

Response ID [REDACTED]

Submitted to Public Consultation - Review of the Food Standards Australia New Zealand Act 1991 - Impact Analysis
Submitted on 2024-04-10 22:09:49

Introduction

Have you read the Impact Analysis?

Yes

Demographics

What is your full name?

Full name:
Bob Phelps

Are you answering on behalf of an organisation?

Yes

What is the name of your organisation?

Organisation name::
GeneEthics Limited

Which sector do you represent?

Other (please specify)

Other: :
Public interest advocacy

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:

The document is like a rudderless juggernaut. For the methodology and other aspects of the proposal to work efficiently and meet the needs of all sections of the Australian community, they must derived from a set of overarching principles, goals and objectives. These will help guide and optimise the system, its functions and outcomes. The first line of the Impact Analysis's Executive Summary correctly asserts that "Access to adequate food is a basic human right" but Australia's food system has failed miserably to deliver on this right, which is substantially the result of failed regulation. The principle is not even mentioned again in the Analysis and nothing in the Act review is proposed to achieve it. Our comments on the Act Review in 2021 also advocated a principle and values driven approach to a food system that serves the public interest but we appear to have been ignored.

To ensure that the new Act and Australia's food regulatory, production, and distribution systems deliver, over-arching and interdependent principles are established to ensure food security for all, as a right. For instance, key principles that ought to inform the system's methodology and other functions must include:

< The Precautionary Principle that enables and requires decision-makers to adopt precautionary measures when scientific evidence about a human health or environmental hazard is uncertain or incomplete;

- < The Transparency Principle that the EU adopted, to inform, engage, and empower communities to maintain and improve their own long and short term well-being, health and safety;
- < Independent and robust scientific evidence to inform the methodology, not so-called regulatory science which lacks independent evidence, rigour and accountability;
- < Acceptance that some foods and food-like substances pose inherent hazards and harm. For instance, ultra-processed junk food (including infant formula) are addictive so must be regulated like alcohol, tobacco/vaping, and gambling;
- < Prioritising the long-term well-being and health of the whole population would add to national happiness and help to minimise the costly impacts on the health system, not only as a result of obesity;
- < Novel foods, food technologies, and processes that have no long history of trouble-free use must be regulated with extra precaution and only be approved on the basis of strong independent evidence;
- < The synergistic and long term impacts of synthetic chemical residues in the food supply must be central to assessments, to prioritise public health ahead of the the convenience or efficiency of food producers and processors.
- < FSANZ should have the primary role in MRL setting, not the APVMA.

Clarity of purpose is essential to successfully renovating the Act.

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

Free text box, no character limit:

We agree that there are many opportunities for improvement in the systems, particularly their openness, responsiveness, flexibility, and efficacy. What are the optimum functions and responsibilities of FSANZ, the Food Ministers Forum, and the Standing Committee? Their proceeding must be much more open and transparent so that the community can fully and frankly engage with food matters. The Ministerial Communiques are an example of the closed and constrained reporting from the whole system as they are uninformative, not frankly disclosing what Ministers considered and their arrival at decisions.

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:

Indigenous food security, access, and health are vastly under-rated.
The Act is also silent on ensuring that everyone is well-fed and nourished, especially those families chronically dependent on food charities. Their right to food is ignored.
The collective impacts of food processing aids, additives, colourings, flavours, preservatives, etc. used in ultra processed foods must not be assumed to be low risk.
Ultra-processed foods should be identified as a high-rating addiction problem. A Time article asserts: "At their core, ultra-processed foods are industrial concoctions with ingredients that make them harmful, including a host of synthetic additives: salt, sugar and oils combined with artificial flavours, colours, sweeteners, stabilizers and preservatives." The BMJ confirms that UPF junk foods are designed to be addictive. So the only valid regulatory models for allowing them to be marketed are those applied to gambling, tobacco, vaping, and alcohol products. e.g. a warnings and more info on gambling TV ads.

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):

The definitions must also include a responsibility to improve national population well-being and prevent non-communicable disease arising from the food supply.
The regulatory status quo is a miserable failure and does not serve public good.
Change is essential but it must be derived from core principles. To say "Principles could be embedded in legislation to allow FSANZ to create other pathways to amend food standards" goes nowhere far enough to reinvigorate and re-envision the whole system, that a set of core principles could guide. Likewise, the observation that "the Act could be amended to include a definition of 'protecting public health and safety' that encapsulates both acute and long-term health elements" is not broad enough in its scope to empower the whole system to help promote, as well as protect in a token fashion, the well-being of the whole nation.

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):

Principles, vision, mission and goals, informed by clear definitions and a commitment to independent action in the public interest, must inform amendments to the Act.

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

Positive

Additional comments (optional):

But only if it is related to first principles and serves the public's long term well-being.

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 whole system needs to be much more open and transparent to all interested people if it wants to effectively and honestly communicate food policy, regulatory processes, and opportunities for genuine participation.

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:

Ask them through participatory processes. Mount a separate and independent process to ensure that indigenous and multicultural communities are full participants in deciding the shape and scope of their engagement with the food system so that their food security needs are fully met.

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

Yes

Free text box, no character limit:

Ask them to participate in community-led and open processes. Create ongoing relationships that promote the communities' interests, preferences, and needs!!

Component 2.1

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

Yes

Free text box, no character limit:

Convene open online forums that are not FSANZ centred, to explore all the issues from community perspectives. Include food professionals with expertise from all walks of life.

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?

No

Free text box, no character limit:

These sections propose more industry self-regulation and fast tracking through the system.

They are not in the public interest so fuller and more diverse community participation is needed.

Risk is a narrow concept that constrains the inclusion of broader and more robust evidence.

"Use of hazard-based approaches for foods also means that comparisons with benefits for nutrition and food security cannot be undertaken. This has the potential to lead to bias in the overall conclusions of regulators and risk managers, who may not have been presented with the benefits of particular foods."

<https://ilsa.eu/publication/the-role-of-hazard-and-risk-based-approaches-in-ensuring-food-safety/#:~:text=Use%20of%20hazard%2Dbased%20approaches,the%20>

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

Free text box, no character limit:

The scientific method instead of regulatory science.

Independent evidence - preferably peer-reviewed and published.

The benefits as well as the hazards and risks of food approvals should be assessed.

Do not allow corporate data or research results to dominate as industry studies are always biased.

Australian evidence preferred over the decisions of overseas regulators or the Codex.

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

Negative

Free text box, no character limit:

Perceptions of risk depend on the observer's point of view, vision and commercial interests.

FSANZ has a relatively narrow and short-term brief that must be extended to include a broader concept of public health and also well-being.

A risk-based framework will contract, not expand, the food systems scope to be genuinely effective and to serve the public rather than private interests.

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?

No

Free text box, no character limit:

Like the various political and partisan influences on FSANZ, international jurisdictions are also compromised in various ways that cannot be assessed from afar. Independence and objectivity must be keynote modes of action for our food regulators.

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?

No

Free text box, no character limit:

So-called efficiency and effectiveness - narrowly defined - must not be primary goals for the system.

Automatic recognition of anything breeds systemic complacency and carelessness.

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?

No

Free text box, no character limit:

Secrecy and obfuscation are key deficiencies in the present regulatory system.

For example: Approval of Vow's cultured fake meat (A1269) is an example of FSANZ fast-tracking novel food production, distribution and consumption.

Their consultation documents adopted the views of the applicant and flagged their intention to approve it before public comments were even submitted. Independent expert and public assessment was impossible as most information was withheld as Commercial in Confidence.

Yet, for instance, even the safety of the growth factors used as promoters in the production process was not clearly established and evidence provided.

Such promoters may not trigger cancers but it is well-established that they can facilitate cell proliferation.

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?

No

Free text box, no character limit:

It is unsatisfactory that FSANZ already has the power to initiate and process its own applications for change without prior notice. The regulator becomes an applicant and advocate for its own interests and preferred actions. Principles are needed but not these. They would be designed to fast track proposals through the regulatory systems with minimal reference to the interested public or independent experts.

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

Negative

Free text box, no character limit:

The public interest would not be served.

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

Yes

Free text box, no character limit:

Regular, independent, public forums for open discussion among all interested parties may help to democratise food processes and policy development. FSANZ must not be risk averse to the sort of pressure received when a forum with an animal rights activist included was cancelled. No topic should be off the food regulatory system's agenda.

Component 2.2.3

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

No

Free text box, no character limit:

The outsourcing and privatisation of FSANZ and other food regulatory functions is unacceptable. The scope for undue influence, fraud, and misinformation are unnecessarily increased.

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

Free text box, no character limit:

Short and long term public health and well-being, not only obesity and non-communicable disease. Hunger and malnutrition have multiple health and well-being impacts, especially for the most vulnerable people in our community. All impose imposts on the health and other systems so precaution is essential. Preferred access and influence for the globalised food industry must be minimised. The revolving door between regulatory and official personnel and industry must be monitored and minimised with strong prohibitions.

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

Negative

Free text box, no character limit:

Streamlining decisions inherently promotes complacency and compromise.

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

Free text box, no character limit:

Not acceptable!! Expertise is not the only relevant criterion. Conflicts of interest and other measures would also need to be included. It is a minefield that must not be entered.

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:

Why not also apply nutritional and compositional assessments to Ultra-Processed Foods and other foods?

If this were merely a technocratic measurement exercise it may add to the exclusion of other worthwhile traditional foods or ingredients that may still make a useful contribution to overall diets.

Full community participation would be the only legitimate basis for such an exercise.

Authentic case studies and cultural reports, from those people who have a long history of employing these food practices, would be the only legitimate basis of any such publications.

Who would be the audience for such information and what would be its real intended function? Is it aiming to inform, change cultural behaviours, discredit some foods and practices?

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:

Why would you question long histories of apparently safe and beneficial use? What is the hidden agenda? Who stands to gain from such analyses?

If the relevant communities are the authors of such guides they may be of use but that is for them to decide.

What would food regulators seek to gain?

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:

Improved honesty, candour, openness and transparency would again be essential for success.

Applicants, not regulators, must have the tasks of data gathering, advocating, and framing proposals, instead of FSANZ and other filling the advocacy role for proposals as they do now.

Loss of public trust and confidence in food regulation is the high cost of the present system which makes FSANZ into an advocate for the proposals it approves.

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

Yes

Free text box, no character limit:

Yes, a set of agreed principles, missions, visions, and goals enshrined in the legislation.

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:

Codes of Practice and guidelines are, like outsourcing assessments, a strong invitation to bending the rules and taking advantage of the food regulatory system.

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:

No! Applied to food regulation, Codes of Practice or guidelines would be another regulatory disaster.

The TGA and AHPRA use codes and practice and guidelines that repeatedly fail.

The 4 Corners show on pain surgery and other interventions is one good example of gross failures of monitoring and enforcement into which the Minister has belatedly initiated an inquiry.

The IVF and pharmaceutical industries, for instance, are also enabled to rip off the public health system because of unenforced codes and guidelines.

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:

Reject them all!!

A Code of Practice or guideline would be an invitation to malpractice and non-compliance, while a risk framework would be too narrow to ensure the nation's well-being, health and safety.

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:

An absolute fiasco that would eventually have to revert to sound regulation, after a lot of harm had been done. The transnational food industry simply can't be trusted to police itself and its addictive products.

Component 2.2

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

No

Free text box, no character limit:

We reject the concepts.

They can never be fixed with cosmetic modifications.

The present regulatory regime would be further weakened if even more power were invested in others, especially those with vested interests to serve.

Component 2.3

Component 2.3.1

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

No

Free text box, no character limit:

The Board and its activities, like those of the Forum and Standing Committee, are shrouded in secrecy.

Merely amending the Board's composition of expertise is not the profound change that is required to make the system responsive to real community needs and aspirations for the food supply.

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

Yes

Free text box, no character limit:

More openness may be a breath of fresh air.

But it also begs the profound systemic, system-wide, reforms required for the public interest to be served.

Component 2.3.2

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

Prefer not to respond / I don't know

Free text box, no character limit:

Unsure about this.

The cashed up global UPF industries have the resources to pay for the fast track while smaller businesses or startups may be less well resourced to pay for an expedited process. Scale the fees to the size of the enterprise.

FSANZ regulation should be largely taxpayer funded but we must get good value for the money spent and ensure it is in the public interest.

Maybe move more of the assessment preparation onto proponents as part of their application.

This would help to make FSANZ less obviously an advocate for the approval of processes as it now is.

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:

Cost recovery always compromises regulatory processes and decisions.
This is obvious, for example, with the APVMA as the Clayton Utz report confirms.

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:

APVMA's cost recovery is based on the value of each chemical sold.
If you insist on cost recovery for FSANZ, annual accounts should assist.

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:

0% - 100%

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:

Previous comments relate.

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:

A tax on all Ultra-Processed Food-like substances should be considered.
However, ensuring the affordability and availability of healthy nutritious foods for everyone is key.

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?

No

Free text box, no character limit:

Most recalls are now voluntarily initiated by those in breach.
A levy may discourage prompt action to resolve problems requiring a recall.
This would not be in the public interest as more harm may be done through delay or non-reporting.

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:

Depends on the volume of product required to be recalled.

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:

Unsure. Are the states and territories requesting FSANZ work they should do?
Maybe the Food Forum should also have a budget to be dispensed as required?

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

Positive

Free text box, no character limit:

Set on the basis of local, regional, state or national recall?

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?

Per recall

Free text box, no character limit:

An annual levy would only work in retrospect.
Predicting the volume and scope of recalls in advance would be entirely speculative.
A slush fund or an empty pocket may be created.

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:

They might think twice about doing essential work.
Is it work they can and should do themselves and share with other jurisdictions?

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:

The NZ guidelines on who should pay for what (Pp 59/60) appear fair and reasonable.
Industry can and should pay its share provided that no levers of power and influence are created, in contravention of the public interest.

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:

Such agenda setting is essential.
However, like the rest of the system it should be open to public scrutiny and participation.
It is not in the public interest that so much of the food system is opaque and is denied the fresh air of democratic processes.

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

Free text box, no character limit:

We agree that "The lack of a shared vision of system priorities between FSANZ and the FMM limits the effectiveness of the broader food regulatory system."
This may in part be resolved with observation and implementation of the clear principles, vision, etc. that our recommendations would provide.

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

Free text box, no character limit:

Shared principles should inform more co-operative and co-ordinated approaches to action.
Co-ordinating FSANZ with nine jurisdictions, each with its own bureaucratic and political priorities, requires independent facilitators and co-ordinators to

smooth the way.

Include canvassing public and expert opinion on priorities and procedures as part of an open process.

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?

Yes

Free text box, no character limit:

Managing risks, especially unforeseen ones, should follow minimisation.

Like citizen science, the enthusiasm and expertise of the interested public should be engaged.

Horizon scanning and other foresight processes, especially with novel foods, may be useful.

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

Free text box, no character limit:

Maybe the FSANZ Board should include reps from each of these?

Social media and AI might assist.

Effective collaborations emerge from consensus about shared concepts and purposes.

Thus, developing and then working from first principles will be essential.

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?

No

Free text box, no character limit:

Better to have academics or other specialists do this.

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?

Yes

Free text box, no character limit:

Sharing information is always a plus but it must be with bigger goals than just managing risk.

What should be the focus of such information sharing arrangements?

Free text box, no character limit:

A commitment is needed to build strategies that enable population health to improve.

Sharing information and evidence that encourages well-being and health population-wide is needed.

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:

This should embody the principles and other core values that we propose.
Then interpretation of food standards may be clearer and their enforcement clearly signalled to industry participants.
The broader community would also be clearer on the terms of engagement for seeking actions in the public interest.

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:

First principles and other values statements enunciated our early answers.

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:

Other constituents, such as the interested public and independent experts also require such guidance.
Making them only for industry would be a lost opportunity and disservice to the community that FSANZ purports to serve.

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:

The consultations envisaged are inadequate as they must be more than guidelines.
They must be initiated from within indigenous communities where cultural knowledge and practice exist.
If directed externally and bureaucratically such engagements will fail.
First Nations people and also migrant communities must be enabled to start and direct processes in which their communities can fully participate.

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:

Definitely, but surely they already do so?
Monitoring and enforcement are essential, especially e.g. for labelling of irradiated and GM fruits and vegetables which appear to be absent.

Component 2.4

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

Yes

Free text box, no character limit:

The public interest and the interested public again appear to be ignored.
Make them the standard bearers for improved performance.
You are all 'public servants' after all.
Trust and confidence in the food system will only be deserved and won when the system is more transparent and respects the public interest, to empower the interested community to be genuine participants in important aspects of food regulation.

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:

We don't want to be classified as passive, disempowered, and victimised, 'consumers'.

Consumerism is the source of many problems the system purports to manage or solve on our behalf.

Citizens empowered to act on behalf of themselves and the public interest will be great allies for the food regulatory system, but only if they are brought into it on democratic terms.

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

Free text box, no character limit:

They will accomplish great results if nurtured and empowered.

Pressuring people for quick and non-enduring results will produce failures.

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?

Yes

Free text box, no character limit:

This narrative appears most relevant to processed foods and will mostly benefit Ultra-Processed Food corporations that care nothing for public well-being and health as they peddle their addictive wares.

The benefits and costs of a healthy diet of whole foods, conforming with Food Pyramid recommendations, also require discussion and assessment in the public interest.

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:

The families and citizens that the system is supposed to serve.

The calculation of costs and benefits for 'consumers' of UPF are token, considering the immense harm that they do to the whole community and our health systems.

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:

Obesity, overweight, and resulting non-communicable diseases are in large part due to diets dominated by Ultra-Processed, junk, food-like, substances. They are deliberately addictive to maximise sales, especially to vulnerable children and low income families.

"In 2018, obesity cost the Australian community \$11.8 billion and if nothing is done, may cost an estimated \$87.7 billion by 2032. There are clear social and health reasons for investing more in obesity prevention so that fewer people's health and wellbeing is negatively impacted by overweight and obesity."

https://www.health.gov.au/sites/default/files/documents/2022/03/national-obesity-strategy-2022-2032-at-a-glance-summary-with-a-logic-framework_0.pdf

FSANZ is not even mentioned in the National Obesity Strategy. How can this be?

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

Yes

Free text box, no character limit:

Marginalising citizens in the 'consumer' ghetto makes the so-called benefits unachievable and irrelevant.

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:

It makes some sense but what does it really mean?

The need for the Act to change was already agreed so 123 pages to convince us was unnecessary.

Is this another example of consultants justifying their seat on the gravy train?

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

No

Free text box, no character limit:

It would have been more productive to rate them as opportunities instead of problems.

Our proposal for consensually agreed over-arching principles for the system may help solve "The lack of a shared vision of system priorities between FSANZ and the FMM limits the effectiveness of the broader food regulatory system." It would also be helpful to canvass public preferences and informed opinion.

Section 8 - Best option and implementation (Delivery risks)

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

No

Free text box, no character limit:

Here's the the core failure of the present Act and recommended changes must grapple with much more than 'food-related health risks'. The Analysis should as its top priority have simply and directly explored first principles.

P96 of the Impact Analysis wisely says:

"Although FSANZ should already consider both long-term health impacts and immediate health risks in the development and review of food regulatory measures, the lack of an overarching strategic mandate risks hindering the proactive management of food-related health risks. An ambiguous mandate not only compromises the effectiveness of FSANZ in developing and reviewing food regulatory measures, but also the (sic) has major implications for the wellbeing of Australia and New Zealand populations."

This was the first place to begin the discussion and the other minutiae could have been relegated to secondary issues.

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

Yes

Free text box, no character limit:

But only if their importance and relevance is kept in perspective.

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:

Unhitch some of the expensive carriages from the gravy train.

Other comments

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

Yes

Free text box, no character limit:

Should have strated from first principles as we have advocated. Of course, they need more work to be fully effective but an open process with the community able to fully participate could achieve great results.

The Impact Analysis should have been simpler and clearer.

It was far too long and complicated for even committed people to read, let alone digest, analyse and reflect on.

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:

All public, as we expect the food system to be.