

Australian Labor Party Senators' Dissenting Report

1.1 Labor Senators on this Committee do not support the Food Standards Australia New Zealand Amendment (Forum on Food Regulation and Other Measures) Bill 2015 being passed in its current form.

1.2 Labor Senators are supportive of changes contained within the Bill that relate to:

- the name change of Australia and New Zealand Food Regulation Ministerial Council to the Ministerial Forum on Food Regulation;
- provisions which modernise the way FSANZ communicates with the public and Government departments and agencies, and;
- clarifications to the high level health claims provisions.

1.3 Labor Senators are not convinced that there is any need for changes to the FSANZ board composition and oppose the measures contained within Schedule 2 of the Bill, which relate to the changing the composition of the FSANZ board.

1.4 There has been no case for change outlined for the change to the FSANZ board.

1.5 Labor Senators acknowledge the work the FSANZ board does in the Australian food safety system and through that public health.

1.6 It is the view of the Labor Senators that the current composition of the board ensures that members have strong backgrounds in science, public health, and consumer and industry interests. This was supported by evidence to the Committee.

1.7 The Public Health Association of Australia (PHAA) told the committee they did not support the eliminating of the National Health and Medical Research Council (NHMRC) nominee:

this is likely to reduce expertise relating to conduct of trials, scientific rigour, the quality of evidence, and a level of independence and objectivity.¹

1.8 The PHAA also submitted to the Committee their objections to the potential reduction of public health, consumer and science expertise on the board:

PHAA does not support any reduction in the number of Public health/science positions. Such people are the 'bread and butter' of the Board and should be increased, not decreased²

1.9 The Committee also heard from the PHAA that the proposed board structure may mean:

1 Public Health Association of Australia, *Submission 1*, p. 6.

2 Public Health Association of Australia, *Submission 1*, p. 6.

... minimal Board membership for Public Health and Consumer (1 each of consumer, public health and science) and potentially up to 4 of the 7 Board members from industry.³

1.10 A similar concern was expressed by the Australian Labor Party in 2001, when the Australian New Zealand Food Authority Amendment Bill was being deliberated by the parliament. In a dissenting report of the Senate Standing Committee on Community Affairs inquiring into that Bill, Labor Senators said:

The Department itself has stated that under the current proposal there is in theory potential for at least half of the new Board to be made up of members with industry interests.

The Opposition Senators strongly oppose such an outcome and will not support any restructuring of the Board that results in an increase in the representation of the industry groups that are regulated by FSANZ.⁴

1.11 The board composition proposed by the Government in the Bill could increase industry member representation to up to 4 members on a board of 11.

1.12 Labor Senators are concerned that the potential increase of industry representation on the FSANZ board will cause the board to lose its focus on science and public health. Further, there is potential for the board to be too heavily influenced by those groups it must regulate.

1.13 The regulatory process is underpinned by public confidence. The public must be confident that the regulator makes evidence-based decisions in the public interest. The changes proposed by the Government have the potential to undermine public confidence in the food regulatory system.

Recommendation 1

1.14 Labor Senators recommend the Senate amend the Bill to ensure there is no change to the composition of the board.

Recommendation 2

1.15 Labor Senators recommend the Senate pass the Bill with these amendments.

Senator Carol Brown

Senator Katy Gallagher

3 Public Health Association of Australia, *Submission 1*, p. 7.

4 Senate Community Affairs Legislation Committee, *Australia New Zealand Food Authority Amendment Bill 2001*, April 2001, p. 9.