

MINORITY REPORT

Food Standards Australia New Zealand Amendment Bill 2007

Senator Rachel Siewert, Australian Greens

Introduction

The Food Standards Australia New Zealand Amendment Bill must meet the primary objectives of food regulation. These objectives are set out clearly in the Food Standards Australia and New Zealand Act 1991:

- The protection of public health and safety
- The provision of adequate information relating to food to enable consumers to make informed choices, and
- The prevention of misleading and deceptive conduct.

These objectives place the context of food regulation clearly in a public health framework, highlighting both the need for safety and health outcomes. In their submissions both the Australian Medical Association and CHOICE indicate that the Bill places an emphasis on the interests of the food industry over the interests of consumers and public health. The growing problem of obesity in Australia highlights the primary importance of public health issues around food production and marketing.

Definition of public health

The Australian Greens support the Committee's recommendation 1 to address the need for a clear definition of public health to be included in the current Bill, but believe the recommendation should be strengthened to ensure that the Bill is now amended to include a clear definition of public health. The Greens recommend that the Bill be amended to include the definition of public health provided by the AMA. The Greens support the AMA submission proposal that this definition includes a commitment to the precautionary principle defined as: "The precautionary principle states that when an activity raises threats of harm to the environment or human health, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically."

Recommendation 1

That the following definition of public health be included in the *Food Standards Australia and New Zealand Amendment Bill 2007*, consistent with the objectives of the *Food Standards Australian New Zealand Act 1991*:
"Public health is the organised response by society to minimise illness, injury and disability and to protect and promote health. It recognises that health and health care occur in an economic and socio-cultural system both nationally and internationally, and therefore seeks to influence all sectors to maximize health

and wellbeing of society. The precautionary principle should be applied in relation to all public health outcomes considered within this Act”.

Editorial notes

The Greens support the committee’s recommendation 2 that address the need for a clear process of amendment to the editorial notes which will ensure appropriate public oversight and consultation. However, a number of submissions to the inquiry argued that editorial notes are important enough to be specified as regulations in the legislation, and hence become disallowable instruments. The Greens recommend that all editorial notes, ‘boxed’ or otherwise, are adopted as regulations.

Recommendation 2

That the definition of ‘standard’ contained in proposed subsection 3(1) of the Act be amended to include all editorial notes as regulations.

Public consultation

A number of submissions from groups representing consumer and public health interest indicated concern about the limitations on public consultation proposed in the Bill. The point they make is that while there is need for streamlining the consultation process, the current bill does not provide adequate opportunities for public consultation, particularly in relation to health claims on food and the maximum residual levels of pesticides and veterinary medicines. CHOICE states that “the establishment of an expert panel to advise FSANZ on applications to amend the health claims standard does not go far enough...” Appropriate consultation mechanisms with an adequate timeframe are essential to meet the public interest needs in this area.

Recommendation 3

That the Bill retains the current provision that applications for amendments to the health claims standard must be subject to public consultation in a way which enables all public health and consumer stakeholders to comment on the implications of and the evidence provided for the proposed changes.

Television advertising standards

As the number of Australian children being diagnosed as overweight and obese continues to grow at an alarming rate, the Greens believe that childhood obesity is an issue which must be addressed at every level of food regulation, including advertising. The evidence shows that the level of exposure to television advertising of unhealthy food is a major risk factor for obesity in children. The Greens recommend that this Bill should include a standard to remove advertising food to children during children’s television hours. A serious response to this growing public health issue must include measures to prevent the advertising of food products to children which damage their health. This standard is entirely consistent with the primary objectives of food regulation and public health as set out in the Act.

Recommendation 4

That *The Food Standards Australia and New Zealand Amendment Bill 2007* be amended to include the following:

“The advertisement of food or beverages during children’s television viewing hours should not occur unless the Minister for Health, having determined that such an advertisement is beneficial to the health of children, allows such an advertisement.”

Senator Rachel Siewert
Australian Greens

