

This submission is provided by Food Standards Australia New Zealand to the Productivity Commission Review of the Regulation of Agriculture in response to the draft report issued by the Commission on 21 July 2016.

FSANZ does not, as is suggested by the Commission in its draft report¹, develop the model food provisions that are enacted in state and territory laws. The model food provisions were developed by a Senior Officers Working Group and agreed by ministers as an element of the Inter-governmental Agreement on Food Regulation.

DRAFT RECOMMENDATION 9.1

Food Standards Australia New Zealand should remove the requirement in the Food Standards Code to label genetically modified foods.

The current Australian and New Zealand labelling requirements for genetically modified (GM) foods in Australia were agreed to by the Australia New Zealand Food Standards Council (now the Australia New Zealand Ministerial Forum for Food Regulation) in 2000. Food Ministers rejected so-called 'process-based' labelling, which is based solely on the method (in this case, genetic modification) by which the product is produced. The decision to base labelling on the final 'product' was a pragmatic one, which sought to balance the need for consumers to be provided with meaningful information, against the need for such requirements to be practical. More recently in its [2011 response to *Labelling Logic: Review of Food Labelling Law and Policy*](#), the Australia and New Zealand Ministerial Forum on Food Regulation considered the existing labelling provisions for genetically modified food to be appropriate. Consequently as there is relevant policy guidance, any change in GM labelling policy is not, in the first instance, a matter for FSANZ but one for ministers to consider.

DRAFT RECOMMENDATION 9.2

Food Standards Australia New Zealand should review the standard for the level of gluten allowed in foods labelled as 'gluten-free', taking into account scientific evidence, international standards and risks to human health, and set a maximum allowable parts per million level for foods to be labelled 'gluten-free'.

In accordance with the *Food Standards Australia New Zealand Act 1991*, FSANZ in developing or reviewing food standards must have regard to other relevant legislation, including the Australian Consumer Law (ACL) which prohibits representations about food that are false, misleading or deceptive. In relation to 'free' claims, the Australian Competition and Consumer Commission (ACCC), which administers the ACL, provides guidance on making 'free' claims. The Productivity Commission's recommendation is based on a discussion that makes no mention of the role of the ACL.

¹ at page 345