
**Report of the
2008 New Zealand Stakeholder Consultation Forum**

**Wellington
12 August 2008**

A. Introduction

On 12 August 2008 the Joint Food Regulation Stakeholder Consultation Forum was held in Wellington, New Zealand. A similar Forum was also held the previous week with Australian stakeholders in Brisbane, Australia.

Invitations to the Forum were sent to stakeholders on the New Zealand Food Safety Authority (NZFSA) database. 51 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 (refer agenda Attachment B):

- an overview of the regulatory system for food in New Zealand; and
- the strategic approach to food regulation.

As the focus of the day was to foster broad exchange of ideas, discussion was wide ranging and no attempt was made to reach consensus on particular issues. As such, this report does not represent stakeholder consensus but rather a summary of key issues and a noting of the views expressed.

Forum participants requested that the Powerpoint presentations used, be made available. Both these and a transcription of the whiteboard notes have been emailed to Forum participants.

B. Overview of food regulation in New Zealand

(i) Introduction to the Forum

Andrew McKenzie, the NZFSA Chief Executive, formally opened the Forum. Andrew's address included welcoming the Forum attendees, outlining the historical relationship of the Joint Food Regulation System, and emphasising in particular the importance of an efficient and transparent joint standard setting process for stakeholders, both in Australia and in New Zealand.

(ii) Presentations

Presentations were provided by NZFSA staff - Carole Inkster, Trish Ranstead and Jenny Reid and by the General Manager of FSANZ, Dean Stockwell.

The presentations provided an overview of:

- how the food regulatory system works;
- the policy development process (and the connection between this and the standards setting process);
- those matters that are, and are not, part of the trans-Tasman regulatory system;
- the interactions between policy setting and standards development and the role of FSANZ;
- opportunities for stakeholders to participate in the system; and
- key changes and reviews that have occurred over the past 2 years (specifically recent amendments to the FSANZ Act; review and amendments of the Food Regulation Agreement and review of the Treaty with Australia).

(iii) Discussion

Comment was sought from participants about any issues of concern or general reflections about the food regulatory system.

The main concerns raised were in relation to:

- the Food Regulation Standing Committee (FRSC) - in particular concern was expressed about the lack of:
 - opportunity for stakeholder input into FRSC (with FRSC being 'faceless');
 - consultation in relation to front-of-pack labelling; and
 - clarity surrounding when a document relates to FRSC policy as opposed to NZFSA or FSANZ processes;

- the Australia New Zealand Food Regulation Ministerial Council (Ministerial Council) - particularly the fact that one Australian State or Territory can trigger a review;
- the bureaucratic and lengthy nature of the policy development and standard setting process (with queries about how it might be sped up);
- enforcement specifically in relation to exports and the lack of clarity in the Code; and
- the role of FSANZ/Standards in public health initiatives (in particular the new reference to public health in the Overarching Strategic Statement and whether this would necessitate changes to the FSANZ Act).

Suggestions for improvement included:

- improving the visibility and content of the FRSC website;
- achieving greater clarity about who stakeholders could speak to on particular issues (participants were invited to speak, in the first instance, with Dean Stockwell in respect of FSANZ matters and Carole Inkster in relation to any other issues); and
- holding regular Forums (with there also being a suggestion that it would be useful to have a Forum specifically on the issue of the place of health promotion within the food regulatory system).

C. Strategic Framework

The second focus of the morning was strategic planning.

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 Strategic Planning Working Group outlined the work that had been done 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) Discussion

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:

- 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.

Summary of major issues raised

In summary, the main issues raised over the course of the morning were the need for:

- greater stakeholder involvement in the FRSC process (noting that participation needs to be early in the process, FRSC processes need to be more transparent and stakeholders need an ongoing and direct route to FRSC);
- consistent interpretation of standards including more guidance and better education about Standards;
- ongoing review and evaluation of food regulation so that it is not 'ever-growing' regulation with no assessment of the impact;
- FRSC/FSANZ prioritisation of issues;
- proper consideration of the range of labelling issues and the role of public health in food regulation;
- processes and application requirements as simple and clear as possible; and
- clarity regarding the respective roles and responsibilities of FRSC, FSANZ and NZFSA

Certain stakeholders also emphasised the importance of industry sustainability and international harmonisation (with the concern also expressed that NZ can sometimes be undermined by other States or Territories represented on the Ministerial Council that are not food producing jurisdictions).

On the whole, stakeholders indicated that they were pleased with this Forum and would be keen to have similar forums regularly (at least every two years); and to receive a report back on developments from this Forum. More detailed information about the issues that emerged in response to each of the six main areas considered in the context of strategic planning is noted below.

Most critical standards

Stakeholders emphasised:

- the need to educate consumers/industry/retailers, noting that there is no point in having regulation if industry is not educated about compliance (and compliance is not enforced) and if consumers aren't educated about the purpose of the regulation. The example of labelling was provided where it was noted that a label can not be expected to do everything, information must be communicated to consumers in other ways (also so that they know what the information on labels is telling them); and
- the need for prioritisation of standards development. In terms of priority Standards and 'gaps', the areas identified by some stakeholders were: dietary supplements (sold in supermarkets); fortification; and country of origin labelling.

Consistency in implementation and enforcement

The key points made by stakeholders were that:

- regulation is no good if it is not enforced or able to be complied with; and
- regulation must apply consistently to everyone. In particular there should be the same compliance expectations for big and small business and consistent approaches to non-compliant operators.

In terms of specific suggestions, it was suggested that it may be useful to have:

- an issues register;
- a group who could advise on interpretation (similar to the pre 2002 group that existed). Alternately there could be a group who could mediate (as occurs in the case of NZ Quality Standards);

- clarity on the legal position for retailers if they sell non compliant product;
- more guidelines in relation to labelling, tolerance levels, and variability; and
- consistent labelling on allergies.

Other issues raised included:

- the fact that the whole industry can suffer from one non compliance;
- problems created as the result of regulators not giving advice (especially in relation to labelling requirements);
- the challenges in identifying 'the consumer voice' and the issues of concern to them; and
- the interface between truth in labelling and NIPs.

Streamlining regulatory processes

Three main points were made by the various stakeholders in relation to streamlining regulatory processes:

- that there is an inherent bias in the system against small players – particularly given the complex and costly process for making applications and the fact that 'speedier' FSANZ processes are only available to bigger business who is prepared to pay the additional fees to queue jump;
- that standards are too prescriptive which encourages 'work arounds' (again disadvantaging small business compared to big business). One stakeholder noted the potential value of a generic catch all standard; and
- the need for an 'innovation pathway' whereby industry can talk to FSANZ or policy makers about the process so that they can get consistent advice about what they need to do to sell innovative products.

Specific suggestions included:

- making the application process clearer and simpler;
- identifying a clear and transparent means by which FSANZ prioritises standards development (this could, for example, be based on categories re low/med/high risk products; and
- ensuring that there is an evaluation and report back about the impact of the changes to the FSANZ Act, the effect of new system and whether it has led to improvements.

Filling gaps in the evidence base

Stakeholders raised the following issues:

- a good and effective Standard depends on strong evidence;
- there is a need for FSANZ to use evidence more effectively (and FSANZ should require consistent evidence for proposals and applications);
- consideration needs to be given to how to communicate details of evidence to consumers;
- it is important to balance costs with the value of evidence (noting that some things need lots of evidence and this is costly - who pays?);
- that there needed to be more guidance for industry re evidence needed to support applications; and
- there is funding available through the health research agency but the food sector has little input and needs more input in order to get a share of funding to undertake food-related research.

Stakeholder communication and partnerships

A strong theme throughout the morning was the need for greater involvement of stakeholders in the policy making process and at an earlier point in time. This was particularly an issue in the case of front of pack labelling where some stakeholders noted that the Ministerial Council is receiving advice without proper input from stakeholders.

Specific issues raised included:

- the need for greater clarity about who to go to on specific issues;
- the need to improve the FRSC website and have a link to it from the NZFSA website; and
- the need for stakeholders to get answers back in response to issues they raise. One stakeholder also suggested that there should be greater feedback about the incidence of prosecution/complaints/action as evidence for assessing whether the regulation is justified.

Evaluation and performance management

The issues raised against this heading fell into three main categories:

- concerns about FRSC. In particular:
 - the role it plays;
 - whether FRSC is still needed;

- the lack of consultation between FRSC and New Zealand
- why the Australian Local Government Association is involved and not New Zealand local government;
- concerns about the absence of proper evaluation and assessment of the food regulatory system. In particular questions were raised about:
 - why food regulation hasn't been reviewed and sunset clauses inserted;
 - whether the evidence exists to support regulation;
 - the tools for measuring (for example, has evidence been revisited and does it justify the regulatory measures imposed?);
 - what the key indicators should look like for assessing whether the system works;
 - the desirability of Standard having performance measures embedded in them; and
- consumer engagement, specifically concern about the lack of awareness of regulation by consumer groups (and the desirability of funding consumer attendance at forums) and the need to educate people about food labels.

<p>D. Conclusion and Next Steps</p>
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Following the Forum, stakeholders were invited to complete evaluation forms. A subsequent review of these evaluation forms indicated that stakeholders considered the Forum was very valuable and strongly supported further forums being held. Forum participants were also keen to ensure that the issues raised at the Forum were communicated to policy makers particularly the Ministerial Council, and to regulators.

This Report has been provided to the Ministerial Council for their consideration particularly in relation to determining areas in the food regulatory system for improvement and priorities for the coming years.

Attachment A – List of attendees

External Attendees

Name		Organisation
Mark	Bell	Progressive Enterprises
Clare	Vogtherr	Holly Bacon Ltd
Valerie	Wong	George Weston Foods
Olivia	Martyn	GM Innovation and Quality George Weston Foods
Belinda	Allan	Consumer
Mark	Noble	Spotless
Melissa	Hodd	Foodstuffs
Jan	Milne	NZ Dietetic Association
Garry	Brunton	The NZ Ice Cream Manufacturers Association
Cathy	Webb	Seafood NZ
Siobhan	Ryan	Meat Industry Association
Barry	Hellberg	NZ Retailers Association
Brenda	Cutress	Food and Grocery Council
Peter	Snow	President CILT NZ
Sarah	Reader	Medsafe
Sue	Pollard	NZ Nutrition Foundation
Bernard	Venn	Dept of Human Nutrition: Otago University
Leigh	Henderson	Labelling and Information FSANZ
Sue	Gilbert	Food Risk Scientist ESR
Jean	Wilson	Grey Power President, Nelson
Clive	Bleaken	Fonterra Co-operative Group Ltd
Stan	Bunting	Fonterra Co-operative Group Ltd
Barbara	Thomson	Environmental Science & Research Ltd
Khay	Ooi	Medsafe
Michael	Brooks	Poultry Industry Assn of NZ/Egg Producers Federation of NZ/NZ Feed Manufacturers Assn
Natalie	Chrystal	Poultry Industry Assn of NZ/Egg Producers Federation of NZ/NZ Feed Manufacturers Assn
Stephen	Leatherland	Fonterra Co-operative Group Ltd
Jaap	Evers	Fonterra Co-operative Group Ltd
Brett	Munro	Public Health Service, MidCentral DHB
Danielle	Henare	Fonterra Kauri Site
Jeff	Blackburn	Blackburn Croft & Co
Dianne	Lowry	Dairy Goat Co-operative (N.Z.) Ltd
Frances	Clement	New Zealand Pork

NZFSA Attendees

Paul	Barns	Finance
Steve	Hathaway	Director Science
Wendy	Harding	Comms
Carol	Barnao	Director Standards
Miriam	Meister	Comms
Debbie	Morris	Director Approvals
Sharon	Wagner	NZ Standards

Lisa	Olsen	NZ Standards
Carla	Hutchinson	NZ Standards
Gary	Lewis	Director Finance
John	Van den Beuken	Joint Food Standards
Clare	Chandler	Joint Food Standards
Coralee	Silverwood	Policy

Presenters

Jenny	Reid	Joint Food Standards
Carole	Inkster	Director Joint Food Standards/Policy
Andrew	McKenzie	Chief Executive NZFSA
Trish	Ranstead	Policy
Dean	Stockwell	FSANZ

Attachment B – The New Zealand Joint Food Regulation System Forum Agenda

8.00	Registration and coffee	
8.30	Introduction to the day	
8.35	Opening Address	
8.45	Overview	<ul style="list-style-type: none"> • How does the food regulation system work? • What it isn't: NZ specific
		<ul style="list-style-type: none"> • Policy guidance – a critical step in standards development
		<ul style="list-style-type: none"> • The various roles and effective participation of stakeholders
	Moving Forward	<ul style="list-style-type: none"> • Update on changes, reviews undertaken and policy updates and what further work is underway/planned
9.20	Questions from previous presentations	
9.30	Overview of current strategic plan	
9.40	Questions on Strategy	
10.00	Morning tea	
10.20	Group Discussion	<ul style="list-style-type: none"> • Review of 2007 achievements and the plan for 2008 • The overarching strategic statement for the food regulation system • How stakeholders can provide input
11.00	Feedback	
12.30	Identify Priorities and Strategies	
1.00	Summary	
1.10	Closing words	
1.20	Lunch	