

Introduction

Have you read the Impact Analysis?

Yes

Demographics

What is your full name?

Full name:
Damien Griffante

Are you answering on behalf of an organisation?

Yes

What is the name of your organisation?

Organisation name::
Australian Grape and Wine Inc.

Which sector do you represent?

Food Industry

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:

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?

No

Additional comments (optional):

Australian Grape & Wine does not believe there is a need, nor would there be benefit, to define “public health” within the Act. The remit of FSANZ as outlined in the Act is clear as it relates to protection of “public health and safety” and aspects of food regulation. Public health and safety is a well understood concept that is applied globally based on risk and scientific evidence. There is no need to further define or clarify its meaning within the Act.

The term “public health” refers to much broader social or environmental aspects of community which if included in the Act could significantly alter the scope of FSANZ remit and its work. It not only has potential to broaden the scope of work but in doing so, could directly contravene attempts to improve FSANZ financial sustainability.

This would not be an immaterial change, it would have significant impact and shift in terms of FSANZ scope of work and fundamental change in the organisations purpose. There is no benefit and significant risk associated with defining “public health” within the Act and we therefore do not support it.

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):

Refer above.

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

Not Answered

Additional comments (optional):

Refer above.

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:

There may be some merit in “new pathways” to amending the Australia and New Zealand Food Standard Code (FSC) which allowed for a simplified, less resource intensive amendments where possible. However these options would need to be well understood, retaining some level of industry and government consideration before being implemented and would need to maintain FSANZ current scientific risk-based approach.

For minor changes, a simplified pathways for amendments which pose minimum risk to food health and safety may be something that would support both the food industry and FSANZ in its administration of changes. In a similar manner in which Australia adopts mutual recognition or mutual acceptance principals with other countries standards, provisions could be made to assess adoption of measures applied by other jurisdictions in certain circumstances where risk to health and safety is low. This could include minimal check pathway for very low risk products or for change which are deemed to be immaterial to health and safety aspects.

Conversely, we do not support “automatic recognition” of international standards to support improved efficiency. Again this would present a significant shift in the way Australia manages and determines its food standards codes. Australia and many other countries do not directly adopt international standards, such as Codex, as these are broad guiding standards that cannot consider national or regional variability, consumption patterns or other local factors. For this reason we do not support automatic adoption of international standards as measures are best applied by national governments which are best placed to assess the appropriateness of measure for their consumers.

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:

Refer above. We do not support automatic recognition of international standards.

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:

Refer above.

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:

Refer above

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

Not Answered

Free text box, no character limit:

Refer above

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

Not Answered

Free text box, no character limit:

Refer above

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:

The consequences of such arrangements are not clear at this time. While we appreciate greater flexibility in decision making, delegation of decision-making arrangements could be risky depending on a number of factors. At this time, we do not have a clear view on the appropriateness of these potential changes but are cautious about the potential risks for unintended consequences.

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

Free text box, no character limit:

Refer above

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

Not Answered

Free text box, no character limit:

Refer above

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

Free text box, no character limit:

Refer above

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?

Negative

Free text box, no character limit:

Component 2.3.3 - To generate more sustainable revenue, cost recovery could be expanded for work that benefits industry. National food health and safety is the responsibility of federal governments and needs to be adequately resourced and applied to ensure a high level of health and safety for the public. FSANZ should be adequately funded by publicly available government funds. This should include adequate resourcing that provides for the continued fundamental functions of FSANZ moving forward.

In some instances, cost recovery and alternate sources of income may be appropriate options but only when activities go beyond the fundamental functions and responsibility of the organisation.

The Australian grape and wine industry is already heavily levied and currently undergoing a significant economic downturn. We do not support any aspect of "implementation of an industry-wide levy" to support these fundamental functions of government food safety regulation. Nor do we support compulsory fees for all applications on the same basis. These options are not considered viable or necessary in ensuring the long-term viability of FSANZ.

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:

Refer above

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:

Refer above

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

Negative

Free text box, no character limit:

Refer above

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:

Refer above

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:

Australian Grape & Wine supports sharing of information arrangements with international partners in seeking harmonization of trade. As an export-oriented industry we are highly supportive of consideration of other regulations and efforts to harmonise when changes are made to the FSC.

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:

Australian Grape & Wine sees value in supporting FSANZ ability to provide clear interpretation of the FSC. With standards enforced applied at a state level it can often be difficult to get a clear national interpretation of the application of measures of the FSC. This is applicable to specific aspects of the code and would not be appropriate to be applied broadly across the whole FSC but rather on a case-by-case basis. We would support FSANZ working with state-based enforcement agencies in provision of clear interpretation and understanding of specific measures of the FSC as sought by industry.

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:

Refer to response to 2.4.6

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?

Yes

Free text box, no character limit:

Summary of the wine sector position

As the peak industry body representing the interests of Australian grape and wine producers, Australian Grape & Wine has sought industry input in forming its positions on the review of the Food Standards Australia New Zealand (FSANZ) Act 1991. The following summarises our position on the information provided in the impact assessment paper:

- We do not support, nor do we see any benefit, in clarifying “public health and safety” or defining “public health” within the Food Standards Australia New Zealand Act 1991 (the Act).
- We acknowledge that there may be benefit in considering simplified pathways for change that are considered low risk, however, we do not support the automatic adoption of international standards.
- FSANZ core role of food health and safety regulation needs to be appropriately funded by federal government revenue. While we support seeking alternative funding to ensure sustainability, this should not be levied on industry for providing public health and safety outcomes that are the ultimate responsibility of government.
- We support information sharing and efforts to harmonise and align standards with international trade where appropriate.
- Improved national interpretation, in collaboration with state-based authorities for specific troublesome measures could provide some value

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: