply of unpasteurised bovine, or cows, milk.

Corporate governance arrangements for Safe Food Queensland are to be strengthened, following comments from the Queensland Audit Office regarding the need for its structure to better reflect the standards required for Queensland statutory bodies. While the organisation was modelled on the structure of that then applicable to the counterpart New South Wales organisation, with the chief executive officer reporting to the minister, QAO is of the view, and the government has agreed, that an expertise based board should deliver a better standard of corporate governance.

As an interim measure, an interim corporate governance committee was established, chaired by a former senior Treasury officer and including a person with legal expertise as well as the chairperson of Safe Food. This committee has functioned successfully and it is now proposed to provide permanently enhanced corporate governance arrangements for Safe Food Queensland by the formal establishment of a decision making board of directors. The board will include three external appointees with appropriate qualifications, one of whom will be elected as chair, and the directors-general of both DPI and Queensland Health, or their respective senior-level nominees. These amendments will result in a more effective organisation which will be better equipped to discharge its critical statutory responsibilities regarding the development and administration of food safety schemes and ensure food safety for the community overall.

The second and more widely debated issue relates principally to the supply of unpasteurised cows milk. At the outset, can I remind the House that these amendments do not make the supply of unpasteurised milk illegal. Supply of unpasteurised milk is currently illegal. The national Food Standards Code, which has been adopted by all Australian states, clearly provides that milk and liquid milk products sold or prepared for sale have to be pasteurised. This applies unless a state law specifically provides otherwise. No Australian state permits the general sale of unpasteurised cows milk for drinking purposes or other unpasteurised dairy products. In Queensland, limited exemptions exist only for personal consumption from owned animals—proposed to be restricted by these amendments to consumption on the property on which the animal is located—and for controlled production of unpasteurised goats milk. This exemption is currently subject to review.

The need for the amendments arises from the labelling of certain products in ways to create uncertainty as to whether they are caught by the Food Production (Safety) Act 2000—Cleopatra's Bath Milk and 'body butter'—and arrangements to exploit the exemption for personal consumption from owned animals, the 'share a cow' type schemes. The amendments are intended to clarify this situation.

These issues have been in progress for some time, from the initial release in 2001 of unpasteurised 'pets milk'—labelled not for human consumption but sold from refrigerated milk cabinets next to all of the other milk. When pets milk was required by law to be pasteurised, discussions were held between the unpasteurised milk advocates and government officials. Raw milk advocates were advised that amendments should be sought to the Food Standards Code. This option is available to all and is currently being pursued by cheese importers with regard to cheeses manufactured from unpasteurised milk. Officials from Safe Food Queensland have offered to assist with such an approach. Few have pursued this option, instead requesting a reversal of the original laws or a change of labelling and starting a political, public and legal campaign of considerable diversity.

On that point, a number of local residents have contacted me, and I wish to have their concerns detailed in the House today. I have received letters from just over 40 people detailing their concerns—some very detailed and others just wanting the right to exercise free choice. I would like to read the following letter into the record from a resident—

Dear Ms Male,

I am writing to ask you to represent my concern to the State Parliament that I and many others who wish to exercise our democratic freedom to choose to consume raw, unprocessed milk products are being prevented from doing so by the current laws. I understand that there is a small health risk from consuming unpasteurised milk products but I believe that the alternatives are actually worse for my health. I have Chronic Fatigue Syndrome and Multiple Chemical Sensitivities and am therefore unable to consume processed milk that has residues of disinfectants, sanitizers and sterilising agents. There is also some clinical evidence to suggest that raw milk products can actually alleviate the symptoms of CFS ... I would like to have the opportunity to continue to test this possibility for myself.

I understand that the current laws allow me to consume raw milk if I milk my own cow myself. This does not help me as I do not have the energy to look after or milk my own cow! Furthermore, I and many other people do not have the space to keep their own cow. Clearly, these laws are impractical, discriminatory and undemocratic.

Therefore, I would ask you, as our representative, to present our views to the state parliament and introduce legislation to amend or repeal the current laws to allow us to exercise our democratic freedom to make an informed choice. After all, it has been proven that smoking damages your health, and yet the government does not prevent its citizens from being able to (whilst having access to information from appropriate education campaigns about this choice) purchase and consume cigarettes.

Thank you for your attention and action on this matter.

Other issues raised include the belief that raw milk is more easily digested by those who have a dairy intolerance, and that pasteurisation destroys essential nutrients and vitamins. Literature I have read suggests that, while there is a small loss of some of these, on the whole the milk retains its healthful properties. Residents also spoke of antibiotics and growth hormones being given to dairy herds and this being passed through the milk. My information explains that there are maximum residue limits that can be present in milk and that tests for antibiotics are regularly done by factories. Any milk that is outside the limits is then discarded. It is not in the interests of dairy farmers to allow this to happen, as their good milk is thrown away with the other milk, and so they monitor these cows very closely.

Growth hormones are not routinely used in Queensland herds, and there are strict treatment guidelines that must be followed to prevent adverse effects on milk. Claims have been made that pasteurised milk causes heart disease and breast cancer, but there is no scientific evidence that I have seen that backs these claims at all. Some people have mentioned that cigarettes are legal yet are dangerous to people's health. This is a federal health issue, rather than a safe food issue, and as such cannot really be included in the debate on raw milk. Personally, I wish that cigarettes and other tobacco products were illegal, and I would encourage people to lobby the federal government on this issue.

One of the issues that constituents raised was that farmers tended to drink raw milk produced from their own cows and show no ill effects. That may be true. I certainly had raw milk as a child from a house cow and know many people who did. Drinking raw milk from our own cows that we have milked, being careful with the hygiene standards and storing it appropriately, is a different proposition from drinking raw milk from cows on someone else's farm where we have no knowledge or control of any part of the process—from milking to storage to transport to shop storage. This is where the problem lies.

The amendment today still provides for the option for people to drink raw milk from their own cow on the property where the cow is kept. So farmers and other people who wish to can continue to do so. The share cow scheme whereby people could purchase a cow or share of a cow and have the milk taken from the property is no longer allowable. However, people can still purchase a cow or share of a cow. The only proviso is that the milk cannot be taken from the property where the cow is kept. The milk also cannot be sold or bartered in any form. I think this is an option whereby people can still have access to raw milk on site, and the issues of transport and storage do not come into play. This still provides a legal choice for people.

There was a rumour that a person would actually have to milk the cow they own themselves, but this is not true. Anybody, either paid or unpaid, can milk the cow. However, again, the only proviso is that the milk has to remain on site. A number of residents of Crystal Waters at Conondale have contacted me to raise their concerns about access to raw milk at Crystal Waters. After discussions with Safe Food Queensland, we are advised that Crystal Waters is a community that is actually within one property description. We believe that this gives them the opportunity of being able to drink raw milk anywhere on the entire community site. The restriction that applies to this community would be the same for other farmers, and that is that the milk cannot be sold or bartered.

Handling and hygiene practices on site again become a critical issue, and Safe Food Queensland has indicated that it would be willing to have discussions with the community about how a risk management strategy could be put in place at Crystal Waters so that residents could have access to the raw milk that is produced on site. This may include a communication strategy that provides education on the health issues surrounding the consumption of raw milk; accrediting the dairy herd so that hygiene and health issues can be addressed; organising a testing regime for the raw milk; and possibly looking at the legal implications in terms of liability issues. I would be asking the residents of Crystal Waters to make contact with Safe Food Queensland to discuss the matters that I have raised here today.

The legal campaign I mentioned earlier in my speech is in relation to the Supreme Court of Queensland, which in March 2002 dismissed an application from Mr Trevor John Mahaffey for judicial review of alleged decisions and/or conduct of the Queensland Dairy Authority in relation to pets milk. In September 2003 the Supreme Court of Queensland dismissed with costs an application from Mr Ian Bruce Bell and Mr Mahaffey for judicial review challenging the right of cabinet to introduce the laws the parliament is currently considering. Media reports indicate that further appeal against this decision is contemplated.

At the same time efforts have been made to convince the media and members in this place of the virtues of raw milk, much of which seems to have its origins in a worldwide campaign for real milk. In addition, there have been threats to refer the matter to the United Nations Commission on Human Rights on religious grounds and entreaties to government members to consider instituting action against the government under the Criminal Code if a member considers they are forced to vote against their will on party lines.

While all this has been going on there was little movement from raw milk advocates to use the opportunity provided by the food safety system in this country—the system supported by all Australian states—to present to Food Standards Australia New Zealand an application to vary the national food

standards to allow the sale and supply of unpasteurised milk. This is, of course, just what the prospective cheese importers are doing. This is also occurring for all sorts of food issues on a continuing basis. It is FSANZ's job and it approaches it carefully, mindful of the possible public health consequences of its decisions. Accordingly, it seeks the highest standards of scientific justification to back its actions.

I have noted a reluctance to follow the laws of the land and follow the process for legitimising the supply of raw cows milk. Certainly there is no shortage of evidence of concern and warnings from public health organisations and officials of the potential dangers. I would urge supporters of raw milk to consider all of the evidence. I would suggest the web sites of public health organisations in the UK, the USA, Ohio, Wisconsin, FSANZ and Safe Food Queensland, to name but a few. They should look at medical journals—the *American Journal of Public Health* of 21 November 1997, for example. There is a strong recurring message: raw milk causes public health problems on a recurring basis.

There is an extensive list of pathogens which can be communicated without pasteurisation. When health officials say problems can be most acute for the young, elderly, sick or immuno-compromised, that is because I believe that is what their evidence shows. This evidence goes beyond the claims that governments are simply protecting vested processing interests.

Let us look at the worldwide picture. In the United Kingdom, since 1997 the sale of raw milk has been prohibited in Ireland where it is regarded as an unnecessary and unacceptable risk to public health. In Scotland, there has been a prohibition on the sale of unpasteurised milk for human consumption since 1983. In England and Wales some unpasteurised milk is still sold. However, between 1992 and 1996, 10 outbreaks of disease associated with raw milk reportedly affected 218 people. In both England and Wales during 1997 and 2001 there were attempts to prohibit retail sales. However, both attempts met with stiff opposition with the result that tighter quality controls were introduced, including the introduction of warning labels on the product.

In England the current position is that raw milk may be sold from the farm or on milk runs operated by the farmer. In Wales it was decided that a voluntary regime of product warning labelling by producers would be introduced before there was any attempt to prescribe such labelling by way of regulation. The sale of unpasteurised milk in America is a state based issue with laws across the states differing. In California, for example, retail sales through stores is lawful, but in Wisconsin and in 21 other states there is an absolute ban on sales, even from the farm.

France allows the retail sale of unpasteurised milk whilst Finland and Netherlands prohibit such sale. In April to May 1995, 20 diagnosed cases of listeriosis were reported in France. Eleven of those who contracted the disease were pregnant women, two of whom suffered spontaneous abortions, four of whom suffered premature deaths and two of whom suffered stillbirths. It was the first reported outbreak in France that was caused by cheese made from unpasteurised milk.

The sale of unpasteurised milk for human consumption is prohibited in many countries, and where it is permitted it is tightly controlled or regulated to maximise quality at the point of sale to consumers. Jurisdictions that have implemented bans have done so on the basis that the right of individual choice is outweighed by the public health issue of food poisoning that may occur from the presence of bacteria in the untreated milk.

The Australian experience is not much different. There were five confirmed outbreaks of gastroenteritis from consumption of raw milk between 1999 and 2001. South Australia banned the sale of raw milk following a *Campylobacter* outbreak affecting 21 people after the consumption of raw milk. In Queensland a public health warning regarding the dangers of consuming raw milk was issued in August 2001 following the hospitalisation of five children at Nambour. They had all consumed 'pets milk'. I am aware that some raw milk supporters believe these findings are incorrect and that problems are attributable to other causes. Nevertheless, it is the responsibility of FSANZ to investigate such claims and make judgments and recommendations on a scientifically defensible basis.

I understand that an application for a variation to the Food Standards Code in relation to legalising the sale of unpasteurised milk has been lodged by Mrs Liisa Archer from Maleny. I am also aware of several dairy farmers from the Gympie area who are working with Safe Food Queensland to develop a protocol of on-farm practices and processing, including testing regimes, to support their application to FSANZ to have the food standards changed. If a safe way of dealing with raw milk can be developed, then it will be applicable Australia-wide. This government is committed to supporting FSANZ outcomes. This is the intention of uniform food standards and the way all Australian states seek to address such issues. Supporters of the cause should be engaged and encouraged to provide their energy and expertise into deriving science based public health outcomes.

In the meantime this government has a responsibility to uphold the FSANZ standards which are designed to protect the health of the wider public. Further issues which I believe need to be taken into account if raw milk sales are legalised in the future include who is liable if a food-borne sickness outbreak occurs. Is it the farmer, the transporter, the shopkeeper, the consumer or the parents if the

milk has been given to a minor? Who has the responsibility of providing balanced literature which enables potential consumers to make an informed decision regarding the consumption of raw milk? Labelling, use of disclaimers for legal protection, cost of testing protocols and the like are all issues that would need to be worked through.

The issue of granting an exemption by FSANZ will necessarily require detailed investigation and scientific testing, discussion regarding adequate production standards and health and hygiene matters, not to mention analysis of the legal implications for everyone involved in the chain of supply and the government which has the overall responsibility of ensuring that food products are safe for the general populace to consume.

I have spent a large part of my speech this evening on dealing with the issues of unpasteurised milk. This is an issue which has raised a great deal of concern in my community and I believe I have represented their issues here faithfully tonight. I would like to put on the public record that I will be supporting the government's legislation. I commend the bill to the House.