

AUSTRALIAN CHRONIC DISEASE PREVENTION ALLIANCE



ACDPA response – Review of the Food Standards Australia New Zealand Act 1991

November 2020

Link to consultation paper: <https://consultations.health.gov.au/chronic-disease-and-food-policy-branch/fsanzactreview/>

The Australian Chronic Disease Prevention Alliance (ACDPA) brings together five leading non-government health organisations to prevent chronic disease in Australia. Cancer Council Australia, Diabetes Australia, National Heart Foundation of Australia, Kidney Health Australia, and the Stroke Foundation work together to collectively promote prevention, integrated risk assessment and effective management of chronic disease risk. This includes improving nutrition and reducing unhealthy weight at a population level.

Chronic diseases affect one in two Australians and are the leading cause of death and disability in Australia. Yet nearly 40 percent of chronic disease burden could be prevented by addressing modifiable risk factors, including unhealthy diets and overweight and obesity.

Discussion questions - Objectives

1 Is there still a case for regulating food? What market failure(s) should governments seek to address through regulation of food?

Yes. We strongly support government regulation of the food system to ensure a safe food supply and to protect the short- and long-term health of Australians.

Unhealthy diets are a major contributor to overweight and obesity and chronic disease burden. There is a clear failure with respect to the food industry and the unhealthy diets of Australians. Poor diets increase risk of chronic diseases, which are associated with long-term health, financial and economic impacts. To address the enormous burden of chronic disease, there needs to be a greater government commitment to reduce risk factors (including unhealthy diets and overweight and obesity).

Regulation of food labelling is rated a 'best buy' by the World Health Organization. It is a cost-effective and feasible approach to prevent chronic disease at the population level. A range of food regulatory approaches are also strongly recommended by Australian modelling to reduce overweight and obesity in Australia.

Reference - <https://www.who.int/publications/i/item/WHO-NMH-NVI-17.9>

<http://www.aceobesitypolicy.com.au/>

2 Are there other significant focus areas that should be considered as part of the Review?

No response

3 To what degree are the current legislated objectives an issue for the system? What are the types of problems that different stakeholder groups face as a consequence?

We highlight that FSANZ is not broken but there is room for improvement, particularly regarding its role to protect the long-term health of Australians and ensure information for informed decision making by consumers.

We welcome a clear definition of public health protection, which includes the long-term health of Australians as well as short-term health and food safety. We highlight the need for food labelling to provide consumers with clear information about the healthiness (or not) of packaged foods. This is important given the high consumption of processed foods and the contribution of these foods to increasingly unhealthy Australian diets. Stakeholder groups, including the community, consumers and public health groups, should be able to trust the food system is informed by best available evidence, rather than political decisions and industry needs. At its core, the standards should continue to reflect health protection.

Over the past 30 years, the burden of unhealthy diets, overweight and obesity, and chronic disease have dramatically increased, in part due to the rise in affordable, available, heavily promoted processed (and ultra-processed) foods. The FSANZ Act needs to recognise this enormous burden and the potential for food regulation to contribute to improving the health of Australians.

4a What would be the impact of implementing "Reform idea 1 – Define ‘public health’ and ‘safety’ in legislation to affirm the inclusion of long-term health and nutrition as a core objective", and how could the outcome best be achieved?

Positive. "Public health" and "safety" should be defined as distinct concepts to recognise the short- and long-term health of Australians, as well as acute food safety issues. We strongly support a definition of "public health" that recognises the long-term health of Australians and the potential of the food system to contribute to healthy diets and prevent diet-related chronic diseases, such as cancers, heart disease, type 2 diabetes, kidney disease and stroke. Unhealthy diets are a major contributor to chronic diseases and overweight and obesity. These conditions have major impacts on health and wellbeing, as well as health system costs and impacts on productivity.

4b What would be the impact of implementing "Reform idea 2 - Recognise trade as a core goal and reframe consumer choice as a factor to which FSANZ ‘must have regard’", and how could the outcome best be achieved?

Negative. We do not support recognising trade as a core objective. The FSANZ Act highlights "public health protection" as its overarching objective – to protect the health of the people via a trusted and accountable food system. Recognising trade as a core objective would undermine work to protect the health of Australians in the food system. Australia is a public health leader, for example in its front-of-pack labelling, and this proposed reform would undermine and potentially restrict innovation due to trade implications.

4c What would be the impact of implementing of implementing "Reform idea 3 – Establish criteria in the Act that the Forum must meet to request a review of a draft regulatory measure", and how could the outcome best be achieved?

No response

5. Are there other potential issues or solutions relating to legislated objectives?

No response

Discussion questions - Functions

6 To what degree are FSANZ’s functions (as currently stated in the Act) an issue for the system? What are the types of problems that different stakeholder groups face as a consequence?

There are challenges in inconsistent interpretation of the standards by different statutory authorities and government agencies, as well as limited enforcement and monitoring under the existing system. We support increased opportunity and resourcing for FSANZ to enforce and monitor the standard.

7a What would be the impact of implementing "Reform idea 4 - Amend the Act to better reflect the functions FSANZ currently delivers, particularly as they relate to supporting long-term health and nutrition" and how could the outcome best be achieved?

Positive. We strongly support reforming the act to include a focus on long-term health and nutrition. While the food system has successfully ensured food safety and low levels of short-term harms, there is an urgent need to address the long-term harms due to unhealthy diets and overweight and obesity. Amending the Act to include a focus on long-term health and nutrition is essential to enable the food system to support improvements to the long-term health of Australians.

7b What would be the impact of implementing "Reform idea 5 – Amend s 13 of the Act to reflect a broader range of functions that FSANZ could deliver now and in the future" and how could the outcome best be achieved?

Positive. Any additional functions should be considered with respect to FSANZ's expertise as a technical, evidence-based and independent body.

8 Are there other potential solutions relating to FSANZ's statutory functions?

No response

Discussion questions - Legislative processes and decision making arrangements

No response to questions 9-17

Discussion questions - Partnerships

18 To what degree is the current alignment between policy development and standards setting an issue for the system? What are the types of problems that different stakeholder groups face as a consequence?

There is a strong need for the food system to reflect policy to improve the health of Australians.

Unhealthy diets are a major contributor to overweight and obesity and chronic diseases, like cancers, heart disease, stroke, type 2 diabetes and chronic kidney disease. Chronic diseases affect one in two Australians and have long-term financial impacts (for individuals and governments). There is an urgent need to address the risk factors like unhealthy diets through regulatory approaches to improve the food system and ensure the availability of information to inform consumer decision making.

19 What would be the impact of implementing "Reform idea 13 – Facilitate joint agenda setting between FSANZ and the Forum" and how could the outcome best be achieved?

Otherwise. Alignment and consistency between the ANZ Ministerial Forum and FSANZ could help to ensure the uptake of evidence-based approaches to improve the food system and protect the health of Australians.

However, it is essential that issues are identified in a transparent manner and based on evidence. Evidence-based work undertaken by FSANZ as an independent, trusted, scientific body should be supported and not undermined by political interference or lobbying. For example, the recent FSANZ proposal for pregnancy warning labels on alcoholic beverages was evidence-based and informed by consumer testing; however the Ministerial Forum ultimately had the power to support or dismiss the proposal, based on other considerations, including cost to industry.

No response to questions 20-26

Discussion questions - Operations

27 To what degree are FSANZ's governance arrangements an issue for the system? What are the types of problems that different stakeholder groups face as a consequence?

No response

28a What would be the impact of implementing "Reform idea 21 – Streamline Board appointments and nominations" and how could the outcome best be achieved?

Negative. We do not support streamlined Board appointments and nominations by reducing the number of members appointed by public health or consumer organisations. Protecting public health is an overarching objective of the FSANZ Act and, as such, requires adequate representation on the FSANZ Board. The current make up (one-quarter of the Board) is appropriate for public health. We support nomination from a prescribed list of public health organisations and consumer representation.

28b What would be the impact of implementing "Reform idea 22 – Establish minimum term length for Board

members" and how could the outcome best be achieved?

No response

28c What would be the impact of implementing "Reform idea 23 – Reduce Board size" and how could the outcome best be achieved?

Otherwise. We highlight the need to ensure strong public health and consumer representation on the FSANZ Board, irrespective of the Board size, based on public health protection being the overarching objective of the FSANZ Act. The current make up (one quarter of the Board) is appropriate for public health. We support nomination from a prescribed list of public health organisations and consumer representation.

No response for questions 29-32

Discussion questions - Key reflections

33 What are the top 2-3 most pressing issues to resolve through change to the Act and associated operations and responsibilities of FSANZ?

The most pressing issues to resolve through changes to the Act are:

1. Defining public health to include the long-term health of Australians, alongside the existing focus on short-term health and food safety. Unhealthy diets are a major contributor to overweight and obesity and chronic diseases like cancers, heart disease, type 2 diabetes, stroke and kidney disease. These diseases have long-term health and economic impacts. Food regulation is a cost-effective and feasible approach to reduce risk factors and prevent chronic disease.
2. Ensuring the provision of evidence-based information to enable consumers to make informed decisions about the food they are purchasing and consuming, including in relation to the healthiness of products. This includes work to improve labelling (such as added sugars labelling) to provide clear and easy-to-interpret information to aid consumer decision making.
3. Maintaining the role of FSANZ as a trusted, independent science-based body and extending the role to interpreting and enforcing the standard.

34 Are there key issues or challenges related to FSANZ and the Act that are not represented in this scoping paper?

No response

35 What other reform ideas should be considered to address the issues identified in the paper, assuming no resource constraints?

No response