

Introduction

Have you read the Impact Analysis?

Yes

Demographics

What is your full name?

Full name:
SA Health

Are you answering on behalf of an organisation?

Yes

What is the name of your organisation?

Organisation name::
SA Health - Food Safety and Regulation Branch

Which sector do you represent?

Government

Other: :

What country are you responding from?

Australia

Other: :

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

Yes

What is your email address?

Email address::
[REDACTED]

Section 3 - The problems to solve

Section 3 - The problems to solve (Methodology)

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

Free text box, no character limit:

SA Health support the call for focus on inconsistencies with best practice and aligning with best practice elements. A rating system has been used to give a numerical value to each policy problem and the level and extent of impact of each sub-problem.

It is not clear what the future consequences of the ratings will result in. For example, will problems falling within the low magnitude scale no longer be considered in the next phase? Can clarity be provided regarding future consideration of these issues?

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?

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:

3.1.7 sub-problem 2 – confusion on factors FSANZ has given regard in its decision-making, and how this aligns with objectives of the Act.

The level of impact score given is low (2). There may be a higher indirect impact on ministers and jurisdictions if the consideration and prioritisation of Ministerial policy guidance is not clear in decision-making. Consideration of policy guidance aims to protect public health and should align with changes to the definition and the objectives of the Act. Examples of impacts for jurisdictions and ministers include increased workloads, uncertainty, strained relationships, and long-term sustainability issues for standard setting.

Section 5 - Options for reform

Component 2.1

Component 2.1.1

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

Yes

Additional comments (optional):

Amending the Act to include a definition of public health and safety while maintaining food safety as the paramount concern for the system is an important step to modernising food regulation. It could help clarify around the role of food standards and would give clearer direction to FSANZ on factors that should be considered when assessing food standards. It would provide clarity on FSANZ core functions and help align objectives more closely with the understandings and priorities in public health, including those longer-term health implications.

While the changes could help to enhance transparency, the effectiveness of any amendment will depend on the interpretation of the definitions and objectives and how well it is implemented and integrated into FSANZ's decision making processes. Consideration will need to be given going forward to how responsibilities are shared for broader public health goals with other agencies and that focus on addressing the broader health impacts of food consumption does not dilute our response and vigilance of food safety.

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):

If it is implemented and integrated into FSANZ decision making processes it should enable FSANZ to be clearer on its approach and considerations to applications and proposals. FSANZ could be more confident in applying greater focus on long term public health implications from consumption of food. Long term risks to health are often complex, this greater focus and clarity could have a positive impact on timeframes and outcomes.

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:

Yes, revising the way FSANZ communicates its consideration of Ministerial Policy Guidance would support greater transparency in the development of food regulatory measures. However, it is important that considerations align with that of the other foundational documents such as the Food Regulation Agreement. For example, the recent work on the review of the Food Regulation Agreement suggests strong support for bringing Ministerial Policy Guidance consideration forward in the prioritisation process. This move would reflect and align with proposed changes to section 18 of the Act to safeguard both short term and long term public health objectives.

If the definition of 'protection of public health and safety' within the Act is clarified to be in line with the current policy guidance then this level of consideration should also be given to how ministerial policy guidance is prioritised and reflected in the development of food standard.

SA recommends that further work be considered for ministerial policy guidance to be given priority consideration in the objectives of the Act (section 18(1)) when developing or reviewing food regulatory measures. A suggestion could be to include ministerial policy guidance consideration in connection with the protection of public health and safety in section 18 (1)(a) of the FSANZ Act. For example,

(a) The protection of public health and safety, including consideration of any written policy guidelines formulated by the Food Ministers Meeting.

As suggested, it firstly needs to be understood what the prioritisation is for due consideration in the FSANZ Act. This could then be effectively communicated through written advice on the outcome and reasons.

MOU

A Memorandum of Understanding between FSANZ and jurisdictions could be used to set out the joint agreement of both parties in how standards should be developed including how policy guidance is used, engagement processes with jurisdictions and co-development opportunities.

This could be considered either with the above amendment or as an alternative.

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:

SA would support a general review of the language throughout the Act to recognise Indigenous culture and expertise as seen in other legislation. SA recommends First Nations and Māori Peoples with a connection to the food regulatory system or relevant legislative instruments be consulted on the most appropriate provision or language changes for promoting recognition.

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?

Prefer not to respond / I don't know

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:

This is dependent on other components in the review progressing to ensure a risk-based framework aligns with objectives to safeguard food safety and both short and long-term health. SA is supportive of risk being a key driver in reforming standard setting and support work to further explore risk framework criteria such as those shown in Table 10 (page 51). Suggest that more detailed information is provided on the specific process requirements for the development of a framework and its associated governing principles.

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?

Positive

Free text box, no character limit:

- Positive in principle

Without having further details developed yet through a consultation process it is difficult to understand the full impacts on jurisdictions at this stage. However, it would be expected that once processes and decision-making arrangements are aligned to risk levels this would effectively give FSANZ the ability to implement other legislative changes under a risk-tiered approach that could streamline 'lower risk' application and proposals, which in turn would benefit workloads for jurisdictional officials.

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:

FSANZ already consider international risk assessments, and enabling acceptance of these risk assessments for the purposes of review would bolster capacity to implement a risk-based and proportionate approach to the handling of applications and proposals. This would allow FSANZ to broaden its pool of expertise and data availability and enhance its assessment capabilities.

As suggested in the IA, FSANZ could look at including criteria for accepting risk assessments only from reputable international bodies with appropriate statutory controls.

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:

Recognising appropriate international standards could improve resource allocation by reducing duplicative efforts for standards development with international counterparts. FSANZ can build upon existing standards by adopting international standards from trusted international bodies. SA would look to support expediting the review of applications and proposals without compromising the rigor of the safety assessment. Whether FMM should have a role in approving standards adopted via this pathway would be dependent on the process arrangements and considerations of legal requirements and political accountability.

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:

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:

Yes it would allow FSANZ flexibility in amending food standards and the ability to tailor their approach based on specific risks. It is important that any consideration of principles is developed with FRSC and in line with modern legislative drafting.

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

Positive

Free text box, no character limit:

- Efficiencies gained for jurisdictional officials. For example, officer time to assess applications.

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

Prefer not to respond / I don't know

Free text box, no character limit:

Component 2.2.3

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

Yes

Free text box, no character limit:

- Yes, it could build capacity in the system and allow faster response times for routine matters. Delegating certain decision-making duties could reduce delays in regulatory process and support FSANZ to progress routine matters promptly. It would build organisational capacity and give staff the opportunity for professional development and increase their responsibility in areas of their expertise.
- Arrangements for ministers to delegate decision making through amendments in the Food Regulation Agreement should be further explored. Any delegate arrangements would need ensure the persons hold appropriate knowledge and understanding of the issues e.g. technical expertise in trade, safety and political implications.

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

Free text box, no character limit:

It is important to ensure that any delegation has appropriate oversight mechanisms to maintain accountability and uphold regulatory standards. Clear guidelines, standard processes, training, and regular review could help mitigate risks associated with delegating decision-making authority. Any arrangements need to ensure that decisions remain consistent, transparent, and in line with regulatory objectives.

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

Positive

Free text box, no character limit:

Having delegable arrangements would reduce the burden on departmental officials to produce routine ministerial advice for items that Ministers may not feel is necessary to have oversight and decision-making authority over. This would be dependent on the agreed risk framework and process.

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

Free text box, no character limit:

This section in the impact analysis discusses two decision making processes. One relating to the removal of the FSANZ Board non-delegable duties while the other giving members of FMM the ability to delegate decision-making to particular departmental officials. These are two distinct decision-making powers and while there may be similarities in required expertise such as appropriate understanding of technical issues/risk, they should be treated separately in their consideration of required expertise and arrangements.

SA Health suggests that any delegable arrangements for FMM are considered through the FRA and agreed upon by the FMM.

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:

SA Health believes industry would benefit from having a transparent and easy to access list of traditional foods that have undergone nutritional and compositional assessments. Having access to this information could help increase consumer confidence and drive market demand for such products.

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

Yes

Free text box, no character limit:

Guidance material would help provide regulatory clarity on the assessment of traditional foods and support communities to understand the compliance requirements. Guidance material tailored to indigenous communities could be developed to help support innovation and economic empowerment in their communities. This should be developed in consultation with indigenous communities that have an invested interest in expanding cultural food access in the industry.

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:

- Yes, in principle.

Resourcing FSANZ further could improve the system if the manner of prioritisation of work is also improved. Resourcing would be dependent on available funding. An increase in Commonwealth funding to assist FSANZ with resourcing would be supported.

- **Timeliness:** Regular reviews allow FSANZ to keep pace with evolving scientific evidence, technological advancements, and emerging food safety concerns. This ensures that standards remain relevant and up to date with current knowledge and practices.
- **Holistic Consideration:** Holistic reviews enable FSANZ to consider not only immediate safety concerns but also broader issues such as nutritional quality, labelling requirements, and consumer preferences. This can result in more comprehensive standards that address multiple facets of food regulation.
- **Consistency:** Regular reviews promote consistency in decision-making by providing a structured framework for evaluating standards. This reduces the likelihood of ad hoc changes and ensures that decisions are based on consistent criteria and evidence.
- Regular reviews of standards reduces the number of applications to make amendments to standards, hence releasing resources for other projects.

IA - Informed by ongoing environmental scans, consultation and data analysis, FSANZ could identify standards that require revision and dedicate resources to undertake this work in a timely way (page 55).

Comment: Identifying standards to review should be based on an evaluation of the safety the standard affords the food industry and consumers. FSANZ needs to ensure a balanced risk-based approach between prioritising public health projects and standards needed for safety of food.

IA - This reform idea could help to ensure ongoing relevance of standards, including considering the cumulative impact on health, safety, and regulatory burdens, and provide for a more systematic and strategic approach to reviewing them. This idea would leverage FSANZ's existing coordination roles and expertise (page 56).

Comment: A strategic approach to reviewing standards is needed. Currently the system is not working efficiently for the application and proposal process as suggested by the following figures in the FSANZ annual report.

- FSANZ has 36 applications and proposal on its workplan in 2022-2023.
- 11 proposals are at various stages of development.
- The Food Minister's meeting considered 22 approval decisions in 2022-2023.
- In 2023 annual report, FSANZ completed 20 applications to amend the Code which included 15 processing aids (75%),
- Only 2 proposals were prepared (P1061 and M1021). If FSANZ adds more than 2 proposals a year to the workplan and finalises 2 decisions, the workplan will not decrease in size.
- Some proposals are ongoing for an extended period of time:-
 - o P1010 – Formulated Supplementary Sports Foods - 4 years, 10 months
 - o P1024 – Revision of the Regulation of Nutritive Substances & Novel Foods – 11 years
 - o P1028 - Infant Formula - 10 years, 8 months

IA - Reviewing the Processing Aid Standard and associated Enzymes schedule would complement a risk-proportionate approach to low-risk applications. Investigating mechanisms used by international counterparts where assessment is made on the safety of a technological function, but not restricting the foods in which it can be used, would allow industry to determine whether labelling is required via guidance in a risk proportionate way, reducing compliance burden for regulators (page 56).

Comment: Processing aids are not necessarily low risk since any chemical could potentially be requested to be used as a processing aid and an assessment of its risk needs to be determined before deciding it is a low risk. However, like flavourings their assessment process could be changed to free up resources.

Does the processing aid standard need review?

Currently, a lot of time is spent on processing aid applications (see above). The standard is a mixture of categories, some defined by function, some defined by chemical class that have been put together in the standard in an ad hoc manner. Some of the processing aids have the way they can be used in food descriptions that do not match the other standards descriptions of food in the Code. Reviewing the standard should be a priority.

For flavourings the Code references other lists maintained by other organisations to permit their use in food. Could processing aids be listed in a referenced document so that they do not go through the application process? By modifying the definition of processing aids to include recognising other lists of processing aids this would improve the process and free up resources. Even if FSANZ maintained a list that was published once a year, this would save resources. The Code would reference the document containing the processing aids.

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

Prefer not to respond / I don't know

Free text box, no character limit:

As mentioned in the response above

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:

Yes, Codes of Practice and guidelines should be considered where an existing standard covers the relevant minimum requirements for food safety but more detailed best practice information is required.

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:

As mentioned in the paper, issues such as sustainable packaging and food waste reduction could be better addressed using guidance to help businesses promote sustainability while ensuring food safety responsibilities are met.

A recent example was the development of the Primary Production and Processing Standards for Horticulture. Issues around specific commodities could have potentially been addressed by a general horticulture standard (e.g., traceability and notification requirements for all commodities) plus the use of a Code of Practice or guideline for specific commodities as risk determined e.g. leafy greens, melons, berries, nuts or other fruits or vegetables. In this way the Standard would be more adaptable for the future.

Other examples can be seen in areas such as wastewater management and drinking water quality which provide established codes and guidance to accompany legislation and drive industry best practice.

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:

It could follow the same assessment of the extent of risk. For example, lower risk issues such as packaging and certain labelling requirements could be considered for codes or guidelines. Details would need to be further established through the risk framework consultation process.

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

Neutral

Free text box, no character limit:

A co-developed approach would be preferred. Industry should be actively participating in the shared responsibility and development of Codes of Practice and guidelines.

[Note: mechanisms for adoption of codes of practice and guidelines by jurisdictions would need to be considered.]

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?

Yes

Free text box, no character limit:

Yes – it is likely that an open market would produce a better skill mix.

Component 2.3.2

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

Neutral

Free text box, no character limit:

All applications would be dealt with under the proposed risk management framework and assessed accordingly. The overall impact on removing the options for applications to be expedited would depend on various factors and would need to be balanced to support regulatory processes alongside market entry and industry innovation.

Component 2.3.3

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

Prefer not to respond / I don't know

Free text box, no character limit:

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

Free text box, no character limit:

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

Free text box, no character limit:

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

Prefer not to respond / I don't know

Free text box, no character limit:

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

Prefer not to respond / I don't know

Free text box, no character limit:

Component 2.3.4

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

No

Free text box, no character limit:

A levy could help FSANZ to recover costs for food recall coordination services but would be at the expense of jurisdictional agencies that already contribute resources on food recall responses. It could be more effective to give consideration to a broader levy than just cost recovery from government agencies. Food businesses that benefit from FSANZ recall coordination services could be subject to a levy. This ensures that those directly responsible for a food safety incident also contribute to the financial burden of recall management. This will promote preventative measures and accountability for implicated food businesses in contributing to recall costs.

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:

Some recalls are less resource intensive than others. If a levy was considered it could be targeted to the business recalling the product and based on the level and extent of the recall to give a more accurate representation of required coordination costs.

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?

No

Free text box, no character limit:

The proposed FSANZ and FMM joint agenda setting could be an appropriate mechanism to discuss priority work and any need for funding arrangements.

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

Negative

Free text box, no character limit:

Jurisdiction budgets across health departments are limited since spending on the response to the COVID-19 pandemic. This would add further burden on health departments that contribute resources to actioning food recall responses. Jurisdictions should not be held accountable and penalised for poor business practices. Any consideration of a levy would need to be agreed to by jurisdictions through appropriate mechanisms.

How would this need to be implemented to be successful?

Free text box, no character limit:

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

Annual Levy

Free text box, no character limit:

Annual levy would be more equitable.

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

Negative

Free text box, no character limit:

As mentioned above, state and territory health budgets are capped since the spending on pandemic response. In addition, fees should not be a barrier for jurisdictions to propose measures to improve public health and safety.

As previously discussed, a risk prioritisation matrix could assist to assess the priority of new work requested by jurisdictions or Ministers.

How would this need to be implemented to be successful?

Free text box, no character limit:

The proposed FSANZ and FMM joint agenda setting could be an appropriate mechanism to discuss priority work and any need for funding arrangements.

Component 2.3

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

No

Free text box, no character limit:

Component 2.4

Component 2.4.1

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

Yes

How would this need to be implemented to be successful?

Free text box, no character limit:

SA strongly support establishing mechanisms to enable FSANZ and FMM to undertake periodic joint agenda setting.

Clear objectives for the joint agenda setting process need to be established and a shared vision of the system priorities needs to be clear. There would need to be established leadership and support to drive the agenda setting from both FSANZ and FMM.

This could be considered as part of the strategic planning process.

Timing and the engagement from Ministers also needs to be considered for successful implementation. Suggest considering an annual inclusion in the first FMM of each year.

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

Free text box, no character limit:

Agree with factors listed in the IA on page 63. Could also consider any other safety issues, inhibitors to trading, issues that would aid compliance/enforcement.

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

Free text box, no character limit:

Having a joint strategic agenda to establish focus items for more coordinated work. FSANZ and FMM could develop joint programs where possible, such as cross-agency data sharing, joint surveillance and monitoring programs and collaboration on policy development. It could firstly be of benefit for FSANZ and FMM to look at opportunities for cross-agency development, such as providing staff members more opportunity to participate in cross-agency training or initiatives where possible.

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:

More engagement between FSANZ and FRSC would foster closer collaboration and potentially improve these efforts. However, in the first instance ways to improve existing mechanisms for engagement should be investigated, such as more focused video conferences on priority topics. Adding additional meetings or engagement groups may hinder the ability for agencies to provide adequate time and resources.

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

Free text box, no character limit:

During the review of the FRA, the relationship between jurisdictions and FSANZ was considered. One idea is to establish a Memorandum of Understanding setting out the expectations of how we operate with each other.

Could also investigate including time for reviewing standard drafting prior to FMM notification.

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:

A centralised database management system for key food and regulatory data could significantly improve intelligence sharing and would lead to improved public health outcomes for the system. Jurisdictions would greatly benefit from having access and sharing of data efficiently in a standardised manner across Australia. SA believes a centralised system would significantly improve our multiple-jurisdictional ability to respond more quickly to matters such as food safety incidents, by having real-time access to up-to date information.

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

Free text box, no character limit:

Prescribed Notifiable Contaminant data being collected by jurisdictions is very useful information. If FSANZ can curate this data, it could serve as a valuable Intelligence at national level, especially if collected using standardized terminology. A recent pilot by the Data Analytical Working Group has demonstrated that it was possible for jurisdictions that have a prescribed contaminants requirement to share the deidentified data and for it to be combined into a single dataset. In the long term, aligning legislative requirements for prescribed notifiable contaminants at national level will enhance consistency in data recording and collection across jurisdictions.

Data collection of national food business food safety compliance would also be valuable to allow evaluation of what sectors and what controls are impacting the most on foodborne illness rates. This was used to some extent in the development of Std 3.2.2.A and could also be used for targeting education or evaluating effectiveness of regulatory controls. Access to this data by jurisdictions would need to be considered, particularly as the data for compliance and enforcement is captured by varying food regulation agencies in varying formats. Standardisation of data sets would be important.

Component 2.4.4

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

Prefer not to respond / I don't know

Free text box, no character limit:

What should be the focus of such information sharing arrangements?

Free text box, no character limit:

Component 2.4.5

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

Yes

Free text box, no character limit:

It would help to provide regulators and food businesses with an increased understanding of the drafting and intent of standards and clarify the expectations to improve consistency in the interpretation. This may be helpful to Environmental Health Officers and local councils who could use Statements of Intent as guidance for interpreting standards and improving their compliance and enforcement policies.

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:

Could refer to the previously used 'notes' in food standards as a reference point which were very helpful. A Statement of Intent should provide clear guidance on the objectives and intended outcome of a food standard and why decisions were made.

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:

Yes, in principle and would need to be determined how this would coincide with FRSC and ISFR implementation work and guidance development. Suggest exploring options in collaboration with associated forums. FSANZ would need to consider the costs and resources involved to support an industry needs or requests service while maintaining existing workplan commitments.

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:

This would promote food sovereignty and align with the recognition of indigenous culture and expertise in the Act which has been supported by Ministers as a concept. This approach would demonstrate a commitment to cultural consideration in the Act. Consultation with First Nations or Māori people should be considered where directly affected and considered appropriate.

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:

• Yes, particularly in standard development.

For example, the good working relationship between FSANZ and the Food Safety Management Integrated Working Group during the development of Standard 3.2.2A allowed for effective implementation considerations during development. More opportunities for targeted discussions on specific items (as per Quail application) could draw out implementation issues earlier.

Additionally, the ability for jurisdictions to see final drafting prior to going to Ministers, would provide opportunity to identify inadvertent enforcement or compliance issues arising from the drafting process.

Using existing mechanisms for collaboration and fine-tuning current processes to align interpretation and enforcement of food standards. For example, FSANZ collaborating with jurisdictions through existing forums on the development of statements of intent for food standards.

Component 2.4

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

Yes

Free text box, no character limit:

More ability for FSANZ to call for targeted FRSC consultation and discussions prior to investments in working group development.

FSANZ could identify specific priority areas that would benefit from further consultation with FRSC to establish objective settings and better inform working group development. This would ensure that working groups have clear mandates and established support from FRSC stakeholders with could help streamline future project work.

In some cases, calls for meetings with FRSC or other representatives can be utilised to clarify matters, expedite work or even negate the need for additional working group functions.

Section 6 - Net Benefit

Section 6 - Net Benefit (Option 1)

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

Prefer not to respond / I don't know

Free text box, no character limit:

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

Free text box, no character limit:

What are the current delay costs to industry?

Free text box, no character limit:

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

No

Free text box, no character limit:

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

No

Free text box, no character limit:

Section 6 - Net Benefit (Option 2)

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

Prefer not to respond / I don't know

Free text box, no character limit:

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

No

Free text box, no character limit:

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

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:

- Yes, noting the discussion is on only two options,
i) status quo and,
ii) modernising legislation.

Option 2 provides a resolution to the problem and Option 1 maintains the current identified problems. This assessment approach may have been more suited to an impact analysis assessment with a multitude of options.

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

Prefer not to respond / I don't know

Free text box, no character limit:

Section 8 - Best option and implementation (Delivery risks)

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

Yes

Free text box, no character limit:

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

Yes

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?

Prefer not to respond / I don't know

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:

Feedback on the Impact Analysis document - The impact analysis was extensive and the layout could have been improved for ease of considerations. For readability purposes it could have benefited from having information about a component problem and the relevant option for reform in the same section. It also could have benefited from having some of the content as attachments to reduce the density of the document.

Next steps - How do all of these concepts fit together for implementation? The next steps should include some modelling of scenarios for example, how a system office works, how Ministers are involved in decisions about risk frameworks and overseas recognition of risk assessments etc.

Phased approach - there are a lot of big concepts explored here which would mean a lot of changes all at once. Is it worth considering a phased approach? For instance, firstly dealing with more obvious and cost neutral changes such as shared agenda setting with Ministers, then addressing the more extensive improvements?

SA Health welcomes the opportunity to provide comment on the Impact Analysis for the Review of the Food Standards Australia New Zealand Act 1991 (the Act)

The Food Safety and Regulation Branch of SA Health supports in principle:

- Option 2 – Modernise regulatory settings

This option seeks to modernise the Act to make it agile, resilient and fit for purpose.

- The Impact Analysis seeks feedback on the strengths, limitations and opportunities associated with options to reform the Act and FSANZ's operations.

SA Health strongly supports any changes being considered in conjunction with other P3 reform work such as the revised Food Regulation Agreement (FRA).

SA Health values the contribution FSANZ make to setting and monitoring standards for food across Australia and New Zealand. As mentioned in the Impact Analysis 'the system can be improved but is not broken'. SA Health supports the call to focus on improving inconsistencies with best practice regulation and standard setting and to align food regulation to be outcomes-based with supporting guidance and administered in a risk-based and

proportionate manner.

While supportive of modernising food legislation it is important to recognise that Australia has a strong and robust food regulation system. Recognising the strengths of the current system can serve as a foundation upon which to build improvements to ensuring food safety, quality, and integrity. While there are opportunities for improvement it is important to preserve the strengths of what already works well in the current system and build upon those.

As mentioned above SA Health is supportive of modernising changes to the Act and emphasises the need for the FSANZ Act review and P3 reform work to ascertain linkages and be collective in their intended outcomes and finalisation.

SA strongly supports the need for all aspects of the P3 reform work to continue as one aligned reform project. This includes the FSANZ Act Review, Strategic Statement, Strategic Outcomes, and the Food Regulation Agreement (FRA) update. SA emphasises the importance of alignment between the principles of the FRA and the FSANZ Act to ensure efficient food regulation across Australia and New Zealand. Ensuring alignment establishes transparency and trust amongst the public, consumers, and government bodies that the agreed principles have been enhanced and reinforced in a manner that improves food regulation efforts across the entire system.

SA Health looks forward to continuing to work with Australian Government of Health and Aged Care on the review of the FSANZ Act.

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: