



**Australian Grape & Wine submission to  
FSANZ consultations on:**

**Modernising the Food Standards  
Australia New Zealand Act 1991 –  
Impact Analysis**

**April 2024**

## Table of Contents

About Australian Grape & Wine .....	3
Summary of wine sector position .....	3
Questions for stakeholders .....	4
Component 2.1 - Defining "Public Health" .....	4
Component 2.2.2 - New pathways to amend food standards could be introduced .....	4
Component 2.2.3 - Decision-making arrangements could be streamlined .....	4
Component 2.3.3 - To generate more sustainable revenue, cost recovery could be expanded for work that benefits industry .....	5
Component 2.4.4 - Further work could be done to establish information sharing arrangements with international partners .....	5
Component 2.4.6 - FSANZ could be resourced to develop, update and maintain industry guidelines to guide interpretation of food standards .....	5
Contact .....	6

## About Australian Grape & Wine

Australian Grape & Wine is Australia's national association of winegrape and wine producers. Our activities focus upon the objective of providing leadership, strategy, advocacy and support that serves Australian wine businesses now and into the future. We represent the interests of the more than 2,500 winemakers and 6,000 winegrape growers working in Australia. Our role is to help forge a political, social and regulatory environment - in Australia and overseas - that enables profitable and sustainable Australian wine and winegrape growing businesses. These businesses make a significant contribution to underpinning regional economies by driving growth in jobs, regional exports and food and wine tourism. We represent small, medium and large winemakers and winegrape growers from across the country. Policy decisions by the Australian Grape & Wine Board require 80% support, ensuring no single category can dominate the decision-making process and guaranteeing policy is only determined if it provides significant industry benefit. In practice, most decisions are determined by consensus. Australian Grape & Wine is recognised as a representative organisation for winegrape and wine producers under the *Wine Australia Act 2013* and is incorporated under the *SA Associations Incorporation Act 1985*. We work in partnership with the Australian Government to develop and implement policy that is in the best interests of winegrape growers and winemakers across Australia.

## Summary of the wine sector position

As the peak industry body representing the interests of Australian grape and wine producers, Australian Grape & Wine has sought industry input in forming its positions on the review of the Food Standards Australia New Zealand (FSANZ) Act 1991. The following summarises our position on the information provided in the impact assessment paper:

- We do not support, nor do we see any benefit, in clarifying "public health and safety" or defining "public health" within the Food Standards Australia New Zealand Act 1991 (the Act).
- We acknowledge that there may be benefit in considering simplified pathways for change that are considered low risk, however, we do not support the automatic adoption of international standards.
- FSANZ core role of food health and safety regulation needs to be appropriately funded by federal government revenue. While we support seeking alternative funding to ensure sustainability, this should not be levied on industry for providing public health and safety outcomes that are the ultimate responsibility of government.
- We support information sharing and efforts to harmonise and align standards with international trade where appropriate.
- Improved national interpretation, in collaboration with state-based authorities for specific troublesome measures could provide some value.

## Questions for stakeholders

### **Component 2.1 - Defining “Public Health”**

Australian Grape & Wine does not believe there is a need, nor would there be benefit, to define “public health” within the Act. The remit of FSANZ as outlined in the Act is clear as it relates to protection of “public health and safety” and aspects of food regulation. Public health and safety is a well understood concept that is applied globally based on risk and scientific evidence. There is no need to further define or clarify its meaning within the Act.

The term “public health” refers to much broader social or environmental aspects of community which if included in the Act could significantly alter the scope of FSANZ remit and its work. It not only has potential to broaden the scope of work but in doing so, could directly contravene attempts to improve FSANZ financial sustainability.

This would not be an immaterial change, it would have significant impact and shift in terms of FSANZ scope of work and fundamental change in the organisations purpose. There is no benefit and significant risk associated with defining “public health” within the Act and we therefore do not support it.

### **Component 2.2.2 - New pathways to amend food standards could be introduced**

There may be some merit in “new pathways” to amending the Australia and New Zealand Food Standard Code (FSC) which allowed for a simplified, less resource intensive amendments where possible. However these options would need to be well understood, retaining some level of industry and government consideration before being implemented and would need to maintain FSANZ current scientific risk-based approach.

For minor changes, a simplified pathways for amendments which pose minimum risk to food health and safety may be something that would support both the food industry and FSANZ in its administration of changes. In a similar manner in which Australia adopts mutual recognition or mutual acceptance principals with other countries standards, provisions could be made to assess adoption of measures applied by other jurisdictions in certain circumstances where risk to health and safety is low. This could include minimal check pathway for very low risk products or for change which are deemed to be immaterial to health and safety aspects.

Conversely, we do not support “automatic recognition” of international standards to support improved efficiency. Again this would present a significant shift in the way Australia manages and determines it food standards codes. Australia and many other countries do not directly adopt international standards, such as Codex, as these are broad guiding standards that cannot consider national or regional variability, consumption patterns or other local factors. For this reason we do not support automatic adoption of international standards as measures are best applied by national governments which are best placed to assess the appropriateness of measure for their consumers.

### **Component 2.2.3 - Decision-making arrangements could be streamlined**

The consequences of such arrangements are not clear at this time. While we appreciate greater flexibility in decision making, delegation of decision-making arrangements could be risky depending on a number of factors. At this time, we do not have a clear view on the appropriateness of these potential changes but are cautious about the potential risks for unintended consequences.

### **Component 2.3.3 - To generate more sustainable revenue, cost recovery could be expanded for work that benefits industry**

National food health and safety is the responsibility of federal governments and needs to be adequately resourced and applied to ensure a high level of health and safety for the public. FSANZ should be adequately funded by publicly available government funds. This should include adequate resourcing that provides for the continued fundamental functions of FSANZ moving forward.

In some instances, cost recovery and alternate sources of income may be appropriate options but only when activities go beyond the fundamental functions and responsibility of the organisation.

The Australian grape and wine industry is already heavily levied and currently undergoing a significant economic downturn. We do not support any aspect of "implementation of an industry-wide levy" to support these fundamental functions of government food safety regulation. Nor do we support compulsory fees for all applications on the same basis. These options are not considered viable or necessary in ensuring the long-term viability of FSANZ.

### **Component 2.4.4 - Further work could be done to establish information sharing arrangements with international partners**

Australian Grape & Wine supports sharing of information arrangements with international partners in seeking harmonization of trade. As an export-oriented industry we are highly supportive of consideration of other regulations and efforts to harmonise when changes are made to the FSC.

### **Component 2.4.6 - FSANZ could be resourced to develop, update and maintain industry guidelines to guide interpretation of food standards**

Australian Grape & Wine sees value in supporting FSANZ ability to provide clear interpretation of the FSC. With standards enforced applied at a state level it can often be difficult to get a clear national interpretation of the application of measures of the FSC. This is applicable to specific aspects of the code and would not be appropriate to be applied broadly across the whole FSC but rather on a case-by-case basis. We would support FSANZ working with state-based enforcement agencies in provision of clear interpretation and understanding of specific measures of the FSC as sought by industry.

## Contact

For further information, please contact:

### Lee McLean

#### Chief Executive Officer

Level 1, The Realm, 18 National Circuit,  
Barton, ACT, 2600

**Tel** +61 418 998 749

**Email** [lee@agw.org.au](mailto:lee@agw.org.au)

### Damien Griffante

#### Director, Strategy and International Affairs

National Wine Centre, Botanic Road,  
Adelaide, SA 5000

**Tel:** +61 423 094 943

**Email:** [damien@agw.org.au](mailto:damien@agw.org.au)