

28 July 2017



Implementation Subcommittee for Food Regulation
PO Box 5423
Kingston ACT 2604
Australia

By Email
FoodRegulationSecretariat@health.gov.au

Dear Sir / Madam,

Re. Public Consultation on draft guidance to food regulators in conducting their compliance, monitoring and enforcement activities

The Australian Beverages Council (ABCL) is the peak body representing the collective interests of the non-alcoholic refreshment beverages industry. Our membership is comprised of multi-national companies, small and medium business, making up over 95% of the non-alcoholic beverage industry's production volume in Australia. A full list of our Members can be viewed at <https://www.australianbeverages.org/about-us/member-directory/>.

It is understood that the Implementation Subcommittee for Food Regulation (ISFR) are updating draft guidance to food regulators in conducting their compliance, monitoring and enforcement activities. The updated draft guidance outlines the various activities and tools that may be used during each stage of this continuum and provides the rationale and examples.

The ABCL, acting on behalf of the non-alcoholic refreshment beverages industry in Australia would like to congratulate ISFR on drafting guidance documents that focus on working with industry on ensuring compliance. We appreciate their recognition that most industry participants strive to attain compliance.

We applaud the ISFR's desire to educate industry on their obligations as food manufacturers. As these guidelines are designed for food regulators and not the food industry the ABCL understands that the ISFR has not contained any specific information regarding the type of education and method of dissemination. The ABCL would encourage ISFR to work closely with industry to determine areas where they feel education is required, and the best method of providing this information. The ABCL notes that forums have been used by various governmental departments to create discussion of this type. The ABCL has found these forums



to be very beneficial to industry. Providing a variety of resources online, such as webinars, has also been a valuable method for industry to liaise directly with government.

The ABCL note in Appendix 1, ISFR reference self-assessment for food manufacturers compliance. The ABCL would like ISFR to consider the possibility of providing an overarching assessment tool. This would reduce the burden that is put on food regulators, help industry to comply and prevent possible delays through non-compliance.

The ABCL would like to highlight food manufacturers willingness to participate in the development of self-assessment tools and education programs where possible.

The ABCL appreciate the use of incentive tools for compliance by food regulators. These can be used internally to encourage strategies that ensure compliance. The draft documents discuss providing incentive tools for compliance, the ABCL would like ISFR to consider providing overarching incentive tools. If the incentives were clearly and consistently laid out across States it would make it easier for employees to articulate the benefits of compliance and implement them.

Another way in which industry and Government can work collaboratively is through the sharing of information. This is mentioned in the draft documents, and the ABCL would like to show support for information sharing and highlight to the ISFR that industry is sometimes unsure of how to best share information that may be of interest to Government. We would suggest to ISFR that they provide methods of allowing industry to undertake this in a simple and easy manner. One example of a method that currently works successfully is in the meetings that FSANZ holds with industry (e.g. Retailers and Manufacturers Liaison Committee Meetings). These meeting allows both industry and Government to provide topics for discussion.

The ABCL would like to show its support especially of the addition of sections on Advice and Mediation. The ABCL notes that it is sometimes difficult for food manufacturers to understand exactly what they must do to comply with food regulations. Advice and Mediation allows for education, possibly reducing delays and burden on both the food regulator and the industry related to non-compliance. The ABCL believes this will also strengthen the relationship between industry and Government, creating an environment of openness and a willingness to learn.

The ABCL would like further information on the 'advice' that will be provided. It is not clear if the 'advice', especially 'General Advice', is required to be taken or if it is simply provided to improve the standard of the food manufacturing plant.

The guidance states that 'advice' can be published, the ABCL understands this may help other food manufacturers. However, we question why this may be necessary for published 'advice' to include the recipient of the letter. As 'advice' is provided for non-serious issues, we do not



feel the naming is necessary and doing so may cause the public to take the 'advice' out of the context. This may negatively impact the brand of the food manufacturer unnecessarily.

The ABCL would like more information on how mediation would work as a possible tool. The brief information provided in the draft documents makes mediation sound like a great opportunity for Government and industry to collaborate for the best outcome. The ABCL take this to mean that food regulators would work with non-compliant parties to help them understand why they are not up to standard. The food regulators in this case would coach the food manufacturer on their requirements. This would be a wonderful opportunity for the food manufacturer. However, the ABCL understand the limited resources of the food regulators so we question if this is the meaning of mediation in Appendix 3. As stated above, we would encourage the ISFR to provide more information about mediation as a tool for food regulators.

The ABCL noticed that the timeframes have been removed from the guidance document. Such as the warning letters having a follow up timeframe of three months, and improvement notices timeframes have been removed. The ABCL would like to understand the reason for removing this. Is it the ISFR's intent that food regulators will determine an appropriate timeframe? The ABCL would like to encourage the ISFR to at least provide guidelines for the length of time that is acceptable. This will allow for some sort of consistency and expectation from food manufacturers.

We thank Implementation Subcommittee for Food Regulation for the opportunity to provide this submission in support of the *updated draft guidance to food regulators in conducting their compliance, monitoring and enforcement activities*. If you wish to discuss any aspects of this correspondence contact me on +61 4 2624 8563 or melanie@ausbev.org.

Kind regards,



Melanie Pauga
Technical and Regulatory Affairs Manager

