

LEGISLATIVE COUNCIL

Tuesday 29 October 2002

The President (The Hon. Dr Meredith Burgmann) took the chair at 2.30 p.m.

The President offered the Prayers.

The PRESIDENT: I acknowledge that we are meeting on Eora land.

ASSENT TO BILLS

Assent to the following bills reported:

Crimes (Administration of Sentences) Further Amendment Bill
Parliamentary Electorates and Elections Amendment (Party Registration) Bill

POLICE INTEGRITY COMMISSION

Report

The President announced, pursuant to section 99 of the Police Integrity Commission Act 1996, the receipt of the annual report for the year ended 30 June 2002.

The President announced that, pursuant to section 103 (2) of the Act, she had authorised that the report be made public.

COMMISSION FOR CHILDREN AND YOUNG PEOPLE

Report

The President announced, pursuant to section 23 of the Commission for Children and Young People Act 1998, the receipt of the annual report for the year ended 30 June 2002, and a children's version of the report.

The President announced that, pursuant to section 26 of the Act, she had authorised that the reports be made public.

INDEPENDENT COMMISSION AGAINST CORRUPTION

Report

The President announced, pursuant to section 76 of the Independent Commission Against Corruption Act 1988, the receipt of the annual report for the year ended 30 June 2002.

The President announced that, pursuant to section 78 of the Act, she had authorised that the report be made public.

M5 EAST TUNNEL

Claim of Privilege

The President announced that the independent legal arbiter, Sir Laurence Street, had provided his report, dated 25 October 2002, on the validity of a claim of privilege on documents lodged with the Acting Clerk.

The President announced that the report was available for inspection by Legislative Council members only.

TABLING OF PAPERS

The Hon. Michael Costa tabled the following paper:

Dairy Industry Act 1979—Report of the Dairy Industry Conference for the year ended 30 June 2002.

Ordered to be printed.

GENERAL PURPOSE STANDING COMMITTEE No. 5**Report**

The Hon. Richard Jones, as Chairman, tabled report No. 15, entitled "Feral Animals", dated October 2002, together with transcripts of evidence, submissions, tabled documents and correspondence.

Report ordered to be printed.

The Hon. Richard Jones: I seek leave to make a brief statement.

Leave not granted.

PETITIONS**Freedom of Religion**

Petition praying that the House reject legislative proposals that would detract from the exercise of freedom of religion, and retain the existing exemptions in the Anti-Discrimination Act applying to religious bodies, received from **the Hon. Patricia Forsythe**.

BUSINESS OF THE HOUSE**Withdrawal of Business**

Private Members' Business item No. 95 outside the Order of Precedence withdrawn by the Hon. Richard Jones.

GENERAL PURPOSE STANDING COMMITTEE No. 5**M5 East Tunnel Ventilation Reference**

The Hon. RICHARD JONES: In accordance with paragraph 3 of the resolution establishing General Purpose Standing Committees, I inform the House that General Purpose Standing Committee No. 5 resolved on 24 October to adopt the following reference:

1. That General Purpose Standing Committee No. 5 inquire into and report on the M5 East ventilation stack, and in particular:
 - (a) the implementation of the recommendations of the General Purpose Standing Committee No. 5 report on the 2001 Inquiry into the M5 East ventilation stack;
 - (b) health and safety risks for people using the M5 East tunnel, including fire risk and risk to commercial drivers and tunnel operators;
 - (c) air quality and health impacts for residents, workers and business around the tunnel stack and tunnel entrances/exits;
 - (d) adequacy of conditions of approval, air quality and monitoring provisions and enforcement;
 - (e) viability of different systems for filtration and treatment of tunnel emissions; and
 - (f) any other relevant matters.
2. That the Committee present a report by 5 December 2002.

BUSINESS OF THE HOUSE**Postponement of Business**

Business of the House Order of the Day No. 1 postponed on motion by the Hon. Michael Egan.

FOOD BILL**Second Reading**

The Hon. IAN MACDONALD (Parliamentary Secretary) [2.45 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted.

This Bill is a major step towards a nationally uniform system of food regulation. The Bill is the culmination of extensive work by a large number of public officials from all levels of Government and all jurisdictions over a number of years.

Health Ministers in Australia have a lengthy history of co-operation in the area of food safety. Significant achievements in this history include:

In May 1975 Ministers agreed to establish a joint Commonwealth, State and Territory working party to draw up model food legislation suitable for adoption throughout Australia;

In May 1980 a draft Model Food Act was endorsed by Ministers and applied to varying extents in each jurisdiction, including via the New South Wales Food Act of 1989;

In 1986 agreement was reached to develop and implement uniform composition and labelling standards for food, which have developed into the national Food Standards Code;

In 1991 Ministers agreed to adopt by reference and without amendment food standards developed by the Australia New Zealand Food Authority and approved by the Australia New Zealand Food Standards Council, the Ministerial Council;

In 1996 an agreement was reached for the Australia New Zealand Food Authority (now known as Food Standards Australia New Zealand) to develop nationally uniform food Acts; and

The Food Standards Code has also recently been expanded to include food safety standards, which are largely handling and hygiene matters.

Following the 1996 agreement Dr Bill Blair was appointed in 1997 to chair the Food Regulation Review Committee, which was set the task of making recommendations to Government on means to reduce the regulatory burden on the food sector whilst protecting public health and safety. The Blair Report was released in August 1998.

The Blair Report noted that the Australian system of food safety management is complex and fragmented and imposes unnecessary costs on business. However, the Report also noted that the system is effective in delivering safe food to consumers. The Report recommended that Governments concentrate on improving the efficiency of that system with a co-operative co-regulatory approach based on partnership between consumers, industry and government.

The Council of Australian Governments Senior Officials Working Group on Food Regulation was subsequently asked to further develop a nationally co-ordinated approach to food regulation based on the recommendations of the Blair Report.

On 3 November 2000 the Commonwealth and all States and Territories under the auspices of the Council of Australian Governments approved the draft Model Food Provisions presented by the Senior Officers Working Group. To date South Australia and the Australian Capital Territory have passed new Food Acts, and Queensland and Victoria have passed amendments to their existing Food Acts based on the Model Provisions.

The draft national Model Food Provisions for all jurisdictions were prepared in New South Wales by the Parliamentary Counsel's Office and are largely based on the provisions of the current New South Wales Food Act 1989. Therefore the Bill represents an incremental development in food safety legislation in New South Wales and food businesses should not experience any substantial difficulty in adjusting to and complying with the new legislation.

The objects of the Bill, which are set out in section 3, are:

to ensure food for sale is both safe and suitable for human consumption,
to prevent misleading conduct in connection with the sale of food, and
to provide for the application in New South Wales of the *Food Standards Code*.

It is important to note that primary food production, which is defined to mean the growing, raising, cultivation, picking, harvesting, collection or catching of food, and includes transportation, storage and treatment activities related to that primary production, is expressly excluded from the regulatory scope of Parts 5, 7 and 8 of the Bill. Those parts of the Bill deal with improvement notices and prohibition orders, auditing of food businesses, and the notification and registration of food businesses and approval of food premises respectively. The reason for these exclusions is that primary food production is already comprehensively regulated in those areas under the Food Production (Safety) Act 1998, which is administered by the Minister for Agriculture through Safe Food Production NSW.

It is also important to note that while drinking water is clearly within the definition of food in section 5 of the Bill, section 11 of the Bill provides that many parts of the Bill do not apply to water supply authorities (such as Sydney Water and those local government authorities that supply drinking water to their communities). Those parts of the Bill that do not apply to water supply authorities are:

Part 2, Division 1, which is titled "serious offences relating to food";

The offences created by Part 2, Division 2 of the Bill, other than those created by sections 16 (2), 17 (2) and 21 (to the extent that it requires compliance with Food Safety Standards); and

Parts 5, 7 and 8 which, as already mentioned, do not apply to primary production.

Part 2 of the Bill deals with offences with respect to food. The majority of the offences in Part 2 have been carried across from the existing Food Act 1989, although in a modified format. The obvious and significant changes between the offences contained in the 1989 Act and the Food Bill 2002 are:

Penalties have been substantially increased and there is now a distinction between the penalties that may be applied to an individual and a corporation. The 1989 Act provides for maximum penalties of between \$3,300 and \$5,500 and up to 6 months imprisonment, whereas the Food Bill 2002 provides for maximum penalties for individuals of between \$44,000 and \$110,000 and up to 2 years imprisonment and in the case of a corporation a maximum fine of between \$220,000 and \$550,000.

The Food Bill 2002 also has a wider range of offences than the Food Act 1989 with more graduated penalties. The most serious offences and penalties are reserved for conduct that is known to be unsafe, with lesser penalties for offences that do not require proof of the offender's knowledge.

Emergency powers given to the Director-General of Health, as the relevant authority, are to be used to prevent or reduce the possibility of a serious danger to public health or to mitigate the adverse consequences of a serious danger to public health. These powers are based on existing powers in Division 1 of Part 4 of the Food Act 1989.

Importantly the Bill introduces compensation for a person who has suffered loss as the result of the making of an emergency order where there were inadequate grounds for making the order. In the first instance an application for compensation is to be made to the Director-General of Health, however an applicant who is dissatisfied with the Director-General's determination may appeal that determination to the Administrative Decisions Tribunal.

The issuing of a prohibition notice, under the Director-General's emergency powers, is clearly a very serious matter and has the potential to disrupt the operations of a food business. Such an order may therefore only be made if there are reasonable grounds to believe that an improvement notice has not been complied with, or that it is necessary to issue the prohibition order to prevent or mitigate a serious danger to public health.

Part 6 of the Bill deals with the taking and analysis of samples of food, the approval of laboratories to undertake that analysis and the approval of analysts. The provisions are based on Part 3, Divisions 3 and 4 of the Food Act 1989. The essential changes from the provisions of the 1989 Act are that the procedure and stipulations for the appointment of analysts are set out in greater detail, and the Food Bill allows for the approval of laboratories, whereas the 1989 Act only allows for the approval of individual analysts.

An important innovation in this Bill is Part 7, which makes provision for the appointment of food safety auditors and the auditing of food businesses in accordance with the requirements of a food safety program that may be required by the Regulations. Auditing of food businesses in accordance with a food safety program allows for appropriate risk management practices to be adopted. Auditors will assess a business in accordance with that risk management approach and against predetermined standards as set out in the relevant food safety program for that class of business. Food safety programs are required by Part 3.2.1 of the Food Standards Code.

In order to facilitate the effective operation of this risk management approach the Act contains provisions requiring businesses to prepare food safety programs and to ensure that the business is regularly audited for compliance with its food safety program. The Bill recognises that many food businesses are scrupulous in fulfilling their obligations while other businesses are less diligent. Therefore the Bill allows a food safety auditor to vary the frequency of auditing of a particular business, within a range of frequencies centrally determined for that type of business. Where a business has a record of operating safely and of compliance with its food safety program, less frequent auditing may be appropriate. Conversely, in the case of a business with a poor record, more frequent auditing may be appropriate.

Part 8 of the Bill provides for the notification and registration of food businesses. New South Wales has recently required food businesses to notify their existence to the Department of Health. The notification of food businesses is required by part three point two point two of the Food Standards Code, which is incorporated into NSW law by clause 4 of the Food Regulation 2001. Honourable members will be aware that the operation of the notification provision has been appropriately modified in New South Wales to exempt charitable and community fundraising events, such as a local church fete or football club sausage sizzle, where the food sold is not potentially hazardous or is to be eaten immediately after thorough cooking.

Honourable members will also be aware that the NSW Department of Health has established a free Internet based system for food businesses to notify their existence. In addition to the Internet notification system, food businesses may notify their existence via paper notification to either a local council or the Department of Health. In that case a small processing fee is charged to cover the administrative costs associated with the entering of information into the database.

In addition, any business that is of a class exempted from notification by the Food Safety Standards or otherwise registered under a law prescribed by the Regulations is not required to notify its existence. Those food businesses that are registered by SafeFood NSW are already exempt from the notification requirements of the current legislation and this exemption will continue.

Other important improvements to the enforcement of the legislation are:

Providing for the issue of penalty notices for such minor offences as may be specified by Regulation.

Providing a power for a court to order the publication of specified information wherever a person is convicted of an offence. This power will allow the courts, in appropriate cases, to order corrective advertising, or in serious cases order advertising that alerts the public to serious breaches of food safety standards by a food business.

As is well known in the community, the most serious examples of food borne disease can lead to chronic illness and even death. Even the more benign manifestations of food borne illness can cause significant discomfort to individuals and impose substantial costs on the NSW health system and the economy in general. The introduction of consistent food legislation and standards throughout Australia is an important step to protect the health of the people of New South Wales and to limit outbreaks of food borne disease.

I commend the Bill to the House.

The Hon. Dr BRIAN PEZZUTTI [2.46 p.m.]: I note that this bill was introduced by the Minister for Health. Again, the Minister has failed, as he has done over the past three years, to promote his own bill. However, he promoted the professional indemnity insurance bill, which was not even within his ambit; it should have been presented by the Attorney General. On this occasion the Parliamentary Secretary read the second reading speech, and, interestingly, the Hon. Sandra Nori replied to the second reading debate. In reading the second reading speech Mr Ian McManus, the Parliamentary Secretary, said:

I have pleasure in introducing the Food Bill. This bill is a major step towards a nationally uniform system of food regulation.

New South Wales is the second-last State to adopt legislation and, unfortunately, the bill does not mirror the legislation in the other States, which is regrettable. The Health Ministers meet in Canberra on a regular basis, although the Commonwealth has no say in food regulation. It is a matter for the State Ministers to decide—the New Zealand Minister is allowed to observe and participate—what is in the best interests of the States in terms of health generally speaking and food absolutely. The States, not the Commonwealth, own the National Food Authority. Therefore one would expect that if it is good enough for Canberra to agree on the general principles of food regulation, it should be good enough to agree on the details of the changes. However, I will move on. Mr McManus also said:

... the bill represents an incremental development of food safety legislation in New South Wales and food businesses should not experience any substantial difficulty in adjusting to and complying with the new legislation.

Hansard may have difficulty hearing me because of the conversations taking place near me.

The PRESIDENT: Order! I remind members, particularly the Hon. Dr Brian Pezzutti, that interjections are disorderly at all times.

The Hon. Dr BRIAN PEZZUTTI: The model legislation was drafted in two parts—annexure A and annexure B. Annexure A contains mandatory provisions and annexure B contains provisions that jurisdictions could choose to introduce. New South Wales is adopting the majority of the provisions but there are exceptions. The bill increases dramatically—in contradistinction to what the Parliamentary Secretary said—fines for individuals from \$40,000 to \$100,000 and, for corporations, from \$200,000 to \$500,000. That is a huge increase, and compliance will cost money and is difficult to implement.

I draw the attention of honourable members to some issues raised in the other place on this bill, because we should not be ignorant of what has been said elsewhere. The second reading speech suggested that these regulations were less arduous, but those in the business of manufacturing, processing and selling food are there to do just that and not to be overburdened by regulation—and particularly not by regulation that is hard to understand. Many bills presented by this Minister are not written in clear English and it is often difficult for businesspeople to understand what is in the bills and what is not. The Department of Health goes out of its way to make regulations arcane and difficult to understand. I hope the Minister will correct that in the dying days of this failing Government.

There is a question about the capacity of local government food inspectors to take on what presumably will be a greater workload. In the other place the shadow Minister asked whether the Government would provide money to assist local government in that regard. Some other members in the other House made some interesting comments. The honourable member for Georges River said that the legislation of each State and Territory was not uniform and need not be uniform. He said that the legislation was consistent.

This legislation is not consistent. Section 141 not only is not consistent with the National Food Authority's guidelines but is not consistent with the usual legislation that goes through this House and the way we make regulations. Again, Food Standards Australia New Zealand is a single member of the ministerial council and is able to undertake a review of decisions. The decision I am interested in is that by the Premier, who, in an almost imperial way, decided that monosodium glutamate [MSG] was good for no-one and asked Food Standards Australia New Zealand to review its use. I will come to that later, but that is part of this bill. The honourable member for Bathurst weighed into the argument boots and all. He said:

Critics may say that this is another case of overregulation but it will be up to individual businesses to develop their own food safety plan.

For some businesses it would be a great challenge to set up a food safety plan, and they will need assistance, which I hope is forthcoming from the Government in the interests of public safety. The member noted:

The labelling requirements involve labelling of genetically modified food in circumstances where the novel DNA or protein is present in the final food and when the food has altered characteristics.

The Federal Government decided to do that almost two years ago. One has no problem with that, but the additional words required on some products will necessitate a label that is bigger than the product, or they will have to be written in fine print. Shops selling predominantly fresh food will need to have a notice on the wall stating where it gets its flour from, and so on, and this could be a significant difficulty, particularly if it has to be produced in 16 different languages. I hope the State Government addresses that in its regulations. The honourable member for Bathurst said:

Mandatory labelling requirements will enable consumers to identify package foods that have had MSG added during their production.

That is not mentioned in the bill. The honourable member for Blacktown must have eaten some potatoes, because he really got stuck into this. He said:

The honourable member for Bathurst spoke about the provisions of the bill relating to the addition of monosodium glutamate [MSG] to food. I have a friend who often goes out with us to dinner, and sometimes we have had to take him to hospital because he has eaten food that contained MSG.

Knowing some of the friends of the honourable member for Blacktown, it might not have been the MSG that caused them to take the poor guy to hospital. I make no comment apart from that. He went on to say:

The addition of monosodium glutamate to food is a matter that concerns many consumers. Mandatory labelling requirements allow consumers to identify those packaged foods that have had MSG added during their production.

That is perfectly true. It is not mentioned in the bill per se but it could be done. The honourable member should have referred also to the MSG that is naturally occurring in the food, but he did not. He went on to say:

Monosodium glutamate can cause death where people have serious reactions to that substance.

I have news for him: from my knowledge and according to the inquiries done in the United States of America and Canada, and according to the report that was furnished to us on 9 October by Food Standards Australia New Zealand, there have been no reported deaths as a result of the use of MSG. The honourable member got a bit carried away on that occasion, because that statement is simply not true. He went on to say:

The last point I want to make about the bill is that it provides protection of the State from liability

The Government regularly absolves the Crown from responsibility for things done and things not done. When there is a notice to a department and the department does not act on it promptly and people suffer because of that, the department should be culpable and pay the penalty for the delay. I am sick to death of administrative officers getting away with errors that cause harm to people and not being held accountable. The honourable member for Burrinjuck was very sensible and measured in her comments. She has been concerned for some time about the cleanliness of some of our public hospitals. But in Parliament House, which is extremely well run, she was served a spider in a sandwich.

That can happen in the best-run environments. The honourable member is concerned about organisations such as the Red Cross and the Country Women's Association [CWA] that make and serve local home-bottled jams, which are often favourites at fetes and the like. At bull sales the CWA sells scones and home-made jams, and better jam you would never eat.

Do those organisations use reused bottles? Generally speaking, yes. They save bottles, wash them out, boil them and put jam in them. The bottles are sterilised, of course, but they are reused. I am a great fan of the Vacola bottling processes. My wife and I often get stone fruit from Stanthorpe and we spend the day—it used to be with the kids—bottling our own pears, peaches, and nectarines, and some apricots, although they are harder to do. This process has been around for at least 60 years. You fill the Vacola jars with fruit, pour in sugary water, boil it for 20, 30 or 40 minutes, let it cool down and seal it. The fruit, which you have prepared yourself, can be kept on the shelf for years without refrigeration. It is magnificent. My children were raised on fruit using that process. They got the benefits of the fresh fruit and none of them got sick. The honourable member for Burrinjuck raised concerns about the Premier's involvement, as did the shadow Minister. The honourable member said:

A regulation will be able to be made with the certification of the Minister and approval by the Premier.

How extraordinary for a Premier to be involved in the direct regulation of food and food products. Why would an almost mechanical public safety issue need certification from the Minister and approval by the Premier? I do not believe that such a provision is in any other bill. Why is it in this bill? The Premier thinks that he should be able to wave a wand and ban something because he does not like it. It is a very imperial "wearing of the purple and gold" attitude to life. This provision is outrageous and unnecessary. The Opposition will support an amendment by the Hon. Dr Peter Wong in this regard. The honourable member for Keira, who got stuck into the bill, said:

I am pleased to share with the House that the development of the model food provisions has been the product of extensive consultation undertaken over a lengthy period at a national level with input from all jurisdictions and key stakeholders.

The Government always says that it consults key stakeholders. We are all stakeholders when it comes to food. The Government did not consult me. Did it consult the Hon. Richard Jones?

The Hon. Richard Jones: No.

The Hon. Dr BRIAN PEZZUTTI: I bet it did not. There was lengthy consultation, but many others States got past this consultation process and introduced their legislation two years ago. Why has it taken so long to introduce this bill in New South Wales? Perhaps the reason is because the Government and the Minister for Health do not take much notice of public health issues. The honourable member for Keira also made the comment, which was made throughout the Government members' speeches in the other House, that the legislation does not need to be uniform, that it must be flexible and conditional. Businesses have different packaging processes in each State and in movement of products across Australia. They should not be required to comply with a series of State regulations. The National Food Authority—owned by the States, not by the Commonwealth—was set up for the purpose of uniformity, to reduce difficulties for businesses and to assist Australia to become more competitive in the export market. This is an important issue for businesses and for employment in this State. The honourable member continued:

The Food Regulation 2001 already exempts certain charitable and fundraising exercises from the notification requirement when there is no risk to public health.

I have already referred to the Country Women's Association [CWA] and Vacola bottling. How does one demonstrate that there is no risk to public health? Is it good enough to say that you have been doing it for years? Is it good enough for Mrs Whitney to say that she has made her jam or pickles for years and they have always been safe for consumption? It may not be good enough, according to the regulations. The honourable member then said:

The bill also requires any business prescribed by the regulations to register with the department.

What do the regulations say in this regard? The honourable member continued:

There is no intention at this stage to require that food businesses, other than those businesses already registered by SafeFood New South Wales, to obtain registration.

What is the point of registering businesses that are already registered with SafeFood New South Wales? Why do we need this catch-all provision for businesses to obtain registration and what do the businesses have to register? The honourable member for Campbelltown made a relatively inconsequential speech and then the honourable member for East Hills made a doozy. The honourable member for East Hills said in his speech:

Another aspect that concerns me, because I think I am allergic to it, is monosodium glutamate [MSG], which is added to food.

What the honourable member does not know is that monosodium glutamate [MSG] is often present in food without being added. I wonder if he is allergic to it in its natural state. Food Standards Australia New Zealand has indicated that people may have a food intolerance to MSG but there is no form of allergy to it. The honourable member does not know what he is talking about, or perhaps he has been misled. He continued:

I believe people need to know that MSG is often added to food as a flavour enhancer, particularly in Chinese and Asian restaurants.

I have news for him. MSG is also in Italian, Greek, Turkish and Arabic food. It is in just about every Mediterranean food. He continued:

Of course, the product has a quite deleterious effect on people who are allergic to it.

How can he be sure that anyone is allergic to MSG if the experts from Food Standards Australia New Zealand do not have any indication of allergy to MSG? It is hard to be allergic to a single amino acid. Glutamine is one of the essential amino acids.

The Hon. Dr Arthur Chesterfield-Evans: One of 20.

The Hon. Dr BRIAN PEZZUTTI: One of 19 essential amino acids, I think. It is tricky to be allergic to one of the essential amino acids, which is in just about every single one of our DNA strands, let alone every protein in our body. The honourable member said:

As the Minister for Tourism knows, people can get quite sick if they eat too much MSG.

The Hon. Rick Colless: They can get sick if they drink too much water.

The Hon. Dr BRIAN PEZZUTTI: As the Hon. Rick Colless says, people can get sick from drinking too much water. If they have large quantities of MSG on an empty stomach, they can feel unwell. I have no problem with that. I am sure the Minister for Tourism would know that. In his contribution the honourable member for The Entrance, who was a butcher by trade—

The Hon. Michael Gallacher: No, he was a teacher.

The Hon. Amanda Fazio: He was an engineer.

The Hon. Dr BRIAN PEZZUTTI: The honourable member for The Entrance said:

When it came to the provision of fresh food, regulations applied to a number of aspects, including the cooking of the food, and how the food was stored and the temperature at which it was stored.

He continued:

Of course, there are always fads in the food industry. I recall that at one stage it was said that food outlets could not use wooden chopping boards because of issues associated with bacteria and so on. However, I am sure everyone would be aware that for thousands of years wooden chopping blocks have been used in butcher shops.

Not any more, because this Government has made sure that only plastic chopping boards can be used.. Plastic chopping boards have little cracks in them and are very hard to clean. The honourable member for The Entrance also said:

Many sandwich shops are not registered with council as food facilities.

How can a business submit a development application [DA] and be registered with council without declaring the type of business it will conduct. Of course the council would know if a business is selling food. That statement by the honourable member for The Entrance is a lot of nonsense. I do not believe that the honourable member

had his mind on the job. The Minister for Small Business, Minister for Tourism, and Minister for Women spoke in reply because the Minister the Health did not see this bill as one of his priorities and the Parliamentary Secretary for Health must have been elsewhere. The Minister for Small Business said:

Additional requests for funding by local government will be considered by the department during implementation of the legislation.

That is good news. The shadow Minister for Health asked the Government to consider such a proposal. The Government has realised that the implementation of this legislation will be costly, so it will consider requests, but not necessarily grant them. The Minister said very little else. I will save the majority of the argument about MSG for the Committee consideration. However, to give honourable members some idea about the issue, the Food Authority Australian New Zealand assessment found there was no convincing evidence that MSG is a significant factor in causing systemic reactions resulting in severe illness or mortality. While there is evidence that mild reactions may be triggered in certain individuals as a result of the consumption of large quantities of MSG, those effects are neither persistent nor serious and are more likely to occur when MSG is consumed in the absence of food. That is a very strong statement by a scientific body specifically charged by this Government under application A432 to look at this matter scientifically and in depth.

The Hon. John Tingle: How is that done without food?

The Hon. Dr BRIAN PEZZUTTI: That is a good question. Food Authority Australian New Zealand does control trials with or without food and other things. The authority received many submissions, held a public inquiry and undertook major consultations; its deliberations were not based only on scientific thought. The authority concluded that mandatory declarations should be reserved for those substances that cause severe adverse reactions when present in foods. The safety assessment concluded that while ingestion of large amounts of MSG may cause mild forms of adverse reaction in small numbers of sensitive individuals, there is no convincing evidence that MSG causes more severe adverse reactions. The proposed measure would therefore be disproportionate to the risk proposed. The assessment continued:

The proposed measure would be inconsistent with the mandatory declaration requirements currently in place in the *Food Standards Code* in that it would allow the information to be provided in written form only rather than verbally on request to the purchaser.

It also said:

The proposed measure may also not achieve its intended purpose of reducing the risk of adverse reactions to MSG as it would only apply to MSG added at the eating establishment, not to MSG/glutamate from all sources.

Emperors in imperial Rome drank a lot of wine from cups made from lead. This Premier is acting irrationally; he does not know what he is talking about. He is behaving like the emperor who had no clothes. His acolytes in the lower House—Messrs Ashton, McBride, Gibson and others—have jumped on the bandwagon. They also see these problems and they think there are even worse. They should remove their blinkers. This Premier is tired, arrogant and out of touch, and he is acting irrationally. I will say more about that later. The Opposition will support the bill. We regret that it does not comply entirely with the legislation enacted in the other States and that it will impose added burdens, but we will wait to see the regulations and whether they will be bearable for business. Hopefully, as we move down the track and with a new Government in 2003 the regulations will be made uniform across the nation to make it easier for enterprises to do business internationally and nationally. I await further discussion in Committee:

The Hon. Dr PETER WONG [3.15 p.m.]: I welcome the objectives of the Food Bill 2002. The growth and changes we have witnessed in the Australian and trans-Tasman food industries deems it relevant to introduce greater uniformity for food and food business management in Australia. Like the Hon. Dr Brian Pezzutti, my chief concern relates to clauses 140 and 141, which give the Minister for Health and the Premier the authority to modify the Food Standards Code in emergency conditions or if it is proven that the modifying regulation will have an insignificant impact on the enforcement of uniform national food laws. New South Wales is already a signatory to Food Standards Australia New Zealand, which has provisions allowing governments to act in emergency conditions. Any provisions regarding emergency powers introduced in this bill must be consistent with provisions set down by Food Standards Australia New Zealand, which the Premier has signed.

As the Hon. Dr Brian Pezzutti said, clause 141 could prove a dangerous breeding ground for hidden agendas. It is inappropriate to have food regulations affecting nationwide industries and the Australian public

that are based on personal bias, opinions and experiences of highly placed government officials. A prominent example that demonstrates my concern is the unnecessary public alarm created by the proposed targeting of the use of monosodium glutamate [MSG]. In March this year, the New South Wales Minister for Health, the Hon. Craig Knowles, announced a proposed government regulation allowing restaurants to be fined for failing to warn customers that MSG has been added to their cooking. The alarm that that announcement generated was unnecessary for the general public and food businesses. Because of the misconceptions in many statements made in the other place, it is appropriate that I quote an article written by Dr Leonid Tarasoff, a prominent scientist and former head of chemistry at the Western Sydney University, who has spent 25 years looking at the effects of MSG. He has no personal agenda related to big business. He said:

It is difficult to think clearly and dispassionately about MSG because of the enormous number of rumours, anecdotes and urban myths about it, which circulate in our society. It is important not to play politics in scientific matters when making regulations about food.

It is important to get accurate facts about what MSG is, where it occurs, and what scientific evidence there is about its effects on humans.

MSG is short for monosodium glutamate monohydrate. It is composed of a water molecule, a sodium ion and a glutamate ion. Water is not toxic and nor is sodium and they occur naturally in all living organisms. Glutamate is what this debate is all about. For the purpose of this discussion glutamate and MSG mean the same thing. The concentration of glutamate in food can be converted to MSG simply by multiplying it by 1.27. It is usual to use the term "MSG" or "glutamate" interchangeably when considering the MSG content in food.

Glutamate is a common natural amino acid which is widely distributed in the human body. Proteins commonly contain 10-20 % glutamate. Glutamate is also a neurotransmitter. The concentration in the brain is 2 to 3 orders of magnitude greater than in the blood stream.

That means, in effect, that our brain is an exporter of MSG. Dr Tarasoff continues:

Glutamate is an abundant biomolecule which is quickly metabolised in the body. This was summarised in a recent review by V. R. Young and A.M. Ajami titled "Glutamate: an amino acid of particular distinction" in *The Journal of Nutrition*, volume 130, Number 4S pages 892s to 900s dated 2000.

MSG is prepared by fermentation of carbohydrates using microorganisms, which produce glutamate during fermentation. The MSG produced is the natural form as it is produced by living organisms. There is no difference between natural glutamate or "added" glutamate and they cannot be distinguished by any way known to science.

Glutamate has a unique taste, which has been termed "umami". The savoury taste is due to glutamic receptors on the tongue. It is also termed the "fifth taste", and has been recently reviewed by S. Yamaguchi and K. Ninomiya in a paper entitled "What is Umami" in *Food Reviews International*, volume 14, Nos 2 and 3, pages 123 to 138, dated 2000. It is used as a flavour enhancer for savoury foods in the same way as other condiments, as discussed in a recent review by Y. Yoshida in a paper entitled "Umami taste and traditional seasonings" in *Food Reviews International*, volume 14, Nos 2 and 3, pages 213 to 246, dated 2000.

The glutamate content of natural foods was reviewed in 1998 by K. Ninomiya in *Food Reviews International*, volume 14, Nos 2 and 3, pages 177 to 211. Most food contains glutamate at various levels. For example, the following foods contain glutamate in the range of 0.01 to 0.1 per cent: milk, including cow's milk, goat's milk and human breast milk; vegetables, including broccoli, cabbage, cauliflower, mushrooms, onion, potato, spinach and string beans; and meat and fish, such as beef, pork, chicken, crabmeat and shrimp.

It is interesting to note that human breast milk naturally contains 19 times more glutamate than cow's milk. The following foods contain glutamate in the range of 0.1 to 0.3 per cent: vegetables, including asparagus, corn, tomatoes and green peas; meat and fish such as scallops; and mild cheeses, such as cheddar. The vegetable containing the highest concentration of glutamate is tomato, which contains approximately 0.3 per cent MSG. The following foods contain glutamate in the range of 0.3 to 2 per cent: strong cheeses, such as Emmental and parmesan; sauces, such as soy, fish and oyster; spreads, such as Vegemite and Marmite; and cured meats, such as ham.

The Hon. Rick Colless: Do you like Vegemite, Peter?

The Hon. Dr PETER WONG: I eat Vegemite, by the way. It is very nice with Sao biscuits. It has been rarely drawn to people's attention that Vegemite has high natural glutamate content, at 1.4 per cent. It would certainly be unAustralian to ban MSG of all kinds.

The Hon. Ian Macdonald: Tacky Vegemite?

The Hon. Dr PETER WONG: I think I am convincing the Hon. Ian Macdonald to vote with us: Bob Carr is totally unAustralian. Parmesan cheese also contains more than 2 per cent MSG. As glutamate is ubiquitous in foods, it would be difficult, if not impossible, to avoid consuming glutamate. Every day we consume glutamate, or MSG. A claim of "no added MSG" gives consumers the wrong impression about what they are eating. Most people are unaware that MSG occurs naturally in most food. It is not surprising either that there are regular reports of new hidden sources of MSG. The fact is that most foods contain MSG in concentrations between 0.01 and 2 per cent.

The Hon. Richard Jones: What about cooked tomatoes?

The Hon. Dr PETER WONG: Cooked tomatoes contain a lot more MSG. When tomatoes are cooked, as the protein breaks down into amino acid, more MSG is produced. There is a technical difficulty in checking whether MSG has been added to food. "Natural" glutamate is identical to "added" MSG. Chemical analysis shows the total MSG content. There is no scientific way of distinguishing between "added" and "natural" glutamate, because they are identical. There are a large number of anecdotal reports about adverse reactions to MSG. Many people have passionate views on the subject. Claims of adverse effects of MSG include allergies, asthma, hospitalisation, and even death. Indeed, Mr Martin, Mr Gibson and Mr Ashton made such statements in the Legislative Assembly on 17 September, as reported in *Hansard*.

Food is a complex mixture of many components, which can cause adverse effects. These include biogenic amines, allergenic proteins, such as those found in peanuts, microbiological contaminants, and so on. Identifying a component to which a subject is sensitive is a specialist area. Suspected materials should be tested under rigorous conditions before conclusions can be made. Anecdotal proof is usually suspect and requires systematic testing. MSG has been extensively researched and hundreds of research papers published. Several regulatory bodies have reviewed the literature and concluded that MSG is safe. These include the Joint Food Agriculture Organisation, the World Health Organisation Expert Committee on Food Additives in 1988, the Scientific Committee of the European Commission 1991, the Federation of American Societies for Experimental Biology in 1995, and the United States Food and Drug Administration in 1996.

More recent reviews include "The Safety Evaluation of Monosodium Glutamate" by R. Walker and J. R. Lupien in the *Journal of Nutrition*, volume 130, No. 4S, pages 1049 to 1052, dated 2000, and a review of alleged reaction to monosodium glutamate and outcome of a multicentre double blind placebo-controlled study by R. S. Geha and 11 co-authors in the *Journal of Nutrition*, volume 130, No. 4S, pages 1058 to 1062, dated 2000. The conclusions do not support most of the alleged side-effects of MSG. There is some experimental evidence that high doses of MSG in the absence of food, as referred to by the Hon. Dr Brian Pezzutti, can cause some mild and transient sensations such as tingling, warmth and burning on the upper torso and face. There is little experimental evidence to support such effects at normal concentrations of MSG in the presence of food.

The wide perception that MSG can cause allergy deserves some attention. It is difficult to see how a food component, which is not a protein and is widely distributed in the human body, could provoke allergies. A recent highly controlled study by R. A. Simon entitled "Additive-induced Urtica: Experience with Monosodium Glutamate", published in the *Journal of Nutrition*, volume 130, No. 4S, pages 1063 to 1066, dated 2000, could not find evidence to support allergic reactions to MSG. The 1997 report of the expert panel, comprised of experts in the field of clinical immunology and allergy, was commissioned by Food Standards Australia New Zealand. FSANZ did not consider the evidence of MSG severe reactions to be strong enough to warrant incorporation into the table of substances requiring mandatory declaration. FSANZ did not change its view in the recent reconsideration of MSG after application by the New South Wales Government.

Substances currently listed for mandatory labelling include many protein-containing materials such as gluten, crustacea, eggs, fish, milk, nuts, peanuts, soya beans and royal jelly. These can provoke violent allergies in a small, sensitive group of individuals, as the recent deaths from peanut butter have shown. There is also a wide perception in the community that MSG provokes asthma attacks. This has been researched by R. K. Woods and co-authors in a paper entitled "Patients perceptions of food-induced asthma" in the *Australian and New Zealand Journal of Medicine*, volume 26, pages 504 to 512, dated 1996.

These perceptions started in the 1980s when the results of poorly controlled studies using severe asthmatics were published. These contained severe methodological flaws. More recent controlled studies could not find evidence for the asthma-MSG hypothesis. These include the Australian study by R. K. Woods and co-authors in a paper entitled "The effect of monosodium glutamate in adults with asthma who perceive themselves to be monosodium glutamate-intolerant" in the *Journal of Allergy and Clinical Immunology*, volume 101, pages

762 to 771, dated 1998; and the large Californian study by R. M. Woessner and co-authors entitled "Monosodium glutamate (MSG) sensitivity in asthma" in the *Journal of Allergy and Clinical Immunology*, volume 104, pages 305 to 310, dated 1999.

The asthma-MSG hypothesis has now been largely discounted in recent reviews, such as "MSG and asthma—what is the evidence?", by R. K. Woods, published in *Food Australia*, volume 53, pages 555 to 559, dated 2001; and "MSG and asthma", by D. D. Stevenson, published in the *Journal of Nutrition*, volume 130, No. 4S, pages 1067 to 1073, dated 2000. In the recent review of MSG by FSANZ, dated 9 October 2002, the scientific assessment stated:

The assessment found no convincing evidence that MSG is a significant factor in causing systemic reactions resulting in severe illness or mortality. While there is evidence that mild reactions may be triggered in certain individuals through the consumption of large amounts of MSG, these effects are neither persistent nor serious and are more likely to occur when MSG is consumed in the absence of food.

The Chinese Restaurant Syndrome [CRS] is often used to describe an adverse reaction caused by MSG. The assumption is that MSG is somehow unique to Chinese restaurants. Other restaurant types have high allergy levels but they are not associated with allergies by the general public. For example—and the Hon. Dr Brian Pezzutti knows this—Italian restaurants have tomato and parmesan cheese dishes on their menus that often have higher levels of MSG than many Chinese meals. This fact was documented by J. F. McMahon in a report entitled "Survey of monosodium glutamate in processed, restaurant and unprocessed food" published by the New South Wales Department of Health Public Health Services Branch, Macquarie Hospital, in 1989.

It is interesting to note that "Italian restaurant syndrome" is not a term used by the public to describe an adverse reaction to MSG—and this is indicative of the public's misconceptions about MSG. I know that one or two members in this House are allergic to MSG, and when I asked the Hon. Dr Brian Pezzutti, "When you or your friends go to an Italian restaurant do you get MSG syndrome?" his answer was "No". Obviously, MSG is not the problem. The MSG phenomenon started on 4 April 1968 when a short letter entitled "Chinese Restaurant Syndrome" was published on page 796 of volume 278 of the *New England Journal of Medicine*. The author of the letter was Dr Ho Man Kwok, who described a series of sensations he had after eating in a Chinese restaurant near Washington DC. The letter included only four paragraphs, which consisted of an introduction, a discussion of the possible causes—including MSG—and then a conclusion relating to the causal agent. Dr Kwok hypothesised that the high sodium concentration was the cause, not MSG. He stated:

Another alternative is that the high sodium content of the Chinese food may produce temporary hypernatremia, which may subsequently cause intracellular hypokalemia, resulting in numbness of the muscles, generalised weakness and palpitation. The Chinese food causes thirst, which would also be due to the high sodium content. The syndrome may therefore be due merely to the large quantity of salt in the food, and the high disassociation constant of the organic salt, monosodium glutamate, may make the symptoms more acute.

In other words, MSG is not the cause. The relationship to MSG had been written rather awkwardly. It could be better reworded as "due to the high concentration of sodium in the food to which MSG contributes because it is an ionic sodium salt". This much quoted letter poses sodium and not glutamate as the cause of Kwok's malady. The confusion in the public mind appears to be a misconception that MSG is a discrete molecule rather than a mixture of sodium and glutamate ions.

Interestingly, the MSG phenomenon and "Chinese Restaurant Syndrome" started in 1968 and they have continued for 34 years, perpetuated by our Premier in recent times. Parallel research over this time has made MSG one of the most researched and scientifically most well-understood food components of our time. It is ironic that outside the scientific world MSG and CRS still persist as negative spectres in the public mind. In 1995 a Federation of American Societies of Experimental Biology [FASEB] report recommended that the term "Chinese Restaurant Syndrome" not be used; it was considered to be a pejorative and misleading term because of the inherent limitations in the implied circumstances of exposure. These are well-documented public misconceptions.

Ill-conceived regulations would disproportionately affect Chinese and other Asian restaurants. What is the nutritional benefit of MSG, if there is any? There is a growing body of literature that describes the use of MSG in promoting appetite. Recent references include: "Nutritional effects of umami in the human diet", by F. Bellisle in *Food Reviews International*, volume 14, Nos. 2 and 3, pages 309 to 319; and "Sensory enhancement of foods for the elderly with monosodium glutamate and flavours", by S. S. Schiffman in *Food Reviews International*, volume 14, Nos. 2 and 3, pages 321 to 333. Glutamate is a large source of energy for the intestinal cells, so described by P. J. Read and co-authors in a paper entitled "Intestinal Glutamate Metabolism",

which was published in the *Journal of Nutrition*, volume 130, No 4S, pages 978s and 972s. The conclusion, so says Dr Tarasoff, is to let the MSG phenomenon run its course. The vast majority of scientific opinion is that glutamate is a ubiquitous component of all natural food and should not be given a regulatory status for which there is little scientific evidence. The facts sheet from the FSANZ should serve as a rational and dispassionate guide for regulations.

As we know now, many internationally respected food regulation bodies have declared MSG consumption as safe—including among those bodies are the World Health Organisation [WHO], European Union [EU] and the American Medical Association. As a result of the comments of Minister Knowles, I have written a research article on this subject in which I mention, in part, that the Allergy Unit of Prince Alfred Hospital estimated between 5 per cent and 10 per cent of the population suffer adverse effects from food additives. A recent *Sydney Morning Herald* article reported that up to 500 patients a year test positive to MSG intolerance. As a result, I visited allergies specialist Dr Rob Lake and asked him from what source did he get his evidence. He said, "I suppose it is a guesstimate".

The Hon. Helen Sham-Ho: A guesstimate?

The Hon. Dr PETER WONG: Yes, a guesstimate. That was the word he used, and I repeat it here today in the Parliament. I asked him whether he had ever conducted a double-blind study. He said he has never conducted such a study. I asked him on what he based his opinion. He said, "One of my researchers did this for his thesis." I said to him "You never bothered to do a double-blind study?" and he said "No." They are his exact words. I am happy to repeat them outside this Parliament. Is it because Royal Prince Alfred Hospital received funding? I do not know. I want to know, however, whether that is true.

When we talk about MSG we must understand the difference between the terms "allergy" and "intolerance". Food allergy occurs when an overreactive immune system produces antibodies against an allergy-causing substance, an allergen. Food allergies occur mainly in childhood. One report estimates that between 5 per cent to 8 per cent of children suffer from food allergy. Common allergy foods are eggs, peanuts, milk, nuts and seafood. It is extremely rare for milk and egg allergies to persist beyond childhood. In adult life it is estimated that 1 per cent of the population has a food allergy. A severe and life-threatening allergic reaction to food can occur; the term for such an occurrence is anaphylaxis. For example, there has been a recent report of death caused by the ingestion of peanuts. MSG does not cause allergic reaction.

It has been said that up to 43 per cent of the population experience at some stage of life an adverse reaction to certain food. This is called food intolerance, which is a reaction triggered by natural or added chemicals irritating different parts of the body, presumably through the nerve endings. The symptoms can include headache, nausea, vomiting, abdominal pain, cramps, recurrent hives and swelling. Intolerance can sometimes cause serious reactions. In extreme cases symptoms similar to anaphylaxis can occur. This is called an anaphylactoid reaction, which may require emergency treatment.

MSG can cause intolerance in certain individuals. However, unlike allergies to peanuts, eggs and milk, food intolerance of an individual is often difficult to prove, hence much more research is needed. A placebo controlled double-blind food challenge is an accurate and reliable method to properly evaluate complaints of food allergy. Unfortunately, many statements have been made, including those made in recent times in the press, unsupported by scientific evidence. It is interesting that in his article specialist Dr Robert Hedge gave the same definition to that which I espouse:

It does not escape our attention that many of the syndromes which we can now attribute to food intolerance has been traditionally regarded as psychosomatic and indeed many of our patients with systemic symptoms could easily satisfy the diagnostic criteria of hysteria.

I will not read further from the report or other findings; rather, I will summarise the research. Some people may be intolerant to food, including to MSG, but it is unlikely that their intolerance is significant enough to warrant a visit to a doctor. I have conducted similar studies with 50 general practitioners who believe that the incidence of allergy due to MSG intolerance was only 1 per cent of the population, and that is consistent with the American finding. But even that was not based on a double-blind food study; it was a subjective opinion.

The Hon. Dr Brian Pezzutti: It is a bit like the story of the princess and the pea.

The Hon. Dr PETER WONG: Yes. Considerably more research must be undertaken into food allergies and intolerance to ensure appropriate levels of education, including industrial education, to reduce the

use of food additives. MSG should be included in that research. A working party on food additives and intolerance should be established. It should comprise representatives of the scientific community, experts in the area, allergists and government industrial representatives. However, such a working party has not been established. The Minister for Health, Craig Knowles, promised to consult community organisations, restaurants and the New South Wales Catering Services on the subject, but he has not done so. The food industry, representing small and large restaurants, leagues clubs and the New South Wales catering services have all written objecting to the single-handed decision of the Government. Not one food industry provider supports the Government. The MSG double-blind food challenge rebuked the Government for sensationalising MSG and for its single-minded regulatory approach. I wish to refer honourable members to a letter written by the Cabramatta Business Association, which represents all the major restaurants in Cabramatta. In the past and in relation to different matters some major restaurants have supported the Liberal Party or the Labor Party, while others have supported Unity or some other party, but in this debate they are unanimous in their attitude. The letter states:

The NSW Government is considering regulation which may lead to fines if restaurants do not advise customers that they add monosodium glutamate (MSG) to their cooking.

I oppose this regulation for several reasons:

1. MSG is internationally regarded as safe

MSG is considered in the USA to be a common food ingredient, like salt, baking powder and pepper. It is included in the Food and Drug Administration's *Generally Recognised as Safe* list.

The European Commission's Scientific Committee for Food (SCF) regarded MSG as safe with no need to set a numerical "Acceptable Daily Intake" in 1991, over ten years ago.

The World Health Organisation has confirmed that MSG is safe and decided that it is not necessary to set a numerical "Acceptable Daily Intake".

2. Fears about MSG are based on myth

There is a statement that 5-10% of the population suffers from MSG intolerance. However, this was neither scientifically based nor consistent with the experience of many general practitioners or allergists in Australia.

3. Food known to cause allergies do not require warning

Every year, children or adults die from allergies to substances known to cause harm, such as dairy products, eggs, peanut and other nut-based products, and food additives such as sulphur dioxides, many of which cause worse side-effects than MSG. Not one case of death has ever been attributed to MSG or linked to MSG.

Strangely, however, there is no suggestion that these foods require a warning.

4. MSG is a glutamate, which is contained in many substances

As stated by FDA, labelling of "Added MSG" or "No Added MSG" means very little, for glutamates are the same, be it MSG, hydrolysed proteins, tinned soups, tomato paste, beef and chicken stocks, broths, etc. The list is endless.

The Hon. Dr Brian Pezzutti: Does that mean that Heinz soup is no good for you? Heinz soup is good for mothers.

The Hon. Dr PETER WONG: Babies drink breast milk, which contains MSG anyway. The letter continues:

It would only be fair to label all foods containing glutamate, or high amounts of glutamate, which would be quite impossible given the fact that most foods in restaurants, supermarkets and takeaways contain glutamates.

The proposed regulation is to single out monosodium glutamate and ignore others which have proven health dangers to certain adults and children.

I support Unity's position on the issue: that if the government is concerned about the issue of food allergy and intolerance, then it should approach the issue within honest terms and not single out MSG.

Anything otherwise is blatant discrimination.

Some possible solutions are to finance more research, and increase public awareness and education about MSG, and indeed all food allergies and intolerances, to allay public fears.

This would be a reasonable approach rather than the knee jerk exercise being taken by the Government.

The owners of 30 of the major restaurants in Cabramatta signed that letter. If the Government is serious about this matter, it should take heed of the scientific evidence and stop this silly regulation. Honourable members would be interested to hear that Food Standards Australia and New Zealand asked NSW Health whether it would ban the big players such as McDonald's and KFC, whether it would label every company that uses MSG. For the benefit of the Hon. Ian Cohen I will read the following passage from a document prepared by NSW Health:

The Minister's statement makes it clear that the New South Wales government will ask restaurants to tell customers if they add extra MSG to the food they serve.

It further states:

MSG is also present in some sauces and food bases used by restaurants. The new disclosure requirement will not extend to these products where the MSG is added at manufacture.

That means that, for the time being, only small restaurants—not the big boys—must declare whether they add MSG. That is interesting. Our Premier is a clever and highly intelligent person.

The Hon. Ian Macdonald: I would not go that far.

The Hon. Dr PETER WONG: I withdraw my remark.

The Hon. Michael Gallacher: You've lost us now.

The Hon. Dr PETER WONG: I have lost my argument. I accept the Opposition's position. It was not very clever. This letter dropped off the back of a truck so honourable members are not supposed to know about this.

The Hon. Ian Macdonald: Tell us what it is.

The Hon. Dr PETER WONG: It is exactly what I said. The Premier said that it is okay to exempt McDonald's, KFC and Pizza Hut because their sauces have MSG added at manufacture. They do not tell the poor bugger who is supposedly allergic to MSG—

[Interruption]

I am sorry, I withdraw that unparliamentary word. They do not have to tell consumers that they are buying a product with a high concentration of MSG.

Reverend the Hon. Fred Nile: Don't forget you are making a speech.

The Hon. Dr PETER WONG: My humble apologies to honourable members, especially Reverend the Hon. Fred Nile, for that remark. Imagine the tomato sauce that is poured on meat pies—

The Hon. Rick Colless: Tomato sauce is good for you.

The Hon. Dr PETER WONG: I agree with that. Even if Bob Carr says it is bad, I am not saying anything. If McDonald's, KFC and Pizza Hut use tomato sauce, cheese and mushrooms with added MSG, they will not be prosecuted.

The Hon. Rick Colless: Why?

The Hon. Dr PETER WONG: The Minister's statement says so. He said that they did not have to declare it.

The Hon. Ian Macdonald: Read the statement.

The Hon. Dr PETER WONG: Read it again? The Hon. Ian Macdonald enjoys this statement. The Minister said:

The new disclosure requirement will not extend to those products where MSG is added at manufacture.

For argument's sake, let us say that I produce "The Hon. Ian Macdonald's Magic Sauce", which contains perhaps 90 per cent MSG, spiced with additives from the Oasis Club project.

The Hon. Ian Macdonald: You're a nasty fellow.

The Hon. Dr PETER WONG: I would be nasty if I discovered that your sauce had MSG in it. That would be very nasty.

The Hon. Ian Macdonald: I asked you a question about tomato sauce, and you responded by making a nasty remark.

The Hon. Dr PETER WONG: I am answering your question. I am saying that the Premier is totally irrational, illogical and biased, and that his opinion is wrong. He refused to accept the scientific opinion. He has been told that it is inappropriate to exempt McDonald's, KFC and Pizza Hut. My information indicates that everyone—from officers of the New South Wales Department of Health to many of his own friends—told him that this proposal is too ridiculous for words. My view is supported by almost all scientific evidence, including the research of prominent people such as Dr Tarasoff, the Hon. Dr Brian Pezzutti and Dr Con Kataralis, the chief allergy specialist at Westmead Hospital. I should not leave out the Hon. Dr Arthur Chesterfield-Evans, who is waiting to speak on this bill. I am amazed, as is the Hon. Dr Brian Pezzutti, that the principles of this seem to be okay but the Government introduced this silly proposal. I do not know the Government's logic for this.

The Hon. John Jobling: Talk about the Government doing silly things. The Hon. Eddie Obeid has just entered the Chamber.

The Hon. Dr PETER WONG: I have full confidence in Dr Obeid's support for ethnic food and MSG. No doubt he will agree that Lebanese food is full of MSG and he seems to be okay so far. There is nothing wrong with him. On this, I rest my case.

Reverend the Hon. FRED NILE [3.56 p.m.]: The Christian Democratic Party supports the Food Bill, which will repeal the Food Act 1989 and enact new food laws as a result of an agreement between the Commonwealth, States, Territories and New Zealand dealing with the implementation of uniform food laws. As honourable members are aware, there has been a great deal of discussion over many years concerning the development of uniform legislation in this regard. We now see this point reached with this bill. As part of the process, various health Ministers agreed in 1991 to adopt food standards developed by the Australia New Zealand Food Authority and approved by the Australia New Zealand Food Standards Council, the ministerial council. In 1996 an agreement was reached for the Australia New Zealand Food Authority, now known as Food Standards Australia New Zealand, to develop nationally uniform food Acts. The Food Standards Code has recently been expanded to include food safety standards, which are largely handling and hygiene matters.

Various States continued their consultation, and in November 2000 the Commonwealth and all the States and Territories, under the auspices of the Council of Australian Governments, approved the draft model food provisions presented by the senior officers working group. Various States have either passed new food Acts or passed amendments to their existing food Acts. This bill repeals the New South Wales Food Act 1989 and incorporates a number of improvements. For example, the bill provides for a number of new offences relating to food handling and sale, including handling food in an unsafe manner, misleading conduct with relation to food and the sale of unfit equipment or packaging or labelling material for use with food. Also, the penalties for various food-related offences have been increased, from \$3,300 to \$5,500 for all offenders under the 1989 Act to between \$40,000 and \$100,000 for individuals and between \$200,000 and \$500,000 for corporations.

The Food Act 1989 provided for a penalty of up to six months imprisonment for an individual. This bill increases that penalty to a maximum of two years imprisonment. We support those provisions because the health of the people of New South Wales is paramount. One way to ensure the health of people is to create new food-related offences, as the Government has done in this bill. The Director-General of Health will have power under the bill to order a business to undertake a recall of unsafe food. Inspection and enforcement powers of authorised officers are also spelled out in greater detail. Previously there had been some doubt about their powers.

Pursuant to sessional orders business interrupted.

QUESTIONS WITHOUT NOTICE

INJURED WORKERS CLAIMS PROCEDURE

The Hon. MICHAEL GALLACHER: My question without notice is to the Minister for Industrial Relations. In view of the Minister's claims that his reforms of workers compensation were designed to reduce the premium burden on employers, reduce fraud and prevent further deterioration in the scheme, how does he explain the developing practice of injury claims being proceeded with at common law under occupiers liability, rather than workers compensation? What measures are in place to detect and prevent fraudulent or exaggerated claims being filed in this way? Will this practice simply move cost to business from one form of liability to another?

The Hon. JOHN DELLA BOSCA: Obviously the Government is concerned about changes in practice and incentive issues. The honourable member should acknowledge the flip side of the logic behind his question, that is, those who are seeking to exploit the laws of negligence in relation to employment are turning to forums other than workers compensation. That is because the reforms emphasise industry management and return to work principles and a range of other important changes rather than relying on the jackpot mentality, which was one of the things that began to distort the workers compensation system and something that we have addressed.

The Leader of the Opposition should know—and I think he is aware, as I have answered him previously about premiums—that for the first time in 11 years the scheme is collecting more in premium than will be paid out against that premium. That is a further indication that the scheme is returning to health. In respect of a flight to owners and occupiers liability, I have no advice on that matter but I will undertake to keep the matter under constant review.

CENTRAL WEST LIMESTONE PRODUCTION

The Hon. IAN WEST: My question is to the Minister for Mineral Resources. Will the Minister advise the House what has been done to encourage the development of limestone resources in the State's Central West?

The Hon. EDDIE OBEID: The honourable member's question is an important one that reflects his interest in the mining industry. The New South Wales Government actively encourages the exploration and development of our State's mineral resources. The Central West community has benefited from this support. Recently, the New South Wales Government approved a new mining lease to Hyrock Pty Ltd for its limestone mine, 32 kilometres south of Kandos. The lease means the company now has the capacity to further develop its Excelsior quarry, which has operated since 1980. Limestone has been extracted from the area since the 1870s.

This mine produces high-grade limestone. This is used to produce quicklime and hydrated lime. Products include crushed rocks—used in the western coalfield as road base and railway line ballast; and road bases for regional road construction. Crushed and sized limestone is supplied to the Charbon lime works; and agricultural lime for treating acid soils in the tablelands area. This new lease is good news for the local community. It means that 35 workers at the company's Charbon works at Excelsior quarry will have greater job security. It means up to five new jobs could be created. Hyrock has advised that the new lease means the company will be able to recommission a second rotary lime kiln. The company says that the lease will support the further expansion of its Port Kembla blending plant, which produces road stabilisation binders.

The lime plant is important for the Central West community and has a significant flow-on effect to local businesses, especially engineering contractors. In addition, the company also uses a significant amount of coal produced at the nearby Charbon colliery. At present the Excelsior quarry produces around 150,000 tonnes of limestone a year. Hyrock produces around 65,000 tonnes a year of limestone products at its Charbon works. The company advises that this lease and subsequent plans to expand have the potential for production to double, subject to commercial demand.

DROUGHT ASSISTANCE

The Hon. DUNCAN GAY: My question is to the Treasurer. Now that the Australian Bureau of Agricultural and Resource Economics [ABARE] has forecast that the current wheat crop will fall by more than half due to the impact of the ongoing drought, will the Government support the provision of cash grants to drought-affected farmers in the same way that his Labor counterparts in Victoria are already doing?

The Hon. MICHAEL EGAN: I will refer the honourable member's question to the Minister for Agriculture.

FISHING FEE EXEMPTION CERTIFICATES

The Hon. DAVID OLDFIELD: My question is to the Minister for Fisheries. Is the Minister aware that access to fishing fee exemption certificates differs between charter boat operators and land-based fishing guides? Will the Minister explain why land-based fishing guides do not have equal access to fishing fee exemption certificates? Will the Minister consider this discrimination against land-based fishing guides with a view to improving land-based access to fishing fee exemption certificates, so as to bring them into line with charter boat operators?

The Hon. EDDIE OBEID: The honourable member's question is an important one, though he has failed to see exactly how it works. There is no exemption for charter boat operators. Instead of paying a yearly fee based on a certain number of passengers, they are entitled to pay one by one as they take those passengers on board. They are not exempted but the process used is to estimate for a whole year what the number of passengers will be and they pay a fee in accordance with that, or they can pay as passengers come on board. Guides are definitely not exempted; nor are charter boat operators. They all comply with the fee payment to carry on with their businesses.

The Hon. DAVID OLDFIELD: I ask a supplementary question. My understanding is that the terminology comes from a letter from the Minister's office. I am sorry if "fee exemption certificate" is not a correct description. Is there no difference whatsoever between land-based and charter boat operators with regard to access to the types of fees about which the Minister is speaking, and with regard to the number of people related to those fees over a period?

The Hon. EDDIE OBEID: There is no exemption for any of them. They both pay fees, except charter boat operators have the option of using either/or. Land-based operators who are guides are basically limited to the number of people that they can guide at one time. With charter boat operators it depends on the size of the boat. Their option is to pay one fee per year based on their estimate of passengers, or they pay as passengers come onto their boats. There are no exemptions. It is a matter of size. Of course, charter boats take many more—50, 60 or more. I am not sure of the number for tour operators, but I can obtain for the honourable member the figure that they are allowed to take at any one time.

COMMUNITY DRUG INFORMATION INITIATIVE

The Hon. AMANDA FAZIO: My question is to the Special Minister of State. Will the Minister inform the House of any new initiatives that will assist families to discuss the issue of drugs or help someone who wants to get more information on drug issues?

The Hon. JOHN DELLA BOSCA: Today the Premier officially launched a key part of the community drug information initiative. This initiative was a recommendation of the New South Wales Drug Summit. It was said at the Summit that many people felt overwhelmed by the scope of the drug problem and powerless to do anything about it. There is a need for accurate, credible and practical information. The Premier launched a package of resources to help reduce fear and confusion about drug issues and to inform people of the many resources and services available for help. I was pleased that the Hon. John Ryan was able to attend the launch and I thank him for his interest. People can do many things to get help for someone who is using drugs. A good way to start is to get the facts; ring a support line for advice on how to support a friend with a drug problem; get information from a local library or an accredited web site; read a pamphlet about the effects of drugs; and talk with your family and friends about the issue. The Government has produced resources to help people do this.

The "Family Matters" booklet has been developed specifically for families. It is an easy-to-use guide to help parents answer questions they may face when talking with their children about drugs. It gives information about the risks of drug use and suggests ways for parents to deal with difficult situations, such as what to do if their child is using drugs. That booklet will be mailed next week to all parents of government high school students around the State and will be forwarded to individual Catholic and independent schools for distribution. The Drug Information at Your Local Library [DIAL] program includes books and brochures accredited by an expert reference group. The DIAL program will provide each of the State's 380 libraries—including 230 libraries in regional areas—with brochures and a specially designed Internet service. A complete collection of

books and reference material will also be available at 100 libraries across the State. Posters have been developed to support these initiatives and to let people know of the simple first steps that will help them cope with drug issues and where help is available when required.

The Hon. Dr Brian Pezzutti: Where is the fridge magnet?

The Hon. JOHN DELLA BOSCA: It is not a fridge magnet. It is a brochure that can be attached to the fridge to be used in a practical way in the home. This initiative complements the Commonwealth's campaign. It completes the circuit of co-operation across political boundaries by including local government through the public library network in the campaign. It gives real help by providing referrals to services and sources of information that can provide New South Wales communities and their families with the help they want and need as the occasion arises. While there are no simple solutions to the drug problem, everyone can make a difference by taking their share of the responsibility and by taking positive steps in their local community and within their family.

FIREARMS OWNERSHIP

Ms LEE RHIANNON: I direct my question to the Minister for Police. What commitments has your Government given to the Shooters Party and the shooting lobby not to restrict access to semiautomatic hand guns? Has the Minister revised these commitments in light of the Monash University shooting? Has the Minister for Fisheries had any involvement in these discussions? If not, why did he attend the Shooters Party tenth anniversary dinner in June, along with the Premier and a grand number of 40 representatives of the Shooters Party?

The Hon. MICHAEL COSTA: It is not my Government.

MINISTER FOR MINERAL RESOURCES, AND MINISTER FOR FISHERIES PECUNIARY INTEREST DISCLOSURE

The Hon. GREG PEARCE: My question is to the Minister for Fisheries. In relation to a fundraising function held for the Westmead Children's Hospital, which the Minister attended with con man Karl Suleman, did he attend in his capacity as a Minister? Did he pay for the ticket of his guest, the Minister for Transport? If so, did he pay for this ticket from his ministerial allowance? If he did not pay for the ticket, how did it come into his possession?

The Hon. EDDIE OBEID: If the Hon. Greg Pearce reads *Hansard* he will see that I have answered this question.

PREMIER'S SENIORS ACHIEVEMENT AWARDS

The Hon. JAN BURNSWOODS: My question is directed to the Minister for Ageing, and the Minister for Disability Services. What action is the Government taking to recognise the outstanding achievements of seniors throughout New South Wales?

The Hon. CARMEL TEBBUTT: The Government is very aware of the positive economic and social contributions made by seniors throughout New South Wales. While their contribution is recognised in a number of ways, one particular way is through the Premier's Seniors Achievement Awards. This year 250 people have been nominated for the Premier's Seniors Achievement Awards, which will be held in Sydney on Thursday, 7 November. This year 250 people have been nominated for the awards. The nominees come from as far as Inverell, Dunedoo and Jerilderie. There will be 12 award presentations with two nominees receiving awards for their achievements in each of the following six categories: business monitoring, community service and volunteering, education-life-long learning, environment-science, health and wellbeing, and intergenerational understanding. From the breadth of categories covered, honourable members can see the diversity of activities in which seniors are involved.

The Hon. Duncan Gay: Why don't you give them some money?

The Hon. CARMEL TEBBUTT: Because income support is a Federal Government responsibility. The Premier's Seniors Achievement Awards reflect the objectives of the New South Wales Healthy Ageing Framework. A key objective of the framework is to increase the participation of older people in the workforce,

education, leisure and volunteering. All six award categories have been implemented to promote this objective. More than 30 per cent of older people between the ages of 65 and 74 act as volunteers in our community. They contribute, on average, two to three hours per week of their time. Nearly 18 per cent of people aged over 75 still volunteer more than two hours per week of their time, giving many people in New South Wales the opportunity to benefit from their experience and wisdom.

The Government is committed to ensuring its services are accessible by and relevant to the growing number of older people in this State. It is estimated that by 2010 nearly 21 per cent of the population will be aged over 60. As I have said many times before in this House, rather than the Government seeing this as a concern, it sees it as an opportunity to benefit from and share with the rest of the community the wisdom and experience of our ageing community. As a result, the Government is working to ensure that our public transport system, hospitals, TAFE colleges and urban design practices meet the needs of this significant and growing part of our community. Seniors play a vital role in our society, particularly as volunteers. I am sure the House will join with me in congratulating all those who have been nominated for an award in next week's ceremony.

CABRAMATTA POLICE LOCAL AREA COMMAND

The Hon. HELEN SHAM-HO: I direct my question without notice to the Minister for Police. I refer the Minister to the police rostering crisis at Cabramatta local area command [LAC]. Is the Minister aware that the officer who undertook the roster for Cabramatta LAC left over 2½ months ago and that a stop-gap temporary back-fill has been supplied from Macquarie Field LAC? Is the Minister aware that two untrained general service officers are performing the roster at Cabramatta LAC, which has resulted in considerable frustration and heartache for the officers? Does the Minister agree with Chief Inspector Minarie's comment that "This current rostering crisis is having a debilitating effect on officer morale at the station"? Can the Minister advise when Cabramatta LAC will have assigned to it a full-time and fully trained rostering officer?

The Hon. MICHAEL COSTA: I am aware of a number of claims about Cabramatta. I was in Cabramatta yesterday with my Police Ministry Advisory Council. The Commissioner of Police is a member of that council. We held a number of public meetings with the community about policing issues in Cabramatta. We met with schools, senior citizens' groups, the Chamber of Commerce and representatives of the ethnic community. Paul Newton, a representative of the Chamber of Commerce, said that the chamber was committed to working with the local police and local community through the pact process known as Citywatch.

The Hon. Dr Brian Pezzutti: What has this got to do with rostering?

The Hon. MICHAEL COSTA: If the Hon. Dr Brian Pezzutti would calm down, I have another three minutes. He will find out what this has to do with rostering. The honourable member should relax. I am pleased that the Chamber of the Commerce has acknowledged that it has a role to play in developing solutions for the problems in Cabramatta. There are still problems in Cabramatta, and we must acknowledge that. We must not become complacent about policing strategies in the area. The honourable member made reference to a rostering issue, which was outlined in the *Fairfield Advance*. The local area commander, the person responsible for dealing with management issues in the area, takes a different view from that expressed by an unnamed officer quoted in the article. The local area commander rejected the officer's claims and said that there was no problem with the rostering system and that 130 police at Cabramatta were being rostered in response to need by two full-time officers.

This is an important question. Given that the situation in Cabramatta is so sensitive, and that an investigation has been conducted by a committee of this House, I will take up the matter with the LAC to ensure that any potential problems or difficulties that may exist are dealt with immediately. I note that the newspaper article states that the Police Association recently had a meeting in Cabramatta and expressed confidence in the local area commander. Some issues need to be dealt with and we will deal with them through the normal process.

FISHING LICENCE COMPLIANCE POLICING

The Hon. JENNIFER GARDINER: I direct my question to the Minister for Police. Will the Minister advise what police resources are allocated to the backing up of fisheries officers enforcing compliance by anglers in carrying proof of having paid the Carr Government's tax on anglers? Is he aware that during the October long weekend a Central Coast angler, who said he had had difficulty getting licences for a group of three anglers wanting to do some spur-of-the-moment fishing, was surrounded by four fisheries officers and two police officers 10 minutes after being unable to produce a fishing licence? Is that a sensible or justifiable use and prioritisation of the use of police officers?

The Hon. MICHAEL COSTA: I do not take on face value any questions asked by members of the Opposition. I will take that question on notice and get an appropriate answer. I do that not out of supreme arrogance, as has been suggested, but because members of the Opposition constantly get the facts wrong. The only sensible way to approach people who deliberately or through incompetence get their material wrong is to take questions on notice and provide appropriate answers.

EARLY INTERVENTION PROGRAMS

The Hon. RON DYER: I direct my question to the Minister for Community Services. Will the Minister advise the House what action the Government has taken to assist children and families and to prevent crime by intervening early; that is, before problems escalate?

The Hon. CARMEL TEBBUTT: I thank the honourable member for his question. I am sure he has a great deal of knowledge about the benefits of early intervention. However, significant changes have occurred since he was Minister for Community Services, including the introduction of Families First. I am sure that my answer will be of great use to him and to other honourable members.

The Government is committed to the benefits of early intervention; that is, providing support and addressing issues before they develop into larger problems. Those benefits have been demonstrated in numerous reports and research papers, two of which were released last week. The Government has embraced early intervention as an underlying principle for many programs. That approach has also been fiscally prudent. Overseas research shows that for every dollar spent addressing problems early in a child's life \$7 is saved later because the small problems have not grown into bigger, more difficult problems. Those savings are made in court, juvenile detention, health and child protection costs.

Fiscal prudence is only one side of the coin. The other and immeasurably important feature is the goal of improving the quality of life of New South Wales children and families. I am pleased to advise the House about measures that are being taken to invest in the long-term health of children and families. Families First was established in 1998 with \$117 million being earmarked from 2002 until 2006 to achieve its implementation. Families First is aimed at young families with children up to the age of eight. It provides early childhood nurses, family support workers, transition-to-school programs, playgroups, parenting programs, volunteer home visiting and professional help for families in need. The great benefit of Families First is that it brings together existing service providers in an area, both government and non-government, and allows them to plan together what additional services may be needed to support families, children and young people. New South Wales has 90,000 births each year. By the time Families First is rolled out statewide next year, every family with a new baby will be offered a home visit from an early childhood nurse and ongoing help will be provided to families at risk.

The Better Futures program was introduced by the Government late last year and \$8.6 million will be spent over four years. Once again with the aim of heading off problems before they arise, Better Futures will be piloted in six areas and will target nine to 18-year-olds who are at risk of dropping out of school, leaving home or disengaging from their family and the community. Families First concentrates on the early stages of the lifecycle and Better Futures focuses on ensuring that older children feel and are part of the community. It targets issues such as literacy, behaviour, sporting and recreational activities, drug and alcohol education and transition to high school.

In November 2001, the Government also allocated \$50 million for its community solutions and crime prevention strategy. That is in addition to funding allocated to crime prevention and community building. To target areas for funding, the Government analysed crime rates, locations of young offenders, incidents of child abuse and neglect, overdose rates, numbers of patients admitted to hospital after violence and patterns of sexual assault. In each community the three levels of government get together with community leaders, business and non-government organisations and local residents to set priorities and formulate plans so that tailor-made packages of initiatives can be implemented. As a result, nearly \$33 million has been committed to date in 19 communities, including Miller, Mount Druitt, Cabramatta, Redfern, Waterloo, Nowra, Kempsey, Brewarrina, Bourke, Gunnedah, Gosford, Walgett and Wyong. Wollongong and Canterbury-Bankstown are in the pipeline and other areas will follow. The constant themes addressed are early intervention and providing support to families to ensure that communities are safer.

PUBLIC LIABILITY INSURANCE

The Hon. JOHN TINGLE: My question is directed to the Minister for Community Services. Is there a problem in maintaining public liability insurance for child day-care centres, out-of-school-hours childcare

centres and other facilities of that type? For example, is it a fact that the Port Macquarie Neighbourhood Centre, which includes a gamblers' counselling service and an out-of-school-hours centre, was facing closure last week because its insurer refused to renew the centre's public insurance policy after 31 October? Has the centre been forced to arrange alternative insurance at a prohibitive premium? Are other similar centres in the State experiencing problems with public liability insurance, and, if they are, is the Government able to do anything to assist them?

The Hon. CARMEL TEBBUTT: I am aware that the Port Macquarie Neighbourhood Centre has experienced some difficulties renewing its public liability insurance. Honourable members are aware that this is a national issue and that it is being dealt with on a national basis. In addition, State and Territory governments have also explored and continue to explore ways in which they can contribute to minimising the effects of this problem, particularly on the delivery of community services. Of course, this Government has led the way in public liability insurance reform.

I understand that the Port Macquarie Neighbourhood Centre has encountered difficulties in reinsuring its vacation care service. The centre also operates an information and referral service, including Gamblers Anonymous and tenants' advice programs. The neighbourhood centre has indicated that it wishes to continue to provide its vacation care service, and I am informed that it is negotiating with insurance brokers to enable it to do so. Department of Community Services local officers will continue to liaise with the centre and will provide what support they can to assist in the matter. I understand that the previous insurance provider, which has agreed to continue the insurance cover until this matter can be sorted out, is also an insurance provider for a range of other early childhood services in New South Wales.

I will ask the department to consider whether there are implications for other early childhood services, and to provide me with further advice on that. I am sure people are also aware that earlier this year the New South Wales Government funded the Council of Social Service of New South Wales to establish a bulk-buying scheme for public liability insurance for non-government community service organisations. This project will also provide insurance information and risk-management training and advice to non-government community service organisations. In this way the Government has attempted to address the issue across the sector. However, I will further follow up the issues raised by the honourable member with regard to the Port Macquarie Neighbourhood Centre.

EMPLOYER INSURANCE COMPLIANCE

The Hon. JAMES SAMIOS: My question without notice is to the Special Minister of State, and Minister for Industrial Relations. Why has the Minister still not released figures on employer underinsurance, despite WorkCover's workers compensation insurance compliance green paper dated September 2001, which said that figures would be released early in 2002?

The Hon. JOHN DELLA BOSCA: I am not sure to which specific statistics the Hon. James Samios is referring. I have taken the view in the management of the scheme and the delivery of the reform program that the Government and the WorkCover Authority have been engaging in that we will be completely transparent and provide all the relevant information to the public through the Parliament and the various forums of WorkCover. As the Hon. James Samios said, the Government established a compliance working party, comprising representatives from peak employer and employee bodies, to focus on strategies to address premium avoidance. The working party has identified factors contributing to non-insurance, underinsurance, and premium avoidance in the WorkCover scheme.

Earlier this year the Government appointed two special advisers on compliance, Ms Penny Le Couteur, an independent consultant, and Dr Neil Warren, a professor of economics at the University of New South Wales. Ms Le Couteur and Dr Warren were asked to consider options and make recommendations on measures to substantially improve the level of employer compliance with workers compensation insurance and payroll tax obligations. An interim report, entitled "Employers' Compliance with Workers Compensation Premiums and Payroll Tax in New South Wales", was released to scheme stakeholders in June 2002. The special advisers undertook consultation with stakeholders in relation to the recommendations contained in the interim report. The special advisers recently presented their final report to the Government, which can be downloaded from WorkCover's web site.

The recommendations contained in the final report include the alignment of definitions of "wages" and "worker", revision of payroll tax grouping provisions and their adoption for workers compensation purposes,

revised audit and collection methods, and new provisions to oblige principals to be concerned with the workers compensation policies of contractors. The Government is now considering the recommendations made by the special advisers. Any broadening of the wages definition for workers compensation would be offset by a corresponding reduction in tariff rates.

BIOTECHNOLOGY RESEARCH GRANTS

The Hon. HENRY TSANG: My question without notice is to the Treasurer, and Minister for State Development. Will the Treasurer inform the House how the Government is supporting the growth of the biotechnology sector in New South Wales?

The Hon. MICHAEL EGAN: I thank the Hon. Henry Tsang for an important question.

The Hon. Duncan Gay: Not the technology showcase again?

The Hon. MICHAEL EGAN: The Australian Technology Showcase will keep going because it is a very successful program. It was intended to run only until the Olympics, but it was so successful that we have extended it. However, I am not about to speak about the showcase. Four of the State's most innovative biotechnology companies will share more than \$300,000 in government grants to help develop groundbreaking technology. The four new grants are the second round of proof-of-concept funding that is part of the Government's \$68 million BioFirst Strategy to develop the State's biotechnology industry.

These four additional grants bring to 11 the total of companies that have now received funding from the Government. This means that four more Australian biotech companies can continue to develop their projects—and develop them here, instead of offshore. The ingenuity of the technologies being developed under these grants shows why New South Wales is the base for 40 per cent of all biotechnology and pharmaceutical companies in Australia. The Government's aim in providing this assistance is to bridge the gap between brilliant research and effective business development. The proof-of-concept grants of up to \$100,000 are paid in increments to the companies throughout the life of individual projects. Recipients in this latest funding round include Biosignal Pty Ltd, which has identified an Australian seaweed that produces compounds that prevent the attachment of bacteria and other unwanted organisms to surfaces. I am advised that applications could include marine paints, domestic surface cleaners, and pharmaceutical and biomedical products.

Another recipient is Madry Technologies Pty Ltd, which has developed a cardiac post-operative monitor to analyse heart rhythms of patients who have just undergone heart surgery and predict the likelihood of the onset of atrial fibrillation, a common cause of stroke. Western Sydney medical product manufacturer Techmin has entered into a partnership with Westmead Hospital to produce a new laryngoscope that will substantially reduce the incidence of dental damage caused by intubation, a procedure used in general anaesthesia to enable the insertion of a tube into the trachea.

Medsaic Pty Ltd is developing rapid diagnostic devices for the cancer and cardiac markets that have the potential to reduce analysis times from days to minutes, and therefore significantly reduce costs. I warmly congratulate the four winners of the development grants and look forward to advising the House of significant new developments in the State's biotechnology industry.

CABRAMATTA POLICE LOCAL AREA COMMAND

The Hon. Dr PETER WONG: My question without notice is to the Minister for Police. Is it true that Superintendent Frank Hansen is about to be transferred out of the Cabramatta local area command? Given that Superintendent Hansen has been in Cabramatta for only about two years, and that drug trafficking is still a major issue in that suburb, will the Minister tell the House the reason for his departure? Will the Minister assure the House that the Government has a well-planned policing policy for Cabramatta, particularly with regard to the morale of police officers and the stability of the Cabramatta senior command?

The Hon. MICHAEL COSTA: I was just wondering whether there was competition for asking the Cabramatta question today, but I have been assured there is not. Like any member of the Police Force, Commander Hansen is entitled to make application for any job he wishes to do, and to engage in the normal process of obtaining that position. That is a matter for him. Certainly, Commander Hansen has done a tremendous job; I think we all acknowledge that. During a meeting I attended yesterday there was general support for the job he has done at Cabramatta. It was very pleasing to hear members of the community acknowledge the efforts of the Government and the local police.

The Hon. Dr Brian Pezzutti: The police, not the Government.

The Hon. MICHAEL COSTA: And the Government. Other social programs that have been extremely critical of the Cabramatta turnaround have been put in place. We have received co-operation from the Department of Community Services and other departments that have played a tremendous role in improving the situation at Cabramatta. As I have said previously, there is no room for complacency. There are still problems in Cabramatta that we need to address, and I am sure that the new local area commander, whoever it may be, will take forward the strategies that are now in place through the Police Accountability Community Team process to enable the community to have direct input into policing solutions for the Cabramatta area.

ELECTRICITY INDUSTRY EMPLOYEES SUPERANNUATION

The Hon. JOHN JOBLING: My question without notice is directed to the Treasurer, and Vice-President of the Executive Council. Why has the Government decided to transfer electricity industry employees to the Electricity Industry Superannuation Scheme [EISS] without their accumulated employer contributions? Is this policy designed to reduce the size of the general government sector unfunded superannuation liability at the expense of the EISS, EISS fund members, and electricity generation employees? Is the Government forcing this plan onto the workforce in an attempt to prop up other superannuation schemes?

The Hon. MICHAEL EGAN: It is correct that the Government is considering transferring employees of the electricity generators to the Electricity Industry Superannuation Scheme, which, members will be aware, was established about six years ago as an industry scheme. It was always intended that the employees of the generators would in time be transferred to that scheme. I point out to the House that the scheme that the generation employees may be transferred to, the EISS, is identical to the scheme they are currently in.

The Hon. Duncan Gay: If it is that good why don't they want to go?

The Hon. MICHAEL EGAN: My officials are discussing that with them. Part of the problem is that they are receiving some misinformation. I do not suggest for one moment that it has come from the Opposition, but when the EISS and the local government superannuation scheme were established I remember that the Leader of the National Party predicted all sorts of catastrophes, notwithstanding the fact that since their establishment both schemes have performed better than the State superannuation scheme—not a great deal better but certainly better. If the Hon. Duncan Gay had had his way, the members in the accumulation schemes, in particular, would not have done as well. The Hon. Duncan Gay tried to stir up a great deal of discontent when the schemes were first established but, of course, we do not hear those complaints now.

The Hon. JOHN JOBLING: I ask the Treasurer a supplementary question. Why does not the transfer include the accumulated employer contributions?

The Hon. MICHAEL EGAN: That question has the capacity to be very misleading. Obviously all the employer's contributions to the accumulation component of an employee's superannuation scheme are transferred. When there is a transfer from one accumulation scheme to another accumulation scheme it is fully funded; it is one's own earning account. The area that is not always fully funded is the defined benefit component. I draw the honourable member's attention to the Commonwealth's defined benefit scheme, which has liabilities of \$80 billion and assets of only \$8 billion. New South Wales has the most highly funded defined benefit scheme of any government in Australia. In fact, the employees of generators who will transfer to the EISS will be entering a scheme that will be more highly funded than the State superannuation scheme.

CAULERPA TAXIFOLIA CONTROL

The Hon. PETER PRIMROSE: My question is directed to the Minister for Mineral Resources, and Minister for Fisheries. What has been done to help control Caulerpa taxifolia on the New South Wales South Coast?

The Hon. EDDIE OBEID: I thank the honourable member for a very important question. Unlike the Coalition, the Carr Government cares about our aquatic biodiversity. That is why we have committed \$1 million to control aquatic pests such as the invasive seaweed Caulerpa taxifolia. If the Coalition had bothered to listen to my frequent updates about what this Government is doing, I would not have had to give another Caulerpa update today.

The Carr Government takes this environmental threat very seriously. If it is allowed to spread it could change the marine ecology of our estuaries and affect our fish stocks. The Coalition has no plans to protect our marine environment, and I congratulate the member for the South Coast, Wayne Smith, on his overwhelming efforts to bring this matter to my attention. Since he first raised his community's concern with me, much has been done to control this weed along the South Coast. This includes a community education campaign and extensive research and mapping of areas where the weed grows.

Last month Caulerpa outbreaks were freshly mapped in Lake Conjola, Narrawallee Inlet and Burrill Lake. At the same time, high-use areas were treated with salt. They included a patch of weed offshore from the Lake Conjola Caravan Park and another on the western shore of Burrill Lake—two areas that are popular with boat users. These treatments are important because fragments of this aquatic weed can break off and spread to new locations. Some hand-picking trials have been held on the South Coast in areas where salt treatment is impractical. I am advised that a control program for Narrawallee Inlet is scheduled to begin in early November. The new four-member expert aquatic pests task force is now planning salt treatments for Burrill Lake. The task force is also planning more control measures and options for Caulerpa eradication in Lake Conjola.

In early October New South Wales Fisheries hosted information sessions at Lake Conjola and Bendalong to raise community awareness to help control the spread of this weed. Further community education programs are planned over the holidays, targeting tourists and visitors to the area. By providing \$1 million to control aquatic pests, the New South Wales Government is a world leader in developing environmentally sound control techniques. Once again, I give credit to the member for the South Coast, Wayne Smith, for vigorously pursuing the implementation of an effective program in his area. There are no simple solutions to this problem, and I look forward to updating the House as the program progresses.

DNA TESTING OF PRISONERS

The Hon. PETER BREEN: My question is directed to the Minister for Police. On 29 August 2002 I asked the Minister a question about the Innocence Panel and DNA testing. In part, I asked:

Will the Minister advise what indemnities had been given to Innocence Panel members to protect them in their work on the panel?

In a reply dated 23 October the Minister said:

Indemnity agreements for the Panel members have been signed.

Does the Police Minister agree that his answer merely restates my question? If so, will he provide full details of the indemnity given to Innocence Panel members and will he address the delays in convening the panel to the detriment of several prisoners who hope to prove their innocence to the panel?

The Hon. MICHAEL COSTA: I certainly do not agree with the proposition of my restating the question. In relation to the other parts of the question, I am certainly happy to take some advice on them and come back to the House with an answer.

RAIL MAINTENANCE EXPENDITURE

The Hon. RICK COLLESS: My question is to the Treasurer, and Vice-President of the Executive Council. Further to the Treasurer's earlier commitments in this House that \$1,400 million will be spent on above-rail and below-rail community service obligations following the sale of Freightcorp, can the Treasurer inform the House how much of this money has actually been spent to date? If the Government is committed to spending this money, can the Treasurer explain why Rail Infrastructure Corporation has apparently adopted a "fix when fail" policy, which clearly suggests that there is not enough capital spending on rail networks in country areas?

The Hon. MICHAEL EGAN: I will check the figures but certainly there has been a very significant increase in rail maintenance expenditure—

The Hon. Duncan Gay: That is not true.

The Hon. MICHAEL EGAN: It is true. It is very true, to the extent of some hundreds of millions of dollars, but I will check the precise figures and determine how much has been spent. I have to admit that I am not familiar with the second part of the honourable member's question, so I will seek advice on it.

LANDFILL WASTE REDUCTION STRATEGY

The Hon. JOHN HATZISTERGOS: My question without notice is to the Treasurer, and Minister for State Development. Will he please inform the House of the latest initiatives to cut landfill waste in New South Wales?

The Hon. MICHAEL EGAN: New South Wales now has a public-private partnership that could see Sydney lead the world in recovering resources from its waste. This partnership between the State government agency Waste Service NSW and Australian-owned Global Renewables Ltd will lead to the first of a new generation of waste processing plants capable of diverting 80 per cent of waste from landfill and cutting greenhouse emissions. Construction of the world's first urban resource-reduction, recovery and recycling—or UR-3R—facility is expected to begin at the Waste Service NSW Eastern Creek Waste Management Centre in early 2003 and to be fully operational by mid-2004.

Waste Service NSW is the major waste manager in greater metropolitan Sydney, and the \$70 million project will generate 100 permanent jobs and at least 50 construction jobs. The Global Renewables system comprises mechanical and manual recovery of recyclable materials that go into landfill, such as glass and plastic. The system also biologically treats organic material that would otherwise go into landfill to produce both compost and biogas for the production of electricity. Designed to initially process 175,000 tonnes of household waste a year, at full capacity this single plant at the Eastern Creek Waste Management Centre is capable of diverting 11 per cent of Sydney's putrescible waste—in other words, waste that regularly decomposes, such as food scraps—from landfill.

Using a unique combination of technologies, this facility, which will be one of the largest alternative waste technology plants in the Southern Hemisphere, will reduce greenhouse gas emissions by up to 300,000 tonnes a year. The plant will recover around 17,000 tonnes of plastic, glass, paper and metals each year for recycling, taking the total amount of materials recovered for recycling at facilities of Waste Service NSW to almost 280,000 tonnes a year. The plant will also generate 17,000 megawatt hours of electricity, enough to provide 2,250 New South Wales households with green energy each year, using methane recovered from processing organic matter in the waste at the facility.

The remainder of the organic matter will be processed into more than 60,000 tonnes of compost products a year. A small amount of residues will go into landfill. Waste Service NSW has plans to roll out this type of facility along with other high-tech waste processes across its Sydneywide network of waste management centres. This commercial partnership flowed directly from the Government's 2001 waste reforms, which, of course, include the corporatisation of Waste Service NSW. I am confident that this will produce great results for the environment and the economy. I congratulate Waste Service NSW and Global Renewables Ltd on their initiative.

PSYCHIATRIC BED NUMBERS

The Hon. Dr ARTHUR CHESTERFIELD-EVANS: My question is addressed to the Treasurer. Following the Government's commendable decision not to proceed with the sale of Callan Park, can he please inform the House whether the Government will keep its commitment to the people of New South Wales that 300 new psychiatric beds will be available by the end of this budget cycle?

The Hon. MICHAEL EGAN: I will refer that question to the Minister for Health.

KARIONG JUVENILE JUSTICE CENTRE STAFF RIOT CONTROL TRAINING

The Hon. Dr BRIAN PEZZUTTI: My question without notice is to the Minister for Juvenile Justice. Do staff at Kariong maximum detention centre receive only one day's practical training in riot control? How does the Minister justify exposing minimally trained staff to dangers from rioting inmates?

The Hon. CARMEL TEBBUTT: I do not know what prompted the question but I thank the Hon. Dr Brian Pezzutti for it, because once again it gives me the opportunity to share with the House the extensive changes that have been made in the provision of training for juvenile justice staff. In the past few years induction training for front-line juvenile justice officers has increased from four days to more than 20 days. The Department of Juvenile Justice is an accredited training provider and it devotes a lot of time and resources to ensuring that juvenile justice staff are appropriately trained to undertake their very difficult job. The introduction of the managing difficult behaviour course, which is an important course provided for juvenile justice staff—

The Hon. Dr Brian Pezzutti: No, I asked about riot training.

The Hon. CARMEL TEBBUTT: That comment shows the Coalition's ignorance about juvenile justice matters. The Hon. Dr Brian Pezzutti should try to understand that if staff have the appropriate training to manage difficult behaviour, they are often able to prevent a situation escalating to a riot. That is precisely what has happened at Kariong over the past year. The training and skills of the staff, who understand that their role is to de-escalate situations, can help them prevent a riot. It is wrong to focus on riot prevention training because that is not the point. The point is to ensure that staff are appropriately trained to be able to respond to the range of situations they face in dealing with very difficult, complex detainees who exhibit behaviour that can often be problematic.

In conclusion, I simply say that there has been a significant effort to ensure that juvenile justice staff receive extensive training and are well equipped to deal with difficult situations. That is not to say that in the future they will never face riots or problematic situations, but the reality is that the department is responsible for a difficult clientele, and from time to time staff will confront difficult situations. I am very confident that the staff are given appropriate training to ensure they can respond in the most effective way possible. In fact, we have seen that over the past few weeks, when staff have managed disturbances effectively and appropriately.

ASTRAZENECA PHARMACEUTICAL MANUFACTURERS

The Hon. IAN WEST: My question is to the Treasurer, and Minister for State Development. Will he please inform the House about the growing success of pharmaceutical company AstraZeneca?

The Hon. MICHAEL EGAN: I am pleased to be able to inform the House of a decision by pharmaceutical company AstraZeneca to expand its Australian manufacturing operation in North Ryde. Based in the United Kingdom, AstraZeneca is one of the top five pharmaceutical companies in the world, so I am informed. It provides health care solutions in areas that include cardiovascular, oncology, anaesthesia, and the central nervous system. The \$20-million expansion project forms part of the company's long-term growth strategy, which will see it invest some \$100 million over five years. The expansion will see the company's local work force increased from 450 to 500, with the creation of at least 44 new jobs expected by next year, and a possible total of more than 110 new jobs by 2007.

AstraZeneca's investment in New South Wales will increase its manufacturing and export capacity, particularly for the Asia Pacific markets. The company advises that this latest move will enable it to deliver important medicines to customers around the world in the right quantities and at the right time. Last year this very successful exporter, with sales exceeding \$115 million, earned the New South Wales Premier's Asian Exporter of the Year award. The company exports pharmaceutical products from its North Ryde facilities to more than 20 countries worldwide, and it is one of the top 10 manufacturing sites for the company globally. Exports from the North Ryde plant will account for nearly 90 per cent of its production within the next five years. Expansion of the North Ryde facility is expected to begin soon and should be completed in early 2004.

If honourable members have further questions, I suggest they place them on notice.

MANGROVE MOUNTAIN NEWCASTLE DISEASE CLEAN-UP COSTS

The Hon. JOHN DELLA BOSCA: On 24 September the Deputy Leader of the Opposition asked me a question without notice relating to Mangrove Mountain chicken growers. The Minister for Agriculture has provided the following response:

(1) Yes. The Carr Government is providing significant transport subsidies for stock and water, increased funding for rural financial counsellors, enhancement of the Special Conservation Loan Scheme, waiving of Western Leases and Wild Dog Destruction Board Fees and Business Drought Assistance, and financial assistance to drought affected businesses in NSW.

(2 & 3)

The Mangrove Mountain Newcastle disease outbreak was the biggest exotic disease outbreak in Australia's history. The eradication of the disease was a co-ordinated effort of industry, government departments and the individual poultry producers where over two million commercial poultry were slaughtered and over 47 properties affected. Farmers chose to either clean up their properties themselves, or signed contracts for NSW Agriculture to undertake the clean-up and to pass on the bill.

However, recognising the difficulties that some poultry producers are facing, the Carr Government has chosen to waive the contract clean-up costs of \$504,000 for the 26 farmers who arranged for NSW Agriculture to co-ordinate their clean-up (approximately \$19,000 per farm) charging them only the estimated cost of their normal end of batch clean-up costs, a total for the 26 farms of \$81,000 or approximately \$3,000 per farm.

MACQUARIE RIVER WATER SHARING PLAN

The Hon. JOHN DELLA BOSCA: On 24 September 2002 the Hon. Ian Cohen asked me, as Special Minister of State, representing the Minister for Land and Water Conservation, a question without notice relating to Macquarie River water diversions. The following response has been provided:

The Murray Darling Basin Cap accounting for the 1997/98-02 seasons indicates that the Macquarie Valley is cumulatively 111,000 megalitres below Cap. Long-term simulations from the Departments Integrated Quality Quantity Model indicate that the average annual current conditions diversions are 18% below Cap diversions. Recent analyses of the irrigation planting decision have indicated that irrigators in the Macquarie Valley have chosen to plant smaller areas for the same resource availability over the last 3-4 seasons than previously observed. The reduction in areas planted by Macquarie irrigators was most pronounced in the period immediately following the introduction of the 1996 Water Management Plan for the Macquarie Marshes and the move away from "forfeit" accounting towards carryover accounting, both of which were implemented during 1996.

The paper, *Colonial Waterbirds*, which uses observed bird breeding data from 1978 and 1986 to 1996, shows a relationship to assess the effects of river regulation on the breeding of colonially nesting species.

The Hon. Ian Cohen attempts to link the results of waterbird research *up to* 1996 with water use data that has only been available *since* 1997. As the periods of water use data and waterbird data do not coincide it is difficult to discern how a relationship could be established.

Waterbird breeding events are not annual and have not declined from ten to five each decade since the 1950s as claimed. The paper suggests that waterbird breeding events were reduced from 10 to 7 (1963-1973), 8 to 7 (1974-1984), and 8 to 5 (1985-1995).

While it may be somewhat premature to tell it could be argued that the Government's water reforms may have already stabilised the number of waterbird breeding events each decade. Since the 1996 Water Management Plan was implemented there have been four breeding events of colonially nesting waterbirds. Two of these events (1998 and 2000) were in response to extensive flooding in the valley and are among the largest events recorded since the 1950s. The other two breeding events (1996 and 1999) were of medium size and were successful *because of* the 1996 Water Management Plan and the NSW Government Water Reforms. The years 1997, 2001 and 2002 were extremely dry and it is unlikely that any waterbird breeding would have occurred in those years if in fact the Macquarie River was not regulated.

MURRAY IRRIGATION LTD

The Hon. JOHN DELLA BOSCA: On 25 September the Hon. David Oldfield asked me, as, representing the Minister for Land and Water Conservation, a question without notice relating to Murray Irrigation Ltd. The following response has been provided:

It is not appropriate for the Government to be commenting on the "Troubled Waters" document, other than in general terms, particularly as it is understood that allegations contained in the document touch on matters that are the subject of legal proceedings in the Supreme Court.

Matters alleged in this document could traverse a broad cross section of Commonwealth and State jurisdictions and responsibilities, as well as Murray Irrigation Ltd itself and its shareholders. However, given the question is framed in the context of the current water shortages, the following general comments are confined to Land and Water Conservation portfolio responsibilities.

Murray Irrigation Ltd has an operating licence authorising water supply and drainage services to its shareholders (water users within its area of operations), as well as other functions conferred upon it by the Water Management Act. The Act also conveys certain powers on the Government in cases where an operating licence is breached such that it impacts on the water sharing and delivery arrangements within the irrigation area.

The Department of Land and Water Conservation has advised there is nothing that has been substantiated from the "Troubled Waters" document that would warrant the exercising of such powers.

DEFERRED ANSWERS

The following answers to questions without notice were received by the Clerk during the adjournment of the House:

PACIFIC POWER INTERNATIONAL EMPLOYEE BUYOUT OFFER

On 24 September the Hon. John Jobling asked the Treasurer a question without notice about the Pacific Power International employee buyout offer. The following response has been provided:

I am advised that submissions were received from three employee buy-out groups. Only one group proposed to acquire the whole PPI business by partnering a large unspecified international consulting company as a cornerstone investor. Without this partner's commercial and financial capability, this submission could not satisfy the evaluation criteria and the proponents could not be permitted to conduct direct negotiations to find a trade investor on probity grounds.

The other two submissions expressed an interest in only very small parts of the PPI business and for this reason were non-conforming and unable to satisfy the sale objectives, in particular the maximisation of employment opportunities for the PPI workforce.

However, given the demonstrated broad-based desire from staff to share in the upside of the PPI business, the sale process will incorporate mechanisms to assess the willingness of trade parties to offer appropriate forms of incentive arrangements to PPI employees.

AUSTRALIAN HISTORICAL ITEMS AUCTION

On 25 September the Hon. Patricia Forsythe asked the Treasurer, representing the Premier, a question without notice about Australian historical items auction. The Premier has provided the following response:

The Freycinet Collection was auctioned at Christie's in London on 26 September. There were some 100 lots sold.

The Premier is pleased to announce that several significant items were acquired by a number of New South Wales cultural institutions at the Christie's auction.

The Historic Houses Trust bid for three items for the collection, and was successful in obtaining one of the earliest known plans of the Hyde Park Barracks. This item will enhance the already excellent collection of the history of Sydney held by Trust. The other two items went at prices exceeding the Historic Houses Trust acquisition budget for such items.

The State Records NSW also bid for two items at the auction and was successful in obtaining a John Oxley map. As the first Surveyor-General of NSW, this was a very important piece for State Records' collection.

The State Library of NSW successfully obtained ten items from the auction. These included pen and ink sketches, proofs for engraving and engraver's drawings by J. Alphonse Pellion of Aboriginal Australians drawn on an expedition to the Blue Mountains in 1819.

AUSTRALIAN MUSEUM OCEANIC ART EXHIBITION

On 25 September the Hon. Richard Jones asked the Treasurer, representing the Premier, a question without notice about the Australian Museum oceanic art exhibition. The Premier has provided the following response:

The Premier is aware of the Australian Museum's renowned collection of Pacific art, which comprises 60,000 items, not 110,000 as the Honourable Member has suggested. The Pacific collections constitute a small, but important part of the Museum's vast collection of some 11 million items.

The Australian Museum is nationally and internationally recognised for its outstanding work in providing access to its collections through exhibition, research and the Australian Museum's website. Museums and galleries the world over are only able to exhibit a very small percentage of their collections at any one time. In 1988 a temporary exhibition space was opened at the Museum to display different parts of its collections at various times. Since this exhibition space was opened, numerous exhibitions have displayed items from the Museum's Pacific collections. This includes the following exhibitions:

- 'The Living Mask': showcasing the Museum's mask collection from Africa, Asia, America and Papua New Guinea.
- 'Gifts for a God' displaying a selection of objects acquired by Captain James Cook in Hawaii during his voyage in 1779.
- 'Awakenings' - an exhibition held in collaboration with Pacific Islander communities in Sydney who selected material from the Pacific collections for display.
- 'Animal Spirits' contained some of the Museum's animal figures from Melanesia.

Other items from the Pacific collection have been displayed in other long-term Australian Museum exhibitions.

The Australian Museum is in the process of digitising its collections to make the 11 million items more accessible. Already, computerised databases have been established for each of the collections. Some have been functioning for over 10 years. Establishing databases is the first phase in the digitisation process. By the end of 2003, the Australian Museum will have over half of the 60,000 items in the Pacific collections registered and accessible through the database.

CRIME AND ETHNICITY

On 24 September the Hon. Dr Peter Wong asked the Treasurer, representing the Premier, a question without notice relating to crime and ethnicity. The Premier has provided the following response:

It is important to recognise that people from all backgrounds commit crime, and that the use of ethnic descriptors by the police to identify suspects is justified if it enhances the prospects of arrest.

Following extensive consultation, New South Wales Police have developed guidelines on the use of descriptors for identification of suspects/offenders, victims or missing people. The purposes of these guidelines are to ensure consistency in the descriptions police give to the media and to assist the public in making accurate identifications.

The guidelines emphasise that, in the first instance, a person's physical features should be used, but the use of ethnicity based descriptors is permitted if it is thought to be appropriate and necessary.

The Government supports police using practical methods of identifying, arresting and charging criminals. Using ethnicity as a descriptor can assist police in carrying out their duties.

Questions without notice concluded.

FIREARMS OWNERSHIP

Personal Explanation

The Hon. JOHN TINGLE, by leave: During question time today the Hon. Lee Rhiannon asked the Minister for Police whether he had given the Shooters Party or the gun lobby any guarantees relating to the banning of firearms, and whether the Minister for Fisheries had had any part in that. She related that both Ministers had attended the tenth anniversary dinner of the Shooters Party. I wish to advise the House that neither Minister attended the tenth anniversary dinner of the Shooters Party, which was held in the Strangers Dining Room on 19 June this year. The dinner was actually held to honour the founders of this party, and the number of 40 attendees referred to by the Hon. Lee Rhiannon was the maximum number we were able to accommodate in the Strangers Dining Room. Those guests had pre-dinner drinks in the Strangers Bar while waiting for dinner. While those drinks were being enjoyed, the Minister for Fisheries entered the Strangers Bar and was invited to have a drink, which he did briefly. The Minister for Police also entered the bar sometime later, and similarly had a drink with us.

After the dinner, when the guests were having after-dinner drinks, the Premier also entered the Strangers Bar and spoke briefly to the people present. I reiterate that no member of the Government or, indeed, of any other party attended the dinner. I consider their brief mingling with us to have been a matter of courtesy, which my party and I appreciated. There was nothing sinister in the brief visits paid by the Premier and Ministers during drinks, and I reject entirely the Hon. Lee Rhiannon's clear suggestion that some sort of deal was being done or was done as a result of that brief socialising. It is offensive to all the persons concerned. The Hon. Lee Rhiannon seems to have some sort of obsession about conspiracies between my party and the Government, and her totally false allegations in this regard do her no credit. As to whether the Minister has given the Shooters Party, or anyone else of my knowledge, any guarantees about firearms, I can assure the House that he has not. I wish he would!

GENERAL PURPOSE STANDING COMMITTEE No. 2

Membership

The PRESIDENT: I inform the House that on 29 October 2002 the Leader of the Government nominated Mr Primrose as a member of General Purpose Standing Committee No. 2 in place of Ms Saffin.

FOOD BILL

Second Reading

Debate resumed from an earlier hour.

Reverend the Hon. FRED NILE [5.04 p.m.]: Earlier I was outlining some of the provisions of this important Food Bill. The bill introduces a registration system for any food businesses that are required by regulation to be registered, and provides for the auditing of food businesses in accordance with food safety plans that the business will be required by regulation to prepare. I understand that the auditing of food businesses will be undertaken by private auditors approved by the Director-General of Health for that purpose. Can the Parliamentary Secretary indicate what qualifications those auditors will have? Will they be qualified in the same way as Health food inspectors, who deal with those matters? The bill makes clear what is unsafe food. With all the modern technology used in food preparation in restaurants, and the proliferation of food halls in major shopping centres, where there may be 10 or 12 different serving points with a common seating area in the middle, covering different types of fast food, whether it is chicken products or Chinese meals and other ethnic food preparations, the food that is consumed by the public requires greater supervision. Clause 8 states:

- (1) For the purposes of this Act, food is *unsafe* at a particular time if it would be likely to cause physical harm to a person who might later consume it, assuming:
 - (a) it was, after that particular time and before being consumed by the person, properly subjected to all processes (if any) that are relevant to its reasonable intended use, and
 - (b) nothing happened to it after that particular time and before being consumed by the person that would prevent its being used for its reasonable intended use, and
 - (c) it was consumed by the person according to its reasonable intended use.

The point is that there may be problems with food content if there is no proper supervision and there may be problems with storage of the food or the food waiting to be supplied to customers if a food supply point is not 100 per cent hygienic. Cockroaches or other insects may affect the safety of that food. That reminds me of one experience in our family. My wife purchased a large block of cheese. When she was cutting the cheese she noticed that it contained a large spider, which must have dropped into a vat during production. She did not actually cut the spider but the spider was there. She rang the supplier of the cheese, and she was asked to wrap the cheese and put it aside in the fridge so that someone could collect it for examination. Sadly, with some hungry sons, the cheese disappeared; one of our son's ate it so the evidence disappeared.

So if one does find contaminated food, make sure it is not left somewhere where children can find and eat it. Eating the spider had no effect on my son. That raises the question of how to contact a food supplier and make sure that food is safely disposed of. Many honourable members and I use McDonald's; sometimes when we are rushing from place to place we do not have time for a major meal. Recently I noticed that one McDonald's outlet had run out of food trays and people were being given their food in a paper bag for consumption at a table. I did not register that that particular outlet was understaffed and, therefore, not all the rules and regulations about cleanliness and so on were being followed. It is important for the Government to ensure that fast food outlets and other food places are supervised in terms of having adequate staff, especially when young people are running the outlet. The obligation is on the food suppliers or distributors to ensure they have sufficient staff to maintain the requirements of hygiene and cleanliness so people have no problem with the safety of the food they are consuming.

The Hon. Dr Peter Wong covered the monosodium glutamate [MSG] issue in detail. I note that a new report was produced by Food Standards Australia New Zealand, the official authority, on the mandatory declaration of MSG by restaurants and other food outlets. Statements by the Premier and others led to an application by the New South Wales Department of Health to amend volume 2 of the food standards to require restaurants and other food outlets to notify when MSG has been added during food preparation. Following that application the food standards authority conducted an inquiry assisted by submissions and scientific investigation. The authority's report stated that, of three options, the third option was preferred, that is, to maintain the status quo but develop an education campaign aimed at both the food service sector and consumers. The third option is believed to be of net benefit to all affected parties in that it will facilitate the provision of better information to both the food industry and consumers with minimal associated costs. The report rejected other options that apparently the Government is considering in its proposed regulations.

In principle, we support the amendment foreshadowed by the Hon. Dr Peter Wong. The amendment will put the onus on the Commonwealth food authority to make a decision about MSG or any similar ingredient. The whole purpose of the Food Bill is to achieve uniform legislation. Surely MSG should not be banned in New South Wales and restaurant owners in this State should not face heavy fines for using it without notification, when similar restrictive policies do not apply in Victoria or Queensland. Uniform policies are needed. If the Commonwealth food authority or Food Standards Australia New Zealand, the official body, decided MSG should be restricted, that decision would become a uniform policy and we would have to accept it. But I do not believe it would be helpful to have a policy for New South Wales alone that contradicts the position in the other States.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [5.13 p.m.]: This bill repeals the Food Act 1989 as a result of agreement between the Commonwealth, States, Territories and New Zealand to introduce uniform food laws. It is interesting to note the increasing use of template legislation. This bill effectively means the States have ceded power over food to other authorities, to bodies that are combinations of elements from other States, and even from other countries. Sometimes we cede power to the Commonwealth. It is Democrat policy to abolish the States in a systematic fashion. In order to do this we have to maintain a government system that is as transparent as possible so that it is not all left to a few lobbyists. Evidence of that conflict is to be found partly in the transfer of power to various food standards authorities.

In 1996 an agreement was reached for Food Standards Australia New Zealand to develop nationally uniform food laws. In 1997 Dr Bill Blair was appointed chair of the Food Regulation Review Committee. The committee was set the task of reducing the regulatory burden on the food sector without compromising health and safety standards. This resulted in the Blair report of 1998, which concluded that Australia's system of food safety was complex and fragmented. The Council of Australian Government was asked to develop a nationally co-ordinated approach to food regulation based on the recommendations of the Blair committee. This draft model code was developed and has been adopted by South Australia, the Australian Capital Territory, Queensland and Victoria. The major changes from the old Food Act were increased penalties and creation of new offences related to the unsafe handling of food.

The Australia New Zealand Food Standards Council emerged from the signing in November 2000 of an intergovernmental agreement to implement a new food regulatory system in Australia, ANZFA-ANZFSC 2001. On 31 July 2001 the newly constituted Australia New Zealand Food Standards Council met for the first time. Mark Lawrence, a senior lecturer and PhD student at Deakin University, commented in an article entitled "Australia's Food Regulatory System: Troubling Times Ahead?":

The food regulatory system provides a rich setting for analysing directions in food policy. All food sold in Australia must comply with food regulations. Because food is a health, commercial, social and cultural commodity, its regulation often engages competing values, beliefs and interests. Consequently, making food regulations is an intensely political activity, and the food regulatory system is frequently required to address complex and vexing policy matters. Items on the agenda of the first ANZFSC, for example, included the review of health claims on food labels, the approval of five genetically modified foods, and the regulation of previously deferred Maximum Residual Limits for 12 antibiotics used in animals.

The amended regulations may have introduced efficiencies into the food regulatory system, but the benefits for public health and consumers are less apparent.

- The system is now less accessible to consumers.
- Decision-making processes are less open and transparent.
- Science has been separated from the core policy-making process rendering the system more vulnerable to political agendas and processes.

The key institutions of this new food regulatory system are the Australia New Zealand Food Standards Council, which is responsible for developing policy guidelines and setting domestic food standards. Ministerial representatives from all nine Australia jurisdictions and New Zealand sit on the council chaired by the Commonwealth Minister for Health. Each jurisdiction has one vote through a nominated leading Minister—currently all leading Ministers are health Ministers—and is also entitled to nominate Ministers from other portfolios, such as agriculture, to the council. The Australia New Zealand Food Regulation Standing Committee co-ordinates policy advice to the Australia New Zealand Food Standards Council. It is chaired by the secretary of the Commonwealth Health department. The standing committee comprises those heads of departments whose Ministers are ANZFSC members, and the new food policy unit of the Commonwealth Department of Health and Aged Care. The Australia New Zealand Food Authority is soon to be reconstituted as Food Standards Australia New Zealand. This statutory authority under the jurisdiction of the Commonwealth health portfolio has responsibility for developing domestic food standards.

It would seem that some of the issues that have to be dealt with have been quite difficult. There was a lot of publicity about food regulation in relation to the bovine spongiform encephalopathy—or mad cow disease—problems that occurred particularly in the United Kingdom. A large percentage of people were said to be unhappy with the response and did not have faith in the regulatory system at that time. Need we wonder why that was the case? Genetically modified food is an extremely sensitive political issue. The companies that genetically modify food are keen to value-capture as much of the food production dollar as they can by getting genetically modified foods onto the market. They are saturating the market to the point where farmers can no longer safely claim that they do not have any genetically modified crops. This will have an immense effect on world food marketing. I believe that politics is associated with this issue. The desire of consumers to have genetically modified foods separated from other foods seems to come a poor second to economic interests. We will have to deal with that issue in this Parliament, although the Commonwealth has delegated the matter so far down the administrative chain that it will be impossible to get a united national response for Australian producers. Clearly, this standard authority will not influence the issue at the farm gate or at the technological level.

Some years ago in my practice as a doctor I treated a large number of cases of neuropathy and encephalopathy which were related to vitamin B1 deficiency in alcoholics. I well remember a case of a 31-year-old policeman who came into intensive care with high output cardiac failure. His cardiac output was measured by the latest technology at 12 litres per minute, which is about double the resting cardiac output. He had pulmonary oedema and he was quite swollen. No-one could understand why he had cardiac failure. One of the old physicians suggested that he be given some vitamin B1. When it was administered he improved almost on the end of the needle. But the episode of heart failure had produced some possible residual brain damage. He was a very strong fellow and his physique was most impressive—he was six foot one with a solid build. But his girlfriend said that he lived on beer and chips. It was difficult to believe that someone who looked so well could have such a poor diet.

Another case I remember at the time was of a 39-year-old woman who came into a British hospital in a wheelchair. She was a poorly nourished, battling welfare recipient. The surgeon was sharpening his knife to give

her an ileal bladder because she was in urine retention. She had deteriorating neuropathy and had been in a wheelchair for five years. Having seen cases in neurology wards in Sydney of people suffering vitamin B1 deficiency secondary to their poor diets and alcoholism, I suggested that the surgeon, before operating and giving her an artificial bladder, give the patient vitamin B1. She thinks that I am the greatest doctor in the world because she walked out of the hospital six weeks later.

A move some time ago to include vitamin B1 in alcoholic beverages was resisted very strongly by brewers because they did not want interference in the content of their beer. It was also resisted by the health promotion industry who thought that the brewers would claim their beer was healthy. The health promotion industry did not want that because they wanted people to have a more balanced diet. The cynics amongst us said that if people were going to drink only beer then vitamin B1 should be added to prevent the side-effects of this monodiet. In the end vitamin B1 was added to bread. I hope that all the beer drinkers ate bread. It would seem that vitamin B1 deficiency can have serious effects on mental health and can cause damage, sometimes irreversible, to the spinal cord, peripheral nerves and the liver. This example illustrates the health claims issue which, according to Mark Lawrence, has not been resolved. Again I refer to the article about the Australian food regulatory system in which Mark Lawrence said:

A health claim is a statement linking consumption of a food, or a component of a food to a disease or health-related condition. Food regulators prohibited health claims on food labels and in advertising when so-called "snake oil" salespeople were making fraudulent claims about the health enhancing properties of certain food products. Recently, this prohibition has been reviewed under the new arrangements for food regulation in Australia. The process and outcome of the health claims review shows up some disturbing flaws in the new system of food regulation.

Powerful marketing groups—such as the Australian Food and Grocery Council, which is heavily influenced by the marketing groups of the major multinational food processing chains—will try to claim that omega-3, which can prevent cardiovascular disease, is high in certain foods. The scientific rigour and accountability of claims are being watered down. The BUGA-UP—Billboards Utilising Graffitiists Against Unhealthy Products—movement was not only an anti-tobacco movement but also a movement to try to make the advertising industry responsible for what it said in its marketing of products and for the consequences of its marketing. The advertising industry strongly resisted this move. It seemed to me at the time—and I have not changed my opinion since—that the only outcome the advertising industry wants is an increased consumption of the product it advertises. In other words, it is only interested in its client's success. It merely takes token actions to minimise political flak which might otherwise interfere with its actions. The issue of health claims has not been addressed adequately. Further, Mark Lawrence said:

Despite the priority accorded this objective, no food regulation agency either in Australia or internationally has explicitly defined the objective nor specified its application to the practical development and implementation of food regulation. In an innovative development, ANZFA has published a position paper on its role in health promotion (ANZFA 2001), but the paper does not explain how public health relates to the setting of food policy or individual food standards. When setting food policy for food standards, what is the difference between protecting public health and promoting public health? What is the difference between protecting public health and protecting safety? The response to these questions is critical in determining the type of scientific evidence to be assessed in formulating food regulatory policy. For example, should policy considerations be confined to technical information regarding the immediate safety of individuals or should they also take into account the longer term population-wide impacts of change? And should policy considerations be inclusive of broad public health principles related to ecological and social dimensions of the food supply as a whole? The use of health claims signals a profound transition in the development of the food supply. However, the food regulatory system has no guiding public health principles for this issue, nor has it stipulated the necessary requirements for scientific evidence to inform its policy-making process.

The health claims review also exposed a lack of openness and transparency in the food regulatory system. Following its review, ANZFA made recommendations consistent with those sought by the majority of the food industry submissions, albeit with firm criteria for substantiating health claims. This policy decision disappointed most public health and consumer groups. Representatives from these groups are now asking what are the procedures for reviewing submissions against policy objectives? Is it the number of submissions? The quality of submissions? Who is submitting?

However, public health and consumer groups were to raise even more serious concerns about the (lack of) openness and transparency of the system when ANZFSC did not accept ANZFA's recommendations. The Ministers directed the Food Regulation Standing Committee, rather than ANZFA, to develop the policy framework for health claims. Many public health practitioners fear that the Minister's peculiar decision was a response to food manufacturers' intense lobbying for the "watering down" of ANZFA's recommendations.

In relation to the food regulation review, Mark Lawrence said:

The food regulation review [FRR] commenced in 1997 as part of the reform statement "More Time for Business" announced by the Prime Minister that was itself prepared in response to the Commonwealth Government's Competition Principles Agreement. Although recognising the need to protect public health and safety, the FRR had as its key objectives to:

- Reduce the regulatory burden on the food sector, and examine those regulations which restrict competition, impose costs or confer benefits on business; and
- Improve the clarity, certainty and efficiency of food regulatory arrangements.

The danger is that while lip-service is paid to public health, the food marketing industry will largely determine the outcome. The Australian Consumers Association is very concerned about issues such as commodity standards. It has achieved content labelling of the percentage of each type of food in a product—in other words, how much fat and protein. It did not succeed in the labelling of the amount of saturated fat as opposed to unsaturated fat. The association also wanted content labelling of foods such as the percentage of meat in meat pies, oranges in orange juice and fruit in jams. It has achieved some of its aims but not others. Again, the regulations issued by the standards authority are good in parts, but not in others. There is a lack of transparency in the labelling of contents. The health claims are not yet clarified. Since the bovine spongiform encephalopathy [BSE] scare in Britain, inspections by the Australian Quarantine Inspection Service [AQIS] seem adequate. Primary products are inspected by Food Standards Australia New Zealand and import-export foods by AQIS. There are differences in those areas.

Some time ago I travelled to Western Samoa, where there is a very low incidence of obesity. The Western Samoan people mainly eat fish and taro, which is a type of sweet potato. Western Samoa was separated from American Samoa in the partitioning that followed the Second World War. American Samoa was given to America and Western Samoa was given its independence. Western Samoa was therefore relatively poorer than American Samoa. It was a Pacific island nation with a population that survived on a traditional diet. American Samoa had a huge influx of fast food and its residents became obese, whereas the Western Samoans remained fit and strong. Recently, McDonalds and KFC outlets opened in Apia and the incidence of obesity in the population has rapidly and dramatically increased.

Youngsters in New South Wales and populations throughout the Western World are also experiencing an increase in obesity, but the United States and Australia are most severely affected—and I understand we are catching up to America in that regard. I have advised the head of one of the fast food chains that every time I go to a McDonalds outlet and order a product I am asked whether I want french fries. My response is, "No, I do not want to double my calorie intake." I asked this company head whether his company took any responsibility for obesity in the community and I recounted my experience in Western Samoa. He replied that his company did not take any responsibility, that it was simply trying to sell a product.

We must look at the broad aspects of this issue—that is, the availability of food, what it contains, the size of portions and so on—because the power of marketing is very important. Members of the Opposition make silly comments and behave as though there is no problem despite the fact that the Obesity Summit was held in this very Chamber. They simply want to say "tut-tut" to parents and do not want to talk about a regulatory regime, and that is most unfortunate. If this House is to give food control to an external food authority, clearly that authority must have public health and the interests of the food managers at heart.

[Interruption]

We are now being subjected to fatuous comments from the Hon. Charlie Lynn. He talks about choice. If the choices are made not in this Parliament but by a food authority that is dominated by food producers and does not have sufficient input of scientific rigour about public health and consumption policies, we will be ill-served. At one level the Australian Democrats accept that a uniform national and international food standards authority would be a good thing. However, we are very concerned that it will not necessarily result in better health in our community or address problems such as obesity, heart disease and diabetes, which are obviously food-related outcomes and are occurring at greater frequency in Australia. I will be vigilant about this issue and maintain pressure on the system to act in the interests of public health and to serve the market and the interests of the food producers and manufacturers.

The Hon. RICK COLLESS [5.35 p.m.]: This bill represents severe over-regulation and, despite going into considerable detail about what food is unsuitable, it does not address the core issues of safe and unsafe food. I refer honourable members to clause 8 (2), which provides that food is not unsafe for the purposes of this Act merely because its inherent nutritional or chemical properties cause. I will focus on the nutritional properties of food. Nutritionally deficient food and its impact on consumers pose the greatest food safety problem in this country. Much has been said in this debate about problems with monosodium glutamate [MSG], unclean containers used by Country Women's Association members who make jams and so on.

The more serious problem is the nutritional balance of food. We must examine the reason that food is nutritionally deficient. Of course, its content is determined by where and how the food was grown and the nutritional properties of the soil in which it was grown. The Hon. Dr Brian Pezzutti and the Hon. Dr Arthur Chesterfield-Evans debated whether there were 19 or 20 essential proteins in the food that animals need for their health and wellbeing. Of course, protein cannot be synthesised by animals; it can be synthesised only by plants. For protein to be properly synthesised, plants need access to about 20 nutrients in the soil. They are well known and include sulphur, phosphorus, nitrogen, carbon and hydrogen. To achieve proper growth, plants also need the right balance of calcium, magnesium, potassium, sodium, boron, manganese, copper, zinc, silicon, cobalt, selenium, molybdenum and iodine.

The synthesis of the protein in plants requires the correct balance of nutrients such as calcium, sulphur, nitrogen and phosphorus. If plants are grown in soils that are deficient in calcium, sulphur, nitrogen and phosphorus, foods that are high in carbohydrates and low in protein are produced. In order to produce high-protein plants—such as food grains, wheat and corn—soils must have the correct balance of those major protein-producing nutrients. One of the problems with agricultural soils is that most of those nutrients are present but in an incorrect balance, so that the correct balance of proteins is not produced in the plant itself. We must ensure a correct balance of nutrients in the soil in the first instance.

The Hon. Richard Jones: The answer lies in the soil.

The Hon. RICK COLLESS: As the Hon. Richard Jones points out, the answer lies in the soil; he is absolutely correct. However, I point out to the Hon. Richard Jones that the argument he often promotes in this House, that plants need to be organic, is not necessarily correct. In the case of many organically grown foods, one would be better off throwing away the food and eating the cardboard box it comes in, because the cardboard box is probably more nutritious than the food. Indeed, that applies equally to commercially grown food. The secret to growing organically grown food that is nutritious lies in correcting the balance of nutrients in the soil. By so doing, the pests and diseases that afflict many of our crops are very much reduced, because the plant has its own built-in defence mechanism, which can reject diseases and pest problems.

The Hon. Richard Jones: I totally agree with you.

The Hon. RICK COLLESS: You cannot disagree, because they are the plain facts. Unfortunately, in agriculture we have not pursued that aspect of nutrition to its fullest extent. I would like to relate to the House the work of Dr Joel Wallach, an American doctor who has studied the longevity of populations around the world. Dr Wallach was concerned about matters such as obesity, hip replacements, cancer, and other twentieth century afflictions that affect populations around the world. His research concluded that the longest-living people belonged to a tribe of Indians who lived above the tree line in Tibet. The average age of members of this tribe was 130 to 135 years. Dr Wallach studied their diet to try to establish the differences, if any, between their diet and that of other populations around the world. He established that these people irrigated their crops with glacial meltwater. They live in a very dry climate, with virtually no rain at all, so that all their water supplies came from glacial meltwater. They made their tea with it, they irrigated their crops with it, they drank it, they washed in it—they used it for all purposes.

Dr Wallach then analysed that water, which is commonly called glacial milk because it is very cloudy and contains a great many nutrients. Dr Wallach found that the water contained the correct balance of nutrients for optimal human health. Accordingly, when these people irrigated their crops with the water, their crops received the correct balance of nutrients; when they ate the crops that they grew with the water, they received the correct balance of nutrients. There was virtually no heart disease, tooth decay, hip problems, obesity or cancer in this population. Dr Wallach asked one lady who was sitting outside her stone hut how old she was. She said she was 138 years old. She was sitting on a big rock, smoking a Havana cigar and drinking eight ounces of gin. She was very healthy.

Reverend the Hon. Fred Nile: How old did she look, though?

The Hon. RICK COLLESS: She looked about 25. As a matter of course, the Tibetan Indians drank a lot of tea, into which they would put big lumps of cream and rock salt. Foods that we are told continually are bad for us—such as salt, cream and butter, and other cholesterol-generating foods said to be bad for the heart—did not affect these people, because they had the correct balance of nutrients in their food. Much has been said in this debate about the importance of people getting their diet right. I do not believe one's diet is as important as the nutrition in one's food. The problem with McDonald's food is that there is no nutrition in it. If McDonald's

were more selective about where it sourced its product and getting the correct nutrient balance in its food, its product would be much more nutritious than it is currently. That is a matter that McDonald's needs to take on board.

I wish to relate to members some of my experiences during my time as an agricultural consultant—my career prior to my becoming a member of Parliament. I used to recommend to graziers various feed supplements for their cattle. I would send to the laboratory a sample of the feed that was being fed to the cattle, have it analysed to determine what was in it and what was not in it, and then recommend a supplement that would ensure that the animals received a balanced diet.

When the animals take such supplements, they will graze for a couple of hours in the morning and a couple of hours in the evening, and they will put on weight, thus making it possible to determine the weight gain of cattle. Cattle that are not given such supplements but that feed on the same grass will eat all day but will lose weight, and the reason for that is that what they are eating is not giving them the nutrition their body needs in order to sustain good health.

When people are given correctly balanced, nutritious food, they do not need so much food to eat, and therefore the obesity problem is greatly reduced. If hens are given a correctly balanced diet, the eggs they produce are much more nutritious. They hold their shape, the yolk sits up higher and the yoke is a much brighter orange colour. Those eggs are nutritious. Some people claim they can produce similar eggs simply by growing them organically. That may be possible, but if the organic food that is fed to the hens is nutritionally deficient, the eggs will be no more nutritious than any other egg that is grown without the correct nutrient balance.

The same applies to the meat from cattle that are grown on properly fertilised soils. A New Zealand colleague studied the balance of proteins in meat from cattle that had been fed on a properly balanced diet. He found that the meat contained a much broader range of proteins, much less fat and much less cholesterol, and obviously was much better for the individual from a health point of view. It is a great shame that the Government has chosen deliberately to exclude the important aspect of nutrition. If the Government were concerned about getting to the root cause of healthy food, it would focus less on the other problems related to food safety that are addressed in the bill and focus more on the nutritional aspect of food.

I believe that down the track such research will grow in stature; more and more of it will be conducted to ensure that our soils and food are better balanced nutritionally, in the result that people will be much healthier. Many agricultural consultants throughout New South Wales and Australia are addressing this issue. Unfortunately, however, the commonsense of what they are saying is not widely recognised by bureaucracies and universities. This philosophy is growing in importance and popularity amongst primary producers as they see the benefits not only in the quality of their crops but also their increased income because of high growth rates in their livestock. Many farmers are growing high-protein grain on properly balanced soils in areas where previously it was thought impossible. These sorts of pressures will bring this philosophy to bear in agriculture. Had the Government thought to address this issue of nutrition, then food safety would be much more applicable than it is currently.

The Hon. IAN COHEN [5.50 p.m.]: This has been a rather unexpectedly drawn out, though interesting, debate. Some would say that we are what we eat, and certainly food is of interest to all members of this House. The debate has been far-ranging.

The Hon. Dr Brian Pezzutti: Free-ranging.

The Hon. IAN COHEN: I will come to that. If required, I could spend some time speaking about free-range and organic produce, and many other interesting issues, but I believe they are somewhat peripheral to the scope of this bill. The contribution of the Hon. Rick Colless was most interesting. I agree with him on the importance of soil quality, with which organic production is very much involved. Organic producers do not ignore soil quality; it is part and parcel of that holistic approach to agriculture. More and more farmers are getting involved in organic farming. The health of the soil translates to the plant, and therefore there is less need for heavy pesticide use. There are often alternative ways of dealing with crops. If crops are in a healthy condition, then they will be more resistant—

The Hon. Dr Brian Pezzutti: Better immunity.

The Hon. IAN COHEN: They will have better immunity, as the honourable member says. The Hon. Rick Colless said that McDonald's products had poor nutrition. I disagree with him. I am often critical of

McDonald's and, unlike the Hon Dr Arthur Chesterfield-Evans, I have not had the experience of eating in a McDonald's restaurant—perhaps I am missing out on something in the great American-Australian way of life. But I am interested to hear a National Party member say that, although Australian beef producers and Australian vegetable produce is used by the McDonald's food chain, there is no nutrition in McDonald's food. Perhaps at some future time we can discuss that matter further. The comments of the Hon. Rick Colless seem to conflict with the views of his natural constituency.

The objects of the bill are to ensure that food for sale is both safe and suitable for human consumption; to prevent misleading conduct in connection with the sale of food; and to provide for the application in this State of the Food Standards Code. The bill updates and strengthens the regulatory framework for food production, distribution and sale in New South Wales. In November 2000 the Council of Australian Governments [COAG] approved draft model food provisions. All States and Territories have committed to introducing legislation based on the model provisions, which were drafted in two parts: annexure A and annexure B. Annexure A contains mandatory provisions and annexure B contains discretionary provisions, leaving it up to the States and Territories to decide which aspects of annexure B they wish to implement.

The Government alleges that this bill is very similar to the 1989 Act because the New South Wales Parliamentary Counsel's Office drafted the model provisions for all jurisdictions which were based largely on the 1989 Act. There are a few new initiatives: in particular, new offences relating to food handling and sale, misleading conduct in relation to food and the sale of unfit equipment, packaging or labelling for use with food. Monetary penalties have also been increased.

Various members have spoken about the addition of MSG to food. I listened to those comments with much interest, as I did to the arguments on MSG that were put to crossbenchers, who were lobbied in this regard. Prior to that, I was of a different view: I was convinced that MSG was a significantly harmful product in certain circumstances. However, I can now accept the arguments put by various honourable members, particularly the Hon. Dr. Peter Wong and the Hon. Dr. Brian Pezzutti, that MSG is not in the same category as, for example, peanuts, to which consumers can take an allergic reaction. The point that has been perhaps ignored is that MSG naturally occurs in food and MSG can be concentrated in certain types of cooking. For example, as previously stated, in Italian cooking tomatoes are usually very much reduced, thus producing a concentration of MSG. In such concentrates there may well be, I accept, significantly high levels of MSG. Whilst I understood that point, I still draw a line between MSG that naturally occurs in food and MSG that is added to food.

The Hon. Dr Brian Pezzutti: It doesn't make any difference.

The Hon. IAN COHEN: The Hon. Dr Brian Pezzutti says it does not make any difference. I concur with the position that products containing added MSG, salt or sugar should be labelled accordingly.

The Hon. Dr Brian Pezzutti: Sugar added; salt added.

The Hon. IAN COHEN: Exactly. Processed food products containing additives should be labelled appropriately. The point I make is that—although we are getting away from the MSG argument—clearly there should be truth in labelling of food products so that consumers know what is the food they are eating. For example, the labels on muesli bars state that they can contain peanuts—recognising the fact that some people can react to peanuts. We must acknowledge the importance of food content numbering as well as clear product labelling.

I am concerned that under the Government's proposal labelling advising consumers of the MSG content of prepared and processed produce will not be required, and that is a completely inappropriate situation. I understand that for some consumers MSG is thought to be less harmful than salt and other additives. Nevertheless, the Greens believe that whatever is added to processed food should be clearly labelled so that the consumer has the opportunity to make an educated choice when deciding whether to buy a product.

Much has been said about the quality of food, and various arguments have been advanced. It would come as no surprise to honourable members that I support organic production and moving away from chemicals wherever possible. I agree with the Hon. Rick Colless that the use of organic methods and the health of our soil are very important, as, indeed, more farmers are acknowledging. In general, the health of our soil has been ignored for many years. For a time it can be replicated by chemical additives, but the best approach is to maintain a proper balance in the soil. Many farmers are doing that and are now producing high-quality crops. I suggest that in the food pyramid the organic product has the highest quality.

The Hon. Dr Brian Pezzutti: On the weekend, tomatoes in Lismore were \$7.99 a kilogram.

The Hon. IAN COHEN: That is the most inane, inappropriate interjection I have heard all day. Surely the honourable member can afford to buy a tomato if he wants one. If he cannot, he should grow tomatoes; home-grown tomatoes are a great Italian tradition of which he should be proud. At least then he would know what is going into the soil and, therefore, exactly what is in the tomatoes.

In large measure the Food Bill seeks consistency of food standards and regulatory framework between the States. Some honourable members have referred to monosodium glutamate, organic food, and other food qualities. Many Greens believe that health departments have a somewhat unbalanced approach to food safety. Food preparation in restaurants should also be examined. I have asked a question in the House about the use of cottonseed oil—which is commonly used in restaurants throughout Sydney to cut costs because it is a much cheaper alternative to the far more healthier oils—but I have not received an answer.

I would like to know whether cottonseed oil is produced and regulated as a food product or is merely a by-product of cotton. If it is purely part of textile production, it may not meet the requisite food production standards. Also, the pesticide level in cottonseed oil may not be monitored if it is regarded as a non-food product. The Food Bill should provide for such a product. Despite the strong possibility that cottonseed oil will fail the requisite test, it is still being used in many restaurants in Sydney.

The Hon. RICHARD JONES [6.03 p.m.]: First, I totally agree with the Hon. Rick Colless that soil is the key to nutrition in food. When I was a boy I used to listen to a talkback radio gardening show in England. Every Sunday an expert would tell listeners that the answer lies in the soil. That sunk into my brain and hopefully it had the same effect on others in the United Kingdom. The Soil Association in the United Kingdom actively promotes soil nutrition and organic production. The Hon. Rick Colless referred to the calcium-magnesium ratio in the soil and the importance of having 75 per cent calcium and 25 per cent magnesium.

The Hon. Rick Colless: No, 65 per cent calcium and 15 per cent magnesium.

The Hon. RICHARD JONES: If that ratio is not maintained, the product will not contain the necessary protein. He referred to some tests that were done in the United States of America on soil from some parts of New South Wales that showed that the ratios were not adequate to grow high-quality wheat containing high protein content. More money must be allocated to ensure that the soil has the appropriate balance and nutritional base. That is a prerequisite to growing anything. Plants and trees grown in good soil have a better resistance to pests because they are much stronger. Generally speaking, pests only attack the weak, as I have seen on my own property.

I agreed with the Hon. Rick Colless when he said that organically controlled food does not have poor nutritional value. Another serious problem is that non-organic food contains pesticide residues. There have been alarming results from tests carried out in the United States of America which show that much of the food tested had pesticide residues above the allowable limit and that about 40 per cent had pesticide residues. I ask the Department of Health whether it is conducting tests in this country, when are the tests done, and what are the results? Earth Crash Earth Spirit, a British farm study group, referred to a study that found one in five chickens and one in 10 eggs in Britain contain residues of drugs linked to cancer, birth defects and heart attacks. Perhaps our chickens and eggs also contain residues of drugs that, in some cases, may not be suitable for human consumption.

The farm group gave examples of the overuse of antibiotics. It stated that antimicrobial drugs have never been properly evaluated for safety, yet there is evidence that they have the ability to cause cancer, birth defects and heart attacks. Indeed, some residues in some examples were found to be more than 50 times over the legal limit, yet no prosecutions were brought by the Veterinary Medicines Directorate. One example is nicarbazin, which has never been carefully evaluated for safety in humans, although studies show it could cause birth defects and hormonal problems in animals. In 1999, the last year for which full figures are available, 17.8 per cent of chicken livers tested had residues of nicarbazin in excess of the maximum residue limit of 200 micrograms per kilogram. The highest level found was 10,500 micrograms per kilogram—more than 50 times the legally permitted level.

Another antibiotic was lasalocid, which was not licensed for laying hens and is toxic to the heart. The report shows that one in every dozen eggs tested contained residues of lasalocid above the informal action level of 100 micrograms per kilogram, with the highest being 5,400 micrograms per kilogram. The antibiotic

dimetridazole [DMZ] is suspected of being able to induce cancer and birth defects. It was licensed for turkeys and pheasants, rather than chickens or laying hens, yet 2 per cent in 1998 and 0.5 per cent in 1999 of eggs contained residues of DMZ. I hope the Department of Health is examining residues in food as well as nutritional value and the balance of the soils in which food is grown.

On a number of occasions during the past 15 years in this House I have referred to a vegetarian versus a lacto-ovo vegetarian or meat diet, and a number of studies have been done on that. One study quoted by Professor Colin Campbell, who is Professor of Nutritional Biochemistry at Cornell University and director of the China health project, involved the study of 6,500 primarily vegetarians in rural China. It is possibly the most comprehensive study ever undertaken on diet and disease. The study found that the Chinese experience a rate of cancer that is probably only about 5 per cent to 10 per cent, at most, of what one would tend to find in Britain and America, and probably Australia. So we are talking about a 90 per cent to 95 per cent reduction. The study also found that heart disease in some areas of China is virtually negligible—it is almost unknown. It is a tremendous reduction compared to what we see in the west—again I would say at least a 90 per cent to 95 per cent reduction.

The Hon. Rick Colless: It is nutrition more than diet.

The Hon. RICHARD JONES: They are relating this to whether the Chinese eat meat and eggs. A 12-year study reported in the *British Medical Journal* in 1994 showed that non-meat eaters who eat dairy and eggs have a 20 per cent less heart disease rate and a 40 per cent less cancer rate. The reason for this is that these so-called vegetarians in fact substituted one fat for another. They did not eat meat but they ate dairy products and eggs, so they were simply substituting one fat for another; basically, they have the same fat intake. So, as they were not really vegetarians as such, they did not have as great a reduction in levels of cancer and heart disease as those who did not eat any meat or eggs.

Another study out of China is quoted in the book, and I have quoted it previously in this House so I will not go into it at great length. That Chinese study showed that there was a significant relationship between the number of eggs a person eats per week and prostate cancer in men; and there was a very clear correlation between the number of eggs women ate and breast cancer. That is one study. A couple of years ago I received from the Ministry of Agriculture, Food and Fisheries in the United Kingdom a very large volume that covered about 900-odd studies done around the world, including Europe, China and America, to try to determine the relationship between food and cancer. The clearest relationship of the lot was not meat and its risk of causing cancer, but obesity. Clearly, obesity was the number one cause of cancer. In this case it was overnutrition, in a sense.

The Hon. Rick Colless: No: overeating, but undernutrition.

The Hon. RICHARD JONES: As we know, overeating also has a relationship to heart disease and many other problems such as diabetes.

The Hon. Rick Colless: The reason they were overeating is that they didn't get the nutrition.

The Hon. RICHARD JONES: That may be so. Maybe they were just gluttonous, and I will come to that in a minute. So a number of studies are being done. The Department of Health needs to examine those studies seriously and advise people about ratios of meat to vegetables and fruit, and ensure they get the balance right. Obviously I am not a meat eater but there is no doubt, as stated in a 1994 address given by vegetarian dietician Suzanne Havala, who is the author of the American Dietetic Association's position paper, that people who consume very small amounts of meat, fish and fowl and hardly any eggs or dairy could be eating less saturated fat than a vegetarian who consumes copious amounts of eggs and dairy products. So, if Ms Havala is correct, from a health perspective it might be better for people to eschew dairy products and eggs and eat small amounts of fish and low-fat meat. The bill repeals the Food Act 1989.

The Hon. Dr Brian Pezzutti: That was a good Act.

The Hon. RICHARD JONES: Yes, it was a good Act. This bill repeals the Food Act and enacts new food laws as a result of an agreement between the Commonwealth, States, Territories and New Zealand. Clause 141 provides that regulations may be made for provisions that are in addition to, or in substitution for, the provisions of the Food Standards Code. That code is developed and amended primarily by Food Standards Australia New Zealand, formerly known as ANZFA, in partnership with the Commonwealth, State and Territory

governments, and the New Zealand Government. The Food Standards Code covers such things as labelling, contaminants and residues, microbiological and processing requirements, food product standards and food safety standards. The code applies to food that is sold or prepared for sale in Australia and/or New Zealand, and/or imported into Australia and/or New Zealand.

The issue of what nutritional information is required to be made available to consumers is outlined in the Food Standards Code. Nutritional information is required to be either put on the package of the food or displayed in connection with the display of the food or not displayed at all and simply supplied to the consumer upon request. The latter is the method currently employed by fast food chains. Indeed, my staff member Christine Black, who is an extremely good researcher, has contacted McDonald's on a number of occasions in the past few weeks—the last time was about half an hour ago—seeking answers to some questions about nutrition that it had not answered. We received from McDonald's documentation about what colouring agents and additives it uses, and the nutritional—

The Hon. Dr Brian Pezzutti: It is actually in a booklet you can get from the outlets.

The Hon. RICHARD JONES: Yes, but McDonald's did not supply. It did not want to supply information about how much sugar is in its various foods until we finally got it out of them today. That information is not readily available.

The Hon. Dr Brian Pezzutti: What sugar is it?

The Hon. RICHARD JONES: They said—and one might say that this is hot off the press—that a Big Mac has 9.2 grams of sugar, and Coca Cola, which is not their product but they sell it in great quantities, has 35 grams of sugar, as the Hon. Dr Brian Pezzutti would know, plus caffeine. A chocolate sundae has 47.25 grams of sugar, a big breakfast has 1.7 grams of sugar, an English muffin has 1.7 grams of sugar, and French fries have no sugar at all. I received this information from McDonald's via telephone a short time ago.

The Hon. Ian Macdonald: You would have to eat five Big Macs to equal a bottle of Coke.

The Hon. RICHARD JONES: You would live a short and disgustingly unhealthy life. The Food Standards Code provides that food for retail sale or for catering purposes must bear a label setting out all the information prescribed in the code, except in certain circumstances, of which there are seven. I am advised by Food Standards Australia New Zealand that food from fast food chains falls into two of the seven of these certain exemptions, that is, paragraphs (c) and (d) of food standard 1.2.1. The standard states that fast food is not required to bear a label because the food is made and packaged on the premises from which it is sold, or the food is packaged in the presence of the purchaser.

In relation to food that is required to bear a label outlining nutritional information such as is on packaged food that is purchased at the supermarket, the code provides that a nutrition information panel must be included on the label on the package of the food and must include, among other things, the average quantity, expressed in grams, of fat, saturated fats, and sugars in a serving of the food and in a unit quantity of the food. If a food that is not required to bear a label makes a nutritional claim, for example if it says it is "99% fat free", it is required to provide the nutritional information either on a panel displayed on or in connection with the display of the food or provided to the purchaser upon request.

I am concerned that as a general rule fast food chains are not mandatorily required to provide nutritional information to consumers. As so many of our young people unfortunately eat at these fast food chains, and as obesity is rising at an alarming rate, obviously there is a loophole in the legislation because it does not require fast food chains to provide the information freely and openly to their consumers. The health of adults and children is declining, and declining rapidly. Consumers should be able to have easy access to information which details the level of energy, protein, fat, sugar, and sodium in the fast food they eat—unfortunately so frequently. Obesity is a serious chronic medical condition that is associated with a wide range of debilitating and life-threatening conditions.

Obesity imposes huge financial burdens on the health care system and the community at large. The Australian Institute of Health and Welfare has conservatively estimated the cost attributable to obesity in this country to be more than \$395 million. I think that would be extremely conservative indeed. A study by the Australian Society for the Study of Obesity showed that there has been a 5 per cent increase in the prevalence of obesity and overweight people over the past decade, despite education and other public health measures being employed. In that time there has been significant growth in the number of people eating in these dreadful fast food chains and drinking lots of Coca Cola.

The advertising promotions of these fast food organisations are very effective. It is most regrettable that Coca-Cola, McDonald's and other fast food chains aim them at two-, three- and four-year-olds. McDonald's are the biggest purveyor of toys in the world; they give away more toys than any other organisation sells, because it brings in the two-, three- and four-year-olds and hooks them at a very early age, as the tobacco companies used to do. They used to aim for the 12 and 13-year-olds and now McDonald's and Coca-Cola aim for the three and four-year-olds. They hook them when they are young.

Every year we allow Coca-Cola to sponsor the Schools Spectacular. I have not been to a single one because allowing Coca-Cola to be associated with young children and allowing their product to be sold in schools when it contains an addictive drug, caffeine, plus enormous amounts of sugar, is criminal on the part of the Government. I am surprised that the Department of Health does not take a stronger line with the Government and recommend that Coca-Cola be taken out of our schools; and I am surprised that the Government allows the Schools Spectacular to be sponsored by this dreadful organisation, which basically sells junk food.

Obesity is associated with cardiovascular disease, hypertension, diabetes, dyslipidaemia and arthritis, and treatment is costly to both the individual and the community. Quite clearly an approach needs to be taken that emphasises education, promotes a reduction in the intake of fat, and increases the level of appropriate physical activity. The Hon. Charlie Lynn goes up the mountains every so often, and I imagine he would be the fittest man in this whole building.

The Hon. Charlie Lynn: I will get rid of it.

The Hon. RICHARD JONES: You certainly will. You should take some of your colleagues on a long walk into the mountains of New Guinea. They would be a lot better off as a result.

The Hon. Charlie Lynn: Ten days and I will fix the problem.

The Hon. RICHARD JONES: That is a good idea: the Hon. Charlie Lynn can lead the way. An effective educational campaign would be to make available to consumers nutritional information about fast foods. Only a few weeks ago Parliament hosted the New South Wales Child Obesity Summit to look at and combat the problem of childhood obesity. Almost one in four New South Wales children are overweight or obese. The summit brought together health experts, parliamentary and industry representatives, parents, teachers and children to discuss the problem of childhood obesity. Discussions were held in relation to food sales and advertising, exercise, community and school programs, and education campaigns. The summit's communique stated that the problem of obesity is "so significant and extensive" that it warrants more concerted community understanding and attention.

One in five Australian adults is obese, and a much larger proportion—67 per cent of males and 52 per cent of females—are overweight. From 1980 to 2000 the percentage of obese females almost tripled. In males the figure has more than doubled. Childhood and adolescent obesity has also risen. In the 10 years from 1985 to 1995 the level of combined overweight and obesity in children more than doubled in all but the youngest age group of boys; and the level of obesity trebled in all age groups for both sexes. The communique—well written by the Department of Health, I understand—notes, "We cannot afford to ignore these signals. Obese children have a 25-50 per cent chance of progressing to adult obesity, although it may be as high as 78 per cent in older obese adolescents."

In addition, dietary surveys conducted in 1993 by the CSIRO, and in 1995 by the Commonwealth, of the food and nutrient intakes of Australians found that the proportion of total food consumed which was made up of plant and animal foods was about 60 per cent and 40 per cent respectively—it is recommended to be 80 per cent plant and 20 per cent animal; that Australians, especially children, need to increase their intake and variety of vegetables from three to four serves a day to four to five serves; that Australians, especially children and men, need to increase their intake and variety of fresh fruit from one to two serves a day to two to three serves; that the average daily intake of meat alternatives such as fish, eggs, legumes, pulses and nuts was inadequate; that the intake of treats or indulgences like cakes, soft drinks, fast food and energy dense snack foods was more than five serves a day, which is in excess of the recommended two serves; that the average intake of dietary fat was a little over the recommended energy intake; and, more importantly, that the quality of the fat consumed by Australians needs improving by reducing saturated hidden fats in animal foods and in processed fast foods. Saturated fat intake was about 13 per cent of energy intake, but it is actually recommended that saturated fat intake be restricted to less than 8 per cent of energy intake.

It is no surprise that the rate of increased obesity in Australia is accelerating sharply. It will overtake smoking as the number one cause of premature death within a very few years. An analysis of McDonald's

product ingredients lists and nutritional information is deeply disturbing. For example, a Quarter Pounder with Cheese has 28 grams of fat, a large french fries has 53.1 grams, a Big Mac has 24 grams of fat, a McOz, which is a joke, has 24.7 grams of fat, a Big Breakfast has 24.2 grams and a chocolate mud muffin has 27.5 grams. I have already given the House information on the amount of sugar in those products.

The United Kingdom Committee on Medical Aspects of Food and the Scottish Diet Report recommend that less than 35 per cent of total energy be derived from fat. The World Health Organisation recommended in 1990 that less than 30 per cent of energy be derived from fat. The Scottish Diet Report, the Committee on Medical Aspects of Food, and the World Health Organisation recommend that less than 10 per cent of energy come from refined sugar. In 1993 the Commonwealth Department of Health's "Goals and Targets" recommended that less than 30 per cent of energy come from fat and less than 13 per cent from sugar.

The Food Intolerance Network of Australia and the UK Hyperactive Children's Support Group have prepared a list of additives they recommend be avoided because reaction to even small quantities of these additives can cause behavioural problems and attention deficit disorder and can also reduce one's ability to learn. According to the UK Hyperactive Children's Support Group and the Food Intolerance Network of Australia, many food additives that are recommended to be avoided are found in this *bête noire* of mine—McDonald's foods.

For example, the McDonald's birthday party cake has: tartrazine, colour—code number 102; sunset yellow—code 110; azorubine or carmoisine—code 122; amaranth—code 123; ponceau 4R—code 124; and brilliant blue—code 133. Its BBQ sauce has caramel I—colour—code 150a. The McFlurry, McOz and Quarter Pounder have annattoo extracts—code 160b. The junior burger has potassium sorbate—code 202. The junior burger, orange bowl cordial and Quarter Pounder have sodium benzoate—code 211. Its apple pie has sodium metabisulphite—code 223. Its Bacon and Egg McMuffin has sodium nitrate, a preservative and colour fixative—code 250. Its English muffins, Junior Burger, McChicken, McOz & Sausage McMuffin have calcium propionate—code 282. Its shortening, which is all animal based, has propyl gallate—code 310, and its french fries have butylated hydroxyanisole—code 320.

The problems associated with sodium benzoate, which is a preservative—code 211—and sodium metabisulphite, which is also a preservative—code 223—are quite serious and I should detail them to the House. They are additives in McDonald's food, which so many of our children eat. Sodium metabisulphite provokes asthma attacks, is difficult to metabolise for those with impaired kidney function, and it destroys vitamin B1. We heard about vitamin B1 from the Hon. Dr Arthur Chesterfield-Evans, who was nominated as the best doctor in the world by one of his patients. Sodium benzoate's concentration is limited to 0.1 per cent because it is poisonous. It causes irritation to the stomach due to its acidity. At high doses, it can cause some children to develop inflammation in their stomach, small intestine and oesophagus. Effects vary according to the dose ingested.

[The Deputy-President (The Hon. John Hatzistergos) left the chair at 6.29 p.m. The House resumed at 8.30 p.m.]

The Hon. RICHARD JONES [8.30 p.m.]: During the dinner break I went down to the noodle market, opposite the Toaster. It is interesting to note how many people flock to eat good food there. I observed other members there as well. I noted a sign there that read, "Plants equal life. Good food equals good life." It is probably a Chinese slogan. These noodle markets really help people to get together; it is a nice community event. Returning to the bill, given the many concerns I raised before the dinner break and the fact that the Government, with this bill, is doing almost nothing to tackle the health problems associated with obesity, I propose to move an amendment in Committee to provide for regulations requiring the display of nutritional information in connection with the display of fast food in fast food outlets. At least then consumers will be aware of the levels of fat, sugar and salt in the fast food they are eating. I would prefer to call it junk food rather than fast food.

There is now a new movement called slow food, which started in Italy, that says we should have a long lunch, a long dinner and enjoy our food over a long period. It should be noted that resolution 7.9 from the New South Wales Childhood Obesity Summit Communique, written by the Department of Health, recommended "that nutrition labelling be mandatory on standardised/franchised food". That is exactly what I propose with my amendment. If the Government is serious about tackling obesity—and if that Childhood Obesity Summit was not just a public relations exercise to try to convince people that the Government was doing something—the Government should accept this amendment. If not, perhaps we can take the view that the Childhood Obesity Summit was a complete waste of public money and time, and that it was simply a public relations exercise after all. Empty platitudes are simply not enough. It is time for action to be taken.

In summary, I believe that the Department of Health should be doing a lot more proactively in relation to food quality, starting with the quality of the food and the soil in which it is grown. It should be looking at food additives, whether they be additives that cause children to be reactive or cause attention deficit disorder [ADD] and other problems—these days many children have ADD—or potentially cancer-causing pesticide residues or other residues that should not be in food. I ask the Department of Health to once again consider testing foods in this country, as occurs in the United Kingdom and presumably the European Union generally. In general, hospital food is utterly appalling. It seems that no research is done on how nutritious it is, or whether it is designed to assist patients get better. In fact, one might even say it is a conspiracy by doctors to keep people ill so they can come back again and use their services. I have received many complaints about the food in hospitals. Indeed, some people have said they have had to bring in their own food or ask relatives to bring food into the hospitals because the hospital food was inedible.

The Hon. Dr Peter Wong: It is nutritious, though.

The Hon. RICHARD JONES: I do not think so. I do not think nutrition is even considered; I think that all that is considered is how cheaply mass food can be produced to feed patients—after all, they are only patients; they are not real people. I ask the Department of Health to take a much more proactive role in overseeing the nutrition of our food, including hospital food, right through from where it is grown to its final preparation. I believe that currently the Department of Health is not doing a good enough job. Judging by the fact that the Government apparently will not accept my amendment, I do not think it cares very much. It seems that it wants to do a public relations exercise and it is not serious about the whole issue at all. There is no doubt that apart from poor nutrition, obesity will be a major problem in the coming years. Indeed, I suspect it will be the number one health problem in this State. I cannot understand why the Government will not support my amendment, which is totally in line with the Childhood Obesity Summit communique.

The Hon. IAN MACDONALD (Parliamentary Secretary) [8.37 p.m.], in reply: This bill is not the MSG bill. Although a few honourable members, including the Hon. Dr Peter Wong, have treated it as the MSG bill, it is the Food Bill 2002. The object of it is to repeal the Food Act 1989 and enact new food laws. The purpose of the Hon. Dr Peter Wong's amendments is to ensure that the Government, through the Minister, cannot make a regulation under the bill without the approval of the Commonwealth Food Authority. Honourable members may not be aware that a regulation has already been made by this Government to exempt from notification requirements charitable and community groups who fundraise. New South Wales is the only State that has done this, and under this amendment it is likely that Food Standards Australia New Zealand would not allow the regulation. I will return to this matter in Committee.

The Government wants to give people the right to choose whether they eat monosodium glutamate [MSG] added to food in restaurants. Indeed, the Food Standards Australia New Zealand report acknowledges that high levels of extra MSG added during the preparation of food may pose a risk to sensitive individuals. The legislation is only intended to cover the extra MSG added during the preparation of food and protect those sensitive individuals. It is not about whether cooked tomatoes have MSG, or any other food process—

The Hon. Dr Peter Wong: Or Vegemite?

The Hon. IAN MACDONALD: We will leave Vegemite out of the equation for the moment. We have heard the unAustralian attack on Vegemite by a number of members during this debate. The Hon. Richard Jones has raised the precautionary principle here ad nauseam; that is relating to the list of things that he thought were positively dangerous about a McDonald's hamburger. He is in alliance with his mate the Hon. Dr Peter Wong. He should be the candidate for Unity, but he is not, and that is probably unfortunate for both Unity and the Hon. Richard Jones. He has just thrown out the precautionary principle. What the Government was proposing in relation to the MSG—

The Hon. Dr Arthur Chesterfield-Evans: Are you going to label white sugar as well?

The Hon. IAN MACDONALD: It is proposed only in relation to MSG. On restaurant menus there will be a small sign stating "MSG may be used in the preparation of food"; that is all that will be stated. Time after time the Hon. Richard Jones acts as though the precautionary principle should be applied to just about everything. If we followed his principles, we would probably eat nothing; we would fast for 40 days out in the plains of Judah. He spoke about those naturally occurring chemicals that are found in all food.

The Hon. Dr Brian Pezzutti: Added MSG.

The Hon. IAN MACDONALD: We are talking about additives, we are not talking about what is naturally occurring. In Committee we will deal in detail with the amendments that will be moved by the Hon. Dr Peter Wong and the Hon. Richard Jones. I am sure that it would not be too great a problem for most people to find a small comment on a menu to the effect that MSG had been added to some food. I am sure Reverend the Hon. Fred Nile would agree, because he has heard the Hon. Richard Jones speak about the precautionary principle at great length in this House on many occasions in relation to many bills. If the Hon. Richard Jones were true to his word, he would vote against the amendments of the Hon. Dr Peter Wong, which if agreed to will have all sorts of consequences. Finally, in answer to a matter raised by Reverend the Hon. Fred Nile, the auditors will meet the standards that have been set by the appropriate bodies and other food organisations. I commend the bill to the House.

Motion agreed to.

Bill read a second time.

In Committee

Part 1

The Hon. RICHARD JONES [8.44 p.m.], by leave: I move my amendments in globo:

No. 1. Page 4, clause 4 (1), line 4. Omit "or 141". Insert instead ", 141 or 142".

No. 2. Page 75, part 11. Insert after line 33:

142 Nutritional information relating to "fast food"

- (1) The Minister is to endeavour to ensure that nutritional information is required to be displayed on or in connection with food:
 - (a) that is for sale in a form intended for immediate consumption and is commonly known as *fast food*, and
 - (b) that is sold by a chain of food stores using the same name or logo, and
 - (c) that is made and packaged on the premises from which it is sold or is packaged in the presence of the purchaser.
- (2) For the purpose of carrying out the Minister's functions under subsection (1), the Minister may promote regulations referred to in subsection (3).
- (3) Regulations may be made for or with respect to the provision of nutritional information in relation to food referred to in subsection (1).
- (4) A regulation made for the purposes of this section may contain provisions that are in addition to, or in substitution for, one or more of the provisions of the Food Standards Code as those provisions of the Code apply in this State. However, such a regulation is not subject to section 140 or 141.
- (5) In this section, *nutritional information* means information required by Division 2 of Standard 1.2.8 of the Food Standards Code to be provided in a nutritional information panel in relation to food to which that Standard applies.

These amendments seek to require the Minister to regulate to ensure that nutritional information is displayed on or in connection with fast food or junk food sold from fast food chains. The nutritional information displayed must be in accordance with that stipulated in the Food Standards Code. The bill currently provides that regulations may be made for provisions that are in addition to or in substitution for the provisions of the Food Standards Code. However, the regulation must not be made unless the Minister has certified that such a regulation does not have a significant impact on the implementation of uniform food laws in Australia. The regulation may be made only with the approval of the Premier. My amendments are not subject to these requirements.

The amendments will only apply to companies such as fast food chains—for example, McDonald's, KFC and Burger King. The provision will not apply, for example, to the local owner-operated takeaway shop. As I said in the second reading debate, obesity is a serious, chronic medical condition which is associated with a wide range of debilitating and life-threatening conditions. Recent studies estimate that 67 per cent of Australian men and 52 per cent of Australian women aged 25 years and over are either overweight or obese. It is quite clear that we need to put something more meaningful into the legislation. We must have regard to the recommendations of the Obesity Summit or taxpayers' money has been wasted.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [8.46 p.m.]: Some may be surprised that I am supporting this amendment. It may be thought invasive to ask fast food chains to advise the content of what they are serving, but they are fanatical about quality control and about what they put in their product. Their food technologists work out to the nth degree what is the most palatable and cost-effective, and their suppliers have to meet strict standards. There is no doubt they know how much fat is in their food; however, any adverse health reaction to their food is very much downplayed in advertising. I believe if there is an obesity epidemic, it is related to takeaway food. The quality of takeaway food is well known and consumers have the right to know what they are eating, whether it could make them obese, the number of calories the food contains, and so on. In that way, when the girl behind the counter says "Do you want fries with that?"—which really means "Do you want an extra 2,000 calories?"—you can then say, "Hang on, that will then double my food intake." People must be conscious of information that to date takeaway outlets have resisted allowing people access to. The Government wants to tell us when the little Chinese restaurant puts MSG in its food but it does not want to tell us when the multinational company puts MSG into the mixture. The Government seems to see some qualitative difference, but there is not. There is no difference between buying food off the shelf and buying food over the counter. The same standards should apply to both types of food. If the Government is serious about addressing the problem of obesity—if the Government is not just grandstanding—it should take appropriate action. If the Minister seriously wants to control the food standards in New South Wales rather than be merely a rubber stamp for a Government body, then he should support this amendment.

The Hon. Dr PETER WONG [8.48 p.m.]: I support the amendment in principle. However, I realise that in practice what is proposed would be difficult to regulate. In principle it is good that the Government should demand that restaurants and food chains advise on labels such matters as protein, fat and calorie content, and the level of additives including monosodium glutamate. However, I believe that education is better than Government imposed regulation. As much as I support the principle of it, I could not support a regulation in law.

The Hon. Dr BRIAN PEZZUTTI [8.49 p.m.]: For a number of reasons the Opposition cannot see its way clear to support these amendments. The Minister already has the power to regulate to achieve this result if he so wishes. To single out a particular type of food for such treatment is a little discriminatory. When I was in America it was possible to obtain a leaflet from a McDonald's outlet advising of the content of specific products.

Reverend the Hon. Dr Gordon Moyes: The same applies here.

The Hon. Dr BRIAN PEZZUTTI: As the honourable member observed, such leaflets are available in Australia also. Obviously, the major chains could provide such leaflets, but how does one define the term "chain"? Does the term relate to the large multinational companies like McDonald's or Burger King? Does it relate also to a group of family restaurants, to two shops in a neighbourhood or to one shop in Sydney and one in Melbourne? Will Caddies Coffee Company, which has one shop in Lismore and another in Bali—which I hope will survive—be regarded as a chain? This regulation-making power needs to be considered more carefully. We should encourage people to become more aware of what they eat, but we should educate them to look at the various food groups rather than the quantity of each food group. Also, people should restrict their food intake and do more exercise. It is a shame that the Parliamentary Secretary did not read the second reading speech that was delivered in the other place; had he done so he would be au fait with the bill. The Parliamentary Secretary in the other place said that this bill was simply a remake of the 1989 bill with only small changes—incremental change.

The Hon. Ian Macdonald: I never said anything like that.

The Hon. Dr BRIAN PEZZUTTI: That is what was said in the other place; it referred to incremental change. That the 1989 bill is being used as a draft for Commonwealth legislation says much about the delicate deliberation involved in the drafting of the 1989 bill, to which I was the New South Wales signatory as Parliamentary Secretary to the Minister for Health at that time. In that capacity I attended regular conferences of Health Ministers in Canberra. Sensibly, New Zealand was invited to send a delegate to observe those meetings—I do not know whether it now fully participates in such deliberations. Food legislation and regulation in this country is not owned by the Commonwealth but by the States through co-operative agreements. For example, the national food authority is owned by the Commonwealth and it should remain that way. The better arrangement is for there to be consistent standards across the States in order that we can better compete internationally. Much of the food that is packaged in Australia is exported, because Australia is regarded as a producer of good, clean, quality product.

The Hon. Dr Arthur Chesterfield-Evans referred to quality and quality improvement and to efficiency and service provision. These amendments will encourage consistency and high-quality standards from

producers. Every McDonald's Family Restaurant throughout the world offers the same products; that maybe a little boring but that is the way McDonald's run its business. Because of strict controls it is easy for a company such as McDonald's to inform the public of the nutritional value of its products and what additives they contain. It is more difficult, however, for a small chain of three or four shops, which offer a wider choice of meals. For example, food from the Sizzler group of restaurants is regarded as fast food, but its menu varies from week to week. In addition, because patrons serve themselves, it would be impossible for the group to provide accurate nutritional information—it would vary with the number of scoops of food a person had, and so on. I empathise with the Hon. Richard Jones, but I believe his amendments are impractical. More appropriate action should be taken by the Government than is being taken with this bill.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [8.55 p.m.]: I concur with the comments of the Hon. Dr Brian Pezzutti. Pathetically, as usual the ideologues are taking the easy way out by seeking to demonise the so-called multinationals, but their argument has not been properly considered. Whilst driving through Quirindi recently, shortly after the Obesity Summit, I was listening to the Sally Loane program on ABC radio. It seemed to be the general consensus of those on that program that the obesity problem would be immediately solved if we got rid of McDonald's and Hungry Jacks. However, a listener from the eastern suburbs of Sydney rang in and said that although there were more McDonald's and Hungry Jacks fast-food outlets chains per square kilometre in the eastern suburbs of Sydney than almost anywhere else, few people in the area were obese. A caller from a country centre that is more than 100 kilometres from the nearest McDonald's commented that although the locals could not walk or drive to such an outlet, there were a large number of obese adults and children in the community.

It is hypocritical and bloody-minded of people to suggest that the obesity problem can be solved by targeting multinational chains. The Opposition does not for one minute agree with what the Government is putting forward in its targeted program, but not even the Government would introduce a regulation relating to monosodium glutamate that would exclude the so-called multinationals. It was obvious from what the Hon. Dr Arthur Chesterfield-Evans said that he has not even read the bill. The Opposition cannot support the amendments.

Reverend the Hon. FRED NILE [8.57 p.m.]: I sought clarification from the Hon. Richard Jones because he gave me that impression that the person selling the product in McDonald's would actually indicate the nutritional information. The amendments stipulate that such information would be displayed on or in connection with fast food. I do not know whether the information would be on the packets of the apple pies, hamburgers or French fries. The Deputy Leader of the Opposition referred to some comments he heard recently on radio. Honourable members may have heard also about a particular lady in Adelaide who has been receiving considerable publicity on radio. She is said to a very healthy, lightweight woman who, because she is lonely, loves the company that she meets at McDonald's. She eats all her meals—breakfast, lunch and dinner—at a McDonald's outlet next-door to where she lives. If she is not there for breakfast, a staff member knocks on the door of her unit to make sure she is safe and well. She is said to be very; she eats eggs for breakfast and salads and other meals during the day. She actually has a healthy diet. I am not a salesman for McDonald's; I am just quoting one case.

The Hon. IAN MACDONALD (Parliamentary Secretary) [8.59 p.m.]: The amendments moved by the Hon. Richard Jones propose a regulation-making power to require nutritional information to be displayed on or in connection with fast food. As the amendments acknowledge, the display of nutritional information on or in connection with food, including fast food, is dealt with by standard 12.8 of the Food Standards Code. The Food Standards Code is adopted in its generality by this bill. Therefore, there exists a mechanism to require nutritional information on all labelling with respect to fast food. That mechanism is by an independent statutory body, Food Standards Australia New Zealand, and any standard adopted will apply consistently across all jurisdictions. It must be remembered that that is what this bill is about.

The amendments proposed by the Hon. Richard Jones impose nutritional information requirements on fast food businesses that are part of a chain of businesses using the same name or logo but not on sole operators. This may misleadingly imply that fast food from sole proprietors is not in need of regulation as it is healthier. Furthermore, it is by no means clear that requiring the display of nutritional information with respect to fast food will have any impact on consumers, and it is likely to simply impose costs and inconvenience on businesses, leading to higher prices for consumers without any tangible benefits. There are extensive reasons not to support the amendments and to continue to require that the display of nutritional information with respect to food and fast food continue to be dealt with in a consistent and scientifically valid fashion across all jurisdictions. The Government does not support the amendments.

Amendments negatived.**Part 1 agreed to.****Parts 2 to 10 agreed to.****Part 11**

The Hon. Dr PETER WONG [9.04 p.m.], by leave: I move Unity Party amendments Nos 1 and 2 in globo:

No. 1 Page 75, clause 141 (2), line 29. Omit "Minister has certified". Insert instead "Commonwealth Food Authority has found".

No. 2 Page 75, clause 141 (3), line 33. Omit "Premier". Insert instead "Minister".

I have moved my amendments in globo, but I ask that they be dealt with seriatim. I note with interest that the Parliamentary Secretary kept insisting on using the words "consistency in standards". The same words were used in the lower House by the Minister and Government members. The spirit of the Food Bill is to be consistent with the other States and Territories, the Commonwealth and New Zealand. Clause 141 goes beyond simply regulating MSG. If the clause is allowed to pass, it will be in total conflict with the Australia New Zealand food agreement, which New South Wales signed. For the information of Reverend the Hon. Fred Nile, I faxed clauses 140 and 141 to Food Standards Australia New Zealand. Food Standards Australia New Zealand has a minor problem with clause 140 relating to emergency regulations. Indeed, there is an emergency clause in the food standards agreement signed by the Commonwealth, New Zealand and New South Wales. Food Standards Australia New Zealand said that if clause 141 is passed it will virtually tear the whole agreement apart. The agreement will no longer mean anything. For the information of honourable members, I will read part of the agreement.

Reverend the Hon. Fred Nile: The Parliamentary Secretary wasn't listening when you said that.

The Hon. Dr PETER WONG: The Parliamentary Secretary was not listening. For his information—

The Hon. Ian Macdonald: Point of order: I was not listening because the Hon. Malcolm Jones was asking me a question of great relevance to the bill.

The CHAIRMAN: Order! There is no point of order.

The Hon. Dr PETER WONG: I repeat: I have consulted Food Standards Australia New Zealand on clauses 140 and 141. Food Standards Australia New Zealand has a minor problem with clause 140, because there is an emergency clause in the food standards agreement, and is of the view that if clause 141, which is a total contradiction, is passed it will virtually tear up the agreement between New South Wales, New Zealand, the other States and the Commonwealth. I will read part of the agreement so that honourable members know what I am trying to say.

The Hon. Ian Macdonald: Read the whole agreement.

The Hon. Dr PETER WONG: No, I do not need to read the whole agreement. The Parliamentary Secretary may want me to read the whole agreement but I do not wish to waste the time of the Committee. I inform honourable members that the Australia New Zealand intergovernmental agreement was signed by Premier Bob Carr on behalf of New South Wales. The purpose of the food regulation agreement signed in November 2000, which is almost two years ago now, is to provide a consistent regulatory approach across Australia through nationally agreed policy standards and enforcement procedures while supporting the joint Australia New Zealand effort to harmonise food standards. That means that New South Wales cannot stand on its own unless there is an emergency. Even if Bob Carr, the Hon. Dr Brian Pezzutti or I want to stand alone, that would be unacceptable.

The Parliamentary Secretary argued that that means that New South Wales cannot do anything. However, it does not mean that. Again, I rang Food Standards Australia New Zealand, which pointed out that clause 28 of the agreement states that when a State or Territory determines that an issue affecting public health and safety requires a new food standard or—and these are the key words—a variation of the standard adopted

pursuant to clause 23, and the circumstances affecting public health and safety would not allow time for steps to pursue clause 23 (3) to be taken, the State or Territory may, under full legislation of the State or Territory, adopt a varied food standard, provided the new or varied food standard applies for no longer than 12 months from the date of the adoption of the variation, and the State or Territory may also make an intermediate application to FSANZ to adopt the new food standard or to vary the relevant food standard.

It is not fixed, as the Parliamentary Secretary has alleged. It is not true, as I have been informed by the legal adviser of Food Standards Australia New Zealand. According to Food Standards Australia New Zealand, New South Wales has every right to withdraw from or terminate the agreement. New South Wales is not tied up by law. Despite the moral duty of the New South Wales Government to support the agreement, there is nothing Food Standards Australia New Zealand can do to New South Wales if it acts outside the agreement. That is the most unfortunate part. Therefore the Premier did not sign the agreement in sincerity. He urges people to obey the law, to follow the law, to be good citizens, but when it comes to his personal opinion, that is no longer important.

The Hon. Dr Brian Pezzutti: When did he sign it, what date?

The Hon. Dr PETER WONG: November 2000. He signed it on our behalf. The law is okay for honourable members but not for the Premier. He can break the law any time he wants to. He made that statement following the decision in a report on application No. A4342 for a mandatory declaration of monosodium glutamate by restaurants and other food outlets dated 9 October. Food Standards Australia New Zealand had to assess it in a hurry.

The Hon. Dr Brian Pezzutti: At the request of the Government.

The Hon. Dr PETER WONG: At the request of the Government. It did not want to cause conflict between the States and New Zealand. It could not do it. It was forced to do it in a hurry and it did not know what to do. It called scientific experts, including Dr Rob Lake, the one who allegedly supported the Health Minister. In this report they re-endorsed the policy. Dr Rob Lake did not object to the finding. To this day the expert did not say one word. This Thursday night the Hon. Dr Brian Pezzutti and I have been invited, together with Dr Len Tarasoff, the head of chemistry at Westmead, and Dr Con Katalaris, the head of the allergy clinic at Westmead, to address a forum on MSG regulation. So far the Government has not said whether it will attend.

The Hon. Duncan Gay: That is not unusual.

The Hon. Dr PETER WONG: It is important. It is killing people. People are dropping off like flies, I heard, commonly in Chinatown. Somebody who is really brilliant who bumps into a member of Parliament is not going to stop MSG being used. People are falling over everywhere.

The Hon. Dr Brian Pezzutti: Who said that?

The Hon. Dr PETER WONG: I had better not say the name.

The Hon. Dr Brian Pezzutti: Was it the Premier?

The Hon. Dr PETER WONG: You are absolutely right. This is the phobia, this is the delusion.

The Hon. Dr Brian Pezzutti: Who heard him say that?

The Hon. Dr PETER WONG: I will not say. This is the delusion, this is the phobia. It is illogical. It is irrational.

Reverend the Hon. Fred Nile: MSG phobia.

The Hon. Dr PETER WONG: MSG phobia. It is irrational. His expert now fails to support him. Now who is not obeying the law? I will tell you who. Following the declaration the *Sydney Morning Herald* rang the Minister's office—yes, we are still going to do what they say. Now, instead of one in 10, one in three are patients attending the Royal Prince Alfred clinic. The figure has gone up from one-tenth to one-third. If we allow this to happen, it is more than MSG. One day somebody in this place may be the Premier and he may make a ruling. He might declare McDonald's totally illegal. Are we, regardless of whether we think MSG is

good or bad, to allow this political madness? I urge Government members to say this is crazy. Are we going to follow the emperor with no clothes and walk naked in Macquarie Street as well? I will listen to what the Parliamentary Secretary says in his reply. I would like to see what logic he has to support this madness.

The Hon. Dr ARTHUR CHESTERFIELD-EVANS [9.15 p.m.]: I support these amendments. If this bill is empowering the State to enter into a Commonwealth-State agreement and we are going to have a protocol for deviating from that agreement, it is reasonable that the authority certify that that is okay in the context of the national marketing drive that is behind the total philosophy. That relates to the first of the two Unity amendments.

The second amendment provides that approval should be by the Minister, who of course should be responsible. The Premier should not be responsible for deciding food standards in New South Wales. Surely the relevant Minister should have that responsibility. I think the amendments are quite reasonable and quite consistent with the thrust of the bill, which will put New South Wales in a national and international framework.

Reverend the Hon. FRED NILE [9.16 p.m.]: We have been persuaded by the Hon. Dr Peter Wong of the merits of his amendments. I do not think in the long term they will affect what the Premier is concerned about—MSG—because the bill does not refer to that. The Committee can pass the amendments and in due course if the Premier or somebody on his behalf puts up a case, it will have to go to the Commonwealth authority, the other States will consider it, and then it will become a national policy for Australia and New Zealand.

During my contribution to the second reading debate I said that the authorities recommended an educational program rather than compulsory directions and fines. That may finally be the policy that the Government introduces or it may be even more draconian, but that can be for another debate, especially if we pass the amendments now. That will leave it open to the Government to deal with the MSG issue at some future date.

The Hon. IAN MACDONALD (Parliamentary Secretary) [9.17 p.m.]: The Government opposes the honourable member's amendments. The amendment to clause 141 purports to remove the Health Minister's role in determining whether in a particular case a regulation should be made to add to or substitute provisions in the Food Standards Code on the basis that it does not have a significant impact on the implementation or enforcement of national uniform food laws. Under the proposed amendment its role would be carried out by the Commonwealth Food Authority. I presume that is intended to be Food Standards Australia New Zealand. Although the name of the agency has been inaccurately reflected in the amendments, I assume that the honourable member is seeking to confer on Food Standards Australia New Zealand the powers proposed under the Commonwealth Food Authority.

Food Standards Australia New Zealand is a statutory authority operating under Commonwealth law pursuant to a Commonwealth-State agreement to which New South Wales is a signatory. The purpose of clause 141 is to recognise that local variations to the Food Standards Code which do not significantly compromise the overall principle of national uniform food laws are to be made on the basis of the assessment and advice of the relevant State portfolio Minister and with the approval of the Premier.

State governments are best placed to determine what additions or substitutions to the national code are necessary or appropriate within their jurisdictions without compromising overarching national uniformity. Food Standards Australia New Zealand [FSANZ] is focused on the overarching principle of national consistency and has neither the jurisdiction nor is it the most appropriate body to decide on specific local food standards issues that do not significantly impact on the national uniform food laws. I have already indicated that the New South Wales Government would work with the New South Wales Restaurant and Catering Association to ensure the smooth implementation of a proposed regulation on MSG that is under consideration.

To further clarify the situation, the New South Wales Government would assist the allergy unit at Royal Prince Alfred Hospital and the chair in Paediatric Allergy at Westmead Hospital to encourage further research and public education about allergic reactions and food intolerances. Also, \$10,000 has been allocated to the Australian Paediatrics Surveillance Unit, based at the Sydney Children's Hospital, for surveillance of severe food allergy in children.

Overall, this bill is not about MSG. The purpose of the Hon. Dr Peter Wong's amendment is to ensure that the Minister cannot make a regulation under the bill without the approval of the appropriate authority.

Honourable members may not be aware that the Government has already made a regulation to make charitable and community groups who fundraise exempt from notification requirements. New South Wales is the only State that has done this.

The Hon. Dr Brian Pezzutti: When was that done?

The Hon. IAN MACDONALD: I will answer that later. With this amendment it is likely that the FSANZ would not allow the regulation. Honourable members might like to explain to their local Country Women's Association [CWA] or women's auxiliary who are conducting a local cake stall that they now have to notify their business and pay \$55. If they choose not to, they are liable to fines of up to \$55,000. That is the effect of the amendment moved by the Hon. Dr Peter Wong.

Honourable members might like to explain to the local football team that sells sausage sandwiches after the game to fundraise for the club why it could be fined up to \$55,000 because it has not notified its business. The Bush Fire Brigade that is having a fundraising barbecue to raise money for more equipment to fight fires—such as the devastating ones earlier this year or, more recently, the fires at Engadine or on the North Coast—will have to notify that it is a food business. If it does not, it too will face a fine of up to \$55,000.

Do honourable members want to explain to the Girl Guides selling home-made biscuits how they can raise \$55 to notify their fundraising? That is the unintended consequence of the amendment by the Hon. Dr Peter Wong. The Commonwealth Food Authority will not allow the charity and community fundraising exemption regulation. No other State has made this regulation. If this amendment goes through, they are the consequences.

The Hon. JOHN TINGLE [9.23 p.m.]: I am in two minds about this amendment, but there are a couple of matters I would like cleared up before I decide how I will vote. This is a curious debate because neither the bill nor the amendment mentions MSG, but MSG seems to be the ghost at the funeral, the spectre at the feast. From a personal point of view I worry a lot about MSG because my wife suffers immensely if she ingests even a small amount of it. It gives her tremendous heart palpitations and trouble.

Referring to the previous debate, the one principle we should adhere to is that people should know what is in the food they consume. It seems important, even taking into account the comments of the Hon. Richard Jones, that we should address the MSG issue. I do not suggest it should be banned. As the Hon. Dr Brian Pezzutti said, it has never killed anyone as far as we know, but it does make some people very sick. Although the bill or the amendment does not mention MSG, that is what we seem to be debating. I seek clarification from the Parliamentary Secretary on one matter that seems a little unusual. Clause 141 (3) states:

A regulation made for the purposes of this section may be made only with the approval of the Premier.

I do not understand why the Premier, not the relevant Minister, approves the regulation. I would greatly value an explanation and clarification as to why the Premier would approve the regulation. What is the special thing lurking in the background about MSG that provides what I believe is a very unusual arrangement?

The Hon. RICHARD JONES [9.25 p.m.]: A few weeks ago I was in Dixon Street, Chinatown, having yum cha with my wife, Joe, and her family. When we came out of the restaurant we met the Premier, who was introducing a couple of new police officers of Chinese origin. He asked me what I was doing there and I said that I was having yum cha and buying Tiger Balm. He said, "We are going to crack down on MSG. People are dropping everywhere." He looked like Abraham Lincoln pontificating, with his finger up in the air. Both Joe and I fell about laughing and thought he had a great sense of humour. We thought he was joking. We were totally flabbergasted when it turned out that he was serious.

At a recent briefing of crossbench members by Professor Len Tarasoff, the former head of chemistry at the University of Western Sydney, we tasted some MSG which the professor brought with him. It is interesting to taste it in its chemical form, but no-one fell down frothing at the mouth. I am aware that I consume MSG every single day in cheese and in other foods. I believe that this whole issue is a tremendous beat up, and I fully support the amendment of the Hon. Dr Peter Wong.

The Hon. Dr BRIAN PEZZUTTI [9.26 p.m.]: This bill is modelled on the 1989 legislation. It is a shame that the Hon. Ian Macdonald did not read the second reading speech that was given in the other House, because it clearly states that this bill is simply an incremental change. All other States have used the New South Wales Act as the model. The South Australian and Australian Capital Territory Food Acts are modelled on the New South Wales 1989 Act, which was passed by the Greiner Government.

Queensland and Victoria passed amendments to their existing Food Acts. They followed New South Wales in 1999 because of the arrangements on the eastern seaboard. Those Acts have been passed and New South Wales is the last State to introduce this legislation. We have not rushed into it at all. I want to refer to the Hon. Ian Macdonald's bullying tactics about the exclusion of charity groups and the Government's regulations to exempt them.

The Hon. Duncan Gay: You asked him a question that he did not answer.

The Hon. Dr BRIAN PEZZUTTI: He never does. I asked when the Government passed the regulations. One of the important provisions in the bill is the definition in clause 6 of "food business". The bill states:

In this Act, **food business** means a business, enterprise or activity that involves:

- (a) the handling of food intended for sale, or
- (b) the sale of food,

regardless of whether the business, enterprise or activity concerned is of a commercial, charitable or community nature or whether it involves the handling or sale of food on one occasion only.

I would like to know when the regulation was passed that excludes charitable organisations, such as the Boy Scouts or the Girl Guides, from selling biscuits.

The Hon. Duncan Gay: If the regulation was passed under a previous Act it would still be intact.

The Hon. Dr BRIAN PEZZUTTI: One would think so. When I was being heavied about how terrible it would be—

The Hon. John Jobling: Did the Hon. Ian Macdonald lean on you?

The Hon. Dr BRIAN PEZZUTTI: No, I spoke to the advisers. I was told that we could not amend the clause because we would have to go to Food Standards Australia New Zealand. I was told that every other Government in Australia requires these charitable businesses, such as the Boy Scouts and the Girl Guides, to pay this authority or notification fee, which in New South Wales is the grand sum of \$55. Out of the blue I rang the Caboolture Public School, which is near the Glasshouse Mountains in south eastern Queensland, and was told that the parents and citizens association and the students have recently conducted separate fundraising events. The students held a barbeque and sold sausage sandwiches. I asked whether they were notified and the person to whom I spoke said he was sure they were not. I said that perhaps the parents' and citizens' association had overarching notification as a member of a larger organisation, but he said he did not know about that. He also said that the school would not expect the students to pay any sort of fee for notification.

Can honourable members imagine Queensland Premier Peter Beattie—a populist Premier if ever there were one—tolerating students, boy scouts or girl guides being required to pay a \$55, \$20 or \$2 notification fee? The world would fall apart. He would whack his Health Minister across the head and tell him to get smart. Will this Premier whack anyone and get this into order?

I do not believe it is impossible to resolve this situation. No other State appears to have experienced this problem and they have had legislation in place for up to two years. Suddenly we have been told that if we change the legislation the world will fall apart. I do not believe that this problem cannot be resolved. It was resolved under the old legislation and the Parliamentary Secretary has told us that this is an incremental change only.

The Hon. Dr Peter Wong has said that an international agreement is in place. If there is a problem, the Government concerned can notify under the agreement. That is what the Government did and it ended up with an assessment report. Regulations were to be introduced and it sensibly asked Food Standards Australia New Zealand to examine the issue. It did so and produced a document that was released a few weeks ago. The Hon. Dr Peter Wong referred to it earlier today, the *Sydney Morning Herald* has published it, and everyone has seen it.

However, the Government does not understand. Having had its proposal knocked back, if it wants to introduce this legislation the Government could get a number of Ministers to appeal for a second review. At the

end of that review the Ministers can say that they do not like it and that they will not implement it—that is, they can decide to go ahead and ban monosodium glutamate. The authority is an advisory group only.

We are not beholden to the food Nazis, bureaucrats or scientists. This must be a political decision made by all Health Ministers. That is where the responsibility rests, not with unknown bureaucrats and scientists. It must rest with the people who are accountable to the community, that is, the politicians. The Health Ministers could determine to throw this away. When the Coalition was in government, as a result of a successful trial conducted in Western Australia, the National Health and Medical Research Council [NHMRC] proposed that the Health Ministers enact legislation to allow folate to be put into bread to prevent spina bifida. The addition of folate to food dramatically reduces the incidence of that condition.

The Health Ministers decided that they would follow that advice and directed Gae Pincus and the National Food Authority, as it was then, to implement it. Two months later the food police returned with an extraordinarily long document—which I have read—in an attempt to stop the implementation of that strategy. The Health Ministers met in Canberra and said they wanted to go ahead and that they had not asked anyone to second guess them, and it was done. At the end of the day, politicians carry the can.

This is all about the Premier's desire to fix a problem that does not exist. It is aimed at the Chinese and it is ignorant. Everyone should know that clause 19 (1) provides:

A person must not, in the course of carrying on a food business, supply food by way of sale if the food is not of the nature or substance demanded by the purchaser.

Therefore, if a customer says he does not want monosodium glutamate added to his food but it is added, the retailer is breaking the law. Subclause (2) provides:

For the purposes of this section, it is immaterial whether the food concerned is safe.

If I say I do not want salt or MSG added, but it is added, the retailer is in breach. The amendment makes a lot of sense and the Opposition supports it.

The Hon. Dr PETER WONG [9.26 p.m.]: The Committee is fortunate to have the benefit of the Hon. Dr Brian Pezzutti's knowledge and experience. The Government is indulging in a scare tactic. Food Standards Australia New Zealand is an advisory body. The amendment provides that the Commonwealth Food Authority must make findings, not determinations. It is a moral decision. It should seek the opinion of experts. The amendment in no way prevents the Hon. Bob Carr regulating the use of monosodium glutamate or collecting money. The Committee is being misled. Any member who supports the Government is an idiot.

The Hon. IAN MACDONALD [9.27 p.m.]: I will highlight some issues raised in this debate. The Hon. Dr Peter Wong wrote to Ian Lindenmeyer, the Managing Director of Food Standards Australia New Zealand, in October 2002, and he replied as follows:

In particular you have sought my advice on the provision in your draft amendment providing that regulations under section 141 must not be made unless the Commonwealth Food Authority has found that such regulation does not have a significant impact on the implementation and enforcement of uniform food laws in Australia.

That is a profound question in light of the amendment moved by the Hon. Dr Peter Wong. The Managing Director of Food Standards Australia New Zealand replied, and this is the key paragraph:

I have consulted my legal staff, who confirm my view that the provision of advice in relation to the matter specified in your amendment falls outside the ambit and functions of Food Standards Australia New Zealand as set out in section 76 the Food Standards Australia New Zealand Act 1991.

As you may appreciate, statutory authorities are required to discharge all the functions assigned to them under the legislation but are generally not empowered to perform functions which go beyond those so specified. Accordingly, we would not be empowered to discharge the function which your amendment would appear to be assigning to us.

Clearly, when the amendment moved by the Hon. Dr Peter Wong was put to Food Standards Australia New Zealand it pointed out that it would not be empowered to discharge the function that the amendment appeared to assign to it. Everyone will be interested to see which way the Greens, the Hon. Richard Jones, the Hon. Dr Arthur Chesterfield-Evans and the Christian Democratic Party vote on this issue. As the Hon. John Tingle said in this place and as other members have said privately, many people are concerned about the level of MSG in food. There is no doubt that there is some naturally occurring MSG in the cooking process. But this bill is not about naturally occurring substances; it is about adding substances in relation to which, under the precepts of the Hon. Richard Jones and the Hon. Ian Cohen, we should take precaution.

All that the Government is endeavouring to do in relation to the proposed regulation, which is only under consideration at this stage, is to give people the option to choose whether they eat MSG added to food in restaurants. Indeed, the Food Standards Australia New Zealand report acknowledges that high levels of extra MSG added during the preparation of food may pose a risk to sensitive individuals. The regulation is only intended to cover the extra MSG added during the preparation of food, to protect those sensitive individuals. This is not about the fact that some of these chemicals exist naturally.

[Interruption]

I have seen people put heaps of MSG in cooking. It does not worry me. I think I am affected by other additives, but I am certainly not affected by MSG. However, I know a lot of people who have been affected by MSG. There will not be any impost on food businesses, as the Department of Health will supply all warning stickers and will conduct an education campaign for businesses and consumers. Why is this such a big problem?

The Hon. Dr Peter Wong: Because you are discriminating.

The Hon. IAN MACDONALD: No; there is no discrimination. The stickers will be available to all people who add MSG to cooking. For the benefit of members, the stickers are much smaller than the stickers I have here in the Chamber. The stickers simply say that MSG may be used in the cooking process. That is one aspect of the proposed regulation. The Hon. Dr Peter Wong is trying to do away with the entire clause, clause 141, which will affect the regulation-making power in relation to all the charities and community groups that received an exemption in May 2001. If the Committee passes the amendments moved by the Hon. Dr Peter Wong, it will overturn the exemptions that have already been made under this regulation-making power. If the amendments are passed, honourable members will have to convince all the community groups across the State of their actions.

The Hon. Dr PETER WONG [9.44 p.m.]: Obviously, the Parliamentary Secretary was not listening when the Hon. Dr Brian Pezzutti was speaking to this debate, or else he chose not to care. I know he does not mean it. He is not even listening to me.

The Hon. Patricia Forsythe: He is putting on his sincere face.

The Hon. Dr PETER WONG: Yes. The legal advice he was reading to the House was that Food Standards Australia New Zealand does not have the power to certify. The amendment seeks to give the Commonwealth Food Authority an advisory role, not a certifying role. The Parliamentary Counsel has said this may or may not work. If it does not work, the regulation will be involved.

The Hon. Ian Macdonald: That sounds terrible.

The Hon. Dr PETER WONG: It is exactly the same thing. As Reverend the Hon. Fred Nile said, at any time the Government can still sign the regulation in relation to MSG. Neither this House nor the lower House can prevent the Premier from making the regulation tomorrow. He still has the right to do so. The Premier has every right not to listen to Food Standards Australia New Zealand, because New South Wales law is not being controlled by that organisation. Scare tactics will not work. The Premier, if he so chooses, can still regulate MSG as from tomorrow.

The Hon. Dr BRIAN PEZZUTTI [9.46 p.m.]: Since this is not a problem in other States, I am sure that New South Wales can find its way clear to solving the problem as well. I do not believe that the Country Women's Association, the boy scouts and other organisations would want to pay a \$55 notification fee to be able to sell sausages and bread at a fete. I cannot believe that any government would want that to happen, nor that any government in the nation has asked for that to happen.

The Hon. Duncan Gay: The only reason it would happen would be if they did not regulate.

The Hon. Dr BRIAN PEZZUTTI: That is right; only a failure of government would allow it to happen. I think enough has been said. I cannot believe that people do not follow these arguments clearly.

The Hon. IAN MACDONALD (Parliamentary Secretary) [9.47 p.m.]: To clarify matters, the effect of the amendments moved by the Hon. Dr Peter Wong is to, in effect, delete section 2 of part 2, relating to the incorporation of the Food Standards Code. The Food Standards Code, as in force from time to time, is

incorporated in this regulation and applies as a law in New South Wales, subject to the modifications set out in subclause (2). Standard 3.2.2 of the Food Standards Code is modified by inserting subclause (5) after clause 4 (4). Subclause (1) does not apply to a food business in relation to food handling operations for fundraising events, that is, events that raise funds solely for community or charitable causes and not for personal or financial gain and events at which all the food sold is not potentially hazardous or is to be consumed immediately after thorough cooking.

The effect of the Hon. Dr Peter Wong's amendments, in an endeavour to act in relation to a potential MSG regulation, is to delete the effect of this clause. In effect, the amendments do not allow us to remake the regulation. That is the problem with what is proposed by the Hon. Dr Peter Wong in his amendments. His amendments do not address the relevant issues in relation to the regulations, which are needed to ensure that charitable and community organisations are able to have exemption under the Act from paying the various fees that are required for the conduct of food stalls, barbecues and other fundraising events. There is an absolutely calamitous fault with the amendments moved by the Hon. Dr Peter Wong and I believe that all honourable members should reconsider their positions and not vote for them.

The Hon. DUNCAN GAY (Deputy Leader of the Opposition) [9.50 p.m.]: The scare campaign from the Government is just unbelievable. If these amendments are passed and this Government does not regulate to forgo the \$55 from those charity groups, it is because it is being bloody-minded and spiteful: there would be no other reason. They would be paying back because the Premier did not get his way. That would be the only reason. It is absolutely within the purview and the power of the Government to regulate however they want to and if this section is removed the Government can fix it and should fix it. If they do not it is only because they want to be spiteful.

Question—That Unity amendment No. 1 be agreed to—put.

The Committee divided.

Ayes, 24

Mr Breen	Mr M. I. Jones	Mr Samios
Dr Chesterfield-Evans	Mr R. S. L. Jones	Mrs Sham-Ho
Mr Cohen	Reverend Dr Moyes	Mr Tingle
Mr Corbett	Reverend Nile	Dr Wong
Mrs Forsythe	Mrs Pavey	
Mr Gallacher	Mr Pearce	
Miss Gardiner	Dr Pezzutti	<i>Tellers,</i>
Mr Gay	Ms Rhiannon	Mr Colless
Mr Harwin	Mr Ryan	Mr Jobling

Noes, 15

Dr Burgmann	Mr Hatzistergos	Mr West
Ms Burnswoods	Mr Macdonald	
Mr Costa	Mr Obeid	
Mr Della Bosca	Mr Oldfield	<i>Tellers,</i>
Mr Dyer	Ms Tebbutt	Ms Fazio
Mr Egan	Mr Tsang	Mr Primrose

Pair

Mr Lynn

Ms Saffin

Question resolved in the affirmative.

Unity amendment No. 1 agreed to.

Unity amendment No. 2 agreed to.

Part 11 as amended agreed to.

Schedules 1 and 2 agreed to.

Title agreed to.

Bill reported from Committee with amendments and passed through remaining stages.

ASSENT TO BILLS

Assent to the following bills reported:

Agricultural Industry Services Amendment (Interstate Arrangements) Bill
Farm Debt Mediation Amendment Bill
Surveying Bill
Totalizator Agency Board Privatisation Amendment Bill

ADJOURNMENT

The Hon. IAN MACDONALD (Parliamentary Secretary) [10.03 p.m.]: I move:

That this House do now adjourn.

SMALL BUSINESS COLLECTIVE BARGAINING

The Hon. IAN WEST [10.03 p.m.]: At a time when the employee associations are confronted by the Federal Government's deceitful agenda of employee bargaining, it is interesting to see how the virtues of collective bargaining for employers and small businesses are seen as the way forward. The Federal Government has been conducting a review of the Trade Practices Act and has established the Dawson committee of inquiry for that purpose. The Fair Trading Coalition is a peak body of small business owners and employers that support collective bargaining to ensure that they remain viable and are not undercut by the dominant players in the various markets.

For many years workers have successfully bargained through the trade union organisations to empower them in negotiations with employers, but small businesses apparently are not allowed to reach certain collective agreements without breaching the law. This angers many influential small business associations or unions. The Fair Trading Coalition wants legal collective bargaining for small firms to negotiate from a position of equality with their suppliers. I support the right of those small firms to enjoy the protection that employees are afforded by the trade unions so that they, too, can bargain collectively. Queensland's National Party Senator Ron Boswell certainly supports this right and was recently actively involved on behalf of the Queensland Newsagents Association in its application for collective bargaining rights in its dealings with publishers. He has also expressed strong support for the collective bargaining philosophy of the Fair Trading Coalition. Small businesses and the majority of Australians support an appropriately empowered competition regulator. Indeed, the Chairman of the Australian Competition and Consumer Commission, Alan Fels, has said:

If big business had its short-sighted way, Australia would be an economy made up of anti-competitive, inefficient monopolies and cartels.

I note with interest that a former Liberal Party Treasurer, Graeme Samuel, has been nominated by Peter Costello as the successor to Alan Fels. It seems no surprise that the Federal Government wants a staunch supporter of deregulation to chair the National Competition and Consumer Commission. It is unacceptable for consumers and small businesses that the largest firms dominate the market. It was a Federal Government inquiry into fair trading in 1996 that stated clearly:

Deregulation does not of itself improve competition. In the long term, it actually reduces competition by allowing the companies to use their power games, through market dominance to monopolise small business market share.

Deregulation, mergers, globalisation and so-called successful commercial strategies have allowed large companies to grow larger. Meanwhile, small businesses are pressured into accepting lower prices for their products while the large firms controlling the supply and demand in particular market places charge more for their own services. Obviously, this affects wages and jobs within small businesses, but the potential is there for jobs to be made at least more secure than those dependent on the whim of the market if only small businesses could bargain collectively.

Trade unions certainly oppose the aspects of globalisation that increase the power of a few companies while putting jobs at risk solely for the financial benefit of shareholders. Recently, hundreds of delegates from many countries, including the Construction, Forestry, Mining and Energy Union National Secretary, John Maitland, attended an international conference of maritime and mining trade unions held in Newcastle. They declared that "the direct effects of the reduction of competition" include the loss of jobs, lowering of wages and, crucially, the "undermining of collective bargaining and direct attacks on human and trade union rights".

These calls encompass the global compact of the 1999 World Economic Forum meeting in Davos, Switzerland, which encourages companies to embrace nine universal principles in the areas of human rights, labour standards and the environment. United Nations Secretary-General, Kofi Annan, said that the global compact aims to contribute to the emergence of shared values and principles, which gives a human face to the global market. If collective bargaining will help small businesses stand up to market bullies, I support calls by the Fair Trading Coalition.

There are many small business unions in operation at the moment. The Fair Trading Coalition alone represents quite a number, some of those being the Apple and Pear Growers Association, the Australian Motor Body Repairers Association, the Australian Newsagents Federation and the Australian Service Station and Convenience Store Association. It is good to see that unionism is alive and well within small business circles. I wish them well in their campaign for a semblance of equality in the marketplace. Let us hope that they think the same way when dealing with their employees.

Mr ANTHONY ZAIDE LEGAL PRACTICES

The Hon. CHARLIE LYNN [10.07 p.m.]: Last Thursday I advised the House of my concerns over bankruptcy proceedings brought against Mrs Faye Combe by Mr Anthony Zaide, a solicitor acting for the estate of Mrs Combe's deceased father. Since then I have been made aware of a similar case where bankruptcy proceedings were brought against another woman who was forced to defend herself against Mr Zaide. The case I refer to is *Jimenez v Welcome Homes Real Estate Pty Limited*. That case was heard in the Federal Magistrate's Court in Sydney on 8 May.

Mrs Jimenez had been married to Mr Adam Zaide. The proprietor of Welcome Homes is Mr Jack Zaide and the solicitor representing them was Mr Anthony Zaide. The dispute related to a claim by Jack Zaide for payment of an agent's commission from the sale of a property. This claim was lodged around the same time as the marriage break-up between Mrs Jimenez and Jack Zaide's brother, Mr Adam Zaide. The point I find interesting is that the judgment debt was old—it was secured on 5 August 1993—yet no steps were taken to enforce the judgment for five years, until 1998. Mr Jack Zaide claimed in court that he did not pursue Mrs Jimenez during this period because she was proving difficult to find. Mrs Jimenez claimed that it was because she had, in fact, paid the money.

After hearing the evidence Judge Raphael decided that Mrs Jimenez had actually paid the debt and he set aside the bankruptcy notice. A most interesting fact—and a point of serious concern—about my reading of the case is the fear that witnesses for Mrs Jimenez held for their own personal safety in giving evidence against members of the Zaide family. Another interesting fact is that Mr Anthony Zaide stated in his affidavit that "I have never allowed Mr Jack Zaide access to my offices unaccompanied nor have I ever given Mr Zaide a key to my office." Obviously, this was a very clever attempt to deceive and mislead the court, as Judge Raphael found that the debt was settled in the presence of Mr Jack Zaide in Mr Anthony Zaide's office. Another interesting point is the statement by Judge Raphael, "The one thing Mr Anthony Zaide's affidavit does not do is deny Mrs Jimenez's allegation."

As I stated earlier, there are many similarities in this case to that involving the recent bankruptcy proceedings brought against Mrs Faye Combe by the same solicitor, Mr Anthony Zaide. Mrs Combe's case involves deceptive legal practices in that Anthony Zaide acted contrary to his client's instructions, incompetent court processes in that documents were removed from court files, negligent legal advice in that Anthony Zaide failed to advise Mrs Combe that her deceased father's will was invalid, and allegations of fraud in the administration of trust accounts of the estate of Mrs Combe's father by Anthony Zaide. I give notice that I will seek answers to some very important questions in regard to these trust accounts.

I want to know if Mr Zaide has withdrawn any money for his own legal expenses or for any other purpose from any trust accounts relating to the estate of Mrs Combe's father. I want to know if Mr Zaide instituted bankruptcy proceedings against Mrs Combe for payment of money he might have withdrawn from those trust accounts. I understand that according to documentation made available before Justice Handley in the Court of Appeal in September, in two trust ledger cards, H67 and C81, Mr Zaide has withdrawn money on more than one occasion, the latest being in February 2001. I understand that trust ledger card H67 has a balance of \$6,298.75. I will seek to establish the current status of that account and will seek full details of all transactions whilst the accounts have been administered by Mr Zaide.

I also understand that there is possible trade debtor money of up to \$59,000 that Mr Zaide has collected on behalf of Mrs Combe and her brother Mr Neil Harris on their father's estate. I will seek full disclosure of the

source and amount of these funds. I have been advised that Mrs Combe subpoenaed all records belonging to her father's estate in Mr Zaide's possession in February 2001. These records were never made available to her prior to or during the hearing. I have also been advised that Mr Zaide told Judge Gibson that there was no money in these trust accounts. The original orders made by Justice Hodgson were that Mrs Combe's costs were to be paid by the estate. I have been advised that in December 1990 Mrs Combe authorised Mr Zaide to take his fees from the trust account as they fell due while she was acting as executrix.

I will seek explanations as to why Mr Zaide has not and will not provide Mrs Combe with detailed statements in regard to these accounts. I have other information that concerns me about Mr Zaide's practising ethics and I will report these to the House as the information is validated. In the meantime I call on the Law Society of New South Wales to conduct a full and thorough review of *Jimenez v Welcome Homes Pty Limited* to determine appropriate action for the deception and collusion between Mr Jack Zaide and Mr Anthony Zaide in the prosecution of their former sister-in-law. I also call on the Law Society to review its files to see if any complaints have been received from other clients against the legal practices of Mr Zaide. I call on the Law Society also to conduct a full investigation into the circumstances and processes in the bankruptcy proceedings executed by Mr Anthony Zaide against Mrs Faye Combe.

PLEA BARGAINING

The Hon. PETER BREEN [10.12 p.m.]: Tonight I would like to say something about plea bargaining, or charge bargaining as it is sometimes known. It is a process by which a prosecutor in a criminal trial agrees to withdraw a charge or charges upon the promise of an accused person to plead guilty to other charges. The purpose of plea bargaining is to enable the prosecution and the defence to identify the facts which can be proved beyond a reasonable doubt and the charge or charges which most appropriately reflect those facts. An accused person could expect to receive a discount from 10 per cent to 25 per cent of a sentence in return for a plea of guilty. As a rule of thumb, two-thirds of prisoners plead guilty in the District Court and one-third plead guilty in the Supreme Court.

Plea bargaining is not without its critics, particularly from the ranks of victims of crime, who frequently witness critical facts omitted from proceedings because the prosecution has agreed to accept a plea of guilty to a lesser offence than the principal one perpetrated against the victim. In one notorious case in Sydney last year involving gang rape, the two female victims discovered to their horror that the court was not informed that they were abducted at knifepoint. This was a result of the prosecution agreeing to withdraw kidnapping charges.

Personally I do not agree with plea bargaining in situations involving aggravated sexual offences. At the end of the day presenting a sanitised version of the facts of a sexual attack is to promote a lie. It is an insult to the victims and brings discredit on the justice system. Even when plea bargaining can be justified, such as a case involving a plea of guilty to a manslaughter charge when reasonable doubt exists that a murder charge can be successfully prosecuted, in my opinion the judge ought to have the benefit of all the facts. No less an authority than the High Court has rejected this opinion, however. In the 1995 case of *Maxwell v The Queen* the High Court ruled that involving the judiciary in charge bargaining would tend to compromise judicial independence and integrity.

I am inclined to think that judges are far too precious about their independence and integrity, and the Government should involve them in the selection of charges and the vetting of statements of agreed facts. The dear old things could make themselves doubly useful by explaining to the victims exactly what is going on and why certain facts are to be disregarded in the proceedings. Judges are a wasted resource as they strive for their independence and integrity in criminal law proceedings. In the adversarial system of justice a judge should be like the video referee at the cricket, but instead he or she bears a closer resemblance to the seagull perched on the scoreboard.

By way of contrast, judges in Europe actively run criminal law proceedings and the inquisitorial justice system, as it is called, claims a much higher conviction rate for offenders and greater satisfaction for victims. When Princess Diana was tragically killed in a road tunnel in Paris the first people on the scene included the investigation magistrates, who directed police in their inquiries and made critical decisions about questions of fact. The object of the inquisitorial system is to get to the truth of what happened, while the adversarial system focuses on one side trying to score more runs than the other.

The Opposition is leading the charge on charge bargaining reform. I refer in particular to the member for Gosford in the other place, Chris Hartcher, who has introduced a private member's bill that addresses some

of the concerns about charge bargaining. Measures to give victims of crime a greater say and to require that plea bargaining negotiations be made public by courts are to be applauded. Of less interest is the proposal to reduce the sentence discount for a guilty plea to no more than 10 per cent of the sentence that would otherwise have been imposed. This proposal is consistent with the Opposition and Government philosophy that tougher sentences are the answer to the problem of crime. Hugh McKay had something to say about that in the *Sydney Morning Herald* on 14 September 2002. He said:

The facile assumption here is that the tougher the sentence, the more likely it is to act as a deterrent, but beyond a certain point, that is a highly dubious proposition, still unresolved by endless debate and investigation all around the world. If the thought of 15 years in prison wouldn't prevent you raping or killing someone, would 30 years stop you in your tracks? What criminal ever imagines he or she will be caught? Which crime of passion might be averted by the sudden thought of prison?

Most prisoners return to the community, even those who receive long sentences. Therefore it is imperative that every effort is made to rehabilitate prisoners. One obvious way is education. Some 5,000 prisoners in New South Wales are engaged in full-time paid work in prison industries. By way of comparison, the number of inmates across the State being paid to undertake full-time education is just 75. Honourable members seeking more information about educating prisoners might be interested in a question on notice I lodged today with the Minister for Corrective Services.

BALI DEPUTY GOVERNOR SYDNEY VISIT

The Hon. HENRY TSANG (Parliamentary Secretary) [10.16 p.m.]: Tomorrow the Deputy Governor of Bali, the Hon. Alit Putra, together with his Director-General of Tourism, Mr Titina, will attend a memorial service at St Stephen's Church in Macquarie Street from 1.00 p.m. to 1.50 p.m. What happened on 12 October was a shock to all of us. Some 40 people from New South Wales were the victims of a terrible terrorist attack by Islamic totalitarian terrorists. I extend my sorrow and sympathy to the families of the victims. The people of Bali feel sorry for what happened. The Balinese are peace loving people, and they value our relationship with Indonesia. The Governor of Bali has seen various Australian heads of State visit Bali, and he has expressed interest in coming to Sydney to pay his respects to the families of the victims in Australia.

I am pleased to inform the House that the President of the Australia Indonesia Business Council, Mr Eric de Haas, invited the Governor of Bali to visit Australia. The Deputy Governor of Bali will be attending this House at about 12.30 p.m. tomorrow. I ask the President to welcome him to the President's Gallery; and perhaps he could express his sorrow and sympathy to the Australian victims. He has asked me to invite members to attend the service at lunchtime tomorrow. He is in Australia for this sole purpose; his visit has nothing to do with matters relating to tourism. He is extremely upset, like all of us, and he wishes to express his sympathy to the families of the victims of the tragic events of 12 October.

Mr Eric de Haas wants me to remind the House that Indonesia is our closest neighbour. It is important to note that this great tragedy was perpetrated not by all Indonesians but by only a small group of Islamic totalitarian terrorists. Therefore, we should maintain our cool and we should continue to have a great relationship with our neighbour. Trade is important, and our closest neighbour will have a great impact on stability in this region. In visiting Australia the Deputy Governor of Bali is simply returning visits by the heads of State from Australia, and we should make him welcome. I hope that the President will welcome him in this Chamber. Many Balinese and Indonesians were killed on 12 October, as were people of other nationalities who were in Bali on holiday.

I have received messages from friends overseas who have been shocked by this incident and the number of Australians killed. They feel that the attack was a direct challenge to Australia's law and order. Therefore I take this opportunity to stress that Australia always wants to have good relations with Indonesia. The Balinese continue to be friendly to Australians. The Deputy Governor of Bali will be in Australia to share his sympathy with the people of New South Wales. I invite honourable members who have time to attend the memorial service at St Stephen's in Macquarie Street at 1.00 p.m. tomorrow.

ROOTY HILL MOSQUE INTERDENOMINATIONAL SERVICE

The Hon. JAMES SAMIOS [10.21 p.m.]: In response to an invitation from the Blacktown City Community Services Network, in partnership with Australian Forum and the Islamic Association Western Suburbs Sydney, I attended a service at the Rooty Hill mosque on Friday last. I also took part in a tour of the mosque and school. Present on the occasion were a number of our State political colleagues, including the Hon. Ian Cohen, and Dr Akbar Khan and Dr Mohsen Labban of the Australian Forum, as well as the Imam of the

mosque. The service was conducted in response to a call for unity in the community after an attack on the Rooty Hill mosque which saw a group of up to 20 people smash a window and beat on the walls of the residence of the mosque for approximately 20 minutes during the late evening. With regard to that attack the Blacktown City Community Services Network press commented:

This frightening attack has caused immense distress to the Imam family and particularly to his small children who were home at that time. As a result of the attack they have moved temporarily to another residence.

The show of solidarity from the parliamentary wing and from the community was impressive. A number of statements were made by the parliamentarians present and by leaders of the Islamic community. A press release issued by Dr Khan, the President of the Islamic Association Western Suburbs Sydney and Chairman of the Islamic College, Rooty Hill, states:

Islamic Association Western Suburbs Sydney, Supreme Islamic Council and Islamic Forum joins in the whole community, represented by all the major political parties, civic and religious groups, in the reaffirmation of the values that we have in this multicultural, multi-religious society; and rejoice in the diversity of our culture. Muslims have and will continue to contribute to the rich tapestry of this great nation.

The attack on the Rooty Hill Mosque, Islamic College and on the Imam and his family, whilst disappointing, does not in any way challenge the wonderful cultural harmony that does exist in our community.

The terrible events that happened at Bali, this attack on the innocent, whoever is responsible can not be tolerated by Muslims or by Islam in any country of the World.

Australian Muslims are real Australians, and despite the misunderstanding of Islam and Muslims in the local community they are not responsible for the actions of anyone else around the world. Similarly Australian Christians are not responsible for the actions of Christians in Northern Ireland.

In the Spirit of harmony, Islamic Association Western Suburbs Sydney would like to thank Blacktown City Community Services Network, Supreme Islamic Council, Islamic Forum of NSW and the concerns raised by all in the community including the Sisters from the Sisters of the Holy Family at Emerton and the local Sikh and Hindu Community whosoever is present. I apologise if I do not remember their individual names.

In the end I would like to thank the media for the help being here and the support given by all the MPs and Shadow Ministers and all other Politicians who have given us their full support.

That was signed by Dr Khan. Certainly, the community response during this time of tension in our multicultural society—the unity of approach—is terribly important and is a *modus operandi* for reaching out to the children of the school, those who attend the mosque and the community in general and adds to our sense of cohesion. [*Time expired.*]

PAN-ISLAMIC STATE

Reverend the Hon. FRED NILE [10.26 p.m.]: I make reference to the *Four Corners* program that was presented on the ABC television last night dealing with the Islamic terrorist network. In that program there was public admission of a pan-Islamic state, which I have been referring to since February this year. It has been promoted and supported by a number of people, including Abu Bakar Bashir, the Imam who only yesterday was transferred from a hospital to Jakarta for questioning about terrorist attacks, but not specifically the Bali bombings. The group that he heads, which is linked with many other organisations, the Jemaah Islamiah, has a dream of establishing a pan-Islamic state incorporating Indonesia, Malaysia, Singapore and Brunei, as well as parts of southern Thailand, Cambodia and the southern Philippines. Mention was made of this matter in the *Sydney Morning Herald* on Friday 25 October. I wrote to the newspaper stating that I was puzzled that, in spite of all the evidence, it failed to indicate that the pan-Islamic state included northern Australia. If the state were created today—obviously I trust it never will be—it would have a population of more than 268 million, a gross domestic product in excess of \$1.1 trillion, exports of more than \$330 billion and more than 4 per cent of the world's oil output.

The Australian Government has acknowledged that the Imam who leads this organisation has visited Australia on three occasions in recent times, having been invited by a branch—somewhere in Sydney—of the JI Foundation, Australia. Now that the JI Foundation Australia has been declared a terrorist organisation, I am sure that ASIO will be thorough in its investigations. The authorities are now trying to find out whom the imam met with and spoke to when, they say, he was not under surveillance. Every Australian would be concerned that an organisation plans to claim part of our land.

We saw the tragedy that occurred in Bali. The Prime Minister said that we now have extremist Islamic terrorism on our doorstep. I do not accept his comment. Despite a lack of media coverage, this terrorism has

been on our doorstep for years. In the Christian regions of Indonesia there have been bloody massacres and a type of religious cleansing practised whereby people have been forced out of their Christian villages almost into the sea. At one stage nearly 60,000 Indonesian Christians were forced from their villages into an enclave. Often the Indonesian soldiers who are called to protect people from such attacks stand by until the attacks cease and then they move in. Very seldom do they prevent the attacks. Although we are more concerned when Australians are savagely murdered, as happened in Bali, we should be equally concerned about similar attacks on other races or cultures, including Indonesian citizens. As to the basis for or origin of these attacks, there are many statements in the Koran that command Muslims to commit violence.

The Hon. Jan Burnswoods: What about the Bible?

Reverend the Hon. FRED NILE: There is no command in the Bible for Christians to be violent.

The Hon. Jan Burnswoods: An eye for an eye and a tooth for a tooth?

Reverend the Hon. FRED NILE: Jesus Christ replaced that for Christians— [*Time expired.*]

BREAST CANCER AWARENESS DAY

The Hon. JAN BURNSWOODS [10.31 p.m.]: Yesterday, 28 October, was Australia's Breast Cancer Awareness Day. Ten thousand women are diagnosed with breast cancer annually, 2,500 die every year. One woman in 11 will be affected. It is the leading cause of cancer deaths among Australian women. A common theme during Breast Cancer Awareness Day was the thanks breast cancer patients gave for the care and support given by health care professionals and their friends and family. Thankfully, breast cancer deaths have steadily fallen over the last 10 years. It must be constantly stressed that it is a life-threatening and widespread condition because the message of vigilance is at risk of becoming repetitive. Sorrel Wilby, on behalf of the Cancer Council, said:

Whether it's a grandmother, mother, sister or partner, we have all been touched.

I urge women to regularly undergo the free mammograms offered by BreastScreen Australia. It is thought that the number of deaths from breast cancer could be further reduced by 30 per cent if all women aged 50 to 70 had a mammogram every two years. The free breast screening has contributed to the 22 per cent fall in the mortality rate from breast cancer since 1989. I am pleased that in March the New South Wales Government opened a Greater Western Breast Screening Service, serving particularly Western Sydney and Campbelltown. Pru Goward, the Federal sex discrimination commissioner, has recently suggested that the Federal Government's rejection of paid maternity leave could result in increased breast cancer because of the relationship between breast cancer and the absence or truncation of breast feeding.

Motion agreed to.

The House adjourned at 10.33 p.m.
