

FOOD STANDARDS AUSTRALIA NEW ZEALAND

A Guide to Making Submissions

What does FSANZ do?

FSANZ's role is to protect the health and safety of people in Australia and New Zealand through the maintenance of a safe food supply whether manufactured here or imported from overseas. It does this by developing and maintaining standards within the Australia New Zealand Food Standards Code that set mandatory legal requirements on foods sold in both countries. Standards within the Code regulate the use of ingredients, processing aids, colourings, additives, and set contaminant residue limits and compositional requirements for specific foods and food products. Mandatory labelling requirements exist in the Code for both packaged and unpackaged food, including specific mandatory warning or advisory labels. While FSANZ develops or varies existing food standards, they are enforced by Australian State and Territory governments and the New Zealand Government through their Food Acts and regulations.

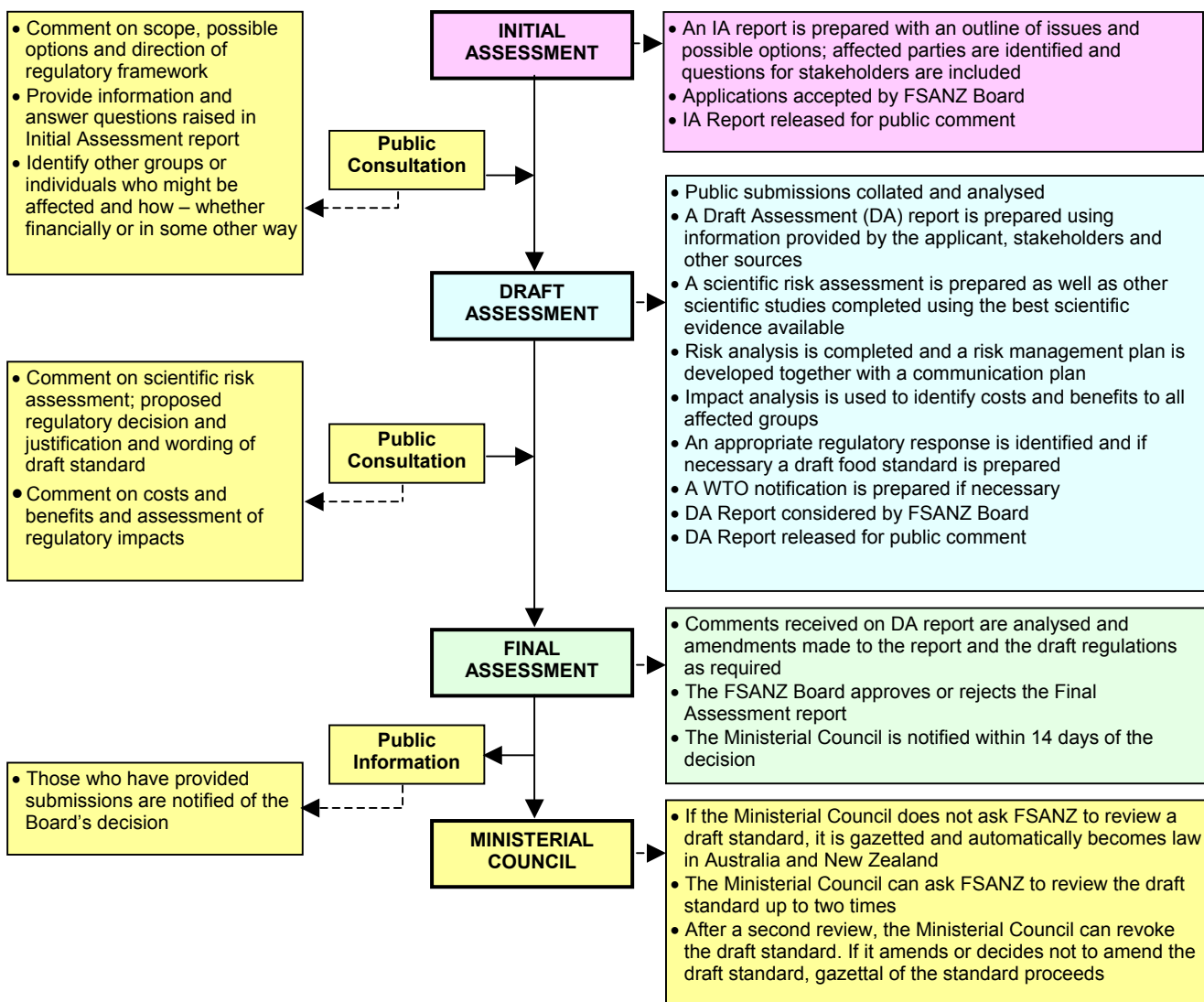
Why should I make a submission?

Putting in a submission is your chance to influence the development of a standard or variation to a standard in the Food Standards Code. FSANZ invites comments from the public when considering new food standards or varying existing standards in order to ensure that decision-making is underpinned by as much information as possible. To achieve this it welcomes input from the public, from industry and from health professionals. The requirement to consult with the public is built into FSANZ's legislation.

Consultation assists FSANZ in its decision making by providing alternative perspectives and opinions, and supporting evidence to the Proposal or Application being considered. It helps to ensure that differing views are considered, provides a broader view of the impacts and practicality of options, and facilitates a greater awareness of the circumstances that operate and support an understanding and cooperation between FSANZ and its stakeholders.

When should I make a submission?

When FSANZ is assessing applications or proposals to change the Food Standards Code, there are usually two periods during which the public are asked to provide comments in the form of submissions. The assessment process is conducted in three stages as set out in the diagram below.



The First Stage – is to conduct an Initial Assessment. This involves the development of an Initial Assessment Report which sets out the background to the application or proposal and is used primarily to stimulate useful input from stakeholders by raising issues and asking questions.

Public submissions are invited through notices in newspapers, *Food Standards News*, circulars to interested stakeholders and on the FSANZ website. The newspaper notices appear nationally in *The Australian* on Wednesdays and in New Zealand, in *The New Zealand Herald*.

The consultation process is undertaken in accordance with FSANZ's *Community Involvement Policy & Protocol* and varied according to the nature of the application or proposal.

The Second Stage – is the Draft Assessment stage. After considering any submissions, a draft report is prepared for the Board's consideration. Most of the analytical work is undertaken at this stage including a comprehensive scientific risk assessment and a regulatory impact analysis (incorporating a cost or risk benefit analysis).

The FSANZ Board makes a draft assessment and, in accordance with the FSANZ Act, approves the Draft Assessment Report which is released for public comment. The report is listed on the FSANZ website and stakeholders advised of its availability.

The report will include a draft proposed standard unless the Application is rejected or the Proposal abandoned.

The Third Stage – is the Final Assessment stage. After considering any further public submissions received following the Draft Assessment stage, a Final Assessment Report is prepared for consideration by the Board. If the Board approves the draft standard or variation, the Board notifies the Australia and New Zealand Food Regulation Ministerial Council.

After the Ministerial Council considers the proposed standard or variation, it may be gazetted in Australia and New Zealand to become a part of the Code. As a result, it is automatically incorporated into Australian State and Territory and New Zealand food laws.

How do I prepare a submission?

Submissions must be in writing and may be sent by mail or email. They may simply state your views and opinions or take the form of detailed scientific or technical documents or references that discuss or support your position in relation to the application or proposal.

It is important to FSANZ's decision making process that submissions address the objectives and the issues and questions that have been raised and provide, where possible, supporting information and facts. To do this you need to **read the relevant assessment report** carefully. You may provide comment and/or answer the questions raised in the paper. In all cases, your submission will be more effective if you provide supporting evidence of your views. Unsupported assertions often do not improve the debate.

FSANZ does not make its decisions based solely on the numbers of submissions 'for' or 'against' a particular course of action, but considers the issues that are raised and any supporting evidence that is provided in all submissions, in addition to its own assessment.

Where can I find an assessment report?

Assessment reports are available for viewing and downloading from the FSANZ website www.foodstandards.gov.au Current matters out for comment can always be found at '[Documents for Public Comment](#)' located under 'What's new' on the home page of the website.

How much time do I have to get my submission in?

All submissions must be received by the date identified on the front cover of each report or in the public notices published in those newspapers identified above.

If for some reason you cannot meet the deadline set for the receipt of public submissions you will need to contact the Standards Liaison Officer - slo@foodstandards.gov.au - to see if an extension is possible. However, you should be aware that extensions will not be granted if it would be inequitable for all other submitters or if a matter needs to be completed urgently.

What should I include in my submission?

Your submission to FSANZ should include:

- the number or the name of the application or proposal;
- your name and full contact details including: address, telephone number, fax and email address; and
- the level at which the submission was authorised in the case of organisations.

In addition submissions might:

- identify and discuss any alternative options/solutions, apart from those already suggested;
- identify additional sectors, groups or individuals who may be affected and who should be consulted by FSANZ;
- provide factual information and data concerning the impact of proposed options on affected parties, ie benefits/costs of providing information on labels as a result of a proposed regulatory change;
- identify your preferred option; and
- provide any other relevant information eg scientific and technical, economic, international obligations, business and consumer information.

Your submission will have greater impact if it:

- is written with regard to the policy framework within which FSANZ is required to work;
- comments on the issues raised and possible options; and
- provides as much supporting evidence as possible.

Your submission should:

- be kept simple, clear and concise – your submission should be written in a style which is easy to read and which organises ideas and thoughts logically;
- be supported by relevant, reputable and current data where possible;
- use appropriate and specific case examples; and
- include a brief summary, especially if the submission is lengthy.

It is helpful but not decisive, if submitters understand the role of FSANZ and its areas of responsibility. Many submissions are received that raise issues and concerns which FSANZ cannot address. It may be the case that these issues need to be raised with other Commonwealth agencies or State or Territory governments or the New Zealand Government.

If in doubt, contact the Standards Liaison Officer for clarification - slo@foodstandards.gov.au.

What happens to my submission?

When submissions are received an acknowledgement will be sent to let people know that they have been received.

The processes of FSANZ are open to public scrutiny, and any submissions received will ordinarily be placed on the public register of FSANZ and made available for inspection. In the future, all submissions will be placed on the FSANZ website.

If you wish any information contained in a submission to be treated as confidential by FSANZ, you should clearly identify the sensitive information and provide justification for treating it in confidence. FSANZ is required to treat information as confidential if it identifies trade secrets relating to food and any other information relating to food, the commercial value of which would be or could reasonably be expected to be destroyed or diminished by disclosure. If FSANZ does not agree that the information meets these criteria, the author of the submission will be given an opportunity to withdraw the submission before it is made public.

All submissions and the relevant issues raised will be considered. The Draft and Final Assessment reports should address the issues raised in the submissions. In some cases they may be addressed individually and a response provided or if a substantial number of submissions have been received, the issues raised might be summarised and a general response provided.

Who should I send my submission to?

You should lodge your submissions electronically through the FSANZ website using the [Standards Development](#) tab and then through [Documents for Public Comment](#) or under 'What's new' on the home page of the website. This facility allows you to either attach electronic documents or to compose shorter submissions onscreen.

However if this is not possible, FSANZ will accept hard copies which should be addressed to the Standards Liaison Officer.

Questions relating to making submissions or the application process can also be directed to the Standards Liaison Officer by emailing slo@foodstandards.gov.au

Where Can I Get Further Information?

If you want to hear about applications and proposals that FSANZ are developing and want to be included in the regular subscribers list then register on-line to our free Information Service. For assistance in registering on-line contact FSANZ Information Officer on + 61 2 6271 2241.

Further information about FSANZ can be obtained from the FSANZ website at: www.foodstandards.gov.au or from the Information Officer in Australia email: info@foodstandards.gov.au; or in New Zealand email: info@foodstandards.govt.nz