

AUSTRALIA NEW ZEALAND FOOD REGULATION MINISTERIAL COUNCIL

Overarching Policy Guideline on Primary Production and Processing Standards

SCOPE/AIM

The Council of Australian Governments (COAG) agreed to a nationally coordinated approach to food regulation and for the first time a single national framework exists for the development of all domestic food standards covering the entire food supply chain.

The COAG Food Regulation Agreement created a clear responsibility for Food Standards Australia New Zealand (FSANZ) to develop all domestic food standards, including primary production and processing standards. Primary production and processing standards apply in Australia only.

Policy guidelines for primary production and processing standards may include commodity specific or more general guidance.

BROAD POLICY FRAMEWORK

The development of the primary production and processing standards shall take into account COAG's Principles and Guidelines for National Standards Setting and Regulatory Action by Ministerial Councils and Standard-Setting Bodies (1997) and the Office of Regulation Review's Guide to Regulation (1998). These additional guidelines ensure that standards protect public health and safety and result in the development of minimum effective regulation.

More generally, but also with considerable weight, both Australia, under the Council of Australian Governments, and New Zealand have policies seeking minimum effective regulation.

The development of the primary production and processing standards shall also take into account the following objectives of the COAG Food Regulation Agreement 2000.

- Providing safe food controls for the purpose of protecting public health and safety;
- Reducing the regulatory burden on the food sector;
- Facilitating the harmonisation of Australia's domestic and export food standards and their harmonisation with international standards;
- Providing cost effective compliance and enforcement arrangements for industry, governments and consumers;

- Providing a consistent regulatory approach across Australia through nationally agreed policy, standards, compliance and enforcement procedures;
- Recognising the responsibility for food safety encompasses all levels of government and a variety of portfolios;
- Supporting the joint Australia and New Zealand efforts to harmonise food standards.

The development of the primary production and processing standards shall also take into account Section 10 of the *FSANZ Act 1991* which establishes the objectives for FSANZ in its setting of standards in the following descending priority order:

- 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 or deceptive conduct.

The *FSANZ Act 1991* also requires FSANZ to have regard to:

- The need for standards to be based on risk analysis, using the best available scientific evidence;
- The promotion of international consistency in setting food standards;
- The promotion of an internationally competitive and sustainable food industry; and;
- The promotion of fair-trading in food.

The FSANZ Act also sets out the statutory processes that FSANZ is required to follow in developing and gazetting food standards.

The Treaty between Australia and New Zealand for a joint food standards system also commits Australia and New Zealand to seek Trans-Tasman harmonisation of food standards and to be consistent with the obligations of both countries as members of the World Trade Organisation.

HIGH ORDER PRINCIPLES

Primary Production and Processing Standards will:

- be a set of outcomes-based national standards for the relevant primary production and processing sectors/commodities and/or be of general relevance to primary production and processing activities;
- have a consistent regulatory approach across the Standards;
- be consistent with the s10 objectives of the FSANZ Act 1991, recognising that the protection of public health and safety has priority;
- be consistent with the approach outlined in Chapter 3 of the *Food Standards Code*

- be consistent with internationally recognised Codex standards, save where, after consideration of a risk assessment, it is clear that the relevant standard does not sufficiently protect public health and safety in Australia;
- address, where this is appropriate, food safety across the entire food chain where appropriate;
- facilitate trade;
- be not more trade restrictive and comply with Australia's obligations under World Trade Organisation agreements;
- ensure that the regulatory framework promotes consumer confidence;
- ensure the cost of the overall system should be commensurate with the assessed level of risks and benefits;
- provide a regulatory framework that applies only to the extent justified by market failure;
- provide for collaborative action among enforcement agencies to optimise the use of resources and effectiveness.

POLICY GUIDANCE

Primary Production and Processing Standards shall:

- apply in Australia only;
- be consistent with the Broad Policy Framework and High Order Principles in this document;
- focus primarily on food safety matters and be complementary to, and not inconsistent with the rest of the *Food Standards Code*;
- deal with specific primary production and processing sectors or commodities, or groups of sectors or commodities, taking a consistent regulatory approach across the Standards;

The FSANZ Board shall:

- establish, on a case by case basis, SDCs to assist FSANZ develop individual draft primary production and processing standards;
- after considering the advice of the Food Regulation Standing Committee (FRSC), ensure SDCs include members drawn from relevant government agencies, bearing in mind the importance of continuity of membership across SDCs;
- ensure SDCs include broad senior industry representation, through relevant peak industry organisations where appropriate;
- ensure SDCs include members with appropriate scientific and technical knowledge and expertise;
- undertake all Assessments that are required of it under the *FSANZ Act 1991*, with the assistance of the relevant SDC as required.

FSANZ shall:

- provide secretariat support for SDCs, undertake all public notification and convene any stakeholder consultative process;
- provide SDCs with terms of reference based on this and other relevant policy guidelines;
- undertake risk assessments and determine appropriate risk management measures consistent with the scope of the proposed standard with the assistance of the relevant SDC as required;
- on the basis of drafting instructions and as discussed with the SDC be responsible for drafting new standards;
- notify FRSC and ANZFRMC once the FSANZ Board has approved a primary production and processing standard, which will trigger the 60-day Ministerial Council review period.

SDCs shall assist FSANZ to:

- determine the scope of the standard, if not stated in a relevant policy guideline;
- ensure draft standards are consistent with relevant policy guidelines and FSANZ's statutory objectives and processes;
- provide a draft Assessment Report and draft Regulatory Impact Statement, as necessary, for the FSANZ Board's approval, having considered a FSANZ risk assessment and weighed the regulatory options;
- identify and maintain linkages on relevant standards development issues within the primary production sector
- advise the FSANZ Board on issues relating to Chapters 1, 2 and 3 for the sector(s) or commodity(ies), should they arise.

Note: For an explanation of FSANZ's statutory procedures in developing food safety standards, refer to FSANZ's Primary Production and Processing Standards Procedural Guide, available on the FSANZ website.