

## DRAFT SECOND READING SPEECH

Hon Sarah Courtney MP

### FOOD AMENDMENT BILL 2020

*\*check Hansard for delivery\**

Madam Speaker,

The purpose of the Food Amendment Bill 2020 is to clarify and enhance the data exchange provisions in the *Food Act 2003* and to correct references to out-of-date Australian Government legislation.

The Food Act seeks to ensure the provision of food that is safe and suitable for human consumption and to prevent misleading conduct in connection with the sale of food. It also enables the application of the Australia New Zealand Food Standards Code in Tasmania.

Since the Act was proclaimed almost 20 years ago, there have been numerous changes and reforms in food safety regulation. These changes reflect the evolving nature of the food system, technology and business practices.

In 2015, the Food Act was amended to allow a greater range of mobile food businesses to apply for a single state-wide registration.

Before these amendments, many mobile food businesses were facing significant cost and administrative burdens associated with the requirement to register in each of the 29 local government areas in which they operated in.

The previous 2015 amendments successfully reduced these compliance costs for mobile food businesses, as they now only need to register with one relevant council and importantly, pay only one fee.

The administrative burden on councils associated with processing applications has also been reduced, enabling Environmental Health Officers to concentrate on compliance and inspection activities in order to more effectively protect public health.

Madam Speaker, while these previous changes have been effective at reducing the regulatory burden for small businesses and enhancing public health protection measures, their operation has highlighted some deficiencies in the current data exchange provisions contained in the Food Act.

Specifically, the existing provisions do not easily allow councils or Departmental officers to exchange food safety data with each other or with other jurisdictions.

The Food Amendment Bill 2020 amends the Food Act to address these issues and provide for enhanced and clarified information exchange mechanisms.

These changes will create benefits for many Tasmanian small businesses by providing councils the opportunity to share administration costs and use resources more effectively and efficiently.

For small business, we know that supplying the same information over and over again to government agencies, councils and regulators can be one of the most unnecessary burdens related to complying with regulation. This is one of the reasons that prompted the previous amendments to allow for state-wide registration.

Conversely, the collection, administration and dissemination of information by multiple regulators on the same business can also lead to inefficiencies.

By removing duplication and allowing for shared data, councils can reduce administrative costs and operate more efficiently – which will in turn achieve better service delivery through a connected and seamless registration process for their local business community.

Madam Speaker, the Bill enables the Director of Public Health to establish and maintain a food business database, provides clarity on when food safety information may be exchanged, and ensures that this may occur when appropriate.

Importantly, these amendments to create a more systematic collection of food business information will facilitate compliance with, and enforcement of, the Food Act's provisions to enhance food safety and prevent food safety incidents.

Under the new provisions, the Director of Public Health has the power to establish and maintain a database containing information in relation to a food business obtained under the Food Act that the Director considers necessary for the purpose of ensuring compliance or enforcement of the Act.

The provisions also provide the Director of Public Health to authorise a council, State Service Agency, authorised officer, persons or classes of persons, to enter, access, use or disclose the information contained in the database if the Director is satisfied that this would assist in achieving or implementing the Food Act's objectives.

It is important to note that the provisions clearly define how the information will be shared, who is accountable and the strict requirements for access.

Our food businesses can be assured that these provisions provide clarity on when food safety information may be exchanged and to ensure that this may occur when appropriate.

As such, these changes will allow councils to have more accurate and up to date information, which means they can deliver better quality services and programs to small businesses and the community.

Madam Speaker, these changes will also help regulators to better manage food safety in Tasmania.

They will allow an Environmental Health Officer from anywhere in the state to access information relating to a food business' compliance history, regardless of where the food business is registered.

This will in turn enable Environmental Health Officers to prioritise food business inspections in a risk-based manner.

The Bill clarifies that information obtained in connection with the administration of the Act may be disclosed to a person developing, administering or enforcing a law of New Zealand, the Australian Government or a territory or other state, that corresponds to the Food Act.

The ability to exchange data in this way is important when authorities are managing a food safety issue that involves the movement of food across jurisdictional borders, or when working to co-ordinate a national food recall or incident response.

These changes will support a consistent regulatory environment for our local councils and Departmental officers, thereby helping to protect our community's health and Tasmania's reputation as a supplier of safe and suitable food.

They will also facilitate responsive actions to food safety incidents, support national food safety response efforts and strengthen local council performance in regulating mobile food businesses across the state.

The Bill also makes minor consequential amendments to correct outdated legislative references associated with the Food Standards Code.

Madam Speaker, these amendments rectify an omission in the current framework that will not only provide administrative efficiencies for councils and regulators, but will also benefit our small business food operators and the broader community.

They will further protect public health by allowing regulators to more effectively exchange food safety information across the state, as well as enable enhanced compliance and enforcement activities to prevent food safety incidents occurring.

This will mean that councils can move their attention to improving the health and wellbeing of the community, rather than repeatedly seeking information from business owners – some of which may have already been collected in another part of the State.

Importantly, the development of a consistent and transparent data register will also create a better user experience for the many Tasmanian mobile food businesses operating around the state – by removing the need to provide the same information to multiple councils time and time again.

I commend the Bill to the House.