



Proof Committee Hansard
Joint Standing Committee on Treaties
Reference: Treaties tabled on 9, 10, 16 and 29 March 2010

Exchange of letters amending the agreement with New Zealand concerning a joint food standards system
Monday 10 May 2010

Page 6 Senator BIRMINGHAM-Beyond just numbers, it would be useful if you could provide information as to what the topics of those standards were and as to whether the process of dual reviews led to any change in approach. Obviously if for some reason conducting a second review improved or changed the outcome or indeed saw the council decide to reject a standard then that would be of interest to the committee.

Since 2002, the Ministerial Council has requested 39 reviews of the 229 decisions which FSANZ notified to the Ministerial Council. Of those 39 first review requests, the Ministerial Council requested a second review for decisions relating to 5 Applications and Proposals. The details of those second review requests are provided below. None of FSANZ's decisions on the second reviews were rejected or amended by the Ministerial Council.

Application or Proposal No	FSANZ Board's initial decision	Ministerial Council First Review request decision	FSANZ Board's decision on First Review request	Ministerial Council Second Review request decision	FSANZ Board's decision on Second Review request
A424 – Fortification of Foods with Calcium	This was an Application from Arnott's Biscuits Ltd and Nutrinova Pty Ltd via Food Liaison Pty Ltd to permit calcium to be added to a number of foods including biscuits, juices, cordials and soup. FSANZ approved the addition of calcium to these foods on 25 September 2003.	A First Review was requested on 2 December 2003. The Ministerial Council cited a number of grounds for the review.	On 10 March 2005, FSANZ re-affirmed its original decision.	A Second Review was requested on 19 May 2005, citing a number of grounds for review.	On 22 September 2005, FSANZ re-affirmed its decision to approve the addition of calcium to the foods sought in the application.

P272 – Labelling Requirement s for Food for Catering Purposes & Retail Sale	The purpose of P272 was to clarify certain labelling requirements in clause 2 of Standard 1.2.1, as they applied to food for retail sale; food for catering purposes; packaged meals provided by delivered meals organisations; and meals provided in hospitals and similar institutions. On 26 July 2007, FSANZ approved draft variations to Standards 1.1.1, 1.2.1, 1.2.2, 1.2.3, 1.2.5 and 1.2.11.	A First Review was requested on 8 October 2007. The Council cited a number of grounds for the review, including unreasonable cost burdens, difficulties to enforce, and inadequate information for consumers. The grounds were made in relation to the labelling requirements for meals supplied by delivered meals organisations and for small packages.	On 29 November 2007, FSANZ re-affirmed its original decision.	A Second Review was requested on 11 February 2008, citing similar grounds to the First Review request in addition to three new issues.	On 30 April 2008, FSANZ re-affirmed its decision to make the proposed variations, subject to amendments being made to Standards 1.2.1 and 1.2.5 in order to remove the proposed requirements for labelling of meals delivered by delivered meal organisations; remove the proposed date marking requirements for meals exempt from bearing a label; and change the information requirements for food exempt from bearing a label.
A433 – Phytosterol Esters derived from Vegetable Oils in Breakfast Cereals;	A433 was an Application from Goodman fielder seeking approval for the use of phytosterol esters derived from vegetable oils as a novel food ingredient in breakfast cereals under Standard 1.5.1. On 8 October 2004, FSANZ agreed to amend Standard 1.5.1 to permit the addition of phytosterol esters to breakfast cereals, subject to specified conditions of use.	On 10 December 2004, a First Review was requested of The review was requested on the grounds that approval was not consistent with existing policy guidelines set by the Ministerial Council, did not protect public health and safety, and did not provide adequate information to enable informed choice.	On 27 July 2005, FSANZ re-affirmed its original decision to amend Standard 1.5.1 to permit the addition of phytosterol esters in breakfast cereal, low-fat milk and low-fat yoghurt, and TOPs in low-fat milk, subject to amendments being made to Standards 1.2.9, 1.3.1, 1.5.1, 2.5.1 and 2.5.3 (which addressed issues raised in the first review).	A Second Review of Applications A433, A434 and A508 on 15 September 2005 on the grounds that the draft variations still did not protect public health and safety and did not provide adequate information to enable informed choice.	On 26 July 2006, FSANZ re-affirmed its decision o approve the addition of phytosterol esters in breakfast cereal, low-fat milk and low-fat yoghurt, and TOPs in low-fat milk, subject to further amendments being made to Standards 1.2.3, 1.3.4, 1.5.1, 2.5.1 and 2.5.3 (which addressed issues raised in the Second Review).
A434 – Phytosterol Esters derived from Vegetable Oils in Low-Fat Milk and Yoghurt;	A434 was an application from Dairy Farmers seeking approval for the use of phytosterol esters derived from vegetable oil as a novel food ingredient in low-fat milk and low-fat yoghurt. On 8 October 2004, FSANZ decided to amend Standard 1.5.1 to				

<p>A508 – Phytosterols derived from Tall Oils as Ingredients in Low Fat Milk</p>	<p>permit the addition of phytosterol esters at specified levels to low-fat milk and low-fat yoghurt.</p> <p>A508 was an application from Parmalat Australia Ltd seeking approval for the use of tall oil phytosterols (TOPs) as a novel food ingredient in low-fat milk under Standard 1.5.1. On 8 October 2004 FSANZ decided to amend Standard 1.5.1 to permit the use of TOPs in low-fat milk subject to specified conditions of use.</p>
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Page 7 Senator FARRELL-You mentioned in your outline that you had received submissions from Coles supermarkets. Can you tell us the nature of those submissions and whether the issues that they raise are addressed?

Coles was supportive of the proposed amendments as they believe the amendments will result in a more transparent and efficient joint food regulatory system. General comments from Coles included:

- support for the proposed change to the definition in Article 1 regarding references to the Food Regulation Agreement;
- support for the proposed amendments to Annex C and believe they will result in a more consistent, streamlined and efficient food regulatory system;
- with regard to Annex D, support for the inclusion of a provision that explicitly requires both countries to exhaust all other avenues for meeting their policy requirements before invoking an exceptional circumstances mechanism; and
- support for the proposed amendment to Annex E and agree that the rationale for the temporary standard and that supporting evidence should be issued to the Australia and New Zealand Food Regulation Ministerial Council upfront in order to save time and minimise duplication of work.