

INFANT NUTRITION COUNCIL AUSTRALIA NEW ZEALAND

1. The Infant Nutrition Council Australia New Zealand (“INC”) welcomes the opportunity to comment on the ***Aspirations for the Food Regulatory System: Consultation Paper*** (the Consultation Paper) prepared on behalf of the Food Regulation Standing Committee by mpconsulting.
2. INC represents the interests of the infant formula and toddler milk drink industry in Australia and New Zealand which advocates optimal nutrition for all infants. Its membership is made up of global companies; well established local companies; formula manufacturers; and ingredient manufacturers and suppliers.
3. INC agrees in many areas with the comments in the Consultation Paper but is most concerned at the prospect of an amorphous, no hard boundaries, reactive system responding to an expansive range of risks where ‘leadership’ is the exclusive province of governments. We expand on these concerns in commenting on the challenges and Aspirations.
4. The list of ten ‘challenges and opportunities’ in the Consultation Paper are generally agreed but missing are the broader challenges related to the global trade – export, import and local. For the infant formula and toddler milk drinks industry, the specific challenges missing are trade and commerce, innovation, competition and regulatory burden/compliance.
5. In relation to the objectives and scope of the regulatory system, we consider many of them do remain fit for purpose. We see some misalignment in areas and we strongly favour defining terms such as ‘informed choice’ and ‘consumer (not public) health’ to ensure all parties have a common understanding of the terms. We strongly support additional definitions as was identified in our submission on the FSANZ Act amendments.
6. Certainty of actions and legal clarity requires careful parameters to be applied to the food regulatory system including to measures, controls and most importantly, the exercise of powers. This underlines our concern at the prospect of a borderless system.
7. We are very concerned at the prospect of collaborative risk assessment with other agencies. The increasing level of risk aversion in decision-making in the joint food system over recent years is stifling, chilling and retrograde to the food regulatory system. Adding to food risk assessments other, peripheral risks applied by non-food agencies has the potential for bogging the system down with time and cost of assessments. We see no agility and responsive in this approach.
8. In relation to the six Aspirations:
Aspiration 1. Strengthen the strategic leadership of the system – This attributes leadership exclusively to governments; the actions propose a dilution of priority setting for the food system with the priorities of others; we support aiming for a consistent approach to regulation and enforcement across jurisdictions and performance review of the food regulatory system but only through adequately funded mechanisms.

Aspiration 2. Reorient the system from being focused on ‘food regulation’ to focus on achieving shared objectives (where regulation is one tool used to achieve the objectives) – We are generally supportive of the actions for this Aspiration so long as the ‘shared objectives’ are the food system stakeholders doing the sharing, not the

stakeholders from other systems. We strongly support a renewed focus on non-regulatory solutions to address issues although we note that risk aversion has tended to limit its use in recent times.

Aspiration 3. Expand the range of tools available to monitor compliance and respond to non-compliance (coordinated, targeted and efficient) – Australian members of INC particularly support this Aspiration as part of achieving consistency.

Aspiration 4. Improve feedback loops to inform regulatory and non-regulatory approaches and responses – We are generally supportive of this Aspiration but the actions appear costly. We note the scoping work associated with the branded food database in Australia could be a future focussed tool. It seems particularly unrealistic to 'measure and analyse the impact of the system as a whole'. Focusing on areas of specific interest to assess performance could provide general indicators for the system. We do not agree with regularly reviewing food standards in the absence of a prioritisation programme as this would require substantial funding. It has the potential to divert precious resources from more essential work and operate against agility and responsiveness.

Aspiration 5. Better involve stakeholders in identifying priorities and developing integrated strategies – We support the Aspiration, in fact we support just the first three words: Better involve stakeholders. We particularly support the inclusion of industry advocacy bodies in delivering key messages regarding consumer safety and consumer health to both industry and consumers. No group has exclusivity in getting messages out. Consistent messages from all quarters presents a powerful force that collective groups can best deliver.

Aspiration 6. Improve regulatory responsiveness – While we support improvement in regulatory responsiveness, we are concerned at where delegations might sit and the definition of minor, technical decisions for the purpose of delegations. Our comments in the submissions on the FSANZ Act amendments and consistency expand on these concerns. We see limited evidence of alignment with international food regulatory systems and in fact we have seen, in the decisions made concerning Application A1155, a concerted misalignment. This is an area for greater focus.

9. In terms of Aspirations to add we propose the following:

Strengthening and prioritising trade – The reason Australia and New Zealand joined in signing the *Agreement between the Government of Australia and the Government of New Zealand Concerning a Joint Food Standards System* (the Food Treaty) was for trade. The two-way trade has continued to grow under the Food Treaty. Looking forward, continuing to strengthen that trade should be a priority Aspiration together with a recognition of the reliance on global trade by both countries. Under this Aspiration, international harmonisation is a better fit. Building strong partnerships in the Asia-Pacific such as with APEC and trading agreements could enhance this Aspiration. Collaboration/engagement/partnerships with globally recognised food safety agencies and experts to promote knowledge sharing, harmonisation and capability building could also be added (mutual recognition of risk assessments conducted overseas and acceptance of recognised certification programmes). More specifically, a **Pacific Food Treaty Arrangement** focused on food composition, food labelling and food safety of domestic food regulations in Australia and New Zealand across the Pacific Islands would provide efficiencies to all stakeholders in the region.

Improving the transparency of the system – The system outside FSANZ is a brick wall. Information is irretrievable and freedom of information could be said to be non-existent. Any improvement in transparency would be welcome. It is often the interregnum silence in

the development process that is as frustrating as the very different outcomes to those consulted on. Involving and engaging with industry and others to a much greater extent would bring experts to the table, remove the prospect of ambiguity in policy guidelines and avoid unworkability in provisions.

Better utilise emerging technologies – Normalise the acceptance and use of smart technology to create a safer and more digital, traceable food system. By going one step further, Australia and New Zealand could look to digitising nutritional information off pack.