

**RESPONSE TO THE ECONOMICS AND INDUSTRY STANDING COMMITTEE
ON THE**

**INTERIM REPORT ON THE INQUIRY INTO THE PRODUCTION AND
MARKETING OF FOODSTUFFS**

Statement by Minister for Health

Mr J.A McGinty (Fremantle- Minister for Health):

I am pleased to Table the Government's response to the Interim Report from the Economics and Industry Standing Committee inquiring into the production and marketing of foodstuffs in Western Australia. I commend the Committee on the compilation of a comprehensive Report, noting that the Committee will provide its final report by March 2006.

It is increasingly evident that the people of Western Australia are demanding the ability to make informed choices when selecting fresh produce at retail outlets, and when purchasing some pre-packaged food items. I believe this provides a significant opportunity for the Government to take a greater role in this process and I am pleased to confirm that the Government accepts the significant majority of Recommendations provided by the Committee in its Report. These primarily relate to Food Standards Australia New Zealand (FSANZ) strengthening the Food Standards Code, which addresses the Country-of-Origin Labelling issue. In addition, the WA Government is examining ways to further increase the surveillance of Country-of-Origin Labelling requirements, utilising the existing services of local governments.

The Report outlines the need for a balance between industry and consumer groups with respect to ingredient labelling. However the Government has requested FSANZ to further investigate the possibility of adopting a requirement for the labelling of up to two major fruit or vegetable whole food ingredients in packaged food. This review by FSANZ is now underway on a national basis.

The Report recommends amendment of the *Health Act 1911 (WA)* and *Health (ANZ Food Standards Code Adoption) Regulations 2001* to provide some mandatory provisions for CoOL. It is crucial that Western Australian producers and consumers are not disadvantaged by any interim misalignment with national requirements, and this recommendation could not be supported for this reason.

The *Food Bill 2005*, which was introduced earlier this week, is consistent with the Report's recommendation to develop a new West Australian Food Act. The 2005 Bill significantly advances matters relating to the safety and suitability of food for human consumption in Western Australia.

The Committee recommends the establishment of a new statutory body in Western Australia. The Government believes that existing systems are sufficiently effective and efficient, with the Department of Health retaining the responsibility for the protection of public health and safety, and do not require replacement. Ways to strengthen these processes have been identified and arrangements to implement the procedures are underway.

Finally, the Government supports in principle the recommendation relating to a voluntary State of Origin certification and marketing scheme for some foods. The development of any such scheme should be considered only where it can be demonstrated that significant additional benefits can be provided, beyond that already offered by existing systems. The Government believes this proposal would benefit from further discussion with Industry.

RECOMMENDATIONS OF THE ECONOMICS & INDUSTRY STANDING COMMITTEE'S INTERIM REPORT ON THE INQUIRY INTO THE PRODUCTION AND MARKETING OF FOODSTUFFS (FOOD LABELLING)

In accordance with Standing Order 277(1) of the Standing Orders of the Legislative Assembly, the Economics and Industry Standing Committee directs that the Minister for Agriculture and Forestry and the Minister for Health report to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendations of the Committee.

RECOMMENDATION	GOVERNMENT RESPONSE
<p>Recommendation 1</p> <p>The Committee recommends that FSANZ proceed with its proposal to amend and strengthen the <i>Food Standards Code</i> to provide for mandatory Country of Origin Labelling. Page 11</p>	<p>The Government supports this recommendation, noting that FSANZ is currently taking further action to amend and strengthen the Code.</p>
<p>Recommendation 2</p> <p>The Committee recommends that FSANZ amend the new Country of Origin Labelling Standard to provide for mandatory Country of Origin Labelling on all fresh, frozen and processed unpackaged whole foodstuffs at the point of sale. Page 12</p>	<p>The Government supports this recommendation being extended to include unpackaged fresh or processed pork in line with the latest FSANZ proposal.</p>
<p>Recommendation 3</p> <p>The Committee recommends that the Minister for Health (WA) and the Minister for Agriculture and Forestry (WA) lobby the Australia New Zealand Food Regulation Ministerial Council to seek amendments to the <i>Food Standards Code</i> to provide for mandatory Country of Origin Labelling of all unpackaged whole foodstuffs. Page 12</p>	<p>The Government supports this recommendation and confirms that the Minister for Agriculture and Forestry and the Parliamentary Secretary to the Minister for Health attended the Food Regulation Ministerial Council meeting on 28 October 2005 supporting FSANZ's proposed amendments to the <i>Food Standards Code</i> to extend mandatory Country of Origin Labelling of unpackaged foods to fresh and processed fruit, vegetables, nuts, fish and pork.</p>

RECOMMENDATION	GOVERNMENT RESPONSE
<p>Recommendation 4</p> <p>Cognisant of the fact that compliance costs may be prohibitive, the Committee recommends that FSANZ proceed with its proposed new Standard requiring that Country of Origin Labelling not be required at ingredient level. FSANZ should continue to work with industry and consumer groups to ensure an appropriate balance is reached between compliance costs and the consumer's right to information. Page 13</p>	<p>The Government does not support this recommendation, as it is inconsistent with its position to promote the adoption of a requirement for the labelling of the Country of Origin of up to two major fruit or vegetable whole food ingredients in packaged foods. The Government believes this requirement should be considered by FSANZ following careful consultation with all sectors of the food industry.</p>
<p>Recommendation 5</p> <p>The Committee recommends that local governments maintain their statutory role in monitoring and enforcement of compliance with COOL provisions. Page 18</p>	<p>The Government supports this recommendation and confirms that ways to increase surveillance will be examined.</p>
<p>Recommendation 6</p> <p>The Committee recognises the potential for increased compliance activity for local governments and recommends that the Department of Health in conjunction with the Department of Local Government and Regional Development review the impact on local governments in September 2006. Page 18</p>	<p>The Government supports this recommendation.</p>

RECOMMENDATION	GOVERNMENT RESPONSE
<p>Recommendation 7</p> <p>The Committee recommends the implementation of a public awareness campaign via the State Government to educate consumers and retailers as to the statutory provisions for COOL, including retailers' responsibilities and consumers' rights. Page 19</p>	<p>The Government supports this recommendation. Ways to resource this adequately should be identified.</p>
<p>Recommendation 8</p> <p>The Committee recommends, as an interim measure, that the <i>Health Act 1911</i> (WA) and <i>Health (ANZ Food Standards Code Adoption) Regulations 2001</i> be amended to provide for mandatory Country of Origin Labelling of all packaged and unpackaged whole foodstuffs for retail sale in Western Australia. Page 44</p>	<p>The Government does not support this recommendation. The Government supports mandatory Country of Origin Labelling but suggests that it should adopt the approach in conformity with the proposed national changes, in order to ensure Western Australian producers and consumers are not disadvantaged by any interim misalignment with national requirements.</p>
<p>Recommendation 9</p> <p>The Committee recommends that a new Western Australian Food Act be developed, the objects of which will be to ensure food safety, to prevent misleading conduct in connection with the sale of food and to provide for the application of the <i>Australia New Zealand Food Standards Code</i>. On commencement of a WA Food Act, all provisions in other Western Australian Acts and Regulations relating to the safety of food or misleading conduct in connection with the sale of food will be repealed. Page 45</p>	<p>The Government supports this recommendation. A proposed <i>Food Act</i> was introduced into Parliament on 23 November 2005.</p>

RECOMMENDATION	GOVERNMENT RESPONSE
<p>Recommendation 10</p> <p>The Committee recommends the establishment of a new statutory body, the Western Australian Food Authority, established under a WA Food Act, to administer the provisions of the Act in Western Australia. The Western Australian Food Authority could be established as an independent agency, or as a division of an existing Department, such as the Department of Consumer and Employment Protection or the Department of Industry and Resources. Page 45</p>	<p>The Government does not support this recommendation, based on the view that existing systems are sufficiently effective and efficient and do not require replacement. The Department of Health should retain its responsibility for the protection of public health and safety in WA. Ways to better interface with stakeholders have been identified and arrangements to implement these procedures are underway.</p>
<p>Recommendation 11</p> <p>The Committee recommends that the <i>Health (Fresh Produce - State or Territory of Origin) Amendment Bill 2005</i> be opposed by the Legislative Assembly, as such amendments to the <i>Health Act 1911</i> (WA) may be deemed unconstitutional. Page 46</p>	<p>The Government supports this recommendation.</p>
<p>Recommendation 12</p> <p>The Committee recommends the development of a voluntary State of Origin certification and marketing scheme for Western Australian grown/produced foods that meet designated criteria, such as WA content, quality and safety, to be registered and marketed as quality Western Australian produce. The certification and marketing scheme would be administered by the proposed Western Australian Food Authority. Page 47</p>	<p>The Government supports this recommendation in principle, subject to industry consultation. The Minister notes that there are systems such as the <i>Buy WA First</i> or <i>Birthmark</i> programs in place, and the development of any voluntary State of Origin scheme should be considered if it provides significant additional benefit to the food industry, beyond that already offered by the existing systems.</p>