

Response ID [REDACTED]

Submitted to Public Consultation - Review of the Food Standards Australia New Zealand Act 1991 - Impact Analysis
Submitted on 2024-04-10 15:54:38

Introduction

Have you read the Impact Analysis?

Yes

Demographics

What is your full name?

Full name:

[REDACTED]

Are you answering on behalf of an organisation?

Yes

What is the name of your organisation?

Organisation name::

Food Frontier Institute

Which sector do you represent?

Other (please specify)

Other: :

Not for profit think tank

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:

- a. The current methodology does a thorough evaluation of risk-based versus rules-based approach to standard setting.
- i. More evaluation of self-substantiation versus pre market entry could have been considered, gaining a better understanding of why health stakeholders were concerned about this approach, what might address their concerns, and an examination of other highly regarded jurisdictions where self-substantiation is performing well, and a range of settings that it might be appropriate for, and where it would not be appropriate. And how effective is self-substantiation in other jurisdictions in ensuring food safety and improving efficiency of the system for stakeholders.
- ii. For novel foods, where there is actual or a perception of higher risk, a rules-based approach is required. However, where novel foods are approved in another highly regarded jurisdiction, mutual recognition and harmonization of regulatory evaluation should be an option, but not compulsory, allowing a risk-based approach in this setting as well.

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

Free text box, no character limit:

The methodology might also consider opportunity cost to the ANZ public in not having the newest technology or products available due to high cost and timelines in ANZ compared to countries with well-regarded regulatory systems and higher populations. For example, in the case of cellular agriculture, specifically cultivated meat and precision fermentation dairy and fats, other well-regarded jurisdictions have approved and are assessing multiple new novel food products. Australian companies are choosing to go elsewhere first due to larger market opportunities than the relative smaller population of Australia. Having a rules-based standard setting approach to novel foods for the initial risk assessment is important. However, when another highly regarded standard setting agency has already assessed a product, a risk-based approach for accepting certain data and findings should be a pathway in the legislation. This would likely bring more investment and innovation to ANZ. The methodology should quantify the potential for this approach by developing a novel food index that measures the number of submissions for these novel foods in other highly regarded jurisdictions, giving some indication of the relative attractiveness of the ANZ standard setter versus the rest of the world. The table below indicates approvals for cultivated meat products globally and gives an indication of submissions but not actual numbers. It was indicated to Food Frontier in H2 2023 that in the US, there were 30 applications for cellular agricultural product evaluation. GFI analysis of cultivated meat regulatory framework in 2023 showed that there are many applications underway in the US and Singapore, and only one in Australia (https://www.linkedin.com/posts/elliott-swartz-19933420_heres-my-summary-of-where-cultivated-meat-activity-7181440384697294851--3gz?utm_source=share&utm_medium=organic)

b. Anticipating new business models, for novel foods.

Section 3 - The problems to solve (Ratings)

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

No

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:

3.1.8 Sub problem 4, FSANZ generally defaults to developing food standards, but other regulatory measures could be more efficient to create. rated 4, could be rated higher. The development and use of regulatory measures like guidelines and codes of practice can reduce cost and improve efficiency for food companies, recognizing that not all issues require the time/resources/rigour to develop a new or change a standard.

3.1.9 Sub problem 2, long term decreases in funding has created significant resourcing pressure and is forcing FSANZ to focus on only a subset of its statutory functions. Although his problem is examined under the efficiency lens, and a more comprehensive review of the substantive funding arrangements of FSANZ is outside the scope of this review, the IA does make recommendations on a funding model going forward including a \$2000 levy to the 5000 largest food companies in Australia. A higher impact rating might trigger more comprehensive review for the long-term funding of FSANZ, recognizing that comparable international food standard setting bodies are more adequately resourced than FSANZ on a per capita basis (Canada \$1.31 per person, England \$3.60 per person, versus \$0.70 and \$0.30 in Australia and New Zealand respectively.) A higher level of Government investment is required to allow FSANZ to improve its output and deliver value to its stakeholders.

3.1.10 Sub problem 2, Limited intelligence sharing between stakeholders across the regulatory system is resulting in duplication of effort and missed opportunities to manage risk. Rated 4. Although FSANZ has extensive professional relationships with agencies involved in food policy, regulation and research, there is a real opportunity for FSANZ to improve its own knowledge of and share with stakeholders consumer preferences and expectations on food safety and risk. By enhancing intelligence sharing between stakeholders across the regulatory system, government and industry, knowledge will be improved and shared more efficiently. ANZ will also be seen as a more business friendly, less complex jurisdiction for food safety and standard setting. Sub problem 3, Inconsistent interpretation and enforcement of food standards heightens costs for industry and enforcement agencies, while potentially undermining management of foodborne risks (Australia only). Rated 6. The lack of a national Food Safety program and different reporting requirements between jurisdictions means that food companies need to adhere to different requirements in each state for food safety. While foodborne risk should be the major focus, it has been reported to Food Frontier that a lack of enforcement of food standards, particularly for imported foodstuffs, has disadvantaged local food manufacturers who are complaint with the standards, versus imported foods and ingredients with low surveillance requirements allowing foods that might not be dangerous but are of a lower standard, and often significantly cheaper to be sold.

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):

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?

Yes

Additional comments (optional):

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

Positive

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?

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:

Food Frontier supports the options set out in the IA for requiring thorough explanation of how ministerial guidelines have been applied/considered.

Component 2.1.3

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

Yes

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?

Prefer not to respond / I don't know

Free text box, no character limit:

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:

Food Frontier welcomes in principle a risk-based framework approach to certain food regulatory measures. Risk-based standard setting can ensure the protection of public health and health outcomes, support more effective processes to reduce the overall cost for the standard setter, freeing it up to more fully execute its other duties, and provide a more cost-effective option to food companies, encouraging investment in improving the quality of foods available for sale in ANZ.

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

Free text box, no character limit:

Existing evidence of approval and safe use in other highly regarded jurisdictions should be a key determinant of the risk framework. Food Frontier supports that regulatory harmonization and mutual recognition can be used, but not mandated/applied, to demonstrate safety. FSANZ should retain the right to not automatically apply international standards for clearly set out reasons, including particular ANZ dietary patterns. Other criteria like alignment with ANZ FMM and other bodies strategic priorities, particular subject matter expertise, factors that might affect the extent of risk or scope of the impact, existing evidence, should be included.

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

Positive

Free text box, no character limit:

The potential impact of this approach could be measured and qualified through industry surveys to indicate the value to ANZ consumers through the introduction of the newest improvements to existing products that have been assessed and launched in other jurisdictions but not in ANZ due to the onerous requirements to vary the Code. Data could be collected from food manufacturers for both novel and food products of longstanding use, improved ingredients, additives and fortifications, household cleaning products and other consumer products where improvements requiring a minor variation or of the code is required for sale of products in ANZ.

In the case of one plant-based meat company planning to come to market in 2020 with a product that contained a new additive, it faced a wait of between six months to two years for the application process to be determined. The additive in question has already been through the U.S. GRAS/ food additive process, yet still had to undergo the full assessment by FSANZ. In this case, the company felt there was no choice but to pay the expedited processing fees, which were in the range of \$150,000 AUD. For a company that would benefit from an exclusive, capturable commercial benefit (ECCB), which will often be the case for companies using new ingredients, the paying of processing fees is not currently optional, and in fact, the expedited pathway is not afforded, in spite of paying the ECCB fee. A risk-based framework in this situation may cost-effectively bring a new food choices to ANZ consumers more quickly with less cost to the applicant.

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:

Food Frontier supports FSANZ accepting risk assessments from international jurisdictions to exercise risk-based on proportionate handling of applications and proposals.

FSANZ already has some data sharing arrangements in place with highly regarded international regulatory agencies and international bodies. Currently FSANZ can consider international risk assessments that already exist, for example Codex, but cannot formally adopt these for the purposes of its review. Were FSANZ allowed to adopt risk assessments from international highly regarded agencies and bodies, it would reduce duplication of effort, and simplify processes for applicants without increasing risk.

For example, vegetarian, vegan and plant-based meat products in international markets are often fortified with vitamins and minerals, commonly calcium, vitamin A, D, B group. In the US, fortification of plant-based meat chicken nuggets with vitamin B5 is allowed, but not allowed under the code for meat analogues in Australia. A risk-based approach, ensuring that Australian dietary consumption habits are considered, could allow new products considered safe in other highly regarded jurisdictions, to be sold in Australia and New Zealand, offering consumers more choice of foods, and less complexity for importers. The same could be used for flavorings and extracts . Many of these products have a long history of use and safety.

Were this risk-based approach to be implemented by FSANZ, it would encourage food manufacturers to import foods to Australia, and offer consumers more choice.

Cellular agriculture, an emerging novel food and ingredient category of foods, that offers great opportunities for new foods to be produced that have benefits including improved sustainability over comparable existing products. As mentioned in the new methodologies section, it should be considered that Australia and New Zealand might be missing out on investment and innovation for foods and ingredients made using these technologies. A new pathway to amend food standards, where risk assessments are available that were accepted by highly regarded international standard setters and regulators, using a risk-based approach, should allow them to be accepted by FSANZ in ANZ. This would likely improve the number of new and novel food products being offered to consumers, and increase investment by businesses in ANZ. Making an application to change the Code in Australia and New Zealand is a significant investment in time and money and based on potential market size, some companies, even Australian based ones, are making a trade off and only applying for approval in larger markets like US, or entry points to Asia like Singapore.

Steps like an annual review of harmonization data and risk data of international standards would identify new or unforeseen risks as they emerge that might need to be considered.

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:

Yes, for the reasons listed above, to ensure ANZ remains competitive as a target market for new food innovation, and to reduce duplication of regulatory assessment cost and resources by multiple global regulators. As mentioned in the IA, The Industry Innovation and Competitiveness Agenda: An Action Plan for a Stronger Australia supports this approach.

FSANZ should also seek to have mutual recognition, using FSANZ generated risk assessments to be used in other jurisdictions, encouraging ANZ based companies to do the core work here and not overseas, ensure FSANZ retains its capability and status as a world class regulator.

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:

Food Frontier's earlier example of fortification of food that is approved in another highly regarded jurisdiction may apply here.

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?

Yes

Free text box, no character limit:

Food Frontier supports the proposed pathways to amend food regulatory measures in figure 9, with applications and proposals using enhanced existing pathways, the new pathway of automatic adoption, and a minimal check pathway.

Although the IA specifies that further work is required to agree exactly what the pathways might look like, risk-based and proportionate handling of applications and proposals will improve efficiency of the systems and reduce complexity to industry.

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

Positive

Free text box, no character limit:

Improved efficiency of FSANZ, reduced complexity to industry, and consumers will benefit through more and better foods being available.

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

Yes

Free text box, no character limit:

Codes of practice and guidelines could be used to compliment food standards.

Improved products might come to the market in ANZ, where a minor improvement or reformation that would result in the need for a minor amendment to the code, might not have been rolled out to ANZ consumers, might now be included in a global product upgrade.

Making it easier to bring new products to the market will encourage competition, ultimately benefiting the consumer.

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:

Novelty, more caution should be exercised in more novel or disruptive technologies

Likelihood and magnitude

Compliance / penalties

Consumer acceptance

Public good

Sustainability

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

Positive

Free text box, no character limit:

Food Frontier is a not for profit think tank focused on accelerating the uptake of alternative proteins through research, reports, events, government relations and industry connections in the Australian and New Zealand region. It supports legislative change that safely brings improved outcomes; less cost and complexity, and faster time to the market, for businesses working in the alternative proteins space. Investment certainty will be improved, and a clearer less complex regulatory pathway will improve new product development, benefitting consumers with better tasting, more nutritious products. Currently there is a number of plant based and cellular agriculture products that are sold around the world that are not available to ANZ consumers because the market is not attractive enough to warrant the investment to achieve regulatory approval here. For example, Vivera is a brand of plant-based meat products sold in Europe with more than 30 stockkeeping units (SKU's). In Australia it only sells 4 SKUs due to discrepancies in minor ingredients that are not approved as additives by FSANZ. The size of the market in Australia does not warrant an application to vary the Code to allow the European recipe

to be sold here, so the company chose only to sell the 4 SKUs that could easily be reformulated to meet the standard, or already complied. Consumers are missing out on access to these products that are considered safe in a high standard region.

Most cellular Ag products fall under the major variation for novel foods. The current rules-based system requires the applicant to produce safety and environmental data to support its safety, requiring significant resources and capability. There is currently only one product being considered in Australia versus many more in international jurisdictions. Streamlining decision making to provide a pathway that allows risk assessments from highly regarded international standard setting agencies like Canada, US, UK and Singapore to be adopted, would allow safe and cost-effective regulatory approval here for international companies, giving ANC consumer more access to these technologies, and growing the uptake of alternative proteins produced using novel technologies.

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

Free text box, no character limit:

Food Frontier supports streamlining decisions and delegations but also respects that the multiple agencies involved need to be accountable to their key stakeholders including FSANZ, FMM, FRSC. Clear guidelines on purpose, process, and communication should be exercised with a clear understanding of each stakeholder expertise area. Activities like joint agenda setting and early engagement could help streamline objectives and outcomes.

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:

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?

Prefer not to respond / I don't know

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?

Yes

Free text box, no character limit:

More timely holistic reviews would allow FSANZ to respond to changing consumer habits, emerging technology and global trends.

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

Yes

Free text box, no character limit:

More holistic consideration of food standards could include reviews to encourage attracting food businesses to invest sustainability of food production, better for you nutritional products, foods that address public health issues like obesity, or alternative proteins for improving protein diversity in the market.

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?

Yes

Free text box, no character limit:

In addition to FSANZ efficiency, this would also make it faster and less complex to bring applicable new food products to the market, encouraging competition and benefiting consumers.

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:

Food safety risk management is well established for food manufacturing through certification systems like HACCP, GMP.

A minor variation of the code to allow an approved additive to an allowable food, that was already present in the combined form a highly regarded jurisdiction could be managed safely and efficiently through a Code of Practice.

A guideline could have been used to more easily understand the requirements of the code for foods containing a different form of protein from leaves, rubisco. This may have saved time and reduced complexity which was found to be allowable after an expensive consultant was required to navigate the complexity of the Code.

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:

IA - Figure 9, Proposed pathways to amend food regulatory measures, a minimal check situation, where risk is low, and there are approved standards developed in comparable regulatory systems, are suitable for the use of Code of Practice or guideline by applicants.

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

Positive

Free text box, no character limit:

There are many examples of successful Codes of Practice and guidelines developed for industry by industry by industry associations and professional bodies.

More applications via this channel for low risk changes to the Code, due to less cost, time and complexity for the application, increasing competition and providing more choice to consumers of safe food. More efficient use of FSANZ resources.

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?

Negative

Free text box, no character limit:

A more timely and efficient timeframe for considering all applications may negate the need for an expedited pathway, however this option should remain, allowing industry to apply its individual commercial imperative and chose a more costly but faster statutory timeframe should it be warranted for the particular application.

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:

It is clear the FSANZ is under resourced and needs to increase its funding base to deliver standard setting services to the Australian and New Zealand people. FSANZ is significantly underfunded on a per capita basis compared to other jurisdictions at \$0.70 and \$0.30 for Australia and New Zealand respectively per person per year, versus \$1.31 per person, per year, increasing to \$3.60 per person in England; \$7.00 per person per year in Ireland; and \$7.76 per person, per year in Scotland according to the IA. It is clear that the Australian and New Zealand Government annual contributions should be higher.

The IA surfaced that this might be through a combination of greater direct funding from Federal and New Zealand Governments, cost recovery from the states for food recall coordination or other enforcement activities, and through industry levies.

The principle of user pays is well established but it needs to be affordable and equitable. Australian industry collectively raises about \$11 billion per year from 248 levies (<https://www.pc.gov.au/research/completed/industry-levies/industry-levies.docx>). The Productivity Commission calls levies the long tail of the Australian tax system and suggests they raise less than 2% of total taxation and are expensive and inefficient to collect. Regulatory cost recovery levies are included in these figures. The Productivity Commission found that consolidation of levy collection agencies could be a sensible and cost-effective way to collect levies .

The IA recommended that for example, a \$10 million industry contribution, raised through \$2,000 levy on the largest 5000 Australian food business could be implemented. No information was provided about the shape of the 5000 businesses, or their ability to pay.

Some newer industries, like alternative proteins, generate little or no revenues yet, and potentially absorb significant amounts of resources generating novel food risk assessments, and might be perceived to absorb more of the resources of FSANZ than more mature industries.

While an industry wide levy on food companies may be an option it requires considerable further analysis and consultation with industry to ensure that it is equitable, affordable and could be efficiently collected at the correct level of industry (raw material, manufacturing, retail and food service level, imported food etc.).

More consultation and analysis needs to be done before a levy-based cost recovery system to part fund FSANZ is imposed on industry.

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:

As discussed above, considerably more consultation and analysis needs to be done to answer this. A levy would need to capture all products covered by the code, domestic and imported. More work needs to be considered as to how it could be feasibly collected, again, further engagement with stakeholders should be conducted, and analysis on the shape of the 5000 largest food companies provided from the IA consultants.

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:

It is not possible to say an amount per organization without further information. All options for funding FSANZ, including a larger contribution from government, flat annual levy, turnover based funding.

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

Not Answered

Free text box, no character limit:

More information about the amount per application and expected revenue generation resulting, and the improvement in timeframe this would offer needs to be provided. Where a fee served as a deterrent to upgrade an existing approved food product to a higher standard in ANZ, or apply for a minor amendment for an already approved product in another jurisdiction to make it available in ANZ, the public good would not be served by an fee per application-based system.

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

Yes

Free text box, no character limit:

It was also surfaced in the IA that FSANZ could carry out entrepreneurial activities to generate revenue. Many food companies, especially small companies, currently pay for consultancy services to navigate how to meet the requirements to amend the Code, so, based on FSANZ expertise in this area, its services might offer food companies more choices for these services. In addition, FSANZ could make available insights and data from its consumer health databases, generating revenue and improving knowledge.

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?

Yes

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?

Positive

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?

Yes

Free text box, no character limit:

These databases are currently housed disparately. This is an opportunity to use data and insights to identify problems trends early, or as indicators for issues arising. The public good would be served by a single custodian with a clear mandate to share intelligence and insights with other agencies.

As mentioned, it should also be investigated whether insights and data could be monetised (ethically) to be available to industry.

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

Free text box, no character limit:

Dietary patterns habits and changes, health indicators, nutritional data, consumer opinion and behaviour, surveillance data, allergen and foodborne illness, recall efficiency and occurrence.

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:

Yes, as outlined in previous comments.

It should not be compulsory to accept this data however as each risk should also be considered in the Australian and New Zealand context.

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:

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?

Yes

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?

Yes

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?

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?

Yes

Free text box, no character limit:

Levies already being paid by the food industry

The shape of the proposed \$2,000 levy by the largest 5000 food companies

Expected growth in the number of applications expected by FSANZ

Over investing in a new industry to attract innovation and investment to ANZ for better and newer food products to be available, eg alternative proteins, to attract applications to Australia from companies developing cellular agriculture in other well regarded jurisdictions.

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:

There are current delays for unpaid applications waiting for capacity to assess their applications.

There are delays where ECCB fees have been paid but the application is still considered unpaid and not subject to being expedited.

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

Yes

Free text box, no character limit:

The current regulatory settings are delivering a safe food system to Australiana and New Zealand consumers - the system is not broken, but it could operate more efficiently.

Consumers have high levels of trust in food in Australia and New Zealand.

An additional benefit that might be considered in characterizing the regulatory settings is Australian and New Zealand food is highly regarded in Asian and other export markets. It is considered safe and high quality. Food Frontier's 2023 Proteins and Asia report

(<https://www.foodfrontier.org/resource/alternative-proteins-and-asia/>) found that consumers' perceptions of provenance for Australian and New Zealand food products were high, and were considered trustworthy, natural and high quality, compared to many other competitor products .

The benefits of making the system accessible through cost and resource requirement efficiency of risk-based approach to encourage industry to develop products locally, and bring improved products from overseas to Australia and New Zealand, should be considered.

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?

Yes

Free text box, no character limit:

Market attractiveness for minor and major innovation for food should be undertaken to measure the benefit to ANZ consumers to evaluate the impact of product improvements and new novel food products approved in other well-regarded jurisdiction being introduced in ANZ, that are currently not.

Attracting industry, especially Australian companies to make their initial novel food regulatory application to FSANZ could enhance FSANZ capability and reputations as a world class regulator.

Sustainability information on food products could offer benefits of changing dietary consumption habits and could encourage industry to innovate and develop new products that perform better for this metric.

A limited definition would allow FSANZ to confirm and regulate sustainability claims, potentially through already operating systems such as carbon-neutral offset programs. The environmental impacts of food production would need to be defined with set terms and measurements, which the industry has input in to and is able to agree upon.

Although potentially out of scope, carbon labelling schemes on food packets, such as those used by British alternative protein company Quorn may be a good reference point to understand how this has been implemented by some food brands already.

A broad definition of sustainability, such as one encompassing the suggested factors, is nebulous and risks scope creep. A broad definition potentially attempts to address structural and systemic issues such as social and economic health - which although important - are beyond the remit of a food regulator. A broad definition of sustainability is not easily regulated through existing methods (as there is for certifying carbon-neutrality/offsets) and there is no precedence for any such regulation.

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

Yes

Free text box, no character limit:

A comparison with other international food standard setters should be included in this section to give some shape to reform, performance, cost, funding models and net benefit and outcomes.

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

Prefer not to respond / I don't know

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?

Yes

Free text box, no character limit:

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

No

Free text box, no character limit:

The costs and benefits in option two should also examine direct government funding FSANZ to the same level as comparable international bodies. It should also consider the impact of increasing the number of applications from international organisations developing novel foods who currently consider that Australian and New Zealand market is not big enough to justify an application under a risk-based approach.

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?

Yes

Free text box, no character limit:

Food Frontier supports the Alternative Proteins Council (APC) in its position that the cost of doing business in Australia and New Zealand is a critical consideration in our international competitiveness stakes. Looking ahead food innovation will be central to increasing food production to meet the projected global population growth. For Australia and New Zealand to be part of the global food security response, making ourselves anti-competitive in a regulatory sense will send the message that Australia and New Zealand are not open for business.

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: