

SUBMISSION NO. 46

Inquiry into the Role of Science for Fisheries and Aquaculture

Food Standards Australia New Zealand (FSANZ) welcomes the opportunity to make a submission to the Standing Committee on Agriculture, Resources, Fisheries and Forestry Inquiry Into The Role Of Science For The Future Of Fisheries And Aquaculture.

FSANZ is an independent statutory authority established under the *Food Standards Australia New Zealand Act 1991* (the FSANZ Act). It operates as an integral part of the food regulation system for Australia and New Zealand.

The food regulation system is described in the *Food Regulation Agreement*, made between the States, Territories and Commonwealth of Australia on 3 July 2008. The primary purpose of the system, as articulated in the *Food Regulation Agreement*, is to provide 'safe food controls for the purpose of protecting public health and safety'.

FSANZ complements the policy development function that is reserved to policy makers such as the Council of Australian Governments (COAG) Legislative and Governance Forum on Food Regulation (the Ministerial Forum). For example, FSANZ can assist the development of policy on matters related to food through the provision of high quality information based on the best available scientific evidence. Occasionally, FSANZ will be requested to assist the implementation of public health policies by making a food standard that complements the implementation of non-regulatory measures.

The objects statement in the FSANZ Act makes it clear that FSANZ is established to give consumers confidence in the quality and safety of the food supply chain, provide a regulatory framework that establishes an economically efficient environment for industry, give consumers information relating to food that enables them to make informed choices, and provide consistency in domestic and international food regulation in Australia and New Zealand, without reducing the safeguards applying to public health and consumer protection.

The primary method by which FSANZ achieves the objects of the FSANZ Act is to regulate the supply of food in Australia and New Zealand by making food standards.

When making food standards FSANZ is required to achieve some particular objectives, in addition to achieving the objects of the Act. The additional standards-setting objectives are the protection of public health and safety, to provide adequate information relating to food to enable consumers to make informed choices and to prevent misleading or deceptive conduct.

The FSANZ Act also requires standards to be based on risk analysis using the best available scientific evidence, promote consistency with international standards, promote and efficient and internationally competitive food industry and promote fair trading in food products. Standards should also be developed with regard to policy guidelines developed by the Ministerial Forum, good regulatory practice and relevant New Zealand standards.

Standards developed by FSANZ do not have a direct legal effect. Rather, the *Food Regulation Agreement* provides that the States and Territories adopt or incorporate the Code into state or territory law. States and territories have enacted legislation to implement their part of the Agreement.

The Australian Government and the New Zealand Government have also entered into an agreement by which New Zealand adopts the majority of FSANZ's food standards. New Zealand has agreed to adopt general food standards eg labelling, and composition, with limited exceptions for special cultural or trade considerations. The treaty between Australia and New Zealand describes a procedure that facilitates the making of consistent standards.

In addition to standards development work, FSANZ must be able to respond promptly to food safety incidents. We have a major role in coordinating jurisdictional activities and facilitating common approaches in responding to food incidents that span state borders. We also provide risk assessment advice to the Department of Agriculture, Fisheries and Forestry (DAFF Biosecurity) where food imports present a medium or high food safety risk. FSANZ also has oversight for the Maximum Residue Limits (MRL) for pesticides in imported foods.

FSANZ underpins its development of food standards and other regulatory activities, such as applying appropriate regulatory measures to manage chemical and microbiological contaminants, by using the best available scientific evidence. The currency of this information is critical in ensuring the credibility and reliability of FSANZ's decision-making and in maintaining confidence in those decisions. However, some of the information available to FSANZ is becoming increasingly out of date, and/or there is a paucity of relevant information available from external sources. FSANZ therefore pro-actively seeks to seize opportunities for research work to be undertaken, including through specialist R&D organisations such as the Rural Industries Research and Development Corporation, and the Australian Research Council which facilitates collaborative research activities.

The evidence-based approach to developing regulatory measures fulfils Australia's (and New Zealand's) obligations under the international food regulatory system (e.g. WTO, Codex Alimentarius). The approach is required by our enabling legislation and is part of good regulatory practice.

Increasingly, FSANZ is drawing upon consumer and social sciences evidence in its decision making and has actively sought to develop its evidence base in this regard. Where competing assertions are made by stakeholders regarding likely consumer behaviour, reliable and credible evidence based in the methodologies of the social sciences have proved essential. Social science projects have been developed to answer particular questions relating to likely consumer behaviour in applications for formulated beverages, addition of plant sterols to some foods, and for various aspects of the nutrition and health claims proposal. Strong links have been established with Quads partner countries (Australia, Canada, New Zealand and the USA) to share knowledge and learning from the application of consumer and social sciences to food regulation.

Furthermore, it is possible that in future the regulatory focus may involve a consideration of the broader public health impacts resulting from changes in the food supply. This poses particular challenges for FSANZ in terms of assessment approaches, skill base and the availability of evidence on which to base the assessments. One of the difficulties that FSANZ will face is making an assessment of the nutritional and physiological impact on the whole population from the consumption of innovative foods over a lifetime.

This changed regulatory focus will also have significant impacts on industry. As FSANZ moves to a less prescriptive regulatory framework, innovation is encouraged, with applicants being required to provide a substantial amount of supporting information. The need to provide supporting information is related to the 'newness' of some food products (other technologies) as relevant information in the general body of scientific literature may be limited.

A matter that is of particular interest to the primary production sector, and might be pertinent to the fisheries and aquaculture industries, is the paddock to plate approach that has been adopted through primary production and processing (PPP) standards. To improve public health and safety and to maintain public confidence in the safety of the Australian food supply, the Australian, state and territory governments have agreed to work jointly towards a whole-of-chain approach to food safety.

FSANZ was given responsibility for food safety at the primary production end of the food supply chain in order to complete the links through to manufacturing and retail. To address food safety issues from paddock to plate, we are working in partnership with other agencies in Australia, industry stakeholders and consumer groups in the development of PPP standards. Standards development committees, established for each food sector, provide vital advice to FSANZ.

Industry and government are committed to developing a whole-of-chain approach to protect Australia's reputation for high levels of food safety. However, industry sectors are also keen to ensure that any regulatory change does not compromise existing markets or introduce imbalances between domestic and imported products.

The Code had not, prior to 2002, dealt with food safety concerns at the primary production end of the food chain. With the development of PPP standards in all sectors, Australia will have national food safety standards that cover the entire food chain and which take a preventive approach to food safety risks. Some state and territory regulations do cover some primary sectors, such as seafood, meat and dairy. However, the coverage does not address all sectors across all jurisdictions, and requirements vary from state to state.

FSANZ's role is to ensure that food safety is addressed across the entire food chain in a preventive way and that the primary food sector is provided with clear statements of its food safety responsibilities. FSANZ is achieving this through the development of PPP standards that aim to:

- ensure that food safety is addressed across the entire food chain
- provide nationally-consistent standards that will set a benchmark for industry obligations to produce safe food
- provide minimum impost on industry while achieving the most effective food safety outcomes
- harmonise with international standards
- increase public confidence in the safety of food products.

Specific Recommendation:

1. Given that FSANZ underpins its development of food standards and other regulatory activities by the best available scientific evidence, and such food standards already cover fishery products, FSANZ recommends that consideration be given to ensuring the collection of credible and reliable data on fishery and aquaculture products, including but not limited to, data on chemicals and microbiological status, and information that might be needed in future to support any claims about health benefits arising from the consumption of such products.