

Introduction

Have you read the Impact Analysis?

Yes

Demographics

What is your full name?

Full name:
Jennifer Thompson

Are you answering on behalf of an organisation?

Yes

What is the name of your organisation?

Organisation name::
The Australian Industry Group

Which sector do you represent?

Food Industry

Other: :
The Australian Industry Group - Confectionery Sector

What country are you responding from?

Australia

Other: :
Australia

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:

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

Free text box, no character limit:

Section 3 - The problems to solve (Ratings)

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

Not Answered

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:

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?

Not Answered

Additional comments (optional):

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?

Not Answered

Additional comments (optional):

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

Not Answered

Additional comments (optional):

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?

Not Answered

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

Free text box, no character limit:

Component 2.1.3

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

Not Answered

Free text box, no character limit:

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

Not Answered

Free text box, no character limit:

Component 2.1

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

Not Answered

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?

Not Answered

Free text box, no character limit:

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

Free text box, no character limit:

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

Not Answered

Free text box, no character limit:

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?

Not Answered

Free text box, no character limit:

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?

Not Answered

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?

Not Answered

Free text box, no character limit:

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?

Not Answered

Free text box, no character limit:

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

Not Answered

Free text box, no character limit:

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

Not Answered

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?

Not Answered

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?

Not Answered

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:

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?

Not Answered

Free text box, no character limit:

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?

Not Answered

Free text box, no character limit:

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?

Not Answered

Free text box, no character limit:

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

Not Answered

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?

Not Answered

Free text box, no character limit:

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?

Not Answered

Free text box, no character limit:

Component 2.2

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

Not Answered

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?

Not Answered

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?

Not Answered

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?

Not Answered

Free text box, no character limit:

Component 2.3.3

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

Not Answered

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:

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?

Not Answered

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?

Not Answered

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?

Not Answered

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?

Not Answered

Free text box, no character limit:

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

Not Answered

Free text box, no character limit:

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?

Not Answered

Free text box, no character limit:

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

Not Answered

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?

Not Answered

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?

Not Answered

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?

Not Answered

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?

Not Answered

Free text box, no character limit:

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

Free text box, no character limit:

Component 2.4.4

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

Not Answered

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?

Not Answered

Free text box, no character limit:

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:

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?

Not Answered

Free text box, no character limit:

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?

Not Answered

Free text box, no character limit:

Component 2.4.7

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

Not Answered

Free text box, no character limit:

Component 2.4

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

Not Answered

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?

Not Answered

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?

Not Answered

Free text box, no character limit:

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

Not Answered

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?

Not Answered

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?

Not Answered

Free text box, no character limit:

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

Not Answered

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?

Not Answered

Free text box, no character limit:

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

Not Answered

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?

Not Answered

Free text box, no character limit:

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

Not Answered

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?

Not Answered

Free text box, no character limit:

Other comments

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

Not Answered

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:

The Australian Industry Group (Ai Group) Confectionery Sector welcomes the opportunity to comment on the Department of Health and Aged Care (DHAC) Food Standards Australia New Zealand (FSANZ) Act Review draft Impact Analysis.

Overall, the Ai Group Confectionery Sector supports Option 2 of the Impact Analysis (IA), to modernise the food regulatory settings. We reiterate the assessment made in the draft IA that the FSANZ Act is not broken, that FSANZ is doing a good job and its important work needs to continue.

Notwithstanding, amendment in line with regulatory best practice to achieve efficiencies and effective interactions between all the elements of the food regulatory system is supported. Fundamental to the modernisation of the institutional and operational arrangements of the food regulatory system is a risk-based, proportionate regulatory response and the urgent need for the Commonwealth Government to appropriately resource FSANZ to enable it to perform its core functions.

FSANZ's resourcing can partially be offset through many of the proposed efficiencies, for example collaboration with like-minded international regulatory agencies, reducing work duplication and leveraging information sharing opportunities; improved decision-making pathways; or use of non-food standard regulatory instruments for lower risk issues.

Such efficiencies are expected to incentivise industry innovation; improve regulatory approval timeframes, streamline operations and delivering benefits to government, industry and consumers, alike. For industry, benefits include new approvals reaching the market faster and in turn producing new and innovative products that benefit consumers and offer consumer choice.

However, efficiency gains in themselves will not alleviate FSANZ's current funding shortfall. As a government food regulatory agency providing services for the public good, FSANZ must be funded from by the Commonwealth Government at the level that is required to deliver its core objectives and functions. Notwithstanding, the issue of resourcing FSANZ's current activities should be resolved before additional responsibilities are added to its resource demands.

From an industry (and funding perspective) the Ai Group Confectionery Sector supports retaining the expedited application approval pathway, for the purposes of providing industry with the option for regulatory (approval) processing certainty and the benefits that expediting provides from an innovation and commercial perspective.

The proposed option to introducing a mandatory application fee is not support on the basis it will be prohibitive for some applicants, that could be private citizens or non-government organisations. The burden of a mandatory application fee will be a barrier to innovation and will negatively impact Australia and New Zealand's international competitiveness and its attractiveness as a place to do business.

Equally, the proposed industry levy option is not supported as an option to solving FSANZ's funding woes. In our view a levy could not be applied with fairness or equitably and would merely result in adding administrative burden.

The cost of doing business in Australia and New Zealand is a key consideration for our international competitiveness. In the future, food innovation will become increasingly important as we seek to ensure global food security and ensuring Australia and New Zealand are considered food production powerhouses.

In addition to the Ai Group Confectionery Sector's support of Option 2, of the Impact Analysis to modernise the food regulatory settings, and aside from the specific comments provided herein focused on the critical funding issue, the confectionery industry lends its support to the detailed response provided by the AFGC.

Again, many thanks for the opportunity to comment and if you have any query please do not hesitate to be in contact.

These comments have been emailed directly.