

## **JUST ANOTHER STATE OF AUSTRALIA?**

### **A look at the Government's plans to reform the laws affecting dietary supplements**

New Zealand - the small, proud, independent nation. Not afraid to make our own decisions, stand on our own against the world, right? Actually, no – at least it appears not as far as the current Government is concerned.

With little, if any, public awareness, and even less debate, the Helen Clark-led Government has been quietly moving to give away our rights as a sovereign nation to make our own independent decisions in some areas

“Surely not”, you might say – “they can't do that”. Well they have, and they are continuing to do so.

Already the power to make decisions and rules about food safety has been handed to an Australian-controlled body. Now, Health Minister Annette King is doing it again with pharmaceutical drugs, medical equipment and even dietary supplements.

FSANZ (Food Standards Australia New Zealand) is the body that regulates what goes into New Zealander's food - but our name in the title is pretty much as far as our involvement goes. FSANZ can be commandeered by the Australian Federal Health Minister, while New Zealand's input into this process is limited to 'consultation'.

Not satisfied with handing over our ability to regulate our own food standards, the Ministry of Health have now also committed us to joining a modified version of Australia's Therapeutic Goods Agency (TGA).

The TGA is a lumbering bureaucracy that is widely disliked in Australia for its enormous compliance costs without, many feel, any noticeable increase in public safety. The TGA, under a new name, is being lined up to take control of regulating New Zealand's medicines and medical devices.

But what is really worrying is that Medsafe, which is a business unit of the Ministry of Health, has announced that the same regime will be forced on our vitamins, minerals and other natural health products, commonly known as dietary supplements. The proposal is to move dietary supplements from their current classification as foods, reclassify them as drugs and subject them to the Canberra based bureaucracy.

This will mean that the large range of locally-made health supplements currently available, might not be around next year or the year after, and consumers will have less choice. For the products that remain available, there are predicted to be substantial price increases.

In a recent press release Green Party Health spokesperson, MP Sue Kedgley commenting on the existing Australian control of FSANZ, said;

“It is absurd that the body that makes decisions on the safety of New Zealand food is so dominated by Australia that FSANZ *'must comply'* with directions

from an Australian Minister, when there is no similar provision for the New Zealand Health Minister. The only restraint the FSANZ Act places on the Australian Minister is that they 'must consult ... before he or she gives a direction.

“Consultation has become a byword for governments making decisions and then telling those affected what has been decided. How can we be sure that when the Australian government issues directives they are in the interests of New Zealand? The answer is that we cannot.”

When the New Zealand Government agreed to the Food Safety changes, where was the public debate about effectively handing the power to make decisions for New Zealanders to Australia?

What exactly, one wonders, is it about New Zealand that makes the Government think that we cannot or should not be making these decisions by ourselves? And who told them that New Zealand would rather have Australia making decisions for both countries? And why are we now doing it again?

Closer economic relations (CER) may be a desirable goal but does achieving it mean that we just step back and let Australia make the rules from here on in? It doesn't sound quite right, does it?

For dietary supplements though, not only is there the philosophical issue of the giving away of our sovereign rights, but the very practical issue of what this will do to the large and thriving dietary supplements industry in New Zealand. Economic impact reports tabled at recent Select Committee hearings show that to force New Zealand businesses to now have to comply with the TGA regulations will mean the demise of many NZ businesses and the loss of many local jobs while benefiting large Australian businesses.

The dietary supplement industry is growing worldwide at a phenomenal rate as people increasingly come to understand the role that vitamins, minerals, herbs and so on have on our health and well being. Rather than turning immediately to pharmaceutical solutions, more and more people are looking for natural alternatives. They are realising that by replacing what may be missing in their diet with appropriate supplements, good health is promoted and that the taking of certain supplements can assist in the management of some existing conditions.

What appears to be confusing the officials though is that just because supplements are helping in many instances to keep us healthy, that does not make them drugs. They are what the name suggests - supplements to our diet.

While the instances of adverse reactions and deaths from pharmaceutical treatment has risen to be called the leading cause of death in countries such as the US, dietary supplements are argued to carry no more risk than foods, and, many say, carry even less risk than foods.

If dietary supplements are called drugs and made to comply with drug designed regulations then many products will cease to be available as smaller businesses

disappear, the products that remain will become more and more expensive and innovation will be stifled.

So, if the ingredients of dietary supplements don't make them drugs, their risks don't make them drugs and calling them drugs will be to the detriment of consumers, you have to question the Governments plans to do just that.

It is probably correct to say though that dietary supplements do not fit properly into their current categorisation as foods either. It is argued that what is in fact required is for the Government to recognise, as has happened in other countries, that dietary supplements are in fact a separate third category. As neither pharmaceutical medicines or foods, dietary supplements should be covered by their own specialised category and regulatory body.

The Minister of Health has however announced, that she will be signing a treaty with Australia this month which will require us to class dietary supplements as a sub-set of drugs and hand the control of them to the new Trans-Tasman medicines regulator. Worse still this announcement has come before the Parliamentary Health Select Committee has released its report into this very proposal.

The Minister has suggested last minute window dressing changes to the proposal but hasn't given any details. Any such changes though will not affect the basic nature of the regulator as Australian, nor the fact that the decision has been made without reference to the strong tide of opinion against the proposal in any form as detailed through the Select Committee process.

In proceeding to commit NZ before hearing from Select Committee, the Government has shown firstly its complete lack of regard for public opinion and its own parliamentary processes, and secondly that it is determined to proceed in this way despite all the evidence pointing to this being a detrimental move for New Zealand's dietary supplements industry and consumers.

Strong opposition to the proposal from the dietary supplements industry in New Zealand brought about the special Health Select Committee Inquiry into the proposal and, at the time of writing, that report is expected any day.

At the hearings of that inquiry, industry representatives described the impact this would have on New Zealand businesses and showed how the proposal would instead benefit Australia, at our expense. Little wonder then that the Australians are so keen for New Zealand to adopt it in the name of CER.

High level evidence from constitution experts was also presented questioning the wisdom of such an abdication of New Zealand's powers to Australia.

It needs to be remembered that New Zealand has in the past done very well at bringing about closer economic relations with Australia without giving up our own sovereignty in this way. We even have a Trans Tasman Mutual Recognition Act of 1986 which provides a framework for each country to regulate its own industries and then for both countries to allow the free trade in products or services which comply with the regulations of their home country.

In this way we are encouraged to respect the decisions made by our neighbours, with neither country trying to impose their viewpoint on the other. The present moves suggest that it will be for Australian officials to decide what is okay and what isn't for both countries.

So industry opposition about this particular issue aside, and whether you care about the price and availability of dietary supplements or not, a question must surely be asked as to how the Government feels it has the right to give away New Zealand's power to make its own decisions in these areas.

It makes sense, they argue, it's cheaper for one body to control both countries than to duplicate those costs. On that logic though, why have two rugby teams when one would save so much money, two police forces or indeed two Governments at all?

In the end we have to ask where it will end? Will we one day find ourselves a state of Australia before we even noticed it was happening?

There is a strong tide of objection to the current proposals from people who believe that New Zealand is quite capable of making its own decisions and from people who want to see the NZ dietary supplements industry fostered, not crippled.

The Health Select Committee and the Ministry of Health have been presented with evidence showing that New Zealand could and should regulate its own dietary supplements under a sensible system based on the low risk of these products. This evidence also showed that such regulation could be achieved without imposing the skyrocketing costs Australian businesses have been enduring for the past 10 years under the TGA.

But now we know that the Government is pressing on with handling its decision making powers for dietary supplements over to Canberra. Without waiting even to hear from Select Committee on this very issue. If that doesn't sound like the New Zealand you want then you need to write to the Minister of Health and your MP, care of Parliament Buildings, Wellington, NOW – and demand that New Zealand retains full control of the regulation of dietary supplements. You can also phone the Minister's office on (04) 470 6554 or fax (04) 495 8445.

For more information contact the New Zealand Health Trust, P O Box 34 057, Christchurch. Or email: [nzhealthtrust@ihug.co.nz](mailto:nzhealthtrust@ihug.co.nz).

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 TO: The Minister of Health  
 Parliament Buildings  
 WELLINGTON  
 No stamp required

I do not support an Australian bureaucracy in any form controlling New Zealand Dietary Supplements.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_