Speech by

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MEMBER FOR SURFERS PARADISE

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FOOD BILL

Mr LANGBROEK (Surfers Paradise—Lib) (4.32 pm): I rise to support the measures contained in the Food Bill 2005 as outlined by the minister in his second reading speech and to follow the lead of my good friend the shadow minister for health and member for Moggill. Having been a member of the Surfers Paradise Chamber of Commerce for many years, a district with a high concentration of food outlets, I am aware that my fellow businesspeople in the hospitality industry have always understood the need to keep their customers safe and satisfied. My experience is that the industry has also welcomed any moves to keep their customers safe and smiling, knowing full well that many of their happy customers will be repeat visitors. As such, I am very much in favour of the provisions to implement a consistent food safety standard across the country and across food businesses in Queensland. The bill provides that all businesses, unless they are exempt under the act, are required to comply with the national standards.

It is in examining those exemptions that the Beattie Labor government once again displays inconsistency, passing legislation to shield itself from any potential liability. One of the bill's exemptions states that it does not apply to the state, which includes government owned corporations like prisons, residential aged-care facilities, Queensland Rail food services, hospitals and state school tuckshops. I note that the minister responded to comments from the Scrutiny of Legislation Committee in its final report last year. He responded in a letter to the Scrutiny of Legislation Committee on 20 December and stated—

... administrative arrangements will be put in place to ensure that State-owned food businesses will supply safe and suitable food.

Can I suggest that if we were to just alter two words in that sentence and change it to 'administrative arrangements will be put in place to ensure state owned health businesses will supply safe and suitable health outcomes', I do not necessarily know that we would be that happy with the assurance of the minister that we will be getting a good health system. For that reason, I am concerned that the inconsistency that effectively protects the state is just not fair.

Where is the fairness in protecting the P&C operated state school tuckshop but not the tuckshop in our private schools, especially if they were to attest that administrative arrangements would be put in place to ensure that they would supply safe and suitable food? Why does this current government feel that it does not have to be subject to the red tape it imposes on everyone else?

I recognise that the government has its own administrative guidelines in place for its facilities, but why should it not have to subject its operations to the standards this bill will impose on private sector businesses? Let us remind ourselves of the intention of this bill and the aim of the intergovernmental agreement of November 2000. We are trying to provide the safest food possible for consumers. If the self-administering standards that this government uses in our state schools and hospitals are inconsistent with the agreed standards set down by the federal Australia New Zealand Food Authority, how can we be assured this government's facilities are providing the safest food for young and hospitalised Queenslanders? Unfortunately, we cannot, and that is a real shame because it is the children of this state and those Queenslanders requiring health care that deserve the best, or at least the same, treatment and safeguards as anyone else.

The young, the elderly and pregnant women are the groups at the highest risk of becoming critically ill due to food poisoning, and it is the young in our state schools, the elderly in our state aged-care facilities and pregnant women in our hospitals who are not guaranteed the safeguards this bill could achieve because the government wants to avoid any potential liability. This Labor government has its priorities all wrong when it comes to the health of Queenslanders and the safety of its consumers. Once again, as in the Child Employment Bill, we have a reversal of the onus of proof as outlined by the Scrutiny of Legislation Committee at points 26 and 27 of its *Alert Digest* tabled 22 November 2005. At those points, the committee notes that clauses 259 and 260 of the bill effectively reverse the onus of proof. At point 27, the committee refers to parliament the question of whether in the circumstances reversal of onus is justified. Once again, there are numerous of us here who have concerns whenever this important legal principle is overturned.

On 8 November last year the minister put out a press release which in its first paragraph stated—

The Beattie Government will strengthen legislation to better protect Queenslanders against food poisoning and help ensure food consumed meets national standards.

The minister should qualify this statement with the fact that national standards would not be employed in state schools, hospitals and aged-care facilities. The government is forgetting that in 2004 there were 56 outbreaks in aged-care facilities affecting 2,734 people. Eleven of those elderly people died. This exemption is not justified and the state needs to reconsider its exemption.

I would like to commend the inclusion of licensing provisions within the bill itself rather than having it in the regulations, but it should be noted that registration provisions remain in the regulation. Chapter 3 sets out the requirements for licensing for certain food businesses—those that manufacture food, for-profit organisations selling unpackaged food such as restaurants and delicatessens, and not-for-profit organisations that sell meals more than 12 times a year. These provisions seem reasonable but I am still uneasy about the balance struck between increasing food safety and minimising the red tape that not-for-profit organisations may have to negotiate—for example, a volunteer surf club that runs 14 sausage sizzles a year having to apply for and pay for a licence.

Furthermore, I do not feel the new licensing provisions go far enough in minimising the cost local governments will bear due to the continued need for them to be responsible. Once again, another state government responsibility has been devolved to local government, as it is responsible now for the administration of the licensing scheme. Indeed, it is the local authorities that will conduct the inspections of licensed food businesses.

The objective of having a consistent food safety standard will be subject to the discretionary upholding of it by local governments around the state. The large number of local government committees in Queensland may lead to inconsistencies from region to region and this is not desirable. It seems odd that the government has chosen to place the responsibility of licensing with local governments yet fails to include clause 4 of the food safety standard 3.2.2. This clause would have required food businesses to provide local governments with the name, address and contact details of the food business, the nature of the business and location of all food premises. Most jurisdictions except the Northern Territory have realised that consistency may be better achieved through having the suggested clause included.

I support the new provision that high-risk food businesses be required to develop and implement a food safety strategy. These safety programs would be audited on a regular basis. Despite the fact that these provisions are needed for the safety of Queenslanders, clause 99 of the bill illustrates again the double standard policy of the current Beattie Labor government. The bill explicitly identifies off-site and on-site catering businesses as high risk, as it should. It also labels the operations of private hospitals as high risk, as it should. The safety of our hospitalised Queenslanders should be at the top of any government's priority list. However, by acknowledging private hospitals as high-risk businesses worthy of food safety programs, my colleagues opposite acknowledged the need for the food provided to hospitalised Queenslanders to be of the safest standard. I return to my earlier argument: why private hospitals and not public hospitals? Where is the consistency? Where is the fairness? Where is the safety?

I care to support this bill and its provisions insofar as it aims to provide the safest food to Queenslanders. However, I find it very difficult to comprehend how the Australian Labor Party can justify its employment of this bill to again put the health of our most vulnerable second to its desire to avoid potential liability. Then again, with the state of Queensland Health, it is pretty obvious why it is abusing its power.