

20 April 2006

Dear Minister,

**RE: Public consultation on amendments to the FSANZ Act**

The Australian Consumers' Association wishes to bring to your attention its concerns about public consultation on the proposed legislative amendments to the FSANZ Act. The changes proposed have significant implications for the FSANZ assessment and approval processes and the level of public consultation FSANZ will be required to undertake.

As you know the Commonwealth Department of Health and Ageing issued a consultation paper on 22<sup>nd</sup> March 2006. While the consultation paper outlines the reasons behind the proposed changes and what they intended to achieve, the level of detail provided is not sufficient to provide further comment on the implications for consumers. At the consultation meeting in Sydney on Thursday 30<sup>th</sup> March 2006 representatives from the Commonwealth Department of Health and Ageing stated that once policy direction is determined post consultation and legislation drafted, there will be no further consultation on the detail of the legislation.

ACA was also told by the Department of Health and Ageing that the consultation process was driven by the short timeframe within which the proposed changes needed to go to Ministers and the House of Representatives. We believe that rushing through important legislative changes with such hasty and inadequate public consultation is not in the best interests of consumers.

Currently, when FSANZ consults on amendments to the Food Standards Code it must allow a six-week consultation period on the Initial Assessment Report and another six-week consultation period on the Draft Assessment Report. The Draft Assessment Report also includes draft text of the new or amended standard. A six week consultation period on a paper that only broadly discusses the principles of legislative changes, not the draft legislation itself, is insufficient and does not provide adequate protection for consumers.

There will be no consumer detriment if legislative changes are not done in the timeframe proposed by the Commonwealth Department of Health and Ageing, in fact there is greater detriment if organisations such as ACA, one of few organisations that advocates on behalf of consumers in relation to food policy and regulation, are not adequately consulted on the detail of the proposed changes.

While a number of amendments are relatively minor administrative changes, others have significant implications for consumer protection and public consultation – such as limiting opportunities for public consultation on a number of significant

applications to only one round of consultation, and the proposal to eliminate public consultation entirely in assessment processes for health claims.

ACA seeks your support in ensuring that such significant changes are subject to a thorough and transparent public consultation by calling for a second round of consultation on the draft legislative amendments.

Should you wish to discuss this further please do not hesitate to contact myself on (02) 9577 3246 or Clare Hughes, Senior Food Policy Officer on (02) 9577 3375.

Yours sincerely,

**Gordon Renouf**  
**General Manager, Policy and Media**

cc: Australia New Zealand Food Regulation Ministerial Council