Speech by

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FOOD BILL

Mr HORAN (Toowoomba South—NPA) (3.57 pm): The Food Bill has been some time in the making. It is important with regard to the safety of people when eating out, particularly in intensive eating areas. We have seen outbreaks of salmonella and so forth at different times. Often this happens a little further back in the chain—sometimes in the manufacturing areas. Certainly this legislation has been in the making for some time.

I want to bring up a number of issues that are of concern to those of us in the opposition. In his second reading speech the minister referred to service clubs, volunteer organisations and so forth. We all know too well how legislation can sometimes seem to be well meaning but when it comes to the regulations, the act being put in place and local government officers interpreting the black and white and small print it can be difficult.

There has been a lot of debate about this for some time. These clubs are part of our community infrastructure. Service clubs run their barbecues at rodeos and carnivals and so forth. Sports clubs have sausage sizzles and so forth. Recently we saw the controversy at Rainbow Bay. The nippers club was banned from having its weekly sausage sizzle. I presume if they do that throughout the season they would probably have somewhere between 20 and 26 sausage sizzles a year. That is over 12. What is going to happen to organisations like that?

There are many service clubs that might run barbecues weekly at particularly events. It might be, for example, a craft market or some other sort of market that is held weekly. The service club runs a barbecue, makes some money and provides a service. At the Carnival of Flowers I know that service clubs do things not only on the main day but day after day. They might provide food at a hall where there is a display of flowers. Those people would only have to run two or three more functions later in the year to be caught by this 12-day rule.

I want to bring a real note of caution to this debate. Whilst legislators and those who have looked into this may be well-meaning, we often find that once this happens it becomes far more difficult to interpret and far more difficult to oversee than those original legislators first thought.

There are a number of tiers involved in the way that this food safety legislation is structured. The first tier is that all food businesses that are not exempted from the legislation must handle and sell food safely and comply with the national Food Standards Code. However, one of those exempted is probably one of the biggest food operators in the state—the state government. Just think of the 160 hospitals throughout the state. Just think of all of the public nursing homes that the state government operates throughout the state. Just think of all of the state primary and secondary schools, and there are literally thousands of them throughout the state. However, these organisations will be exempt from the same sort of pressure, oversight and legislation that will apply to private hospitals, private nursing homes and private schools. What is the difference between food that can make someone sick in a private hospital and food that can make someone sick in a public hospital? Would it not be only fair, sensible and logical to say that it applies to everybody, the state government included? I note that hospitals are listed as high risk, and of course they are. If someone in a fragile state due to some form of stomach upset or an old person in a medical

ward consumes food that is contaminated in any way, then they are at high risk. We saw that situation a few years ago in a Brisbane hospital.

The state government is prepared to introduce this legislation and say that this is what has to be done to safeguard people, yet the state government is responsible for those hundreds of hospitals, nursing homes, state primary and high schools and all of the state government canteens throughout departments in Queensland. Let us take, for example, Q-Rail with its dining cars on its trains serving tourists and others. I presume that, as it is a corporate business part of government, it is going to be exempt as well. What about functions that take place at Parliament House on the Speaker's Green or functions that government departments put on? Are they all going to be exempt while others doing the same thing have a high level of oversight, regulation and legislation applying to them? The legislation says that state businesses have to try to follow the regulations that apply to other businesses, but the minister's second reading speech states—

State food businesses that require inspections or audits to demonstrate their compliance with equivalent administrative arrangements may elect—

'may elect'—

to have this undertaken by Queensland Health or local government officers.

They do not have to, just 'may'. We are going to have two sets of rules in this state: one for those people who operate in private enterprise such as hospitals, nursing homes, private schools and restaurants and another set of rules for state government hospitals, state government schools, state government canteens, Queensland Rail and all state government functions that are held by government departments. It just does not make sense. It is not fair to people and it is not good corporate leadership and governance by the state. If Queensland Health and the state government were truly genuine in saying that this is for the good of the people, then those tens of thousands or hundreds of thousands of people who are going to eat at a state government exempted facility will be at a greater risk than those who will be eating at private facilities because of the way this legislation is constructed.

The second tier of this legislation looks at manufacturers and food businesses that sell unpackaged foods such as takeaway food stores, caterers, delicatessens and restaurants and requires them to be licensed. Again, state government organisations with takeaway food such as Queensland Rail or canteens in the foyers of hospitals and so forth will all be exempted, yet those others have to obtain a licence. Once again this legislation brings in red tape, but let us accept that for the necessity to ensure that the food people eat is safe. As part of the licence all licensees have to have a food safety supervisor, so I guess we are going to see another industry spring up. There are seminars and forums everywhere. Everyone is being trained to be something. According to this legislation, every little business is going to have to have a food safety supervisor. If a service club is doing over 12 barbecues a year, they will have to have a trained food safety supervisor to check that the hamburgers are put on the barbecue the correct way and so forth. This is going to become quite an administrative and red-tape nightmare just when people are talking about the need to get rid of red tape and to make the operation of business more straightforward and more safe.

The third tier of this legislation relates to higher risk food businesses—the legislation gives the example of on-site and off-site caterers and private hospitals—to prepare, implement and maintain food safety programs in addition to being licensed. These organisations will have to have these special programs. As I referred to earlier, these programs will need to be audited and so forth. Here again we see discrimination where the equivalent state government organisations will not have to be audited. They 'may' be audited if they so choose.

The minister says that it is his intention to delay commencement of the bill's provisions about food safety programs until July 2007. That date has obviously been picked to make it after the election, because there could be some unpopular and difficult issues in this legislation particularly as it relates to service clubs and organisations. The bill says that this will allow sufficient time for food businesses to develop their food safety programs or adapt template food safety programs produced by Queensland Health, and it is interesting to note that Queensland Health itself does not have to go to the same extent in terms of catering in its hospitals that all of these other businesses have to go to.

There will be—and other speakers may well bring them up—a number of examples where there will be grey areas when it comes to clubs. The bill refers to charitable or donating organisations. What happens to footy clubs? What if it is a Rugby League club that has some professional players yet is a country club? They might have a sign-on day with a sausage sizzle where it costs $1 for a sausage on a bit of white bread. Are there going to be all sorts of nitpicking interpretations of those sorts of things, or are people simply going to feel pressured not to do it? It is very important to tread very carefully. I am quite concerned about what is going to happen with issues dealt with under this legislation. We need to ensure that we are not going to put an imposition on clubs that do things for charity, clubs that provide sport and recreation for young Queenslanders and clubs that raise money because it is hard to undertake their coaching and training programs or even pay their insurance, because some clubs have to fundraise through various types of barbecues and food stalls to pay for such things. We do not want to knock them

out of the equation and make it almost impossible for them to be volunteers and do honorary work and run their clubs the way they should be running them.

They are the main concerns that I and those of us on the opposition side have—that is, the fact that this legislation is one rule for the government and another rule for private enterprise. We also have serious concerns about clubs and the effect that this legislation will have once it comes into place followed by regulations, followed by interpretation, followed by local government interpretation and having to act according to the black-and-white rules within those regulations. We could therefore see some real difficulties for the backbone of our community—that is, community, sports, social and service clubs.