

Work Plan Notes

January 2018

Notes about the Work Plan

Application or proposal – Applications are formal requests to amend the Australia New Zealand Food Standards Code. Proposals are amendments to the Code prepared by FSANZ. Each application or proposal is allocated a sequential identification number in the order of receipt by FSANZ. Applications commence with an ‘A’ whilst proposals commence with either a ‘P’ or ‘M’ (maximum residue limits). Applications rejected after an administrative assessment have a ‘P’ prefix to indicate they are ‘potential’ applications. Applications and proposals that have 3 digits relate to those received or prepared **before** 1 October 2007 while those received or prepared from 1 October 2007 onwards have four 4 digits.

Brief description – General description of the purpose of the application or proposal.

Expected timetable – Outlines anticipated timeframes for considering the application or proposal, notifications to the Forum and gazettals. These timeframes can change at very short notice and depend on many factors such as staff resourcing, the need for further information from the applicant, and delays in the receipt of fees. As each step is completed the actual date is indicated in the ‘Date completed’ column.

early (1st 10 days of a month) e.g. early April means a date somewhere between 1 and 10 April)

mid- (2nd 10 days of a month) e.g. mid-April means a date somewhere between 11 and 20 April

late (remaining days in a month) e.g. late April means a date somewhere between 21 and 30 April

Consultation opportunities – Details when consultation may occur and what consultation has already occurred. Anyone can subscribe to [FSANZ’s Notification Circular](#) which includes notices that are required to be given to the public, submitters and appropriate government agencies, under the FSANZ Act, including calls for submissions. Subscribers applicants, submitters and interested parties are notified by email where at all possible, otherwise a hard copy of the Circular is posted to submitters and interested parties. [Calls for public submissions on specific applications and proposals](#) are published on the FSANZ website.

Under review – Lists application and proposals under review following a request from ministers responsible for food regulation These are listed separately as they are not subject to the same procedural and resourcing requirements as applications and proposals undergoing an assessment.

Finalised projects – Details about applications and proposals completed, withdrawn, rejected, deleted from the Work Plan or abandoned in the current financial year are included at the end of this Work Plan.

* **Date completed column** – An asterisk in the date completed column indicates work has been delayed. The reason is indicated in the consultation opportunities column.

Further information requested – these applications are awaiting further information from the applicant and therefore the anticipated due date for finalisation cannot be accurately identified while the information is outstanding.

Notes about Part 1 of the Work Plan

Information on applications received and proposals prepared by FSANZ from 1 October 2007 onwards are listed in the following order on the Work Plan:

- **General procedure**
- **High level health claim variation procedure**
- **Minor procedure**
- **Major procedure**
- **Urgent applications or proposals**

Date received – The date FSANZ received the application. FSANZ has 15 business days to make an administrative (admin) assessment of the application. This assessment determines whether an application meets the requirements set out in Part 3 of the Application Handbook and the procedure by which it should be assessed. If the application is accepted, it is then placed on this Work Plan. This assessment also determines the timetable for consideration of the application.

Admin assessment completed – The date that the administrative assessment is completed and the application accepted. After the admin assessment is completed an ‘early bird’ notification to the public occurs. If an application is rejected at the admin assessment stage, the application will appear in the ‘Finalised Projects’ table with an indication of the reasons for rejection. If an application is rejected for not meeting mandatory format and information requirements, this does not prevent the applicant re-lodging the application at a later date in the correct format and with the missing information. In relation to proposals, FSANZ also carries out an ‘admin assessment’, the end result of which, the proposal is formally prepared by FSANZ.

Clock start and finish Dates – Under the FSANZ Act FSANZ is required to complete its assessment of applications either within 9 months (general or high level health claim variation procedures) or 3 months (minor procedure) or 12 months (major procedure) – the statutory due date is indicated in brackets and italics with the estimated date for the Board to complete its consideration). For unpaid applications, the clock starts on the date on which the assessment commences. Preparatory work on an application commences approximately

6–8 weeks before the clock start a reasonable consideration of a majority of actions must be completed, as determined by FSANZ, before the clock is started. For proposals, FSANZ does not have a statutory timeframe to complete its assessment. However, a clock start, as for unpaid applications, is used for reporting and planning purposes.

For paid applications, the clock starts on the date the fees are received by FSANZ.

For applications being assessed under the major procedure only, FSANZ is able to extend the timeframe for up to 6 months if it is not practicable for a decision to be made within the period.

Fees – Fees are payable if an application confers an exclusive capturable commercial benefit (ECCB) on an applicant, or if the applicant wishes to expedite consideration of the commencement of the assessment of an application. If an applicant with an ECCB does not pay the fees owing within 20 business days of the notification that the admin assessment has

been made, the application is automatically rejected. For more information about how the categories are determined see the [FSANZ Application Handbook](#). If any fees are owed, FSANZ cannot continue to work on the assessment.

s.95 – Section 95 applications and proposals are considered urgent under Division 4 of the FSANZ Act. Under these provisions, FSANZ is required to assess the variation to the Code within 12 months of the date of effect of the gazetted variation. FSANZ may then either re-affirm its original decision or prepare a proposal for a further variation or replacement variation.

Notes about Part 2 of the Work Plan

Information on applications received and proposals prepared by FSANZ before 1 October 2007 are in the following order:

- **Group 1**
- **Group 2**
- **Applications and proposals being reviewed**

Date received – This is the date on which FSANZ received an application, or the date on which a potential proposal is ‘scoped’ by FSANZ in anticipation of proceeding.

Start and finish dates – For applications, FSANZ is required under the FSANZ Act to complete its assessment of applications within 12 months. For unpaid applications, the 12-month clock starts on the date an initial assessment is made. FSANZ is able to extend the timeframe for up to 6 months, if it is not practicable for a decision to be made within the period.

For proposals, FSANZ does not have a statutory timeframe to complete its assessment. However, a clock start, as for unpaid applications, has been used for planning purposes.

An estimated time for assessment to commence (based on calendar year quarters) is indicated. Once the clock starts, this date is amended to provide the actual start and final due dates.

Further info – These applications are awaiting further information from the applicant and therefore the anticipated due date for finalisation cannot be accurately identified while the information is outstanding. Resources that may become available as a result of requests for further information will generally be diverted to work on other projects.

Work Plan category – all applications and proposals are placed in a six-tier scale based on an estimate of the amount of work that will be required to complete that application or proposal. This estimate is used to determine FSANZ’s workload for the purposes of the Work Plan.

Stage completed – A tick indicates completion of the initial or draft assessment. Once a final assessment is completed, the application or proposal is moved to the finalised projects table. If a review is requested by the Forum, the project is moved to the Review table.

s.36 (of the FSANZ Act as it existed prior to 1 October 2007) – The assessment process for these applications or proposals has been shortened as it was considered that omitting one round of public consultation would not have a significant adverse effect on the interests of anyone OR the application or proposal raised issues of only minor significance or complexity. A related process can be used if FSANZ considers that the part of the

assessment would be a duplication of work already done, or a process already gone through, by another government agency in Australia or New Zealand.