



Public Consultation

Review of the Food Standards Australia New Zealand Act 1991 –
Impact Analysis

Submission by:

The Australian Institute of Food Science & Technology Limited

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The Australian Institute of Food Science and Technology Limited (AIFST)

The Australian Institute of Food Science and Technology Limited (AIFST) is a not-for-profit organisation representing food industry professionals working in all facets of the food industry including food science, food technology, engineering, sensory, new product development, innovation, regulatory, QA, nutrition, microbiology, and food safety, as well as those in leadership positions within the academic, industry and private sectors.

AIFST's mission is to advance and inspire all food sector professionals through education, collaboration, and recognition, to champion a robust, innovative, science-based Australian agri-food industry to meet future food needs.

Food science is at the heart of what we do, and we champion food science and food scientists.

Introduction

In October 2020, the AIFST was commissioned by the Page Research Centre (PRC) to deliver a paper discussing the potential to grow Australia's food manufacturing sector and proposing focus areas to support this growth.

AIFST worked with RDS Partners to deliver a report which synthesised current key reports related to the future of Australia's agricultural and food production system with a series of conversations with 26 industry leaders, scientists, and stakeholders deeply embedded in the sector.

The resulting report, *Exploring the growth potential of Australia's food manufacturing sector: a new narrative for Australia's agrifood system*, published in January 2021, provides the basis for the AIFST submission to this inquiry.

The report presented a series of recommendations arising from our review of contemporary information and from our discussions with industry experts. While priorities will change as the operating environment also inevitably changes, these recommendations point to some key activities that will help governments develop a clearer picture about what their food policy is and how they are going to support it.

The main recommendation coming out of the report was:

The AIFST calls upon the Government to urgently work with food system stakeholders to establish an industry-led, food system strategic advisory body, chaired at the Ministerial level, to develop a National Food Plan.

The recommended industry-led advisory body would be responsible, amongst many other things, for reviewing the recommendations in this and contemporary reports, and for developing and delivering against its own priorities.

There was a strong call for a well-coordinated and resourced national food system plan and strategy covering what, how and why we grow, harvest, store, value add, market, regulate and export our agricultural, aquacultural and wild harvest primary products and to be rid of the siloed, often piecemeal ways in which these activities are designed and delivered.

In short, we must view and integrate all these largely disparate activities under the auspices of a single, national food system. We need to decide what that system should do – what success looks like – and then design policies and effective actions to achieve that vision.

If the Australian food system is to be positioned to take advantage of the huge opportunities foreseen by our experts, and to mitigate the threats, a serious, nationally coordinated approach to food must occur.

A nationally coordinated approach to food needs to be prioritised so that it is led by industry with true commitment, collaboration, and support from the highest levels of government.

This recommendation is important in the context of this review of the FSANZ Act – providing a 'paddock to plate' view of the agri-food industry in Australia.

Overall Position

AIFST supports Option 2 of the Impact Analysis – to modernise regulatory settings.

AIFST supports the urgent need for FSANZ to be adequately resourced by the Commonwealth Government.

Response to Consultation questions

Section 3 – Problems to solve.

Issues with the current methodology should be raised by the stakeholders in the system, and not by perceptions from those outside. We need to know whether there are real problems or just perceived problems due to lack of knowledge, good communication or understanding by some stakeholders.

Component 2.1 | Purpose and objectives of FSANZ

Component 2.1.1 | The definition of ‘protection of public health and safety’ within the Act could be clarified to be in line with the current policy guidance

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?

AIFST note that FSANZ is a regulator and does not develop policy guidance.

AIFST questions if there is a problem or rather an issue with stakeholders not understanding the role of FSANZ and whether altering definitions would reduce the “confusion”.

It is possible the issues arise from some stakeholders wanting outcomes which may not be attainable through regulation. Working to improve the definitions is unlikely to resolve this issue, however the discussions could help to improve understanding of what is and what is not possible.

AIFST would support clarification of a definition of public health and safety within the Act only as it applies in the context of developing food regulation.

The drafting must acknowledge the importance of sound and robust science across all disciplines underpinning public health and safety.

If a definition was to be amended in the Act, AIFST strongly requests there be consultation on any proposed drafting.

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?

AIFST fully supports the independence of FSANZ, and when setting standards, ensuring the best science and evidence always underpins decisions.

Generally, stakeholder would expect that FSANZ's approach is already in accord with the Ministerial policy guidelines – therefore the legislative change is unlikely to have a material impact, but rather improve clarity of interpretation.

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

AIFST does not expect a clarification to the definition of 'protection of public health and safety' within the Act to make a material difference.

Component 2.1.2 | There could be greater clarity around how ministerial policy guidance is reflected in the development of food standards.

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?

AIFST supports greater transparency in communication pertaining to development of food regulatory measures.

AIFST considers it is important to raise awareness that Ministerial Policy Guidance is in place and FSANZ has regard to this guidance when developing food regulatory measures.

Raising awareness of the policy guidance is not just the role of FSANZ, the Food Regulation Secretariat should also play a role in informing food industry stakeholders of the existence of policy guidance, how the guidance is developed and its role in development of food regulation.

Once again, the role of science in underpinning policy guidance must be acknowledged.

Additional transparency in how FSANZ interprets the policy guidance in development of regulations and standards would be welcomed.

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

When a communiqué is put out the relevant policy guidance should be clearly referenced and what has and has not been achieved in developing the regulation with relevant reasoning.

For example, in the recent publication of Proposal 1062 on added sugar labelling, it was unclear how the ministerial guidance was considered in the significant departure in regulatory proposal from the initial draft of the standard to the final proposal as gazetted.

In trying to comply with the guidance, the problem of definition of added sugar is a major issue as food ingredients naturally have varying amounts of sugar and are used for different purposes, so it is problematic to define which should be included in the definition. This highlights the difficulty around consumer perceptions and practicality of creating a measurable and hence enforceable standard.

This resulted in significant concern that due process had not been followed and will ultimately result in significant additional relabelling work in within the food industry.



Component 2.1.3 | Language within the Act could be updated to be more culturally inclusive.

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

AIFST has no comment, this is a question for the indigenous people and those with knowledge of indigenous culture.

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

AIFST has no comment this is a question for the indigenous people and those with knowledge of indigenous culture.

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

No comment.

Component 2.2 | Reform standard-setting

Component 2.2.1 | A risk-based framework and approach could be introduced to guide the development of food regulatory measures.

Would the introduction of a risk-based framework support FSANZ to be flexible and proportionate in handling changes to the Food Standards Code?

AIFST is supportive of the introduction of a risk-based framework to support FSANZ. However, the example provided in the consultation paper does need further refinement.

AIFST requests that further consultation is undertaken on the framework prior to finalising.

Regulations should be outcome based with the focus on ensuring safe food.

Regulation should be commensurate with the identified risk(s) and this can only be achieved through a sound, science based, risk assessment processes.

A risk-based framework, cognisant of the most up to date and international science-based evidence to support FSANZ in handling changes to the Food Standards Code and would also make the organisation more efficient and provide faster response thereby enabling opportunities to be realised in a timely manner.

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

There are many risk assessment frameworks available to FSANZ – basic HACCP principles are widely used across the food industry incorporating severity of risk and likelihood of risk and should be considered.

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

FSANZ is already applying a risk-based framework – the focus of this review should be on ensuring regulation is commensurate with the identified risk(s) and this can only be achieved through sound, science-based risk assessment processes.

Further refinement of the risk-based framework and expansion of the knowledge base more globally would contribute to proportionate effort and process being applied to the level of risk identified.

Component 2.2.2 | New pathways to amend food standards could be introduced.

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

FSANZ should be enabled to accept risk assessments from international jurisdictions provided the context in which each of those assessments is made is taken into consideration – that is, that the background to the assessments is available for scrutiny and the quality of the work is of sufficient



equivalence to work that would otherwise be conducted locally. Where there is acceptance, demands on FSANZ resources would be reduced and the regulations could be progressed faster.

In a high performing system, each step in a project is assessed after the event to ascertain whether that step actually added value or not. Types of work which regularly add no value could then be grouped and managed to delete that unneeded step. Note that some steps in the process may be for information sharing only. Senior management would need to report which steps are not needed and be prepared to justify their decisions. This is all with the aim of best utilisation of resources and timeliness of project delivery.

Within the context of international-equivalency, replication of work by FSANZ that has already been well researched and reviewed is wasteful of resources and inefficient. Under the principals of a high performing system, where possible, these should be eliminated.

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

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, within a robust framework that defines criteria for the level of risk and how it is assessed within the system.

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, the principles must be science based.

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

Reduce effort and time frames for the broader food industry to support innovation.

Incentivise innovation.

Supporting innovation in the Australian food industry will support food science and food scientists role and future. This would also be a good outcome for consumer choice and food availability.

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

FSANZ should take learnings from other regulatory bodies – there is no point reinventing the wheel.

Component 2.2.3 | Decision-making arrangements could be streamlined.

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

AIFST supports enablement of FSANZ to optimise efficiency of its functions and notes good governance principles require robust delegation policies and processes.

Delegation of decisions to the appropriate level based on an established, transparent, and agreed delegation of authority and as long as those decisions are documented and ratified is a key step in making a process efficient. It usually means that those decisions are timelier. Factors to be considered in establishment of the delegation of authority are what is the likely amount of impact of that decision on either the population or that portion of the population most likely to be affected. The person delegating the responsibility needs to have confidence in the ability of the delegate to make the correct decision.

Delegation of decision making should not, however, dilute governance obligations of the FSANZ Board or the Food Ministers.

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

A key factor for consideration is the skills and knowledge of the delegate. Additionally, the level of risk, based on factors such as (but not limited to): category of food/ chemical; complexity of change; impact on food safety, public health, and trade; history of similar use in like-population; and recognition by other authorities.

An alternative consideration is to provide FSANZ with better tools – eg: no requirement to do a full risk assessment on an enzyme which has already been approved in other markets.

Focus on the systems and processes and tools, not so much about the delegation.

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

Ideally, reduced effort to prepare applications and improved timeframes for outcomes. This would also support innovation by industry.

Supporting innovation in the Australian food industry will support food science and food scientists' roles and future.

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

Skills and knowledge of alternative person.

Component 2.2.4 | Legislative change and greater guidance material could support bringing more traditional foods to market.

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?

AIFST consider that more information is required to provide a considered response.

This currently seems like a resource drain on FSANZ.

An initial step in this process is to consider the completeness of knowledge of indigenous foods.

AIFST defers to indigenous people and those with further knowledge of indigenous foods and culture.

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?

Further guidance materials will not be useful in the absence of a clear risk assessment process and path to market.

Component 2.2.5 | FSANZ can be resourced to undertake more timely, holistic, and regular reviews of standards.

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?

AIFST supports the provision of adequate resources for FSANZ to optimise efficiency of its functions. Best practice indicates that reviews ought to have criteria-based triggers to ensure effort is applied effectively; has a clear purpose and is outcome focused.

However, regular holistic reviews of standards do not necessarily lead to better outcomes. The last major review was carried out to make the Code more robust from a legal challenge point of view but has made it a lot more complicated for industry to check for compliance, particularly amongst the SME sectors.

FSANZ should be funded to perform its role in a robust and effective way with sufficient resourcing to deliver its performance metrics and outputs on an ongoing basis.

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

To drive more holistic consideration of food standards decision-making and prioritisation of standards development should be more transparent noting who is consulted and how decisions are made.



Component 2.2.6 | Codes of Practice and guidelines could be increasingly used to complement food standards.

Would the use of Codes of Practice and guidelines to 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?

AIFST supports the use of Codes of Practice and/or Guidelines to support the implementation of the Food Standards Code – not in place of Standards which provide science-based framework for regulations. Importantly, the purpose and hierarchy (i.e., legal standing/ enforceability) of any such documents must be clearly defined and understood by all stakeholders.

AIFST question the statement ‘to address issues that do not warrant the time and resources required to develop or vary a standard’ – surely this is the role of FSANZ – the agency needs to be adequately resourced – they should not have to choose or do a less than thorough job.

Codes of practice have been useful in the past but were also removed due to their legal status being queried. The legal status would need to be addressed.

Need to be clear on hierarchy – code of practice and guidelines will always be subservient to regulation.

Can you provide an example of an issue that would have been/be better solved by a Code of Practice or guideline? (Free text)

The following are examples of Codes/Guides developed by the food industry:

- Code of practice on wholegrain claims
- Food Industry Guide to Allergen Management and Labelling

These are examples of voluntary code of practice being complementing regulation.

Best practice regulation principles dictate minimum burden for the required effect/outcome.

AIFST suggests that where an Australian Standard already exists, i.e. some primary production, it may be appropriate for a Code of Practice to replace a Standard. However, the legal standing/ enforceability of any such document must be clearly defined and understood by all stakeholders.

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?

Code of Practice or guidelines could be delegated to a low to moderate level within a risk framework.

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

There are already examples of such a practice in industry – as noted above.



Other

Are there other initiatives that should be considered in this component?

Codes of Practice and Guidelines must be broadly acknowledged and adopted by the users and stakeholders and must be maintained with up-to-date information or risk creating more uncertainty, inconsistency, and confusion - these should be tools to create further clarity.

Component 2.3 | Efficient and effective operations

Component 2.3.1 | Outstanding recommendations from the 2014 review of the FSANZ Board could be implemented.

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

Yes, this would be the aim and should already be in place following best practice governance processes.

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

Nomination process should follow current best practice governance processes with a focus on achieving a skills-based board.

AIFST values the importance of maintaining food science technical knowledge as part of the skillset for FSANZ Board.

Component 2.3.2 | The expedited approvals pathway could be removed to address workload prioritisation.

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

This is currently the only route available to companies to support innovation in a known timeframe – such a move could adversely affect the incentive for companies to innovate in the ANZ market.

If the option for applications to be expedited were removed, then there is no incentive to pay for them, and opportunities would be lost.

Further, it is questionable that this change would substantially address workload prioritisation issues – which is fundamentally a resourcing problem.

Component 2.3.3 | To generate more sustainable revenue, cost recovery could be expanded for work that benefits industry.

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

AIFST does not support a levy imposed on industry to support the operation of FSANZ.

Any additional cost imposed on the food industry will potentially divert budgeted funds within businesses away from innovation supporting new products and investment in research and development.

There could be unintended consequences such as:

- Reduced funding available to support research and development within companies and between companies and research providers such as universities.
- Reduced investment in food scientists due to reduced investment in innovation.
- Offshoring of R&D

Imposing an industry -wide levy would be expensive to manage, implement and police given the diverse nature of the industry and the difficulty of deciding which part of the industry a particular business fits in. This would generally have a negative impact. Current industry groups which do manage a levy of their members do so as they are able to justify the expenditure of that levy.

The food industry is highly fragmented so being able to provide tangible benefits to all contributors would be a tough challenge and would distract from the primary purpose.

No levy collection system currently exists – how would this be implemented fairly without creating more work for both government and industry?

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

AIFST does not support the implementation of an industry-wide levy.

AIFST does not envisage a system that could be fairly and consistently applied nor feasible to administer. The highly complex and varied nature of the agri-food industry poses an administrative impracticality that would almost certainly see the cost of administration outweigh any benefit.

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

No levy.

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

Reduction in applications and negative impact on innovation both within Australia and for overseas companies investing in Australia.

This could also have flow on effects to universities and other organisations providing research and development facilities. The number of applications annually is not sufficient number that fees would significantly increase FSANZ resources. Mandatory fees will also rightly so, increase applicants expectations on service delivery (fee for service).

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

FSANZ needs to be resourced to focus on their core business and not be distracted by attempting to generate income to support its fundamental activities.

Component 2.3.4 | Some services could also be cost recovered from government agencies.

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?

A levy is inappropriate as this means that the whole industry bears the direct cost of a problem, rather than the perpetrators. The broader food industry already suffers reputational loss when these incidents occur. A levy is also a disincentive to report an issue to the detriment and regard of the current state of health and safety of our food supply.



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

No comment.

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 comment.

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

No comment.

How would this need to be implemented to be successful?

No comment.

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

No comment.

What would be the expected impact of charging jurisdictions a fee to add additional proposal work to FSANZ' workplan? How would this need to be implemented to be successful?

No comment.

Other

Are there other initiatives that should be considered in this component?

No comment.

Component 2.4 | Improving system agility.

Component 2.4.1 | Mechanisms to enable FSANZ and FMM to undertake periodic joint agenda-setting could be implemented.

This should already be in place.

Good project management practice is to have a round table discussion between the management group (in this case FMM) which agrees the priority of each project, and the project development group (FSANZ) which provides the funding and other resources available to implement the projects. (Obviously funding associated with particular projects, whether they be from industry, or a jurisdiction, are funded financially).

The discussion then reviews the priorities of those projects near the cut-offline of resourcing. At the end of discussion, the management group must either support the decision about what will not proceed, or investigate other specific resources (funding, staff, etc) to allow an otherwise unfunded project to go ahead. Such a process exposes and therefore clarifies the purpose, and impact of each of the projects as well as the capability of the development group to actually deliver the required outcome. (By default, it exposes what the project team may not be able to achieve and therefore require a solution outside the scope of the project development group). Periodic reviews allow any change of circumstances to alter priorities and therefore active projects.

Factors to be taken into consideration for project priority should include, clarity of project goal, likely successful outcome of a project, resources required for the project, etc.

How would this need to be implemented to be successful?

This should already be in place.

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

This should already be in place. Any periodic joint agenda-setting between FSANZ and FMM should consider all work current and proposed from a perspective of overall goals, resources, and timing. Where important work is deprioritised simply because of funding an avenue for additional funding should be forthcoming. The planning process should be transparent and equitable to all stakeholders.

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

It would be helpful for all work done by FSANZ and the FMM be coordinated and aligned through a National Food Plan and a Minister for Food. The implementation of a Minister for Food and a National Food Plan is a recommendation of the House of Representatives Standing Committee on Agriculture Inquiry into food security in Australia.



Component 2.4.2 | FSANZ could engage earlier and more systematically with FRSC and jurisdictions in the development of food standards.

Would more routine engagement between FSANZ and the FRSC reduce duplication of effort and missed opportunities to manage risk? How so?

Improved collaboration comes with organisations getting together and discussing what they each believe their core business is, what they need from the other organisations in order to do their job properly, and then to look at and try to resolve the gaps or the disconnects. In large organisations this is a common practice to improve effectiveness of all parties.

In the context of the engagement between FSANZ and FRSC it would be helpful for all work to be aligned to a national food plan under the auspices of a Minister for food. The implementation of a Minister for Food and a National Food Plan is a recommendation of the House of Representatives Standing Committee on Agriculture Inquiry into food security in Australia.

The FRSC work agenda should be more visible. We often don't know work is being undertaken until it has reached outcomes.

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

Improved collaboration could be achieved through the auspices of a national food plan and Minister for Food.

Component 2.4.3 | FSANZ could take guardianship over key food safety databases (Australia only)

Would FSANZ assuming a role as a database custodian for Australia meaningfully improve intelligence sharing across the regulatory system? How so?

AIFST questions which databases would be in scope for this action?

Database custodian is a very generic statement. It needs more definition to be discussed appropriately.

Current databases seem to be biased towards packaged goods and do not take into consideration total food supply. A database to assist with managing food security would be of a different scale and FSANZ may not be the appropriate place for this to reside, given existing resource constraints.

If this was to happen, the databases must be clearly relevant to FSANZ role and scope of operation. There must also be processes to ensure the information is kept up to date, underpinned by sound science and shared in a timely manner with all stakeholders at no cost.

Examples:

- Failed food reports.
- FSANZ allergen recalls information.

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

As per examples above.



Component 2.4.4 | Further work could be done to establish information sharing arrangements with international partners.

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

Yes, absolutely – this should already be happening.

What should be the focus of such information sharing arrangements?

No comment.

Component 2.4.5 | Statements of intent could be introduced into the Food Standards Code to assist with interpretation and enforcement.

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

Statements of Intent in the FSC would only improve consistency of interpretation and enforcement if they were agreed upon by the jurisdictions during the development of standards, and not inserted after the standard was approved by the FMM.

It should be noted that jurisdictions will always retain the authority to interpret standards and their own pursuant regulations as they see fit. Implementation is supposed to be coordinated by the Implementation Subcommittee for Food Regulation which may also have a role in finalising Statements of Intent.

What should a Statement of Intent include to benefit industry and enforcement agencies to understand and consistently apply food standards?

A statement of intent should be a concise statement that outlines the purposes, objectives, of the standard and may include reflections on the references and insights that the standard draws from and the intentions and directed outcomes for relevant stakeholders.

Component 2.4.6 | FSANZ could be resourced to develop, update, and maintain industry guidelines to guide interpretation of food standards.

Would FSANZ being resourced to develop, update, and maintain industry guidelines improve consistent interpretation and enforcement of food standards? How so?

Yes, this would assist to support consistent implementation of regulations by food companies.

Resourcing FSANZ to develop, update and maintain industry guidelines should also include the ability to track what is working and what is not working, namely measuring how well the guidelines are actually working.

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 comment.



Component 2.4.7 | FSANZ could collaborate more regularly with jurisdictional enforcement agencies.

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

To ensure alignment with jurisdiction stakeholders it is of utmost important that FSANZ collaborate with jurisdictional enforcement agencies to improve inconsistency of interpretation and enforcement of food standards.

Jurisdictions have a key part to play in the collaboration i.e., must be willing to compromise for an aligned outcome.

Net Benefit (Option 1)

The questions on this page refer to the information in Option 1 in the Impact Analysis from page 69.

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

There is a significant opportunity cost of lost innovation initiatives due to the cost of navigating the regulatory landscape. AIFST is not in a position to quantify this figure.

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

No comment

What are the current delay costs to industry?

We believe that effective and efficient regulation and a regulatory process will drive the industry.

Likewise, the corollary will result in delays and increased costs.

However, AIFST is a member based pre-competitive science education and advocacy organisation and is not a position to quantify this figure.

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

No comment.

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

No comment.



Net Benefit (Option 2)

The questions on this page refer to the information in Option 2 in the Impact Analysis from page 72.

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

Based on the review paper under option 2, FSANZ would receive AUD \$40 million (NZD \$42.8 million) per year in funding, an increase of AUD \$20.5 million. Additional funding is welcomed by the AIFST to support the important work of FSANZ.

The paper has noted that option 2 results in benefits of AUD \$726.3 million (NZD \$777.2 million) over ten years and are driven by two factors: increased public health benefits and market access for Aboriginal, Torres Strait Islander and Māori foods. AIFST believes additional benefits to the broader food industry and education sector will be driven by a more efficient and effective regulatory network. We believe that effective and efficient regulation and a regulatory process will drive the industry.

However, AIFST is a member based pre-competitive science education and advocacy organisation and is not a position to quantify a monetary benefit.

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

No

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

No

Best option and implementation (Solving policy problems)

The questions on this page refer to the extent to which options solve the policy problems in the Impact Analysis from page 89.

Does the approach to assessing the degree to which an option solves a policy problem make sense? How so?

The approach to reviewing each option is appropriate.

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

The risk ratings as noted are appropriate.

Best option and implementation (Delivery risks)

The questions on this page refer to the delivery risk in the Impact Analysis from page 94.

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

The risks as noted are appropriate.

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

The risk ratings as noted are appropriate.