

**ECONOMICS AND INDUSTRY
STANDING COMMITTEE**

**INQUIRY INTO THE PRODUCTION AND MARKETING
OF FOODSTUFFS**

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
WEDNESDAY, 19 OCTOBER 2005**

Members

**Ms J.A. Radisich (Chairman)
Mr G.A. Woodhams (Deputy Chairman)
Mr T.R. Buswell
Mr M.P. Murray
Mr D.A. Templeman**

Co-opted Members

**Mr P.D. Omodei
Mr D.T. Redman**

Hearing commenced at 9.51 am

DODDS, MR JAMES CHEYNE
Director, Environmental Health, Department of Health,
Grace Vaughan House,
Shenton Park 6008, examined:

GILLAM, MR LINDSAY ROSS
Acting Principal Food Scientist, Department of Health,
Grace Vaughan House,
Shenton Park 6008, examined:

The CHAIRMAN: I will run through the procedure for the examination of witnesses. You will note that Hansard is with us as well. Have you both completed the "Details of Witness" form and do you both understand the notes attached to it?

Mr Dodds: Yes, I have.

Mr Gillam: Yes, I have.

The CHAIRMAN: Did you receive and read an information for witnesses briefing sheet regarding giving evidence before parliamentary committees?

Mr Gillam: Yes.

Mr Dodds: Yes.

The CHAIRMAN: We appreciate you coming in. The role of the Department of Health is really important to the inquiry we are embarked upon. At the outset, I will say as a message to the Department of Health that, as a committee, we are disappointed that the Department of Health did not make a submission to our inquiry. All the people who have already given evidence to us have mentioned the important role that the Department of Health plays, which is fairly obvious given the role of food and food safety standards within our state. However, having said that, I am sure that we will be hearing more from you. Your minister is required to respond to our interim report roughly 90 days from when we tabled it. We will ask you some general questions. In particular, we will be interested to know your thoughts and opinions about our interim report. We also have some more specific questions to ask you. Are there any comments you would like to make at the outset? That would be the appropriate place to start.

Mr Gillam: The Department of Health has been involved for a very large number of years in the sampling of fresh fruit and vegetables. We have surveyed a series of pesticide residues which, whilst not targeted specifically at imported or local produce, would have included a component of both as a matter of necessity.

The CHAIRMAN: Are these your two-yearly surveys?

Mr Gillam: Yes. I did not bring them along, but we have all the results. I have compiled a submission list of documents that you may want me to send you separately. Basically, they indicate a very high level of compliance or, the other way round, a very low level of non-compliance. We do that in addition, of course, to the AQIS sampling regime, which you either will know about or will be told about.

The CHAIRMAN: A bit of both.

Mr Gillam: Yes, okay. We look at a wide range of pesticide residues and heavy metals. We have not done any microbiological testing of any substance, which I note got some airplay a week or so ago with the Department of Agriculture. However, I am pleased to say that prior to the publicity of a week ago, we received approval to conduct another survey, which is now well advanced. That survey will concentrate on imported foods. We frankly do not believe we will find anything.

The CHAIRMAN: Why do you think that?

Mr Gillam: Simply based on our sampling results from the past.

The CHAIRMAN: We have been told about your test, which has been explained to us as a shopping basket-type test. What kinds of food have been included in the tests in the past - the quantities and origins etc; as much as you know - and how will the upcoming test vary from that?

Mr Gillam: There are two lots of testing. A total dietary survey is done on a national basis and looks at pesticide residues. The 2002-03 results for that have just been published and again show a very low level of non-compliance. Surveys have also been done totally by the Department of Health as part of the state food-monitoring program. We believe that we resource that very well. A full-time officer is involved with that who is adequately resourced with budgets. The surveys are conducted every couple of years, so they are different from the total dietary surveys. The one proposed at the moment will simply concentrate on imported foods. We have identified the importers so that we can go direct to them, whereas in the past we have simply gone to retail outlets.

The CHAIRMAN: Why is this upcoming survey focused on imported foods?

Mr Gillam: Simply as a result of the allegations that have been made that the standard of imported foods may not be the same as the standard of food produced locally.

The CHAIRMAN: That is the firm view of the Department of Agriculture. Does the Department of Health have a different view?

Mr Gillam: We have no evidence before us to show that that is the case. The Department of Agriculture may have some anecdotal reasons for feeling that way, but certainly the documentation that is available to us and the surveys we have done have not shown any reason to believe that there is a disparity between imported and locally produced products.

Mr T.R. BUSWELL: Lindsay, when you conduct the tests do you test for specific substances or whatever?

Mr Gillam: Yes; chemicals or pesticide residues.

Mr T.R. BUSWELL: Does that cover some of the more colourful contaminants, if I can use that term, that have been raised in the public domain? Would those sorts of things be picked up in that testing?

Mr Gillam: Yes, they would be. Interestingly, in 2002 we decided that we would not sample for organochlorines, or DDT, which was one of the substances that got some airplay, simply on the basis that we had been sampling for that for a very long time and we had no reason to continue the sampling regime. Given the publicity attached to some Third World countries that are still using organochlorines and are importing into Australia, we will have another look at that. Based on our results, we expect -

Mr T.R. BUSWELL: Was 2002 your last sampling period?

Mr Gillam: Yes.

The CHAIRMAN: Do you know the proportion of imported foods that would have been in the sample basket in the last test or previous tests?

Mr Gillam: I would need to research it; I do not know off the top of my head.

The CHAIRMAN: The upcoming survey will focus exclusively on imported items.

Mr Gillam: Yes.

The CHAIRMAN: Fresh food items or processed or packaged food?

Mr Gillam: Fresh fruit and vegetables. We will be doing some limited microbial examination to try to get to the bottom of the raw sewage -

Mr T.R. BUSWELL: A good play on words!

Mr Gillam: Yes. Again, the view of the Department of Health, which is stated in the messages, media releases and pamphlets that we produce, is that the public is required to thoroughly wash any fruit and vegies prior to consumption. We believe that that addresses any microbial concerns with fresh local or imported produce, given the nature of the way in which it is grown. There is a requirement that it needs to be washed to remove any of that contamination.

Mr T.R. BUSWELL: A microbial analysis was not conducted in 2002.

Mr Gillam: No.

Mr T.R. BUSWELL: So there is no body of evidence to support or otherwise these claims about the types of fertilisers that may be used?

Mr Gillam: Not by the health department.

Mr T.R. BUSWELL: Prior to 2002, you tested for organochlorines?

Mr Gillam: Yes.

Mr T.R. BUSWELL: But you did not in 2002. I do not know whether there have been any changes in the source of fresh fruit and vegetables that are coming into Australia. Is that something that you -

Mr Gillam: I could only give you an anecdotal response to that. Certainly we have no evidence to give us any breakdown of what is imported and what is not. However, I would be reasonably comfortable in saying that the level of imported fruit and vegetables has increased in the past four to five years. I think other people have given you that sort of information.

The CHAIRMAN: The concern we have is that last week the Department of Agriculture was extremely strong on this particular point. Organochlorines have a lasting effect on tissue and the environment, causing carcinogenic outcomes, birth defects and so on. AQIS tests for one of those. We understand that its reviewing regime is currently under review. Will you be having any input into that review?

Mr Gillam: There is no formalised process that we would input into. Given the publicity and the amount of information that has been circulating in the jurisdictions about the whole country-of-origin labelling issue, it may well be that we will be approached; however, there is no formal process whereby it would be required to ring us to say what it is thinking.

[10.00 am]

The CHAIRMAN: The Department of Agriculture made clear statements to us that the safety of imported foods could not be guaranteed to be at the same level as locally grown produce and that we are really quite unsure of the conditions in which the imported produce is grown. Considering the stark health effects that the organochlorines have and given that both the Department of Health's tests and Freshcare tests include those, we are extremely concerned that the Australian Quarantine and Inspection Service tests only for endosulfate and none of the others. Have you heard about that?

Mr Gillam: AQIS is actually advised by Food Standards Australia New Zealand, as you probably know, and apparently it has based its sampling protocols on a risk-based assessment. I believe they struck off organochlorines for the same reason that we did: they were simply doing lots of expensive testing and were finding nothing of any consequence. I am paraphrasing AQIS advice when they say their risk-based assessment is that they would want to look at mainly the organophosphates, the carbonates and synthetic pyrethroids, which are different groups of chemical, because they believe they have a greater risk to human health than organochlorines, at least in the short term.

Mr Dodds: And they are more likely to be used out there. There needs to be a real risk that the produce is being used. The organochlorines, if they were being forced into the marketplace in Third World countries or whatever, would already have been in those marketplaces four or five years ago. They were moved out of the developed countries some 10 or 15 years ago. They would have been finding their way into those marketplaces and our monitoring programs at that time were not showing up any of that. There is some confidence in that FSANZ and AQIS have managed that. FSANZ does take a serious look at the whole risk assessment approach that AQIS takes to provide advice in that regard.

It is probably worth noting that our surveillance system is not specific to food - the Department of Health obviously maintains surveillance systems that go beyond food. If there are severe risks in terms of the microbial contamination of a food supply, we would see that evidenced in terms of our analysis of disease monitoring and those types of things. We actually link that very strongly, and our food area and communicable diseases area, as do other areas, work very closely together. If we saw, as we have in the past, some particular organism appearing that was unusual, we would investigate that to try to find out what the source may have been. In some cases that has turned out to be a food-borne source and we have found it. We certainly do have a fairly sophisticated monitoring surveillance program, which goes beyond the market basket surveillance system.

Western Australia has long been held in high regard by the other jurisdictions because of its specific food sampling; for example, the Foodwatch program where they buy in the marketplace and analyse and interpret the results of the analysis in terms of what it means for consumer health. It is based on specific products. The market basket is indicative of what you would buy in a total diet survey if you went to the local supermarket and shopped. Western Australia has led the way for many years in a program of actually doing food surveys and other states have followed that over the past 10 years - I know that from my knowledge of national food surveillance.

Mr T.R. BUSWELL: You are saying that there has been no evidence - that is, people presenting with medical problems and working out what caused them and tracking them back to their source. Irrespective of whether there is anything on the vegetables being imported, it is not presenting as, or resulting in, health problems that are taken to a medical practitioner.

Mr Dodds: We have laboratory samples that are of medical tests. That is under surveillance all the time. We have an ongoing monitoring program of human health and we have not seen anything of that nature. It is a significant point that sits and locks well beside our food point. It is worthy of putting on the record that Western Australia's Foodwatch program, and its documentation and putting that information out to industry and consumers, has long been held as the flagship of Australia - as one of the better systems in the country - and since the nationalisation of food regulation, the other states have adopted and followed it. FSANZ has very closely taken the lead and borrowed from the concept. I think that is a fair comment.

Mr Gillam: We are proud of it.

Mr T.R. BUSWELL: My question relates to the role of the Health Department in point-of-sale labelling. My understanding of the act is that it commits Western Australia to the federal country-of-origin labelling regime as defined by the relevant standards. The practical enforcement of those obligations is supposedly conducted by local governments through their environmental health

officers. It seems to me that somehow in the chain of responsibility and the head of power created under the Health Act, something did not quite work correctly and for some reason a large number of local governments were not aware of the enforcement responsibilities as they relate to country-of-origin labelling. I know it has now changed because I am aware that a significant amount of correspondence has gone to local governments, including letters, phone surveys and the like. Do you have any observations on why that may have been?

Mr Gillam: I will have a crack at it. Obviously we notified and spoke with a lot of local authorities and a lot of them rang us up asking where on earth did the county-of-origin labelling thing come from. It is a risk based thing. When local authorities are doing inspections they talk about protecting health and safety and looking at the factors that contribute to that sort of understanding. It seemed to me that while some of them had an understanding that county-of-origin labelling was an issue, it was not an issue they rated highly in their health and safety concept. That is the information - I am not saying it is right or wrong. I am simply pointing out that that is what we were advised. We have spoken and sent letters to them asking them to increase surveillance. It would be a good thing, but there will still be resistance by some of the local authorities that do not see this as a health issue.

Mr Dodds: There may be - we do not know that.

Mr Gillam: I think I said that.

The CHAIRMAN: I have one more question in relation to the previous topic. I refer to the food basket testing and earlier, Lindsay, you mentioned that you have identified the importers whose produce you will be testing. Where are they importing the food from and what consequences would there be if any of these contaminants were to be found in their food?

Mr Gillam: At this stage we have only identified who we will be dealing with. The program for the whole thing is being scoped up at the moment. We have identified who we will need to be dealing with, but at this stage we have not gone to them and do not know what the countries of origin will be. I guess one of the bigger importers at the moment, if I believe what I read in the paper, is China. We are not certain at this stage.

The CHAIRMAN: Will you be making efforts to ensure that the breadth of countries from which we import food most regularly will be included in that test?

Mr Gillam: Yes, we will. If we were to find a level of non-compliance, certainly we would deal with AQIS to draw that to its attention. While there is no formalised process, certainly we will keep them in the loop by telling them our results.

Mr Dodds: If we identified a specific risk through that process, we would take whatever action we could to remove it from the marketplace or make sure it did not enter the marketplace.

The CHAIRMAN: Do you by any chance know what happens if contaminants are found in shipments of fresh produce?

Mr Gillam: In terms of AQIS.

The CHAIRMAN: Yes.

Mr Gillam: Funny you should say that; I have been reading AQIS's web page today and it has three levels of surveillance.

The CHAIRMAN: The question we have not been able to have answered and we have not had AQIS appear as yet - it is a question we will ask it - is that we are curious that if contaminants are found in the bulk import of fresh food, what happens to that food?

Mr Gillam: I will give you a general answer.

The CHAIRMAN: If you do not know, that is fine. I thought it was worth asking.

Mr Gillam: The general thing is that AQIS has three levels. One where they have done surveillance and it is okay. It is very routine monitoring. Another one is risk based, whereby if there has been a failure, it holds the next five consignments until it gets some sort of clearance. The third one - if you gave me 10 minutes I could find it here, but it is on their web page. They have a trace back system and if there is a level of non-compliance they hold and continue to sample that particular product. The level of sampling may then increase.

The CHAIRMAN: My question is: does the produce get destroyed there and then or is it sent to another country?

Mr Dodds: It is my understanding that it could be dealt with in a number of ways. It could be dealt with by way of some treatment process. For example, if it was microbial contamination, a treatment by heat - cooking - probably would be acceptable and they may make that risk assessment and determination and it may enter the country by another pathway. For example, if it was fresh produce that may be eaten in an uncooked state, it may be directed to a state where it is processed and cooked and obviously that would destroy the bacteria. There are other options - it could be sent back to the supplier who may send it on. In terms of being specific, they deal with it, as Lindsay said, through a regime and they deal with the suppliers by sampling more frequently to establish the future of stocks. In terms of dealing with that immediate infringement, they make an assessment as to whether it can enter the marketplace in another way - as I said, if it is microbial contamination there would be ways to deal with it, like the internal manufacturers deal with microbial contaminations when they find them in their manufacturing stream. They put them into another process or re-process them. Those options would be there.

For the purpose of completeness on the surveillance issue, it is probably worth explaining our role or our food group.

[10.15 am]

Our food group is bigger than that of most other states, and that makes our surveillance stronger. For about five or six years, since the deregulation of the dairy industry, our food group in Western Australia has included the dairy safety component. We have linked in the dairy industry and we manage that within our system of food safety. That is not the situation in other states. Meat safety, which includes red and white meats, has been included in our specific requirements for many years. We manage that process and have one of the leading programs for the auditing of meat safety and meat quality, particularly from the meat safety aspects of chemical and microbial contamination. We have strong links there, and that is fairly important. Although we do not dabble in the meat import and export market, we occasionally act for AQIS on dairy products. We have strong links with, and strong understandings of, the system and how it works - probably better than is the case with some other states. That further supports our confident statements about the situation.

The CHAIRMAN: Troy Buswell wanted to ask a few questions about our interim report. Have you read our interim report?

Mr Gillam: Yes - very closely.

The CHAIRMAN: Would you like to comment on it before we ask some direct questions?

Mr Gillam: To say it is good, might sound sycophantic.

The CHAIRMAN: That is fine; please be honest.

Mr Gillam: It is very comprehensive. I cannot believe the committee has produced something quite so comprehensive.

Mr T.R. BUSWELL: We all made that comment in Parliament.

The CHAIRMAN: We did. It is a great team effort.

Mr Gillam: We will provide a whole-of-government approach to it of course.

The CHAIRMAN: Is that for the response?

Mr Gillam: Yes. Each minister will attach a copy of that unified response and may add any other comments that, ministerially, they may wish to make.

The CHAIRMAN: We have been told that industry and resources, agriculture, and health are working together. Are there any other agencies working on the response to the report?

Mr Dodds: I am not aware of any that we have been invited to participate in. The committee's report specifically requested the Ministers for Agriculture and Health to respond. Industry and resources asked whether they could join because they do so much of the development. We do not know that for sure. We have not seen anything in writing. We understand that the ministers have agreed that, given their significant role in food, they should join that response.

The CHAIRMAN: The Department of Fisheries appeared before the committee a few weeks ago. They were keen to be part of a multi-departmental group.

Mr Dodds: We work very closely with fisheries. Unless Walter has had any response, we have not seen anything from them. We run a number of programs on food safety quality with fisheries. Fisheries has not approached us. We will follow up with our contacts on that.

Mr Gillam: As you know, the committee's report made 37 findings and 12 recommendations. A couple of legal opinions are expressed in the findings about which we have some reservations. I am not saying whether they are correct or not; however, they do not sit with what we understood to be the case. Our legal people are seeking further advice on it from the State Solicitor. That relates specifically to the Health Act and whether it could be expanded to do some of the things that have been suggested.

Although I have not done a count, governmentally, we supported the vast majority of the recommendations. There are a couple -

Mr Dodds: We probably need to wait and see.

Mr Gillam: They have not been through our minister's office.

Mr Dodds: We might just wait.

Mr Gillam: Thank you, Jim. I think I can say the positions of the Ministers for Health and Agriculture are to request Western Australian labelling of the three main ingredients, which I think conflicts with the committee's recommendation.

Mr T.R. BUSWELL: Who is requesting that?

Mr Gillam: The Ministers for Health and Agriculture have taken the matter to FSANZ and said they want to go further than the committee recommendations on country-of-origin labelling. We are suggesting we would like to see three main ingredient labelling. The other point of conflict at agency level is an independent food authority. We support the concept. We certainly support the intent of a better level of interface between government agencies and other stakeholders. However, we do not believe that will be enhanced necessarily by having an independent food authority. We simply think we can strengthen the existing processes.

The CHAIRMAN: Do we not already have the Office of Food Safety?

Mr Gillam: Yes.

Mr Dodds: The Office of Food Safety was a direct response to try to bring that process together some two or three years ago. We have appointed that position in only the past six to eight months. We have been trying to bring that together and have been working to strengthen that process.

The CHAIRMAN: What role has the Department of Health had in the development of the food and related matters bill?

Mr Dodds: We convened a consultation process across the state, probably concluding about two years ago. I understand it ran for approximately 12 months. Out of that consultation we brought together a report of the findings of working with industry, local government and the community on what was needed. In addition, information came out of the federal government inquiry into food regulation commonly known as the Blair report. There was also the COAG agreement on how a model food act would be developed in an attempt to achieve uniformity around the country. That has been blended together to try to put forward a proposed bill. There was a discussion paper at that time. In fact, we are in the final stages of writing drafting instructions.

The CHAIRMAN: Will the bill be similar to food acts in other states?

Mr Dodds: It is very similar. Agreement was achieved among governments some years ago on the need for similar provisions for law enforcement, to inform consumers and for industry to work with. They are similar, but they are obviously not all uniform. There is a core group of sections of that legislation. From memory, there are 26 sections in that model that everyone adopted. Generally, they deal with things such as fair trading and information on labelling. Those are core issues, and all the others go towards managing the food industry in a way that reflects local arrangements; namely, the fact that we use local governments so much because we are a big state. Some states do not do that. We need to reflect the ability in our administration system that enables that to work.

The CHAIRMAN: Is your department the lead agency on the legislation?

Mr Dodds: We are the lead agency on that. The minister is in charge of the food bill and he is the Attorney General, so he has a dual role.

The CHAIRMAN: Why has it taken so long?

Mr Dodds: Preparation was done two years ago. It is a matter of government priority.

Mr T.R. BUSWELL: If FSANZ does not adopt the three main ingredient labelling position as part of its review, will that be the end of matter?

Mr Dodds: All states and New Zealand adopt the Australian New Zealand Food Standards code. We have a process of automatically adopting it to ensure that industry and consumers across Australia get the same message. The ministers go to the table and there is a round of assessment by bureaucracies - agriculture and health, and increasingly trade. They put forward their papers and go through a process on the FSANZ board and to the ministerial council. The ministers debate and reject or accept recommendations and send them back for more work. If they adopt the FSANZ paper as it stands, or they ask for the work to be included around the three standards, whatever the eventual outcome, the ministerial decision will be a national decision. That will be the regulation or the standard that we will adopt.

Mr T.R. BUSWELL: It would be very difficult for Western Australia to do anything outside that framework as it relates, for example, to labelling.

Mr Dodds: That is not quite true. Given the issues and the gains that some populations can achieve in relation to neural tube defect, Western Australia on its own - apart from industry - championed a proposal for mandatory foliate fortification in foods. That is up for favourable consideration this time I believe as a result of all the reviews. So, it is possible for the states to influence and cause change. In fact, the states are very powerful in the decision-making process and do work together.

Mr T.R. BUSWELL: Is that within the FSANZ framework?

Mr Dodds: Yes. So, it is possible for four states to work together. If they have common issues with the food industry, they work together.

Mr T.R. BUSWELL: Would it be unlikely for the state government to impose a labelling regime in Western Australia that was different from that defined by FSANZ?

Mr Dodds: That is right. It would be difficult from a number of perspectives, not the least of which would be its legal status under our intergovernmental agreement on food regulation, to have a different standard.

The CHAIRMAN: Are any of the other states proposing the top three ingredient position?

Mr Dodds: There are a number of proposals by different states that go beyond the committee's recommendations. I do not know whether any are in accordance with our proposal for labelling of three ingredients, but a number of states have a proposal for going further than the committee's proposal, which is very close to the current FSANZ proposal.

Mr T.R. BUSWELL: What process did the ministers use to arrive at that position? Was a formal process used to engage industry and consumer research?

Mr Dodds: You would need to raise that with the ministers, but we understand that they took into account consultation with industry, consumers etc.

Mr T.R. BUSWELL: Was it not a departmental initiative?

Mr Dodds: The ministers have formed a policy direction on that.

Mr T.R. BUSWELL: I now understand the meaning of the term "policy direction".

The CHAIRMAN: You should have one.

Mr T.R. BUSWELL: I have plenty - do not worry about that.

The CHAIRMAN: Can you think of any other issues or information about health and safety locally or concerning imported foodstuffs that you are aware of and that we should be aware of?

Mr Gillam: Not from my particular view. The committee has produced a comprehensive report. There is nothing I can draw to your attention.

Mr Dodds: It is probably worth putting on the record that we believe - we think we have the evidence to support this - that we monitor the whole food supply well. We are confident that in the event of any failures in the system, which happen from time to time, we capture them before they appear in the community. Some failures have appeared in communities in other states. However, we mostly capture them beforehand. We believe in our monitoring program. Our administration is focused on public health and safety and acknowledges the needs of industry. The food industry around the world is growing and evolving rapidly. We believe ours is up there with the best. That does not mean that we cannot always improve and strengthen, as we have said. We do not think there are any weaknesses there at the moment or that we would capture any of these alleged contaminants. We have not seen evidence of them. We think our surveillance and monitoring schemes are sufficiently robust that if contaminants were out there as significant risks, we would be capturing them.

Mr T.R. BUSWELL: I am very keen to get a better handle on the head of power, which is established under the Health Act, and the implementation of it at local government level. It seems that, for some reason, there was a breakdown in the communication of that requirement to local government. I am keen for your observations on that process. Our report states that 94 per cent of local governments surveyed said they were reasonably conversant with the transitional standard of country-of-origin labelling. But the fact is that if they had done the survey two weeks earlier, none of them would have been, because they were all telephoned and then sent a letter. You may recall that at the time there was a degree of what we call handballing the issue from department to department. However, what has happened has happened and I think there is a greater understanding now.

The CHAIRMAN: There was lack of clarity about roles and responsibilities across government.

Mr T.R. BUSWELL: Thank you for putting it so concisely, Madam Chair - as always. Do you, Mr Dodds, have any comment on that process?

Mr Dodds: It is fair to say that, in relation to local government, all the officers would have been aware of roles and responsibilities. However, as Lindsay said earlier, it was a matter of priorities. Local government's first priority is to protect public health and safety. If they had become aware that a product from a particular country posed a risk, they probably would have been out there prioritising and looking at it. It is there; it is just not their number one priority in terms of the great scope of work they have to do. It is a resourcing issue and something they need to focus on.

[10.30 am]

Mr T.R. BUSWELL: I will pick up on two things. Firstly, you made a statement that most of them would have been aware of their responsibility. I am not sure about that, to be frank. I suppose it is water under the bridge in many respects, but I am not sure that they would have been aware. However, it also raises another interesting issue. I understand your position, being from the Department of Health, and I respect it fully. Your issue is protecting the public, and I accept that. However, there is also an argument that country-of-origin labelling is important from an industry point of view, in parallel with the public health argument. There is also the marketing aspect of domestic versus imported foodstuffs. From that point of view, you can see how it could be viewed somewhat differently. To me, this is one of the issues in tying up this aspect of country-of-origin labelling in the Health Act.

Mr Dodds: The health department has responsibility for food regulation, and we take that seriously, and we do link with DOCEP and other agencies in relation to all sorts of issues and do work with them. We have just recently completed a survey, which was led and staffed to a large degree by Western Australia, on fish speciation. That was to test that fish such as barramundi, or whatever, was truly barramundi. The Health Department has done that. We committed considerable resources to that. We did that last year - early in the year. Have we published that yet?

Mr Gillam: No, it is still proceeding.

Mr Dodds: The local governments would have been aware of, and many of them participated in, that survey to acquire the stock. In relation to your comment about the trade, we acknowledge that, and that is a consideration in FSANZ's processes and for the ministers as they set legislation. Research is emerging about exactly how much that labelling influences the decisions of the average shopper. That is not published as yet, but when that research comes out, it will be interesting to see how it reflects that.

Mr T.R. BUSWELL: I supported all the recommendations, but some of the recommendations that interested me related to the public awareness campaign associated with Buy WA, or WA grown, or whatever.

Mr Dodds: Birthmark logo.

Mr T.R. BUSWELL: It is to provide a non-price form of competitive advantage for Western Australian producers. It seems to me to be interesting that there are economic factors that would drive a certain outcome, which I support very strongly, being administered essentially by the Health Department, whose prime responsibility, and justifiably so, is public health.

Mr Dodds: That is our prime responsibility, but in administering the act, if those things are in there, we link them together. The office of food safety does bring other government departments together to talk to us, and when we take proposals forward to Canberra in relation to our response to FSANZ, we do consider other government departments and seek input from them in those briefing notes. Therefore, we do consider it. It is not as though we just focus and then do not talk to anyone else. We do have that formal committee now. That was actually a rebuild of a committee that had previously existed informally to bring together government agencies to share their knowledge and their needs out of that food policy legislation. It has not been a blinkered approach. In fact, it has been one in which we try to take on board all those considerations. Certainly, the development of

the national food act that I was involved in at the time took into account very serious considerations in regard to that, and I was guided very strongly in those considerations by the Bill Blair report of 1999. Those things are very much at the forefront of our minds as food regulators, not just as the Health Department.

Mr T.R. BUSWELL: I will follow up on another matter. I notice that the Department of Local Government and Regional Development advised in late June that the Health Department had recently disseminated information and developed a training session for local government environmental health officers. I assume that relates to country-of-origin labelling. Had any training programs been in place prior to mid or late June?

Mr Gillam: No, not particularly targeted at country-of-origin labelling. The department interfaces with local government fairly regularly. It is a bad word, I am sorry; it is a government word. However, we have a lot of liaison with local government. We have seminars for it; we meet with it consistently; we attend its meetings once or twice a year, when country regions get together, and we speak on a wide range of health and safety-type issues. Country-of-origin labelling was not one of those, I would imagine, off the top of my head, without researching it. However, certainly, once it became an issue that was receiving some airplay and we started getting some inquiries, it was one of the issues that we raised, and we had a seminar and distributed information.

The CHAIRMAN: How many people attended?

Mr Gillam: Probably about 50.

The CHAIRMAN: From where?

Mr Gillam: Mainly metropolitan area local authorities. Since then I have held another discussion, and we had probably another 30 to 40.

The CHAIRMAN: What efforts are being made to take the educational seminar to environmental health officers in the regions?

Mr Gillam: Environmental health officers attend regional group meetings. The great southern group will get together in the appropriate shires. I will not name them all, but there would be Albany, Mt Barker, Esperance etc. We have officers attend those meetings and provide up-to-date information on things such as country-of-origin labelling. They are an ongoing-type program.

The CHAIRMAN: Have you had feedback from the participants in the programs?

Mr Dodds: Generally the feedback has been positive. There have been some issues in the professional associations that support those, and we have maintained our links by the Health Department running these regional meetings for the professions across the state. Generally the feedback in regard to the operation of those seminars has been positive. I could not comment specifically on country-of-origin labelling. I will be in Mt Barker tomorrow running one of those, and one of the issues that I will discuss, obviously, is country-of-origin labelling. It was on the agenda before today.

The CHAIRMAN: I should hope so!

Mr Dodds: We do go around, and they are one of the investments we make. Local government is effectively our work force on environmental health, and we need to invest in that and try to keep them up to speed to make sure the work gets done.

Mr T.R. BUSWELL: They do a good job too, if I may say, as an ex local government person.

The CHAIRMAN: Especially Busselton.

Mr T.R. BUSWELL: It is a very difficult issue for local government to enforce the Health Act, as it is for people in the building industry to enforce all the requirements of the building code. I think local government does a good job across a wide jurisdictional range, from noise complaints through to checking restaurants. I will stand up for local government against a withering assault.

The CHAIRMAN: One of our recommendations was that from next September, from memory, the Department of Health should have a review and touch base with local governments to find out whether any additional cost burden has been placed on local government in any way as a result of the labelling issues. Do you have any feeling about how that might be going and whether it will be easily absorbed into the work that is already being done or whether it will be any kind of additional burden?

Mr Dodds: I am travelling around the state at the moment providing training to the local government environmental health officers on a discussion paper around a new public health act. Their comment, particularly in the regional areas, is that they are finding it difficult to do all their tasks at the moment. However, in a lot of those regional areas, the work around country-of-origin labelling would be a small component anyway in terms of the number of outlets and the like, so it would not be a major component. However, I am sure that it will have an impact. I could not make any comment other than that there will be an impact. I do not know whether it will be large. There are parts of the city in which it would have a different impact than in other parts of the metropolitan area. The review is something that we will do. It sits well with something we are trying to do with local government EHOs to look at their role and look at our role. In fact, it is something that is happening nationally.

Mr T.R. BUSWELL: What has been the nature of the COOL training that you have been providing to the EHOs? What is the content built around? Is it the exact requirements of the act, or is it the health risks? I am just interested in getting a bit more -

Mr Gillam: It has been based around the current transitional provisions, and we have tried to flag what we see as the emerging issues to come out of all this. However, the waters are very clouded now. I think Jim alluded to a number of states having a number of different issues that they will take to the ministerial council meeting next Friday, or whenever it is. We have tried to predict the sorts of things that we think might become an issue, but I do not think we have done that with a whole lot of accuracy. The agriculture minister in New South Wales has an increased number of points that he wants to be looked at. I think Tasmania has a very strong point of view on how it wants to see country-of-origin labelling. It will be a potpourri of ideas, I think, next Friday.

Mr Dodds: It is important to say that it is really focused on the legislation, not on the public health aspects. The focus is really on what the legislation says, how you monitor it and how you enforce what should happen. That has clearly been our message. It has not focused on the public health risk. Clearly, we have said that we do not believe there is any additional public health risk. However, they really need to enforce the legislation, and this is what the legislation says, and this is what we expect of them. That has been the message.

Mr T.R. BUSWELL: My understanding is that the training program was developed in response to the increased public discussion on country-of-origin labelling. As you said before, the reason it had not been examined prior to that - the training program obviously had not been offered prior to that - was that it was not seen as an area of priority. Therefore, would I be correct in assuming that the development of that training program for local government EHOs was really in response to the increased level of public awareness of country-of-origin labelling and associated issues?

Mr Gillam: Yes, that is a fair comment.

The CHAIRMAN: I have a couple more questions on the organochlorine issue. Do you know if organochlorines are still manufactured in either Australia or countries from which we import food?

Mr Gillam: Are organochlorines manufactured? I can answer no, definitely not. Organochlorines were banned from every use in 1995, I think, including for under-pad treatments for new homes for termite control. They were banned, I think, in 1989 for all agricultural-type purposes. I am talking about prescribed organochlorines. Endosulphin remains registered through the APVMA, but it is

subject to quite strict training requirements for growers, and it can be used only in certain areas and things like that.

The CHAIRMAN: Do you know whether they are still manufactured in any other countries or still permitted for use?

Mr Gillam: I do not know the answer to that. I am reasonably certain they are, but I am a bit loath to say yes categorically. I think DDT, for example, is still registered in some places, simply based on the mosquito issue. It was decided that the malaria-type issues outweigh any other costs that might be associated with the use of organochlorines.

Mr Dodds: There is a campaign being run worldwide by the World Health Organisation and the UN nations called persistent organic pesticides. That has been designed and implemented. Australia participates in that with a lot of other countries to try to remove persistent organic pesticides from the marketplace - or the community more so than the marketplace. They have driven that way beyond organochlorines now. There is a really active campaign to remove them. That would be biting in a lot of these marketplaces.

The CHAIRMAN: I guess that comes back to some of my initial concerns with the AQIS testing. We are testing for only one organochlorine, because all the rest have been banned from use and manufacture in Australia; yet we know that they are either manufactured or used in other countries. However, the test that we apply to imported foods does not include testing for those substances.

Mr Dodds: In terms of our ongoing monitoring program, for many years those pesticides were out there in the marketplace. I guess the point of your question is that when we pushed them out of Australia, they actually appeared in some other countries. That happened in 1995. We stopped testing for that in 2002. I think that was the date Lindsay gave. We had seven years of monitoring data that showed that it was not appearing at any level, so we were better off using that resource of monitoring to pick up on something else. I also understand that if some of those organochlorines were being used, they would be picked up as something that was going on. We would not particularly know whether it was DDT or dieldrin, but we would pick up that something was going on out there. We might then go and explore further. Therefore, it is not a matter of not looking. The screening process would pick it up, and if that rang alarm bells, there would be an exploratory review or further, more detailed, testing.

[10.45 am]

Mr T.R. BUSWELL: I ask for clarification. If since 2002, there has been anecdotal evidence of a significant increase in the importation of fresh foodstuffs into Australia from countries that we may have not been importing from before 2002, would you accept that there is a possibility that some of these substances may now be used given the change in the make-up of our suppliers?

Mr Dodds: There is a potential hazard there and we need to have a look and work with AQIS to see whether there is a risk and measure it.

Mr T.R. BUSWELL: Is AQIS coming to see us?

The CHAIRMAN: I will tell you later. It is complicated.

Mr T.R. BUSWELL: They are the federal authorities? Do they test for microbes?

Mr Gillam: No. I do not believe that they do.

Mr T.R. BUSWELL: Does anybody?

Mr Gillam: We are going to. Let us just say that the message from the health department is that you must wash your fruit and veggies. I want to be careful about what I say. The very nature of products grown in a paddock where there may have been lots of different chemicals and fertilisers and pesticides used -

Mr Dodds: And animals.

Mr Gillam: - yes, and animals, means that we are relying on some sort of consumer intervention, which is thoroughly washing veggies prior to eating.

Mr Dodds: A lot of the bacteria you are concerned about exists in soil in normal flora and ecosystems. You really do need to wash them, particularly vegetables that are grown in the ground. It is a standard process that people should do.

Mr T.R. BUSWELL: It is a fair point but, notwithstanding that, my interest is in non-price competitive advantage for Western Australian consumers. That is my favourite term!

The CHAIRMAN: He has so many it is hard to keep up!

Mr Dodds: What is the acronym?

Mr T.R. BUSWELL: S-H-I- something, something!

I am a consumer and I know that my Western Australian brussels sprouts do not have human waste to fertilise them although I know that some of the foreign ones may have. I will probably buy the ones grown here. I understand what you are saying but you cannot use that to remove the responsibilities of individuals to prepare and handle food properly. I accept that. But, from a marketing point of view, it is pretty powerful. You could come up with some good ads - let me put it to you that way.

Mr Dodds: Yes. There are a couple of things that I could summarise in a sentence. It is a basic principle of the trade that you cannot treat the imported product any differently from the locally produced product. If you were going to test at the border potatoes that came in from China, for argument's sake, you would have to make sure that they met the standard for potatoes that were grown in Australia. If we did not set a standard for potatoes grown in Australia and test for E. coli or some particular bacteria, we could not test on that basis the potatoes grown in China. It is a basic principle of trade. You would need to get specific advice on that from our trade people like DOIR rather than myself. I guess that is a key message to give.

I forget your other point but there was one worth raising - it has gone.

Mr T.R. BUSWELL: That happens to me all the time.

The CHAIRMAN: Can you tell us what some of the health effects are from exposure to some of the different chemical groups? What about pyrethroids?

Mr Gillam: We are not medical people. I am always loath to give medical advice. Our general pamphlets refer to this. Pyrethroids can often be a skin irritant. It is likely that if something is like an organophosphate, which attacks the nervous system, a person could get twitching, pains in his chest and tingling of the facial features. There is a very bland and broad range of symptoms.

The CHAIRMAN: I notice that that is the group the health department tests for and the "fresh test" tests for, but not AQIS.

Mr Gillam: When I say organophosphates, I am putting them into a group of chemicals. I have the pesticide screens here that AQIS tests for. For example, chlorpyrifos, which is an organophosphate. There is also diazinon, dichlorvos and dimethoate - they are all organophosphates. We are talking about a group of chemicals that take a range of individual products into account. They certainly test for a lot of those things.

The CHAIRMAN: There are a number of other chemical groups including herbicides and acaricides, phenyls, fungicides and dithiocarbonates. Fresh test covers all of those, which is the industry test. However, neither FSANZ, AQIS nor the health department test for those groups. Is there a reason?

Mr Dodds: There would be a couple of reasons. The first is the level of risk to public health and safety. The next is that you really need a likelihood that they are being used. We go through it

from the perspective of public health and safety and the likelihood of those being realised in a risk situation to actually impact on health.

The CHAIRMAN: Are you looking at it from acute risk or long-term risk?

Mr Dodds: No, long-term risk. The FSANZ model actually looks at long-term and lifetime risk. That is how the health department deals with it, whether it is an industry development proposal in terms of the emissions from a smokestack or into the water or whether we are talking about the food supply. If there is a massive dose of something, we need to take it into account. In these types of situations we are looking at long-term and lifetime. We need to take into account total diets so that we can get the amount of exposure to a particular product that may give us a calculation of indicators. It is not simple science. If you want further information I would have to bring along a Ph.D toxicologist to explain the process.

There are a number of industry schemes, which is the type of argument that Troy is pushing. It sets a particular product apart from another product in the marketplace in terms of quality and quality assurance and guaranteeing things around quality, but not so much public safety. You referred to the fresh test. There are a number of such schemes. Some of them are assisted and developed by governments in terms of agriculture departments and the like. In terms of strict public health and safety, there are priority chemicals that we test for because we know they are used. We know they are licensed to be used and that they could potentially evidence themselves in the food supply. That is what we test for. We have only so many resources, so we test for only the very true risks and try and measure them and keep an eye on them. We try to look over the horizon to see if anything is emerging that we are not aware of. We do that actively; we are trying to keep an eye on the horizon.

In terms of those chemicals it is significant to note that Western Australia has the only health department that still holds a seat on the APBMA board. We are the only state although we do not have a voting right. We send a toxicologist to sit on the board and to hear them license and register chemicals and set levels for them. We actively participate as a health department in that. Once again, it is one of the things that the Western Australian health department does to take these things seriously. That goes for more than just the food supply, obviously. It impacts on our water and a whole lot of other issues. We do that quite actively.

The CHAIRMAN: We have no further questions. Do you have any final comments you would like to make to us?

Mr Gillam: Nothing we have not spoken about already.

The CHAIRMAN: Thank you very much for attending today. We appreciate it. If we have any follow-up questions, we will definitely get in touch with you.

Mr Gillam: We are more than happy to come back again if need be.

The CHAIRMAN: It may be a request that we make down the track. We have a few more witnesses to appear before us over the coming weeks, and we want to present a final report that is as thorough as possible. In addition, thank you for your minister's response to this inquiry.

Mr T.R. BUSWELL: Policy direction! That is what I like!

Hearing concluded at 10.54 am
