



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**AUSTRALIA NEW ZEALAND  
FOOD AUTHORITY  
AMENDMENT BILL 1999 [NO. 2]**

**In Committee**

**SPEECH**

**Tuesday, 7 December 1999**

BY AUTHORITY OF THE SENATE

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## SPEECH

<b>Date</b> Tuesday, 7 December 1999	<b>Source</b> Senate
<b>Page</b> 11333	<b>Proof</b> No
<b>Questioner</b>	<b>Responder</b>
<b>Speaker</b> Stott Despoja, Sen Natasha	<b>Question No.</b>

**Senator STOTT DESPOJA** (SA) (5.45 pm)—I will be moving a series of amendments to the Australia New Zealand Food Authority Amendment Bill [No. 2] 1999 on behalf of the Australian Democrats. I take on board the suggestion that Senator Brown made in his contribution—that the precautionary principle was a principle to which the authority should subscribe. The idea of an amendment to the Democrats amendment No. 3 is acceptable. I will be moving that in due course. I move Democrat amendment No. 1:

(1) Schedule 1, item 3, page 3 (line 29), at the end of the definition of *code of practice*, add "However, a code of practice is not a standard."

This amendment relates to the voluntary code of practice. This amendment seeks to clarify that codes of practice are not considered in the same light as food standards. In my comments in the second reading debate I made quite clear that the Democrats do not consider codes of practice a substitute for food standards. This amendment that I am proposing is to ensure that the differentiation between statutory food standards and industry developed codes of practice—COPs—is stated in the bill. Codes of practice and food standards should not be clustered together under the one generic term of 'food regulatory measures' without at least some clarification.

The ANZFA amendment bill enables the ANZFA to formally manage COPs in a manner akin to that of applications and proposals to ANZFA for the variation and creation of new food standards. However, the ANZFA's management is not reviewable through the traditional mechanism of a food regulatory system. The major difference between food standards and voluntary codes of practice is that the ANZFA will have the final approval powers for any new code of practice. The Australia New Zealand health ministers—that is, the Australia New Zealand Food Standards Council—are not required under the bill to approve the bill and cannot veto it. As codes of practice avoid public input provisions, such as meetings of the Australian health ministers, and are voluntary, the Democrats maintain that we should do something about the chasm of difference between the two measures. The Australian Democrats maintain that voluntary codes of practice are not an adequate protection of public health. This amendment seeks to fix that.