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THE FREEDOM OF INFORMATION ACT 1982 (CFIA)
BY THE DEPARTMENT OF HEALTH

Summary of scoping paper engagement

Summary of scoping paper submissions | 18 December

We consulted on the scoping paper for more than six weeks and received significant written feedback

>150 PARTICIPANTS
ATTENDED



40 Interviews &
WORKSHOPS



90 SUBMISSIONS

WERE MADE TO OUR PUBLIC
SCOPING PAPER ON
25 REFORM IDEAS

Submissions to scoping paper

57
SUBMISSIONS



FROM
AUSTRALIAN
ORGANISATIONS



24
SUBMISSIONS
FROM **NZ**
ORGANISATIONS



11 SUBMISSIONS
FROM TRANS-TASMAN
ORGANISATIONS

38 SUBMISSIONS
FROM **INDUSTRY**
STAKEHOLDERS

22 SUBMISSIONS
FROM CONSUMER AND
PUBLIC HEALTH GROUPS

8 SUBMISSIONS
FROM
GOVERNMENT
STAKEHOLDERS

PLUS 19 SUBMISSIONS FROM **OTHER** STAKEHOLDERS AND 3 FROM **GENERAL PUBLIC**

Stakeholders were asked to prioritise issues in the system to address. The top three highest rated issues are shown below

- 1 The legislation is a barrier to efficient, agile and responsive regulation and standards-setting.
- 2 FSANZ role in the area of public health is unclear and potentially could be enhanced.
- 3 There is interpretative uncertainty in the food standards which leads to inconsistent enforcement and unnecessarily high compliance burden for industry.

Stakeholders provided feedback on 25 reform ideas

In responding to the Scoping paper, stakeholders were asked to identify:

- Whether they were an Australian, New Zealand or Trans-Tasman stakeholder, and
- Whether each of the reform ideas was likely to have a positive, negative or other impact, if implemented.

Stakeholders were welcome to add free-text feedback to qualify their answers, as well as to identify other possible policy problems, and ideas to address these problems through legislative or operational changes.

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The Reform ideas were broad ranging (1/2)

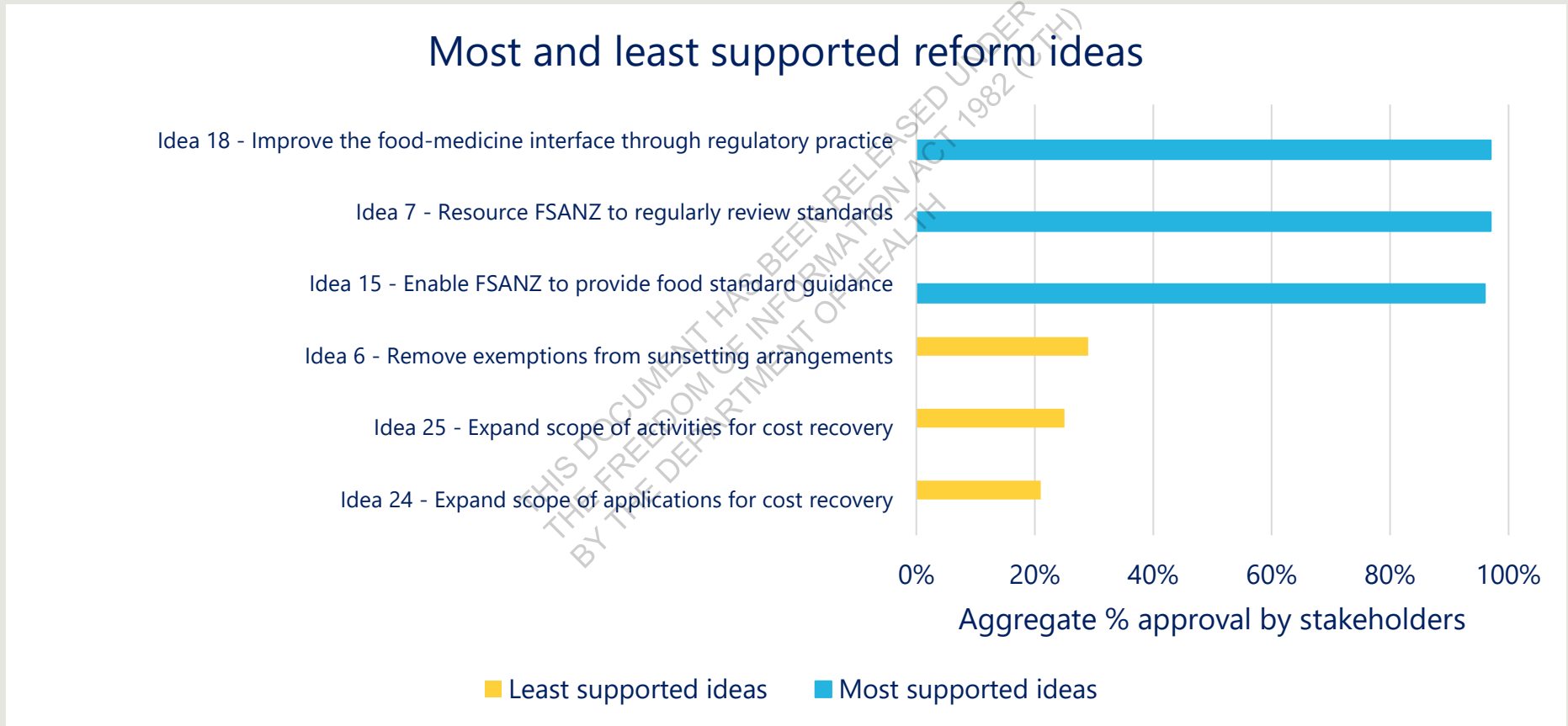
1. Define 'public health' and 'safety' in legislation to affirm the inclusion of long-term health and nutrition as a core objective
2. Recognise trade as a core goal and reframe consumer choice as a factor to which FSANZ 'must have regard
3. Establish criteria in the Act that the Forum must meet to request a review of a draft regulatory measure
4. Amend the Act to better reflect the functions FSANZ currently delivers, particularly as they relate to supporting long-term health and nutrition
5. Amend s 13 of the Act to reflect a broader range of functions that FSANZ could deliver now and in the future.
6. Remove exemption of food standards from sunseting arrangements
7. Resource FSANZ to undertake regular, more holistic reviews of food standards
8. Reframe legislation to support more agile, risk-based processes.
9. Redefine the decision-making arrangements to support timelier and more efficient sign-off of regulatory measures
10. Provide for FSANZ to adopt or accept risk assessments from overseas jurisdictions
11. Enable FSANZ to adopt international standards.
12. Create industry-led pathways to expedite applications and bring new products to market

The Reform ideas were broad ranging(2/2)

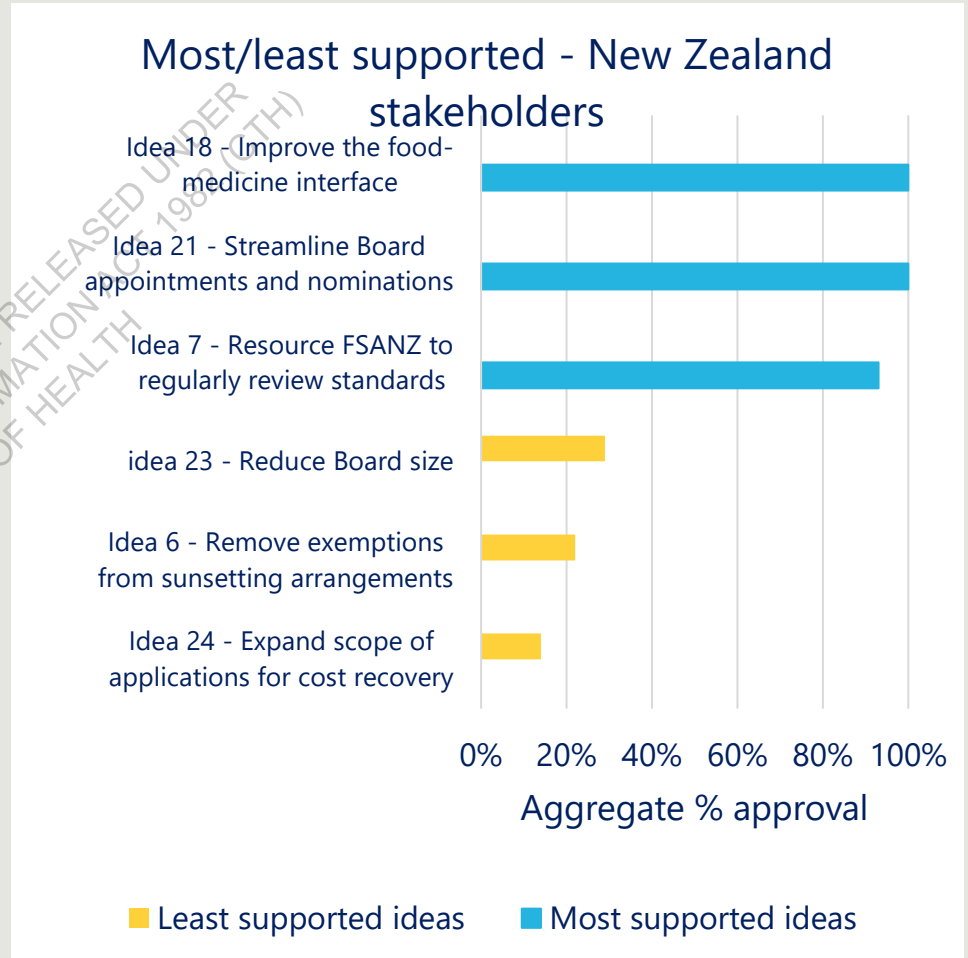
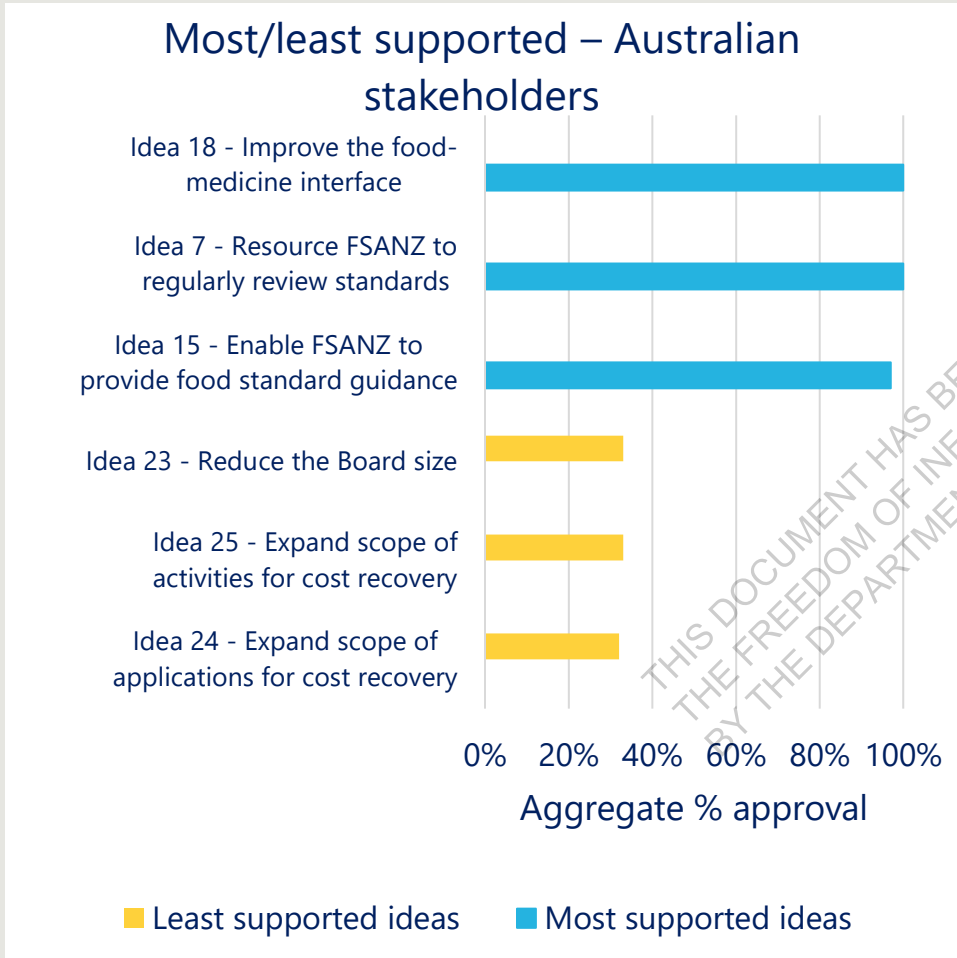
13. Facilitate joint agenda setting between FSANZ and the Forum
14. Amend statutory timeframes to support more strategic prioritisation of work
15. Enhance FSANZ's role in providing guidance about food standards within its current statutory remit.
16. Provide for FSANZ to give binding interpretive advice on food standards.
17. Enhance FSANZ's regulatory role by providing limited enforcement powers
18. Focus efforts on improving the food-medicine interface through regulatory practice
19. Broaden the role of FSANZ to assess general level claims
20. Align definitions and powers in legislation between therapeutic goods and foods
21. Streamline Board appointments and nominations
22. Establish minimum term length for Board members
23. Reduce the FSANZ Board size
24. Expand scope of applications for which FSANZ can recover costs
25. Provide for limited expansion of scope of activities for which FSANZ can recover costs

Some reform ideas were polarising

The three highest rated and lowest rated reform ideas for all stakeholders are shown below.



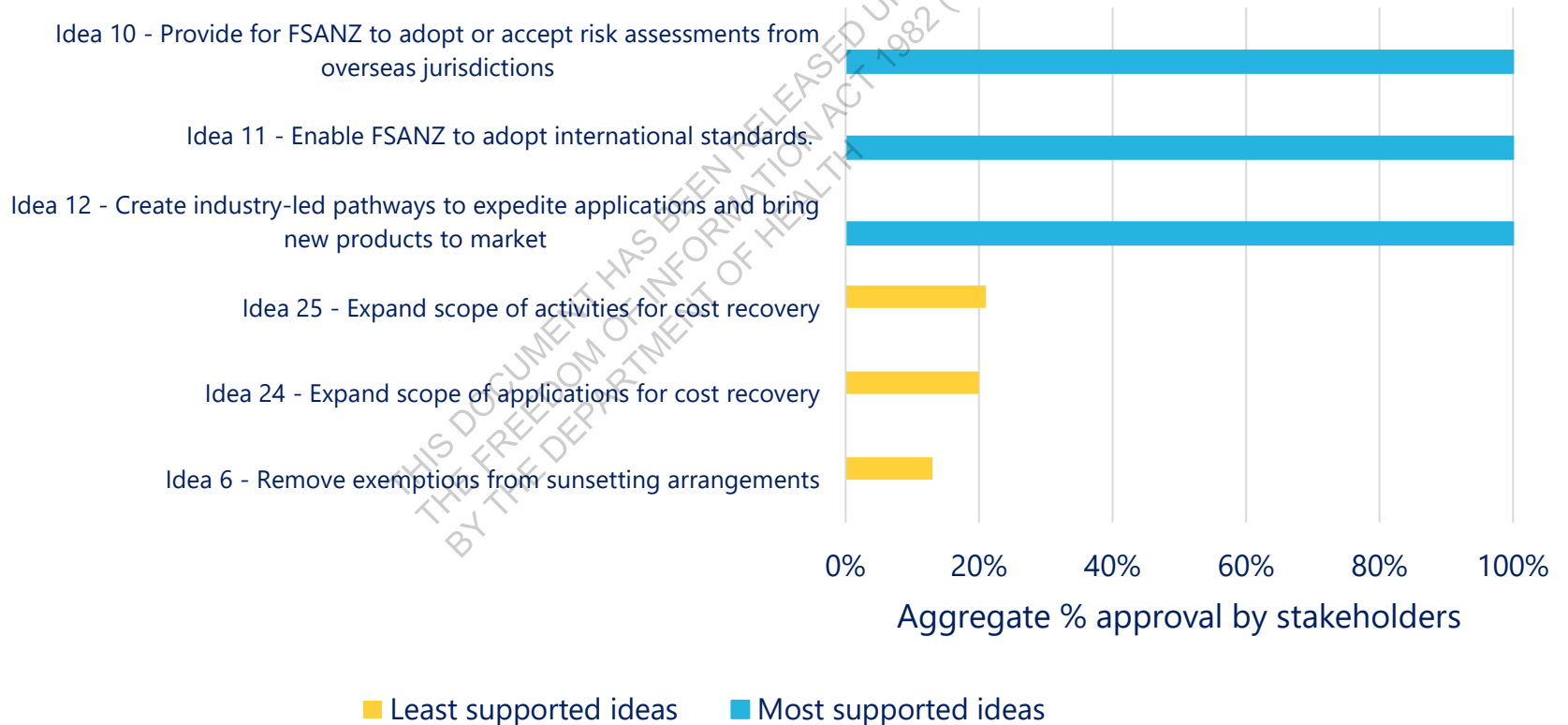
There was similarity between the ideas supported by Australian and New Zealand stakeholders



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Some reform ideas were of key interest to Industry

Most and least supported reform ideas from the Food Industry



Public health and consumer groups almost unanimously supported some ideas, and disapproved of others

Reform ideas almost unanimously supported by public health and consumer groups

Reform idea 1 - Define 'public health' and 'safety' in legislation to affirm the inclusion of long-term health and nutrition as a core objective

Reform idea 4 – Amend the Act to better reflect the functions FSANZ currently delivers, particularly as they relate to supporting long-term health and nutrition

Reform idea 5 – Amend s 13 of the Act to reflect a broader range of functions that FSANZ could deliver now and in the future

Reform idea 7 – Resource FSANZ to undertake regular, more holistic reviews of food standards

Reform idea 13 – Facilitate joint agenda setting between FSANZ and the Forum

Reform idea 18 – Focus efforts on improving the food-medicine interface through regulatory practice

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Reform idea 22 – Establish minimum term length for Board members

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Nonetheless, they expressed strong disapproval for other ideas - specifically:

Idea 10 – Provide for FSANZ to adopt or accept risk assessments from overseas jurisdictions (12.5% approval)

Idea 6 – Remove exemption of food standards from sunseting arrangements (17% approval)

Idea 11 - Enable FSANZ to adopt international standards (17% approval)

These ideas were highly supported by industry

FOI 2534

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About Nous

Nous Group is an international management consultancy operating in 10 locations across Australia, the UK and Canada.

For over 20 years we have been partnering with leaders to shape world-class businesses, effective governments and empowered communities.

400

PEOPLE

10

LOCATIONS

3

COUNTRIES