

THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY

GOVERNMENT AMENDMENT TO THE
FOOD (NUTRITIONAL INFORMATION) AMENDMENT BILL 2011

EXPLANATORY STATEMENT

Circulated by the authority of
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EXPLANATORY STATEMENT

OUTLINE

The explanatory statement to the *Food (Nutritional Information) Amendment Bill 2011* (the Bill) states that the intention of the Bill is to create a requirement for defined food retailers in the ACT to disclose the energy content (expressed in kilojoules) of the food items they sell. This initiative is one means of combating obesity within the community and assisting people to understand the implications of their purchasing decisions.

The explanatory statement further explains that the scheme applies primarily to 'fast food' chains; though its application extends to other food business as well. The key objective of this Bill is to provide clear, simple and unambiguous information to consumers across the ACT about the food they purchase.

The explanatory statement for the review provision contained in the Bill states:

This section creates a requirement for the Minister to review the operation of the scheme after its first 12 months of operation. The Bill only creates a requirement to display the energy content of food. This is the first step in encouraging awareness of healthy eating. There is much evidence to suggest that the salt, fat and sugar content of food is also very important both in raising awareness and preventing serious illnesses. This is why the Bill provides for the specific consideration of these issues.

This statement does not accurately reflect how onerous the review requirement would be for the Territory. To reliably assess the value in requiring other nutritional information to be displayed, a review would be lengthy, expensive, and would need data taken from a population sample beyond what is possible from a jurisdiction the size of the ACT.

DETAILS

A detailed explanation of each amendment follows.

AMENDMENT 1

This amendment will omit the existing review provision in the Bill and substitute a review provision that is less onerous and expensive, yet more functional and relevant.

The review provision proposed in the amendment would require a review of legislation after three years of operation. This gives adequate time for industry, the community and the regulator to have become familiar with the operation of the legislative requirements. After three years of operation most of the strengths and weaknesses of the scheme should be known. The review provision, as set out in this amendment, would also require a Report of the review to be presented to the Legislative Assembly within a year of the review commencing.

The review provision would have the ACT to perform its own review and assessment of the merits of broadening nutritional information on point of sale displays to include other content. This sort of analysis will be complex, time consuming and expensive. Given the Territory's small population size it also means that any data collected locally would be of limited value as the sample size could be too easily skewed.

Such an analysis would be better conducted by the Commonwealth or a larger State. Accordingly, the review provision contained in this amendment would require the Minister to present to the Legislative Assembly any review or study addressing the inclusion of other nutritional information. This would be tabled in the Legislative Assembly together with the operational review of the ACT legislation. This ensures information and data that might justify the expansion of the scheme is made available to the Legislative Assembly, without the need for the Territory to incur the expense of trying to produce such information and data for itself.

Five years after commencement the review will have been conducted and a report on the review tabled in the Legislative Assembly. Therefore, there is no need for the section to remain in the legislation after 5 years. For that reason, subsection 4 of the review provision contained in the amendment makes the section expire 5 years after the day the section commenced.