

FOOD REGULATION STAKEHOLDER CONSULTATION FORUM FEEDBACK

Following the successes of the 2004 and 2006 Stakeholder Consultation Forums, a third Forum was held in Brisbane at the Marriott Hotel on 7 August 2008. A total of 112 people representing a diverse range of industry, consumer, public health and government bodies attended the Australian Forum. A similar Forum was also held for New Zealand stakeholders in Wellington, New Zealand on 12 August 2008, where 51 people attended.

The content of the Australian Forum was divided into two chief components:

- a well-attended optional ‘early bird’ session aimed at providing background information and an overview of the food regulatory system 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. This session focussed on two major parts of the food regulatory system, namely:
 - the policy development process; and
 - the strategic approach to food regulation.

The New Zealand Forum was focussed around the discussion of the two major parts of the food regulatory system.

While the purpose of the Forums was not to attempt to achieve a consensus or majority view on particular issues, there did appear to be three main themes underpinning much of the discussion across the different subject matters.

These themes were:

- The importance of improving stakeholder consultation. Participants suggested that this may be considered through involving stakeholders earlier in the process, better engaging stakeholders, and ensuring that the views of stakeholders are taken into account.
- The need for consistent implementation and enforcement. Stakeholders emphasised the cost to business, and the inconvenience and lack of both certainty and clarity surrounding the inconsistent interpretation across jurisdictions and between regulatory authorities.
- Politicisation of food regulation and the absence of transparency regarding Ministerial Council decisions (to request review) and the 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’.

The Report from the Forum has now been provided to Food Regulation Standing Committee and the Australia and New Zealand Food Regulation Ministerial Council for consideration.

In order to update stakeholders, a table has been developed which captures activities underway (as at 29 April 2009) that align with the issues identified during the Forums. This table is attached on the following pages.

STAKEHOLDER CONCERNS FROM THE 2008 STAKEHOLDER FORUM AND ACTIVITIES UNDERWAY

1. Most Critical Standards		
<i>Stakeholder concerns</i>	<i>Stakeholder suggested Improvements</i>	<i>Activities underway</i>
<p>Prioritisation of standards development</p>	<ul style="list-style-type: none"> • Clear criteria for prioritisation • See if the problem can be addressed effectively by regulation • Examples of priority standards included: nutritional health claims, front of pack labelling, food type dietary supplements, organics, substances other than vitamins and minerals, consistency between APVMA and FSANZ with respect to maximum residue limits (MRLs) of chemicals in food. 	<ul style="list-style-type: none"> • The Food Regulation Standing Committee (FRSC) Strategic Planning Working Group has been tasked with the establishment of a process for considering policy and standards development priorities by September 2009.
<p>Limited information provided by the Ministerial Council to FSANZ in review requests.</p>	<ul style="list-style-type: none"> • Full transcripts of the Council's discussions should be made available 	<ul style="list-style-type: none"> • The Australian and New Zealand Food Regulation Ministerial Council (Ministerial Council) as of December 2007 makes public (on the food regulation website) any requests for review. • The Council of Australian Governments (COAG) is currently considering possible improvements to transparency of decision-making in instances where the Ministerial Council requests a review of a FSANZ approved standard.

2. Consistency, Implementation & Enforcement		
<i>Stakeholder concerns</i>	<i>Stakeholder suggested Improvements</i>	<i>Activities underway</i>
Lack of consistent interpretation of standards between jurisdictions.	An independent organisation/referee to interpret Standards	<ul style="list-style-type: none"> • The COAG has agreed that jurisdictions should develop proposals for options and costs to improve national consistency in monitoring and enforcement of food standards, including where the Commonwealth could undertake work in this area where it can be done on a national basis. • FRSC in Dec 2008 agreed to hold the Stakeholder Forums on an annual basis, to be hosted alternately by FRSC and the Implementation Sub-Committee (ISC). The 2009 Forum will be hosted by ISC, and will be held on 19 June in Melbourne and will focus on “Consistent interpretation of regulatory standards”. Stakeholders will be updated on key projects being undertaken by the ISC in the period 2009-10. The Forum will also provide stakeholders with the opportunity to input, comment and shape the direction of future work to be undertaken by ISC. • One of the six work priorities set by FRSC for ISC is consistent interpretation of standards, including the operation of an interim process for industry to report interpretation issues and development of options to ensure consistent interpretation of standards. • ISC is also trialling an integrated model for standards development and consistent implementation of Primary Production Standards. The trial is being conducted in conjunction with the development of the Eggs Primary Production and Processing Standard.
Lack of national and international consistency (eg APVMA MRLs).	Single national food regulator.	<ul style="list-style-type: none"> • On 3 July 2008, COAG agreed to the recognition for domestically grown produce, by FSANZ of the Australian Pesticides and Veterinary Medicines Authority's residue risk assessment and the promulgation of the resulting maximum residue limits to the <i>Australia New Zealand Food Standards Code</i>. The implementation of the recommendation requires amendments to the <i>Food Standards Australia New Zealand Act 1991</i> and possibly to the <i>Agricultural and Veterinary Chemicals</i>

		<p><i>Code Act 1994.</i> Following consultation with the Ministerial Council, the Commonwealth Department of Health and Ageing (DoHA) are working with the Commonwealth Department of Agriculture, Fisheries and Forestry, FSANZ and the Australian Pesticides and Veterinary Medicines Authority to develop a draft Bill that includes appropriate safeguards.</p>
Lack of consistency in enforcement of food policy.	<p>Provide incentives for operators/enforcers in order to encourage consistency.</p> <p>More industry input to policy setting (as this directly impacts enforcement).</p> <p>Centralised training of enforcement agencies so that all are trained to same level.</p>	<ul style="list-style-type: none"> • ISC is currently developing a national enforcement policy that is to be road-tested with local government by December 2009. • The theme for the 2009 Food Regulation Stakeholder Forum is “Consistent interpretation of regulatory standards. The Forum that is hosted by ISC will be held on 19 June in Melbourne. • A National Framework for Auditor Management is due to be operating by the beginning of 2010. <p><i>Please also see action under lack of consistent interpretation of standards between jurisdictions.</i></p>

3. Streamlining Regulatory Processes		
<i>Stakeholder concerns</i>	<i>Stakeholder suggested Improvements</i>	<i>Activities underway</i>
<p>Politicisation of issues within the food regulation process - leads to poor decisions that are difficult to enforce.</p>	<p>Increase reliance on existing systems such as the ACCC, rather than create new standards.</p>	<ul style="list-style-type: none"> • On 2 May 2008, the Ministerial Council endorsed the ‘Overarching Strategic Statement for the Food Regulatory System’ that provides the strategic context for the Australian and New Zealand food regulation system. The document (that is available on the food regulation website) articulates the scope and objectives of the food regulation system, the approach that will be taken to policy development, standard setting and implementation.
<p>Increasing reach of regulation - eg food standards transforming into health promotion.</p>	<p>Consideration of co-regulatory and non-regulatory alternatives should also be considered in order to avoid unnecessary regulation.</p>	

4. Filling the Gaps in the evidence base		
<i>Stakeholder concerns</i>	<i>Stakeholder suggested Improvements</i>	<i>Activities underway</i>
Lack of public funding for research; Research is industry-funded which is seen as tainted.	Need for short-term and long-term research.	<ul style="list-style-type: none"> • A number of projects are underway to fill the gaps in the evidence base that will support the food regulation system including: <ul style="list-style-type: none"> - The Food Surveillance Systems Linkages scoping project that is to be completed by ISC in May 2009 with recommendations to be submitted to FRSC in December 2009 - ISC is establishing a framework for the evaluation of the ISC Strategic Plan, to be developed by December 2009. • FSANZ is continuing its work in relation to consumer understanding and the collection of evidence and publishing material for consumers and industry on its website. • The Ministerial Council (during its meeting on 1 May 2009) agreed in-principle to review its policy guideline Food Safety Management in Australia – Food Safety Programs in relation to the food service sector (excluding existing requirements applying to food service to vulnerable populations) pending further advice to be provided to its next meeting.
Inadequate evidence base in impact of legislation - regulation keeps expanding without proper evaluation of existing legislation	More thorough cost/benefit analysis of FSANZ processes and more robust Regulation Impact Statements; increased involvement of expert committees.	
Inadequate evidence base in consumer understanding and food composition information.		
Inadequate evidence base in the monitoring of food intake & composition and national dietary survey data.		
Inadequate evidence base in evidence regarding food-borne illness and the effectiveness of food safety programs.		

5. Stakeholder Communication and Partnerships		
<i>Stakeholder concerns</i>	<i>Stakeholder suggested Improvements</i>	<i>Activities underway</i>
Lack of effective engagement with stakeholders, particularly around policy.	<p>Systematic communications rather than 'one-off' communications around issues.</p> <p>Better engagement of nutritional scientists and psychologists (to ensure a high level of scientific rigour).</p> <p>Greater transparency (eg make reports of working groups available).</p>	<ul style="list-style-type: none"> • In October 2008, the Ministerial Council agreed to hold the Stakeholder Forums on an annual basis, to be hosted alternately by FRSC and ISC. The 2009 Forum will be hosted by ISC, and will be held on 19 June in Melbourne. • The Food Regulation Secretariat Newsletter is one of the initiatives that resulted from the Food Policy Stakeholder Consultation Forum, held in March 2004, and is designed to provide stakeholders with regular information about developments on food regulation policy and projects. Stakeholders should ensure that they are registered on the Food Regulation Secretariat database to receive a copy of the newsletters.
No feedback provided on the outcomes of the Bethwaite Review.		<ul style="list-style-type: none"> • Valuable information collected as a part of the Bethwaite review has been referred to the Business Regulation and Competition Working Group (BRCWG) to inform its food regulation reform activities.

6. Performance Management and Evaluation		
<i>Stakeholder concerns</i>	<i>Stakeholder suggested Improvements</i>	<i>Activities underway</i>
Lack of transparency surrounding Min Co.	<p>Undertake stakeholder satisfaction surveys and make the results public.</p> <p>Clearer articulation of what FRSC will do and better monitoring outcomes.</p>	<ul style="list-style-type: none"> • The operation of the Ministerial Council is reviewed every three years. The most recent review was completed in 2007 and included seven recommendations. The Ministerial Council endorsed all seven recommendations. With the exception of Recommendation 1 all recommendations contained in the Report of the Review of the Operations of the Australia and New Zealand Food Regulation Ministerial Council 2007 have now been implemented. Recommendation 1 requires the review and update of the Ministerial Council Operating Procedures to, amongst other things: <ul style="list-style-type: none"> - ensure consistency as far as practicable with Council of Australian Governments (COAG) Guidelines and Protocols; and - articulate the roles and responsibilities of the Ministerial Council and its Committees. <p>FRSC has commenced work to address this recommendation. However, this work has temporarily been suspended due to the consideration by COAG of the governance arrangements of the Ministerial Council which may require additional changes to the Ministerial Council Operating Procedures. It is expected that a revised Operating Protocol will be presented to FRSC in August 2009 and then to the Ministerial Council in October 2009.</p>
Lack of consistency about how policies are developed.	Mapping the Standards Code against Policies.	<ul style="list-style-type: none"> • FRSC has developed a Strategic Plan 2009 – 2014 which includes work priorities for 2009. • The Ministerial Council in May 2008 endorsed amendments to the Principles and Protocols for the Development of the Food Regulation Policy Guidelines document. These amendments were in response to feedback received during the Food Policy Stakeholder Consultation Forum to: <ul style="list-style-type: none"> - describe improved coordination and methods of consultation; - include the need for early consideration of implementation

		<p>issues; and</p> <ul style="list-style-type: none">- identify ways that appropriate technical and scientific expertise can be included in the policy development process. <p>The amendments also included a more rigorous reporting requirements on the process used to develop policy.</p>
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