
**Report of the
2008 Australian Stakeholder Consultation Forum**

**Brisbane
7 August 2008**

A. Introduction

Following the success of the 2004 and 2006 Stakeholder Consultation Forums, a third Forum was held in Brisbane at the Marriott Hotel on 7 August 2008.

Invitations to the Forum were sent to all stakeholders on the Food Regulation Standing Committee (FRSC) Secretariat database - over 950 people. 112 people attended the forum from a diverse range of industry, consumer, public health and government bodies. A full list of attendees is at Attachment A.

The forum was divided into two main parts:

- an early bird session which a number of participants chose to attend to receive a background briefing on the regulatory system for food in Australia; and
- an afternoon session which was opened by the Parliamentary Secretary to the Minister for Health and Ageing, Senator the Hon Jan McLucas. The afternoon focussed on two main parts of the food regulatory system:
 - the policy development process; and
 - the strategic approach to food regulation.

The focus of the afternoon session was based on suggestions from the 2006 Stakeholder Forum where participants noted that the food regulatory system might be improved in these two key areas. These areas were therefore the focus of the 2008 Stakeholder Consultation Forum.

Discussion was, however, wide ranging and no attempt was made to reach consensus on particular issues. Rather, the focus of the day was to receive as wide-ranging feedback as possible. As such, this report does not represent stakeholder consensus but rather a summary of key issues and a noting of views expressed.

B. The Policy Development Process

(i) Presentations

Presentations were provided by:

- Dr Anne Astin (CEO Dairy Food Safety Victoria and Chair of the FRSC Implementation Sub-Committee (ISC)). Dr Astin provided a summary of:
 - the issues that were raised at the last forum about the policy development process and how stakeholders thought it could be improved; and
 - the actions that have either already been taken to-date or are underway to address the issues that were raised in last year's Stakeholder Consultation Forum.

- Ms Linda Addison, First Assistant Secretary, Regulatory Policy and Governance Division, Commonwealth Department of Health and Ageing provided an overview of other key changes and reviews that have been undertaken since the last forum including:
 - recent amendments to the FSANZ Act;
 - review and amendments of the Food Regulation Agreement;
 - review of the Treaty with New Zealand; and
 - further work that is planned for the coming year.

(ii) Feedback

Following the two presentations feedback was sought from participants about the policy development process and in particular:

- where improvements have been made;
- where there is room for further improvement; and
- any concrete suggestions for how things could be done better.

Stakeholders expressed the following views about the policy development process:

- in relation to the consultation processes, the specific issues raised were that:
 - stakeholder input was only occurring at the invitation of regulators/policy setting process;
 - there had been limited communications since last forum;
 - significant improvements could be made in relation to consultation; and
 - submissions were made to FSANZ but they did not appear to have an impact;

- concern about the lack of consistency specifically around interpretation of Standards (noting that it would be useful if there was a central point where differences in interpretation could be reported);
- concerns that Australia and New Zealand Food Regulation Ministerial Council (Ministerial Council) decisions are not adequately transparent, that one jurisdiction can trigger a review, that there is politicisation of the process and that there has been a proliferation of policy by the Ministerial Council; and
- specific issues about organics (the absence of a standard for organic food); the lack of uniformity around MRLs; and dietary supplements.

C. Strategic Framework

The second focus of the day was strategic planning.

At the last stakeholder forum this was one of the major issues raised by stakeholders – the need for a more strategic approach to the identification of policy issues and the need for earlier consideration of policy issues.

Stakeholders were provided with the *FRSC Strategic Plan 2006-2011* and the *Overarching Strategic Statement for the Food Regulatory System* before the Forum and were invited to consider (and discuss with colleagues) what they thought should be the priorities and strategies for the coming years.

Participants had been invited to consider, in particular, the following six broad areas:

- Most Critical Standards;
- Consistency in implementation/enforcement;
- Streamlining regulatory processes;
- Filling gaps in the evidence base;
- Stakeholder Communication and Partnerships; and
- Evaluation and Performance Management.

(i) Presentations

Mr Craig Sahlin, Deputy Director General of the NSW Food Authority and Chair of the FRSC Strategic Planning Working Group outlined the work that had been done since the last Forum in the area of strategic planning. In particular the development of the *FRSC Strategic Plan 2006-2011* and the *Overarching Strategic Statement for the Food Regulatory System*.

(ii) Feedback

Participants were invited to put their ideas against each topic (or any other ideas), work in small groups to identify key issues and report back to the Forum for a whole-of-group discussion of each issue.

In particular, the advice of participants was sought regarding:

- their view on what the priorities should be for FRSC for the coming five years; and
- the strategies that should be adopted by FRSC in order to address the priorities.

Most stakeholders focussed on concerns with the current system and areas they consider require greater attention.

Following is a summary of the issues raised by participants in relation to the six main areas considered (namely: most critical standards; consistency in implementation/enforcement; streamlining regulatory processes; filling gaps in the evidence base, stakeholder communication and partnerships; and evaluation/performance management).

Most Critical Standards

Stakeholders generally acknowledged that different people have different views about the most critical standards. However, it was noted that:

- it would be desirable to gain stakeholder views earlier in the policy and standards development process;
- it is important for FSANZ to prioritise Standards development. Some of the points made in relation to this were:
 - the need for clear criteria for prioritisation including transparency regarding criteria used and the absence of any politicisation of the prioritisation process; and
 - the need to look at issues such as: whether the problem can be addressed with regulation; whether the regulation will be effective; whether FSANZ is the best agency to address the issue; and the volume of people a particular issue affects.

Some of the suggestions for priority Standards that were noted by certain stakeholders were: nutritional health claims, hemp as a novel food, front of pack labelling, food type dietary supplements, organics, food for special medical purposes, substances other than vitamins and minerals, consistency between APVMA and FSANZ re MRLs, food composition for diabetes.

Certain stakeholders also expressed concerns about the limited information provided by the Ministerial Council when it requested FSANZ to undertake a review. It was suggested that full transcripts of the Council's discussions should be made available. The Obesity Inquiry was provided as a good example of transparent decision making.

Consistency, Implementation/Enforcement

Based on the discussion over the course of the day, this was perhaps one of the major areas of concern – the lack of consistent interpretation of standards between Australian jurisdictions.

While it was recognised that this is, to some extent, expected in a Federal system relying on outcomes based Standards, it was felt by many participants that the situation needed to be improved considerably.

Some of the particular issues raised by certain stakeholders were:

- concerns about the retesting of product from New Zealand to Australia;
- lack of consistency in relation to auditing;
- lack of transparency re decision making;
- no national approach/politicisation;
- communication problems including the absence of proper feedback loops, the lack of appeal processes at the State government level if advised on interpretation;
- some areas in which enforcement is lacking (for example, imports including the lack of import checks on MRLs);
- discrepancies between levels of authority; and
- too many levels of interpretation.

Some suggestions for improving the current situation included:

- an independent organisation or referee to interpret Standards;
- more industry input to policy setting because this directly impacts enforcement;
- providing incentives for operators/enforcers (to encourage consistency);
- online systems for forms/guidelines;
- greater alignment of terminology (for example, around organics); and
- centralised training of enforcement agencies so that they are all trained to the same level.

Streamlining Regulatory Processes

The focus of discussion was around three main issues:

- the politicisation of the food regulatory process. In particular it was noted that:
 - issues become politicised leading to poor decisions that are difficult to enforce;
 - the operation of Ministerial Council/FRSC/ISC is problematic;
 - if FSANZ adheres to policy, there should be no need to go back to the Ministerial Council with resulting food standards;
- the lack of national (and international) consistency resulting in high costs to business. Particular issues raised were:
 - the need to recognise APVMA MRLs and industry-based quality standards; and
 - the desirability of International harmonisation of standards (especially around labelling); and
- the increasing reach of regulation. For example:
 - food standards morphing into health promotion, which may be acceptable provided there is sufficient evidence and that all options (including non-regulatory options) have been considered; and
 - the proliferation of audit requirements.

In terms of suggestions for ways in which the system could be improved, some stakeholders suggested:

- a single national food regulator;
- one-stop shop front for food regulation;
- the need to focus on effectiveness rather than streamlining;
- looking at co-regulatory alternatives and not just regulatory options; and
- increasing reliance on existing systems (eg. ACCC) rather than the creation of new Standards.

Filling the gaps in the evidence base

The key areas in which some stakeholders felt there was an inadequate evidence base included:

- the impact of legislation (concern was expressed that regulation keeps expanding without proper evaluation of the impacts of the existing legislation and whether it continues to be necessary);
- consumer understanding;
- the monitoring of food intake and composition;
- country specific food composition information;

- national dietary survey data;
- evidence about food-borne illness and the effectiveness of food safety programs; and
- in the subject matter areas of: herbal monographs; cross over foods; GM food; food additives once approved; and functional ingredients (it was suggested that a central database could be developed for functional ingredients).

Certain stakeholders also noted that:

- confidential data is not adequately protected by FSANZ (the APVMA data protection process was identified as a good example of data protection);
- research is largely funded by industry (because of the absence of public funding) but such research is seen as tainted. Further, it means that non-trade marked foods are less likely to be adequately researched because industry is less likely to research such foods;
- there are challenges in using data from other countries because of disagreement by Australian scientists;
- the aged care industry could provide important evaluative information given the collection of data in that sector about food handling;
- the need for short and long term research; and
- in terms of FSANZ processes: there should be a more thorough cost/benefit analysis and more robust Regulation Impact Statements; greater attention paid to the evidence; and increased involvement of expert committees.

Stakeholder Communication/Partnerships

Discussion on this issue largely focussed around the lack of effective engagement with stakeholders (particularly around policy) and suggestions for improving this situation.

Suggestions for improvement included:

- improving communication with stakeholders and more proactive engagement in relation to both policy and regulation;
- systematic communications rather than “one-off” communications around issues;
- better engagement of nutritional scientists and psychologists;
- improving transparency (for example, the reports of working groups could be made available);
- having greater opportunity for direct input into policy (eg representatives providing direct input to Ministerial Council) and to identify issues to FRSC; and
- considering the model of the Retail Manufacturers Liaison Group which meets twice per year and provides frank and confidential advice to FSANZ.

It was also noted that:

- consumers are not an homogenous group (and different consumers and interest groups will have different issues);
- views of stakeholders should not be filtered by Regulators; and
- there had been no feedback on the outcomes of the Bethwaite Review.

Performance Management/Evaluation

A very wide range of views were expressed regarding the current problems with performance management and the ways in which performance management and evaluation could be improved.

Concerns expressed by some stakeholders included:

- the cost of training/maintaining standards especially for non-profit organisations;
- the lack of transparency surrounding the Ministerial Council; and
- lack of consistency about how policies are developed.

Suggestions for improvements included:

- incentives for training;
- undertaking stakeholder satisfaction surveys and making the results public;
- introducing accreditation for food handlers (similar to the construction industry blue card);
- more clearly articulating what FRSC will do to achieve objectives/issues (for example, an 'island map' of what FRSC will do);
- better monitoring outcomes;
- mapping the Standards Code against Policies (it was suggested that major gaps would be found if this were to occur); and
- regular training for EHOs (noting that while it is unlikely that we will ever get full consistency this may improve things).

D. Conclusion

Discussion at the Forum was wide ranging and valuable contributions were made from all sectors (industry, consumers, non-government organisations and government) on the challenges facing the system, areas for improvement and ideas for the future.

While no attempt was made to achieve consensus or a majority view on a particular issue, there appeared to be three main issues that seemed to underpin much of the discussion across different subject matters.

These issues were:

- the importance of improving stakeholder consultation (including by involving stakeholders earlier in the process, better engaging stakeholders and ensuring that the views of stakeholders were taken into account);
- the need for consistent implementation and enforcement. Stakeholders emphasised the cost to business, the inconvenience and the lack of certainty/clarity surrounding inconsistent interpretation across jurisdictions and between regulatory authorities; and
- politicisation of food regulation and the absence of transparency regarding Ministerial Council decisions (to request review) and prioritisation of issues.

Stakeholders noted that these issues had all been raised in previous forums yet little change had been evident – some stakeholders characterised this as a need to ‘stop talking and start addressing the issues’.

As was noted at the Forum, this Report will be provided to FRSC and the Ministerial Council for consideration in the context of identifying areas for improvement of the regulatory system and also priorities for the coming years.

**Attachment A: Attendees of the
2008 Australian Stakeholder Consultation Forum**

Linda	Addison	Department of Health and Ageing
Jane	Allen	Food Standards Australia New Zealand
Susan	Anderson	Heart Foundation
Geoffrey	Annison	Australian Food and Grocery Council
Karen	Armitage	Dairy Australia
Anne	Astin	Dairy Food Safety Victoria
Ann	Backhouse	Department of Agriculture, Fisheries and Forestry
Nathan	Barker	Dept of Innovation, Industry, Science and Research
Carol	Bate	Fonterra Australia
Sandra	Baxendell	QLD Dept of Primary Industries
Kerry	Bell	SafeFood Production Queensland
Rebecca	Boustead	Kelloggs
Tracie	Brady	Department of Agriculture, Fisheries and Forestry
Cameron	Bright	QLD Health
Isobel	Brown	Hill & Knowlton
Kevin	Bucket	SA Health
Pat	Burgess	National Council of Women of QLD
Katrina	Buxton	Dept of Innovation, Industry and Regional Development
Annette	Byron	Dietitians Association of Australia
Nola	Caffin	QLD Health
Kate	Carnell	Australian Food and Grocery Council
Kathy	Chapman	Cancer Council NSW
Lyn	Charlesworth	Serve-Safe Food Hygiene Training Services P/L
Val	Cocksedge	
	OAM	National Council of Women of QLD
Lindy	Crothers	US Embassy
David	Cusack	Implementation Sub Committee
John	Daniels	QLD Dept of Primary Industries
Stephen	Davidson	Environmental Health Australia
Howard	Dengate	Food Intolerance Network
Sue	Dengate	Food Intolerance Network
Michael	Depalo	Campbell Arnotts
Zena	Dinesen	QLD Dept of Primary Industries & Fisheries
Jodi	Dixon	Coles Public Affairs
Jim	Dodds	WA Department of Health
John	Dorian	Australian Meat Industry Council
Helen	Dornom	Dairy Australia
Patricia	Elphinstone	WA Dept of Agriculture and Food
Brett	Esbensen	Queensland Health
Chris	Etherton	Primary Industries and Resources, South Australia
Alan	Fagerland	Woolworths Ltd
Vikki	Fischer	Department of Agriculture, Fisheries and Forestry

Melanie	Fisher	Food Standards Australia New Zealand
John	Fladun	Food Standards Australia New Zealand
Tenille	Fort	QLD Health
Dianne	Fullelove	Brismark
Catherine	Gay	Department of Health and Ageing
Mike	Gidley	Uni of QLD
Rachelle	Gormley	Woolworths Ltd
Emma	Greenhatch	Dept of Innovation, Industry and Regional Development
Adrian	Harris	CropLife Australia
David	Harrison	QLD Meals on Wheels Association
Deb	Hart	Department of Health and Ageing
John	Hart	Restaurant and Catering Australia
Stuart	Heggie	TAS Dept of Health & Human Services
Peter	Herborn	Australian Olive Association Table Olive Subcommittee
Wayne	Herdy	Australian Medical Association
John	Holloway	Direct Selling Association of Australia
Clare	Hughes	Choice
Brenda	Hunting	Food Intolerance Network
Carole	Inkster	New Zealand Food Safety Authority
Pauline	Ireland	VIC Dept of Human Services
Kylie	Jonasson	Department of Health and Ageing
David	Karan	Woolworths Ltd
Libby	Kerr	Therapeutic Goods Administration
Graham	King	Metcash Group
Karin	Krist	NSW Food Safety Authority
Rebecca	Lathbury	Department of Agriculture, Fisheries and Forestry
Marie	Lewis	QLD Dept of Primary Industries & Fisheries
Ian	Longson	WA Dept of Agriculture & Food
Anne-Marie	Mackintosh	Heart Foundation
Trixi	Madon	Complementary Healthcare Council
Ian	Main	Brismark
Helen	Mair	Dairy Australia
Stefan	Martin	Australian Pork Limited
Justine	Maynard	QLD Health
Lance	McCallum	Adviser - Parliamentary Secretary to QLD Health Minister
Caroline	McCarthy	Department of Foreign Affairs and Trade
Leanne	McDonald	QLD Health
Lisa	McKenzie	AQIS Fish Exports Program
Eva	Mehakovic	Department of Health and Ageing
Nicholas	Mercieca	Robert Forbes & Associates
Wendy	Morgan	Innovations & Solutions
Jennifer	Moss	Unilever Australasia
Mary	Murnane	Department of Health and Ageing
Julie	Newlands	Unilever Australasia

Steven	Newton	Metcash Group
Grant	Pettrie	US Embassy
John	Piispanen	Queensland Health
Myra	Pincott	Food Safety Information Council
Phil	Pond	SafeFood Production Queensland
Bill	Porter	NSW Food Safety Authority
Chris	Preston	Legal Finesse
Daniel	Quinn	CropLife Australia
Vijaya	Rajendram	Wyeth Nutrition
Trish	Ranstead	New Zealand Food Safety Authority
Jenny	Reid	New Zealand Food Safety Authority
Mia	Sadler	The Food Group Australia
Craig	Sahlin	NSW Food Authority
Jessica	Sanderson	QLD Dept of Primary Industries & Fisheries
Alison	Small	Australian Veterinary Association
Neil	Smith	Cadbury Schweppes Pty Ltd
Wayne	Smith	NSW Dept of Health
Richard	Souness	Department of Agriculture, Fisheries and Forestry
Dean	Stockwell	Food Standards Australia New Zealand
Karen	Struthers MP	Parliamentary Secretary to the QLD Minister for Health
Debra	Tape	QLD Meals on Wheels Association
Sarah	Taylor	Department of Health and Ageing
James	Visser	Restaurant & Catering Australia
Barbara	Wilson	SafeFood Production Queensland
Maureen	Wilson	Spotless
Brian	Witherspoon	NSW Food Safety Authority
Tony	Zipper	Food Technology Association Australia

**2008 STAKEHOLDER CONSULTATION FORUM
AUSTRALIAN FORUM AGENDA**

10.30	Registration
11.00	<p>Induction Session</p> <p>For delegates new to the food regulation system, and those interested in a refresher:</p> <p>How does the food regulation system work? How is policy developed? What is the difference between food policy and food regulation? The various roles and effective participation of stakeholders?</p>
12noon	Lunch and Registration
1pm	<p>Official Opening & Welcome</p> <p>by Senator the Hon Jan McLucas, Parliamentary Secretary to the Minister for Health and Ageing</p>
	<p>Spotlight on action from past Stakeholder Forums</p> <p>What did we hear? What action has been taken to address issues raised?</p>
1.45	<p>Moving forward</p> <p>Update on changes, reviews undertaken and policy updates since the 2006 forum and what further work is underway / planned.</p>
2.00	<p>Your say</p> <p>What is working? What further improvements could be made?</p> <ul style="list-style-type: none"> ▪ Food Industry perspective ▪ Consumer perspective ▪ Public Health perspective
2.45	Coffee Break
3.15	<p>Focus on Strategy</p> <p>Give an overview of current strategic planning; review 2007 achievements and what the plan is for 2008; talk about the overarching strategic statement for the food regulation system and how stakeholders' can provide input.</p>
	Summary of Discussion
5.30	Official Closing