

Introduction

Have you read the Impact Analysis?

Yes

Demographics

What is your full name?

Full name:
Daniel Osborne

Are you answering on behalf of an organisation?

Yes

What is the name of your organisation?

Organisation name::
City of Casey

Which sector do you represent?

Government

Other: :

What country are you responding from?

Australia

Other: :

If we require further information in relation to this submission, can we contact you?

Yes

What is your email address?

Email address::
[REDACTED]

Section 3 - The problems to solve

Section 3 - The problems to solve (Methodology)

What are the issues with the current methodology? How should it be improved? Please provide justification.

Free text box, no character limit:

No Issues

Are there other methodologies or evidence that the Impact Analysis should consider?

Free text box, no character limit:

No

Section 3 - The problems to solve (Ratings)

Are the ratings assigned to each of the sub-problems and ultimately the problem appropriate?

Yes

Which rating(s) do you believe is inappropriately rated? What would be a fair rating for the problem? Please provide justification. (Free text)

Free text box, no character limit:

N/A

Section 5 - Options for reform

Component 2.1

Component 2.1.1

Would amending Section 3 and 18 of the Act to include a definition of public health and safety reduce confusion about how FSANZ considers short and long-term risks to health when developing food standards?

Yes

Additional comments (optional):

Amending Section 3 and 18 of the Act to include a definition of public health and safety has the potential to reduce confusion about how FSANZ considers short and long-term risks to health when developing food standards. Careful consideration will be required in terms of the wording utilised. For example, the definition adopted by the FMM 'Public health and safety in relation to food refers to all those aspects of food consumption that could adversely affect the general population or a particular community's health either in the short term or long term, including preventable diet-related disease, illness and disability as well as acute food safety concerns' is still very broad and does not allow for the role that the consumer behaviour plays when it comes to health impacts and food consumption.

The role of FSANZ should be to regulate those aspects that relate to the creation of food up to the point of purchase by the consumer. What happens thereafter once the food is in the consumers' hands then becomes a matter for other Government bodies, not FSANZ.

Taking chocolate as an example - the role of a food regulator should be to regulate product manufacturers and importers of raw ingredients such that the chocolate available for purchase by the public is safe from the perspective of chemical, physical and microbiological composition as well as being clearly labelled as to ingredients, nutritional values, allergen information etc. It is not the place of food safety regulation legislation to try to make chocolate 'healthier' through mandating things such as sugar content. Firstly, chocolate is chocolate - it is a treat type of food and from a health perspective, should be enjoyed in moderation. Secondly, where manufacturers reduce sugar content, they tend to replace it with something else due to the impacts on taste, product texture etc e.g. artificial sweeteners, which can have health implications of their own. If a consumer is presented with factual information on the label as to the nutritional content of a food and chooses to overindulge, this is their choice. Attempts to change consumer behaviour can be influenced in other ways, through other legislative mechanisms e.g. restrictions on display and advertising of products.

Do you anticipate that this clarification could materially impact the way that FSANZ approaches applications and proposals and the factors to which they give regard?

Prefer not to respond / I don't know

Additional comments (optional):

Unknown - question best answered by FSANZ

What would be the impact of clarifying the definition of 'protection of public health and safety' within the Act?

Positive

Additional comments (optional):

If done correctly, in theory, it should have a positive impact as it would aid in increasing clarity.

Component 2.1.2

Would revising the way FSANZ communicates its consideration of Ministerial Policy Guidance in developing food regulatory measures support greater transparency in the development of food regulatory measures?

Yes

How could the consideration of Ministerial Policy Guidance in the development of food regulatory measures be effectively communicated?

Free text box, no character limit:

The consideration of Ministerial Policy Guidance in the development of food regulatory measures could be effectively communicated by providing a summary of what the guidance is, followed by information as to how the guidance has led to the development of a food regulatory measure as part of the documentation sent out as part of a consultation process. It could either be contained in a FAQ type document or form part of the background information provided in a consultation document.

Component 2.1.3

Would new provisions and/or language changes in the Act better support FSANZ to recognise Indigenous culture and expertise?

No

Free text box, no character limit:

New provisions and/or language changes in the Act may better support FSANZ to recognise Indigenous groups.

It may also be worth considering that from the point of inclusiveness, the review of the FSANZ Act provides an opportunity to also include reference to the multicultural nature of our society and the varied cultural influences that intersect and have the potential to impact food safety.

What provisions or language changes could be included in the Act to promote recognition of Indigenous culture and expertise?

No

Free text box, no character limit:

Whilst inclusion of provisions or language changes to the Act may provide an impetus to promote recognition of Indigenous culture, at the end of the day, they are just words in a piece of legislation. Concrete actions such as those described on page 27 of the Impact Analysis (e.g. the last 3 bullet points set out in column 1 of the table) are what is needed if tangible change is to occur.

Component 2.1

Are there other initiatives that should be considered in Component 2.1?

No

Free text box, no character limit:

Component 2.2

Component 2.2.1

Would the introduction of a risk-based framework support FSANZ to be flexible and proportionate in handling of changes to the Food Standards Code?

Yes

Free text box, no character limit:

The introduction of a risk based framework should support FSANZ to be flexible and proportionate in handling of changes to the Food Standards Code.

What criterion and/or evidence should be used to form the basis of a risk framework?

Free text box, no character limit:

It is likely that models already exist in other jurisdictions/internationally that could be adopted.

What would be the impact of introducing a risk-based framework to guide development of food regulatory measures for you?

Neutral

Free text box, no character limit:

Development of risk based food regulatory measures wouldn't be likely to have much, if any impact, as food regulation is already based on a risk based model in Victoria.

Component 2.2.2

Would enabling FSANZ to accept risk assessments from international jurisdictions support FSANZ to exercise risk-based and proportionate handling of applications and proposals? How so?

Yes

Free text box, no character limit:

Enabling FSANZ to accept risk assessments from international jurisdictions would support FSANZ to exercise risk-based and proportionate handling of applications and proposals by streamlining matters (there would be no need to repeat work already undertaken by another, reputable international

jurisdiction e.g. the EU).

Would enabling (but not compelling) FSANZ to automatically recognise appropriate international standards support more risk-based and proportionate handling of applications and proposals and improve efficiency and effectiveness? How so?

Yes

Free text box, no character limit:

Would introducing a minimal check pathway for very low risk products help FSANZ exercise risk-based and proportionate handling of applications and proposals and improve efficiency and effectiveness?

Yes

Free text box, no character limit:

Introducing a minimal check pathway for very low risk products would likely help FSANZ to improve their efficiency.

Would introducing principles in legislation to allow FSANZ to create other pathways to amend food standards help FSANZ exercise risk-based and proportionate handling of applications and proposals?

Prefer not to respond / I don't know

Free text box, no character limit:

What would be the impact of introducing new pathways to amend food standards for you?

Neutral

Free text box, no character limit:

Are there other opportunities relating to new pathways to amend food standards that should be considered?

Prefer not to respond / I don't know

Free text box, no character limit:

Component 2.2.3

Would increasing opportunities for decision making arrangements to be delegated support FSANZ to be more flexible and efficient? How so?

Prefer not to respond / I don't know

Free text box, no character limit:

What factors should be considered when determining the level of risk for decision-making arrangements?

Free text box, no character limit:

What would be the impact of streamlining decision-making arrangements for you?

Neutral

Free text box, no character limit:

What expertise should be considered when determining the delegation of decisions to an alternative person?

Free text box, no character limit:

The role/s the power of decision making is delegated to should be one that requires a background in food safety as a prerequisite of appointment.

Component 2.2.4

Would a one-off investment of time and resources to develop and publish a list of traditional foods or ingredients that have undergone nutritional and compositional assessments facilitate entry of traditional foods to market?

Yes

Free text box, no character limit:

An investment of time and resources to develop and publish a list of traditional foods or ingredients that have undergone nutritional and compositional assessments would likely facilitate entry of traditional foods to market. It would likely save applicants time and money having to undertake this work themselves.

Would the development of further guidance materials on how traditional foods can be assessed for safety facilitate entry of traditional foods to market? How so?

Yes

Free text box, no character limit:

Guidance material is always useful.

Component 2.2.5

Would resourcing FSANZ to undertake more timely, holistic and regular reviews of standards allow FSANZ to be more strategic and consistent in changes to food standards?

Prefer not to respond / I don't know

Free text box, no character limit:

Are there other initiatives that should be considered to drive more holistic consideration of food standards?

Prefer not to respond / I don't know

Free text box, no character limit:

Component 2.2.6

Would the use of Codes of Practice and guidelines better support the implementation of the Food Standards Code and help to address issues that do not warrant the time and resources required to develop or vary a standard?

No

Free text box, no character limit:

Given that time and resources are also required to develop and maintain Codes of Practice and guidelines, whether any significant time savings would eventuate is unclear.

Can you provide an example of an issue that would have been/be better solved by a Code of Practice or guideline?

Free text box, no character limit:

How could the decision pathway for the development of a Code of Practice or guideline be incorporated into the risk framework outlined in Component 2.2.1?

Free text box, no character limit:

What would be the expected impact if Codes of Practice and guidelines were developed for industry, by industry?

Negative

Free text box, no character limit:

Component 2.2

Are there other initiatives that should be considered in Component 2.2?

Prefer not to respond / I don't know

Free text box, no character limit:

Component 2.3

Component 2.3.1

Would amending the compositional requirements of the FSANZ Board increase flexibility and reflect contemporary governance processes?

Prefer not to respond / I don't know

Free text box, no character limit:

Would amending the nomination process for the FSANZ Board to be an open market process increase efficiency and support a better board skill mix?

Prefer not to respond / I don't know

Free text box, no character limit:

Component 2.3.2

What would be the expected impact of removing the option for applications to be expedited?

Neutral

Free text box, no character limit:

This would very much depend on which party is being considered. For example, it is likely that removing the option for expedited applications would assist with FSANZ workload prioritisation. On the other hand, expedited applications maybe of value to an applicant.

Component 2.3.3

What would be the expected impact of the implementation of an industry-wide levy?

Neutral

Free text box, no character limit:

Again, it would depend on which party is being considered. For industry, the impact could be neutral as any increase in costs would likely be passed onto the consumer of the product.

How could eligibility criteria for a levy be set so that it is fair, consistent and feasible to administer?

Free text box, no character limit:

What do you think could be an acceptable range for a levy rate? Please provide your response in Australian Dollars.

Free text box, no character limit:

What would be the expected impact of compulsory fees for all applications?

Prefer not to respond / I don't know

Free text box, no character limit:

Are there specific entrepreneurial activities that FSANZ should be considering charging for to build up a more sustainable funding base?

Prefer not to respond / I don't know

Free text box, no character limit:

Component 2.3.4

Would imposing a food recall coordination levy imposition contribute to a more sustainable funding base and support FSANZ to rebalance its workload priorities by addressing resourcing pressures? How so?

Prefer not to respond / I don't know

Free text box, no character limit:

How could eligibility criteria for a levy be set so that it is fair, consistent and feasible to administer?

Free text box, no character limit:

Would charging jurisdictions to add additional proposal or project work to FSANZ's workplan meaningfully support FSANZ to rebalance its workload priorities by addressing resourcing pressures? How so?

Prefer not to respond / I don't know

Free text box, no character limit:

What would be the expected impact of imposing a food recall coordination levy on jurisdictions?

Prefer not to respond / I don't know

Free text box, no character limit:

This would best be addressed at a jurisdictional level.

How would this need to be implemented to be successful?

Free text box, no character limit:

Would it be better to charge a levy per recall, or an annual levy?

Annual Levy

Free text box, no character limit:

Don't know, but from an administrative perspective, charging an annual levy would likely be simpler to manage.

What would be the expected impact of charging jurisdictions a fee to add additional proposal work to FSANZ's workplan?

Prefer not to respond / I don't know

Free text box, no character limit:

How would this need to be implemented to be successful?

Free text box, no character limit:

Component 2.3

Are there other initiatives that should be considered in Component 2.3?

Prefer not to respond / I don't know

Free text box, no character limit:

Component 2.4

Component 2.4.1

Would establishing mechanisms to enable FSANZ and FMM to undertake periodic joint agenda setting lead to a shared vision of system priorities?

Yes

How would this need to be implemented to be successful?

Free text box, no character limit:

What factors should be considered as part of the joint prioritisation matrix?

Free text box, no character limit:

In what ways could FSANZ and FMM work together in a more coordinated way?

Free text box, no character limit:

Component 2.4.2

Would more routine engagement between FSANZ and the FRSC reduce duplication of effort and missed opportunities to manage risk? How so?

Prefer not to respond / I don't know

Free text box, no character limit:

What approaches could be used to improve collaboration between FSANZ, the FRSC, and the FMM?

Free text box, no character limit:

Component 2.4.3

Would FSANZ assuming a role as a database custodian for Australia meaningfully improve intelligence sharing across the regulatory system? How so?

Yes

Free text box, no character limit:

It may. It depends on what the underlying factors that currently impact on intelligence sharing across the regulatory system are.

What types of data would be most useful for FSANZ to curate?

Free text box, no character limit:

Data relating to food safety matters that are held by other regulatory agencies such as rates of food-borne illness, rate of non-compliance with food safety standards by business etc as well as information on research that is undertaken in relation to food safety. For example, in Victoria, regional and statewide surveys are undertaken by the Department of Health on a periodic basis on specific food safety topics of interest.

Component 2.4.4

Would establishing information sharing arrangements with international partners reduce duplication of effort and missed opportunities to manage risk?

Yes

Free text box, no character limit:

What should be the focus of such information sharing arrangements?

Free text box, no character limit:

Component 2.4.5

Would introducing Statements of Intent into food standards meaningfully improve consistent interpretation and enforcement of food standards? How so?

Yes

Free text box, no character limit:

Introducing Statements of Intent into food standards would likely assist in improving consistent interpretation of food standards as it would provide insight and clarity into what the outcome is that a standard is trying to achieve. This in turn should facilitate a more consistent interpretation of the standard. As to whether this leads to greater consistency as to how a standard is enforced is another matter as other factors come into play when it comes to enforcement activities undertaken by regulatory agencies e.g. organisational culture.

What should a Statement of Intent include to benefit industry and enforcement agencies to understand and consistently apply food standards?

Free text box, no character limit:

A Statement of Intent should address the question as to the purpose of a particular provision i.e. what is it trying to achieve and the evidence used by the creators to derive a provision.

Component 2.4.6

Would FSANZ being resourced to develop, update and maintain industry guidelines improve consistent interpretation and enforcement of food standards? How so?

Yes

Free text box, no character limit:

FSANZ being resourced to develop, update and maintain industry guidelines would likely improve consistent interpretation of food standards and also improve compliance levels. This in turn could impact on enforcement through a potential reduction in the need to enforce by regulators. Industry guidelines are not likely to directly contribute to increased consistent enforcement approaches by regulators. Enforcement guidelines would be needed to facilitate that.

Would amending the Act to allow FSANZ to develop guidelines in consultation with First Nations or Māori peoples support cultural considerations being taken into account in the food standards process?

No

Free text box, no character limit:

If the Act were to be amended to allow FSANZ to develop guidelines in consultation with First Nations or Maori peoples, it may support the cultural considerations of these two groups being taken into account in the food standards process.

Given that the food standards are a national document, review of the FSANZ Act affords an additional opportunity to acknowledge the cultural diversity of our society and have this reflected in the Act. This would enable an inclusive based approach in terms of engagement regarding cultural considerations that would be reflective of the Australian food landscape.

Component 2.4.7

Would FSANZ collaborating with jurisdictional enforcement agencies improve inconsistent interpretation and enforcement of food standards?

Yes

Free text box, no character limit:

Component 2.4

Are there other initiatives that should be considered in Component 2.4?

Prefer not to respond / I don't know

Free text box, no character limit:

Section 6 - Net Benefit

Section 6 - Net Benefit (Option 1)

Are there other costs and benefits that have not yet been qualified or quantified?

Prefer not to respond / I don't know

Free text box, no character limit:

What are the growth expectations of the First Nations and Māori food sector?

Free text box, no character limit:

What are the current delay costs to industry?

Free text box, no character limit:

Do you have any additional data that would be useful in characterising the costs and benefits of current regulatory settings?

No

Free text box, no character limit:

Any other comments regarding the Option 1 information in the Net Benefit section?

No

Free text box, no character limit:

Section 6 - Net Benefit (Option 2)

Are there other costs and benefits for different stakeholders that have not yet been qualified? What are they?

Prefer not to respond / I don't know

Free text box, no character limit:

Do you have any additional data that would be useful to characterising the costs and benefits of proposed initiatives?

No

Free text box, no character limit:

Any other comments regarding the Option 2 information in the Net Benefit section?

No

Free text box, no character limit:

Section 8 - Best option and implementation

Section 8 - Best option and implementation (Solving policy problems)

Does the approach to assessing the degree to which an option solves a policy problem make sense? How so?

Prefer not to respond / I don't know

Free text box, no character limit:

Is the rating assigned to each of the sub-problems appropriate? If not, why?

Prefer not to respond / I don't know

Free text box, no character limit:

Section 8 - Best option and implementation (Delivery risks)

Do you think the delivery risks have been appropriately identified and categorised within the Impact Analysis?

Prefer not to respond / I don't know

Free text box, no character limit:

Are the delivery risk ratings assigned to each of the sub-problems appropriate?

Prefer not to respond / I don't know

Free text box, no character limit:

Section 9 - Evaluation of the preferred option

Are there any other factors that should be captured in a future evaluation?

No

Free text box, no character limit:

Other comments

Is there anything else you want to share with us on the Impact Analysis?

No

Free text box, no character limit:

Privacy and Confidentiality

Do you want this submission to be treated as confidential?

No.

If you want all or parts of this submission to be confidential, please state which parts and why.

Free text box, no character limit: