



Australian Government

Department of Health and Ageing

**SENATE SELECT COMMITTEE ON AUSTRALIA'S
FOOD PROCESSING SECTOR**

**INQUIRY INTO AUSTRALIA'S FOOD PROCESSING
SECTOR**

SUBMISSION

DEPARTMENT OF HEALTH AND AGEING

OCTOBER 2011

INTRODUCTION

The Department of Health and Ageing (the Department) welcomes the opportunity to make a submission to the Inquiry into Australia's Food Processing Sector. Many of the issues being addressed by the Inquiry are outside of the Department's portfolio responsibilities. However, it may be useful to the Inquiry to have an understanding of the food regulation system.

Australia's food regulation system

Australia's food regulation system is a cooperative bi-national arrangement between the Australian Government, the States and Territories, and New Zealand. Australia and New Zealand have a well deserved reputation for a safe and clean food supply, and the food regulation system is critical to the maintenance of that reputation. A whole-of-government approach is taken in developing food standards, with health, agriculture, trade and other portfolios being consulted before policy advice is issued or decisions made.

The cooperative system aims to:

- Protect the health and safety of consumers by reducing risks related to food;
- Enable consumers to make informed choices about food by ensuring that they have sufficient information and by preventing them from being misled;
- Support public health objectives by promoting healthy food choices, maintaining and enhancing the nutritional qualities of food and responding to specific public health issues; and
- Enable the existence of a strong, sustainable food industry to assist in achieving a diverse, affordable food supply and also for the general economic benefit of Australia and New Zealand.

Key components of the system are set out diagrammatically at [Attachment A](#).

Underpinning the food regulation system are:

- The [Food Regulation Agreement](#) (FRA) signed by the Council of Australian Governments (COAG), which gives effect to this commitment by the Australian, State and Territory governments to a national approach to food regulation within Australia. The FRA (at [Attachment B](#)) aims to:
 - provide a national system of safe food controls to protect public health and safety;
 - reduce the regulatory burden on the food industry and provide cost-effective compliance and enforcement arrangements;
 - provide a consistent regulatory approach across the country;
 - support Australian and New Zealand efforts to harmonise food standards; and
 - facilitate harmonised domestic and export standards with New Zealand and other international standards.
- [The Agreement between the Government of Australia and the Government of New Zealand concerning a Joint Food Standards](#) (the Food Treaty) (at [Attachment C](#)) aims to:
 - reduce unnecessary barriers to trade;
 - adopt a joint system for the development and promulgation of food standards;

- provide for the timely development, adoption and review of food standards appropriate to both Treaty Parties; and
- facilitate the sharing of information between the Treaty Parties on matters relating to food.

One of the most important features of Australia's food regulation system is the separation of policy decision making from the development of food standards. This is achieved through the mechanisms of the Australia and New Zealand Food Regulation Ministerial Council (the Ministerial Council), which is responsible for food regulation policy in Australia and New Zealand; and through Food Standards Australia New Zealand (FSANZ), which is an independent agency that develops food standards and administers the Australia New Zealand Food Standards Code (the Code).

The Ministerial Council's responsibilities are defined in the FRA and confirmed in the Food Treaty. As well as setting policy, they include:

- the development of policy guidelines for setting domestic food standards;
- the promotion of harmonised food standards within Australia and New Zealand;
- the general oversight of the implementation of domestic food regulations and standards; and
- the promotion of a consistent approach to compliance with, and enforcement of, food standards, and for amending or rejecting food standards that FSANZ develops.

The Ministerial Council comprises ministerial representatives from all Australian Governments and the New Zealand Government.

FSANZ's role in developing food standards is open and transparent. Standards are based on risk analysis using the best available scientific evidence. They promote consistency with international standards, an efficient and internationally competitive food industry, and fair trading in food products. FSANZ also relies on input from industry, consumers, governments and the broader community to inform its standards development work. It undertakes a regulatory impact assessment in developing standards. FSANZ does not have an enforcement role; the States and Territories reference the Code in their food laws, which enables them to enforce food standards developed by FSANZ.

The Department plays a leadership role in the food regulation system, promoting a nationally consistent approach to food policy and regulation through its coordinating role for Australian Government views. It manages the national food regulation system by working closely with FSANZ, the Department of Agriculture, Fisheries and Forestry, the States and Territories, and the New Zealand Government. The Department oversees the FRA and the Food Treaty. It also provides Secretariat services to the Ministerial Council and its subcommittees.

In addition, the Department manages national nutrition policies and non-regulation approaches to health. For example, the Food and Health Dialogue provides a framework for government, public health groups and industry to work collaboratively to improve dietary intakes. This includes improving the nutritional profile of foods by setting targets for reducing the saturated fats, trans-fatty acids, sugar and salt and increasing the fibre, wholegrain, fruit and vegetable content of commonly consumed foods.

The Department is also leading the process for developing a whole-of-government response to the report, Labelling Logic: Review of Food Labelling Law and Policy. This review was commissioned by the Ministerial Council and was chaired by Dr Neal Blewett AC. The response is expected to be considered by the Ministerial Council on 9 December 2011.

The whole-of-government consideration of the report's recommendations is guided by three principles:

- (i) Consumers are entitled to have the best possible information and food labelling should help Australians make informed decisions when it comes to food;
- (ii) That information, in line with the Government's commitment to improving health outcomes, should help consumers to make healthy food choices; and
- (iii) That we continue to support an innovative, vibrant and sustainable food industry in Australia that actively supports the Government's health agenda.