Public Health Association of Australia submission on draft guidance to food regulators in conducting their compliance, monitoring and enforcement activities

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Introduction

The Public Health Association of Australia

The Public Health Association of Australia (PHAA) is recognised as the principal non-government organisation for public health in Australia working to promote the health and well-being of all Australians. It is the pre-eminent voice for the public’s health in Australia. The PHAA works to ensure that the public’s health is improved through sustained and determined efforts of the Board, the National Office, the State and Territory Branches, the Special Interest Groups and members.

The efforts of the PHAA are enhanced by our vision for a healthy Australia and by engaging with like-minded stakeholders in order to build coalitions of interest that influence public opinion, the media, political parties and governments.

Health is a human right, a vital resource for everyday life, and key factor in sustainability. Health equity and inequity do not exist in isolation from the conditions that underpin people’s health. The health status of all people is impacted by the social, cultural, political, environmental and economic determinants of health. Specific focus on these determinants is necessary to reduce the unfair and unjust effects of conditions of living that cause poor health and disease. These determinants underpin the strategic direction of the Association.

All members of the Association are committed to better health outcomes based on these principles.

Vision for a healthy population

A healthy region, a healthy nation, healthy people: living in an equitable society underpinned by a well-functioning ecosystem and a healthy environment, improving and promoting health for all.

Mission for the Public Health Association of Australia

As the leading national peak body for public health representation and advocacy, to drive better health outcomes through increased knowledge, better access and equity, evidence informed policy and effective population-based practice in public health.

Preamble

PHAA welcomes the opportunity to provide input to the consultation on the draft guidance to food regulators in conducting their compliance, monitoring and enforcement activities. The reduction of social and health inequities should be an over-arching goal of national policy and recognised as a key measure of our progress as a society. The Australian Government, in collaboration with the States/Territories, should outline a comprehensive national cross-government framework on promoting a healthy ecosystem and reducing social and health inequities. All public health activities and related government policy should be directed towards reducing social and health inequity nationally and, where possible, internationally.

PHAA Response to the consultation paper

Protecting public health and safety

PHAA believes the main priority of the food regulatory system must to be to meet broader public health objectives. Food regulation systems, particularly labelling law and policies, should protect and promote public health by ensuring safe, high quality and nutritious foods are available and promoted to the Australian population in such a way as to assist them to choose a healthy diet.
The Public Health Association of Australia is concerned that Section 5.6 The Public Interest has been removed as a guiding principle from the revised documents. In the previous version of the Australian & New Zealand Food Regulation Enforcement Guideline, this section stated “The overriding consideration in taking enforcement action should always be the protection of public health and safety” (p 10).

We are concerned that there is no explicit recognition of public health and safety and would suggest the inclusion of the Section 18(1) objectives from the FSANZ Act as part of a preamble to ensure that public health and safety is acknowledged. Section 18 of the FSANZ Act establishes the objectives for FSANZ in setting of food standards and provides the basis for the development of Ministerial Council food regulation policy guidelines. In descending priority order these objectives, as stated in Section 18(1) are:

a) The protection of public health and safety
b) The provision of adequate information relating to food to enable consumers to make informed choices
c) The prevention of misleading or deceptive conduct.

Conclusion
PHAA supports the broad directions of the updated guidance on compliance for food regulators. However, we are keen to ensure the revised versions specifically include the importance of protecting public health and safety in line with this submission. We are particularly keen that the following points are highlighted:

- A section on the public interest, with reference to protecting public health and safety
- The priority objectives of the food regulatory system from section 18 (1) of the FSANZ Act.

The PHAA appreciates the opportunity to make this submission and the opportunity to contribute to the guidance to food regulators.

Please do not hesitate to contact us should you require additional information or have any queries in relation to this submission.

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References