About the Australian Food Sovereignty Alliance (AFSA)

The Australian Food Sovereignty Alliance (AFSA) is a collaboration of organisations and individuals working together towards a food system in which people have the opportunity to choose, create and manage their food supply from paddock to plate. AFSA is an independent organization and is not aligned with any political party. Currently we have 230+ individual, organisational, business and farm members. These members include national networks such as the Australian City Farms and Community Gardens Network, peak bodies such as the Melbourne Farmers Markets Association and the Victorian Local Governance Association, the City of Melbourne, and leading environmental organisations such as Humane Choice, MADGE and Gene Ethics.

In 2014 we established a producers' branch of AFSA, Fair Food Farmers United (FFFU) to provide a balanced voice to represent farmers who are at the sharp end of the impacts of free trade, raise awareness about the impacts of cheap imports on farmers, advocate for fair pricing for farmers selling to the domestic market, connect Australian farmers for farmer-to-farmer knowledge sharing, and to be a voice for farmer-friendly regulations and standards.

We are a part of a robust global network of farmer-led organisations involved in food security and food sovereignty policy development and advocacy. Our involvement includes support for the sole Australasian representative on the Civil Society Mechanism (CSM) of the Food and Agriculture Organisation's (FAO) Committee on World Food Security (CFS), as well as being the Australian representative on the International Planning Committee for Food Sovereignty (IPC). We are also a member of Urgenci: the International Network for Community-Supported Agriculture, and have strong links to Slow Food International and its Australian chapters.

We work extensively with primary food producers and consumers across every state and territory in Australia. Our committee has consisted of published academics and lecturers from RMIT, Deakin University, University of Tasmania, University of Sydney, and the Queensland University of Technology, farmers from NSW, VIC, ACT, SA, and WA, and local advocates and campaigners representing Food Connect, Friends of the Earth, Regrarians, Fair Food Brisbane and the Permaculture Network.

Our vision is to enable regenerative farming businesses to thrive. Australians increasingly care about the way their food is produced including its social and environmental impacts. They seek out food that

is grown locally and without damage to the environment. This means that food produced on small regenerative farms is increasingly in demand. Most Australian farms are still small. Just over half of Australia's farms had an estimated value of agricultural operations of less than $100 000 in 2010-11[1]. Because Australia's agriculture sector is built on small farm businesses, removing unnecessary regulatory burdens is important for these operations to be viable and to encourage more people to embrace a life on the land to produce food sustainably for their communities.

AFSA welcomes this inquiry by the Productivity Commission and the opportunity to contribute our views on the regulatory issues faced by small- to medium-scale farming generally and livestock farmers particularly in Australia.

Introduction

AFSA's members constantly tell us that current agricultural regulations are unnecessarily complicated and in many instances wildly inappropriate for small-scale farmers running regenerative and holistic farming systems.

We propose that smaller food producers with short supply chains should be treated as lower risk because they are. The risk of contamination is simply much greater in a supply chain with multiple parties handling the food, storing and transporting product, each with differing processes with the potential for more variations in temperature, and older product by the time it reaches the customer. For example, in a short meat supply chain, like SageChoice in Victoria, the producer not only knows the health of every animal they take to the abattoir, the carcasses come back to be processed at the on-farm butchery, and the meat is then sold directly to the local community who have an understanding of the producer. The traceability is then 100%, which makes the producer directly accountable to the consumers.

The Food and Farming System in Australia

We are currently in a regulatory and commercial environment that prioritises expensive, high-tech solutions, while our national food system is struggling under the burden of worsening public health, undemocratic concentration of market power, and an unsustainable focus on narrowly defined economic outcomes. The current regulatory requirements ensure the oligopoly of the big operators over smaller farmers, and multinational corporations over SME's that are the lifeblood of our regional

[1] Australian Bureau of Statistics 2012, *Australian Social Trends*, December, Cat. no. 4102.0

and rural communities. This narrow and misaligned focus is paid for in rural inequity, highlighted by our shrinking rural communities, consistent lack of investment in extensive rural infrastructure and significantly poorer social and mental health outcomes[2] for these communities.

The simplistic message of 'scale up production and export more' is not assisting ailing rural communities, is creating shocking animal welfare outcomes and is not sustainable in the long run. Australian producers are being forced to adapt quickly to climate changes that happen in months and years, not decades[3]. In addition, increasing the demand on farmers to produce more with the focus on chemical fertilisers, genetically modified crops, and intensified livestock production systems does not lead to a sustainable system.

We take the view that while we need to support our farmers with access to markets, encouraging more intensive, large-scale, and export-focused farming is not the solution to long-term food security and food sovereignty in Australia.

Farmers committed to producing healthy, sustainable food for their local communities should have assistance, support and training for the continual necessary transition to genuinely sustainable forms of production. Small-scale farmers across Australia are already engaged in sustainable practices to provide nutritious food for their communities while caring for the soil they grow on.

Agroecology and its Potential

Agroecological farming is the application of ecology to the design and management of sustainable agroecosystems[4]. It is a whole-of-system approach to agriculture and food systems development based on local food system experiences. It links human and ecological health, culture, economics and social wellbeing in an effort to sustain agricultural production, healthy environments, and viable food and farming communities.

For example, this is achieved through using renewable resources such as biological nitrogen fixation, using on-farm resources as much as possible and recycling on-farm nutrients. Agroecology aims to minimise toxins and conserve soils by using perennials, no-till or reduced tillage methods, mulching, rotational grazing, and mixed-species paddock rotations.

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[2] http://www.crrmh.com.au/index.php/our-work/research-projects/armhs

[3] Stokes C & Howden M. (Eds.) 2010. Adapting Agriculture to Climate Change: Preparing Australian Agriculture, Forestry and Fisheries for the Future. CSIRO PUBLISHING.

[4] http://www.agroecology.org/

The most important aim of agroecology is to re-establish ecological relationships that can occur naturally on the farm instead of monoculture farming's narrow, input- and output-reliant paradigm with its associated externalised costs. Pests, diseases and weeds are carefully managed instead of 'controlled' with damaging chemicals. Intercropping and cover cropping draw in beneficial insects and keep moisture in the soil. Integrated livestock ensure a symbiotic relationship between soils and animals. Efforts are made to adapt plants and animals to the ecological conditions of the farm rather than modifying the farm to meet the needs of the crops and animals.

From an economic view, agroecological farmers aim to avoid dependence on a single crop or products. They seek out alternative markets and many rely on Community Supported Agriculture (CSA), farmers' markets, 'pick your own' marketing, value-added products, processing on-farm and agro-tourism. These direct connections and regular engagement with local and urban consumers are of material benefit to the profitability of farmers, and importantly, they are also of further benefit to the economic and social health of rural communities.

With this context of working more holistically for a fair, sustainable food system, please see our feedback on the subjects raised in the issues paper by the Productivity Commission below.

Land Tenure and Use

Questions

- *Do the benefits of regulations that restrict land use to agriculture activities outweigh the costs?*
- *Is there scope for zones to allow a broader range of complementary land uses, while still preserving agricultural interests and recognising essential land management or conservation purposes?*

Questions

- *Can the burden imposed by environmental protection regulations be reduced by changing the regulations or the way they are administered?*
- *Are there more effective approaches to environmental protection adopted overseas, or in other parts of Australia, that should be considered?*

Inadequate definition of intensive animal husbandry

The current definition in Victoria is based on importing 50% of animals' nutritional needs. This is clearly inadequate, and does not helpfully distinguish between different systems and their impacts, be they environmental, social or welfare impacts. In Queensland, the definition for pigs is 21 standard pig units (SPU) – again divorced from actual land capacity assessments.

Importing 50% of the feed for 200 chickens foraging in rotations on 10 ha is a very different proposition to importing 100% of the feed for 10,000 broilers housed in a shed. Whereas the manure in the pastured operation fertilizes paddocks directly with no need for treatment and removal, in the actually intensive operation, effluent must be carefully managed to ensure nearby catchments and waterways are not polluted.

APL funded research in 2014 that found that pigs in its rotational outdoor piggery study were 'adding some 300-600kg N/ha/yr and 100-200kg P/ha/yr […] presenting environmental risks to both surface water and groundwater.' The research is included in APL's publication 'Rotational Outdoor Piggeries and the Environment', which cites cases of pigs being rotated after 6-24 months on paddocks. The citation does not include the stocking density that created this nutrient load.

Using the Nutrient Balance Calculator available on the APL website, we were able to calculate that a system like Jonai Farms (12 sows, 2 boars – total herd size of approximately 110 pigs at any given time on 9ha) where pigs are rotated anywhere from fortnightly to up to two months adds 15kg N/ha/yr and 6 P/ha/yr, and that just one season of lupins would actually deplete the overall available nitrogen and balance the phosphorous and potassium.

What this comparison seeks to demonstrate is the inappropriateness of comparing high-density intensive animal systems with low-intensity extensive animal farms through total nutrient imported alone. A combination of nutrient import and stocking density may serve better to determine the potential impact of livestock agriculture.

Recommendation: that the generic definition of intensive animal husbandry in all states be based on the impacts of the operation, which will be determined on a case by case basis by a metric that takes into account soil type, rainfall, nutrient import, livestock species, stocking density, and pasture coverage.

Farming zones

AFSA respectfully submits that the regenerative, agroecological farming movement offers an alternative in which increased population on farms is desirable and supports the purpose of farming as the priority activity. Agrarian intellectual Wendell Berry famously called for a better ratio of 'eyes to acres' – that is, *more* people watching and working the land to ensure it is cared for attentively and sustainably.

Former UN Special Rapporteur on the Right to Food Olivier de Schutter has also pointed out that agroecology is 'knowledge and labour intensive' – surely a welcome thing when seeking greater employment opportunities in rural Australia, and aiding in slowing rural-urban migration.

Allowing for multiple dwellings on what would be classified a single farm, will aid farmers wishing to practice multigenerational farming. This could allow a smoother transition in the farming population as younger farmers will have the opportunity to live on farm with their own families while they learn by doing. Furthermore, holistic farming on a single plot of land has the potential to support several families making their living from various farming enterprises that support each other socially and ecologically.

So while AFSA strongly supports the need to recognize agriculture as the priority activity in the Farming Zone, we see a need to offer more flexibility to enable farms to construct suitable dwellings for the rich community of workers needed to manage these systems, where those dwellings are genuinely built in support of agricultural purposes.

Recommendation: create more flexibility in the regulation for the construction of dwellings built in support of the agricultural purposes on farms, while maintaining and strengthening guards against other non-agricultural development of land in the Farming Zone.

Buffer distances

Under the current inadequate definition of 'Intensive Animal Husbandry' the application of buffers can be highly inappropriate to scale. For example, in a case where there are just 12 sows (so a total herd of around 110 pigs at any given time) on 9ha of paddocks, the 250m buffer zone from rural dwellings recommended by Australia Pork Limited (APL) is actually wider than the pig paddocks in their entirety, and yet at times there are no pigs visible in a one-acre paddock due to low stocking densities. When applied, however, to a large intensive piggery with the attendant odour issues, most people would object to living downwind of such a structure within 250m.

Recommendation: Subsequent to much-needed revision of the definition of 'Intensive Animal Husbandry' (to no longer include small-scale, low stocking density, free-range farms), that buffer distances are determined in close collaboration with communities on a case-by-case basis where intensive agriculture is proposed.

Prohibitive regulation regarding mobile and/or new fixed abattoirs

- *regulation that has a particular effect on certain types of farm businesses, or on businesses in certain locations*

There is an acute lack of local abattoirs throughout Australia. This impacts not just animal welfare, but also prohibits new farming ventures from getting started in the first place. Big industrial abattoirs with a focus on export are increasingly moving away from accepting small private kills, and in many cases the Halal certification requirements of export have led to a decline in the number of large-animal abattoirs processing pigs.

For example, small-scale farmers in the Mary Valley in Queensland who were reliant on the large-animal abattoir at Eumundi have now been forced to travel up to four hours to an abattoir south of Brisbane. This increased distance has driven some farmers out of business, and all express concern at the animal welfare issues associated with longer transport times. The community is currently investigating options to build a new regional, cooperatively-owned abattoir, but the infrastructure fees associated with permits in Queensland are a prohibitive burden for such an enterprise.

Where farmers lose opportunities to process and distribute their produce, it becomes increasingly difficult to provide local food to rural and regional communities. In the more remote parts of Australia where many livestock are grown, mobile abattoirs offer a feasible alternative to process livestock without prohibitive distance and cost to producers, but regulations in most states have prohibited the use of mobile abattoirs due to many overlapping jurisdictions of food safety and environmental regulators.

Recommendation: that the overlapping regulations for abattoirs be reviewed and streamlined to support the development of new small-scale abattoirs to better service regional and rural Australia, and include provision for the safe regulation of mobile abattoirs.

Cost of equipment to meet regulatory requirements

"the costs of materials and equipment purchased to meet regulatory requirements"

Elgaar dairy

Being family run and small scale means the dairy farmers on Elgaar Farm are able to oversee every step in the production processes and have a very intimate knowledge of their products[5]. This is most

[5] http://www.elgaarfarm.com.au/our-farm.html

clearly demonstrated in their zero contamination record for their entire production history which spans over 20 years. As already mentioned, a good quality assurance program is essential in food production, but at present they are largely designed with larger operations in mind where every step is overseen by a different person or machine. At Elgaar they used hand- made wooden crates to distribute their products and the milk came in only glass bottles and jars for all products which were returned for re-use. In a single year of production using renewable packaging amounted to 14 semis full of waste not being produced. Elgaar prefer not to use large amounts of harmful chemicals like iodine often found in milk as residues. Instead equipment is kept clean by hot water and caustic soda.

In 2015 Elgaar was told by the Tasmanian Dairy Industry Authority to switch to producing products that arrive in a plastic crate; are packaged in non-returnable plastic; are produced in a 'sandwich panel' building with no wood in sight, are produced from commercially available cultures so it tastes the same as big factory produced products and are likely to contain chemical, antibiotic and hormone residues.

This is while allowing cheeses from Europe produced through traditional methods to still be imported into the Australian market. These measures do not just create unfair competition, but are also unnecessary and a clear sign of regulation not fit to comprehend the actual risks of the production they are monitoring.

In the case of Elgaar Farms, they were prohibited from continuing their production until these (still inappropriate) technology upgrades had been put in place. Too often the technology upgrades are unnecessary for certain farming systems or prohibitively expensive. Elgaar crowdfunded over $230,000 to upgrade their equipment and are still awaiting approval to recommence commercial production.

Recommendation: that there is genuine effort by regulatory agencies to better understand both traditional and innovative production methods. That no technology upgrades are imposed when operations have a clean record and demonstrate alternative methods of ensuring food safety.

Time and costs devoted to complying

> *'the time and costs devoted to complying with regulations, such as paperwork, reporting to regulators (including complying with inspections), and training of staff'*

Over-the-top regulation is typically tied to past food safety scares. The extensive paperwork required to comply with regulation is burdensome on small farms with few employees, taking time away from production. Less paperwork can still be sufficient to prove safety and compliance. Smaller operations are very interested in ensuring the safety or their products, but should not be subject to the same volume of testing regimes that larger operations need due to the smaller throughput and turnover.

For example, batch testing for a large smallgoods company like Don may be proportionate to their scale, but that same testing regime for a small producer is not. Where Don may do batches of a thousand hams at a time, a small farm like Jonai Farms does one batch of 32 hams once per year for Christmas. The regulations currently require both operations to sacrifice five whole hams for testing – for a company the scale of Don that is .5% of production, for Jonai it's 15% of production, and clearly not viable for the latter.

Compliance costs for Jonai Farms over the past year have exceeded $5,000 in testing and auditing fees, which is 9% of the farm's total costs. For comparison, gas and electricity costs for the farm were just over $3,000, or 6% of total costs. When compliance costs exceed the utilities to operate a business that relies heavily on power for refrigeration and processing equipment, surely that level has grown to be intolerable.

Recommendation: that compliance costs for food safety be reviewed and testing and auditing requirements be reformed to be fit for purpose and appropriate to scale.

Food safety standards

Questions

- *Are food safety standards proportionate to the risks they are designed to address?*

Food safety standards tend to adopt a "one size" fits all approach, which does not account for the potential for adverse impact on SMEs when the standards are written for large food production

operations. Many standards have little to no scientific basis, such as the prohibition of freeze-thaw-freeze, which is not supported by the USDA[6] and CSIRO[7].

Another example is the treatment of lard rendered from a wholesome carcass in a retail butcher's shop under the Australian Standard for the Hygienic Rendering of Animal Products (AS 5008:2007), rather than under the Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products (AS 4696:2007) like other cooked products. Rillettes – a cooked meat product traditionally high in fat – is also included under the rendering standard in Victoria apparently due to inadequate knowledge inside PrimeSafe of the safety of this process and a refusal to review what AFSA believes was the standard practice when fat was indeed routinely sent to the rendering plant for processing. The regulator's lack of microbiological expertise has led to a decision-making process that is not based on scientific evidence. PrimeSafe requires batch testing for *clostridium perfringens* on these products, but not for other cooked products – no other state in Australia interprets lard and rillettes under the rendering standard. This has led to an uncompetitive market for Victoria producers due to higher testing expenses, and the erosion of productivity and innovation in Victorian small butchers' shops.

Raw milk

Recently, unpasteurized or 'raw' milk has come under attack in Australia with governments implementing complete bans on the provision of unpasteurized milk based on the argument that its consumption is potentially adverse to human health due to the risk of it containing microbial contamination. We argue that total prohibition is a gross overreaction. The ban on raw milk for human consumption in Australia is irrational as well as a serious limitation on people's right to freely choose the food they consume. If the argument is that raw milk poses a threat too great to be managed by a thorough HACCP (Hazard Analysis and Critical Control Point) plan, then by that logic raw vegetables and raw honey products should be banned too.

A recent literature review on the risk of raw milk consumption by John Hopkins University[8] finds that with present laws in the US the consumption of raw milk does indeed pose a greater threat to human

[6] http://www.fsis.usda.gov/wps/portal/fsis/topics/food-safety-education/get-answers/food-safety-fact-sheets/safe-food-handling/freezing-and-food-safety/CT_Index

[7] http://www.csiro.au/en/Research/Health/Food-safety/Storing-food

[8] Davis, B., C. Li & K. Nachman. (2014) 'A Literature Review of the Risks and Benefits of Consuming Raw and Pasteurized Cow's Milk. A response to the request from The Maryland House of Delegates' Health and Government Operations Committee.' Available: http://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-a-livable-future/_pdf/research/clf_reports/RawMilkMDJohnsHopkinsReport2014_1208_.pdf.

health than pasteurized milk. However, in the US, the distribution and selling of raw milk is banned in many states and due to a persistent consumer demand for raw milk, an unregulated black market has evolved across state borders[9]. The higher risk connected to consuming raw milk in the US is arguably stemming from uncontrolled hazards throughout the supply chain in the unregulated raw milk market. Our argument is that potential hazards related to raw milk could be mitigated and avoided with careful regulation[10].

The risks associated with the consumption of raw milk which could be produced on licensed and audited facilities in Australia are overstated and despite recent negative media attention, people continue to demand the right to purchase raw milk as an alternative to pasteurized. Maintaining and tightening the ban on raw milk in Australia only accomplish bringing its production out of the regulatory eye of government health authorities. It makes much more sense to have the production and distribution out in the open in order to have the relevant authorities audit the proper implementation of HACCP plans on farms and retailers supplying raw milk in a safe manner.

Recommendation: That risks associated with raw milk be mitigated through HACCP plans, as they are in fresh vegetable farming, meat, and honey production systems presently. That regulation appropriately reflects the actual risks involved with consumption and aim to ensure a safe supply.

- *Are there known examples of best practice process at the state and territory level in dealing with food safety regulation?*

To answer the opposite proposition, Primesafe in Victoria can be seen as one food safety regulator that appears to operate on limited scientific understanding of real public food safety issues and an overly zealous and threatening litigious approach to enforcement on SME's (regulatory forbearance). This was highlighted during the recent Victorian Government instigated review of PrimeSafe's engagement with its stakeholders. This review resulted in no less than 24 recommendations for improvement, of which the Board accepted all but two and the Government accepted 23. The one

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[9] Davis, B., C. Li & K. Nachman. (2014) 'A Literature Review of the Risks and Benefits of Consuming Raw and Pasteurized Cow's Milk. A response to the request from The Maryland House of Delegates' Health and Government Operations Committee.' Available: http://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-a-livable-future/_pdf/research/clf_reports/RawMilkMDJohnsHopkinsReport2014_1208_.pdf.

[10] Lejeune, J. & P. Rajala-Schultz (2009) 'Food safety: Unpasteurized milk: A continued public health threat. Clinical infectious diseases : an official publication of the Infectious Diseases.' *Society of America,* 48**,** Pp. 93-100.

recommendation rejected by the Victorian Government would have seen more regulatory burden on farm gates, farmers' markets and supermarkets, and AFSA supports the Government's decision to reject the recommendation (19).

We are yet to see implementation some three and a half months on, and the Chairman of the Board Leonard Vallance has publicly stated that: "the reputational risk is huge," Mr Vallance said. "PrimeSafe is funded by industry, not by government, therefore PrimeSafe should be able to determine its own operating standards, according to the wishes of the industry." That is, Vallance seems to have posited that the statutory authority he chairs should be able to operate beyond its legal remit – an attitude endemic in the culture of the regulator that in fact prompted the review in the first place.

- *Are there unnecessary differences between state and territory food safety standards and the Australia New Zealand Food Standards Code?*

There are countless differences between state and territory food safety standards, such as those mentioned above for freeze-thaw-freeze, rendering lard, and also the management of listeria in ready-to-eat (RTE) foods. Even the interpretation of the standard for RTE foods varies – in Victoria the standard, which defines RTE as food that is 'ordinarily consumed in the same state as which it is sold', applies to smoked hocks, which are not ordinarily consumed in the same state as which they are sold. This is not the case in other states.

Recommendation: that a single food safety standard be adopted nationally to enable equitable competiveness across all state borders of Australia. However, this standard should be fit-for-purpose and scale appropriate, which is not currently the case.

- *Do food safety audits create an unnecessary regulatory burden? Could food safety audits be streamlined or combined?*

Food safety audits are an important part of maintaining high food safety standards in Australia. However, currently their frequency varies a great deal between states and territories, and therefore the burden on producers varies. In some states, audits are only required annually, and in others it is quarterly – this has real material consequences for producers as audits are typically conducted on a cost-recovery basis.

To illustrate the inappropriateness-to-scale of some audit schedules, take the example of audits for retail butcher's shops in Victoria. A large, thriving butcher's shop might sell as much daily as a small operation does weekly, and yet the audit schedules are the same. A large shop might also feed hundreds daily or even thousands of people monthly, whereas a small operation such as Jonai Farms & Meatsmiths feeds just over 100 families monthly. A restaurant might feed hundreds in a day, and yet their audit schedule is annual. A smallgoods maker that produces over 7 tonne per week has the same number of audits as a butcher that produces 7 tonne per annum.

Note Recommendation 11 of the recent Review of PrimeSafe's Operations: "That PrimeSafe develop a new reward for performance program which will result in audit frequency being reduced in circumstances where a licensee has a good audit track record (determined by reference to the licensee's immediate past audit history)." Audit frequency should also be reviewed to compare differences across states.

Food labelling

Questions

- *Do food labels provide information that is useful for consumers? What aspects of labelling are likely to be most important to consumers?*

Country-of-origin-labelling (COOL) is clearly important to consumers who want to support Australian agricultural production. So-called free trade agreements such as the Trans-Pacific Partnership (TPP) pose significant threats to the sovereignty of Australian governments as they allow foreign corporations to sue national governments who work to support and protect local producers. In the US this has already played out after the World Trade Organisation (WTO) ruled in favour of Mexico and Canada's objections to mandatory COOL as they claimed it was anti-competitive for their products, meaning Americans no longer have a right to know where their food comes from.

Labelling of GMO ingredients is also a clear area of public concern, and therefore governments have a responsibility to ensure the public are given sufficient information to make decisions about their families' purchasing and eating choices.

- *What unnecessary burdens do labelling standards impose on agricultural producers?*

- *Are labelling standards overly prescriptive?*
- *Are there inconsistencies in labelling requirements?*

There are a number of burdens in labelling standards, and many are contradictory. For example, in a butcher's shop a bag of meat placed in a plastic bag and handed to the customer does not attract the need for a label with country of origin, address of the supplier, etc. But if that bag is vac-packed, under the FSANZ guidelines it becomes a 'packaged product' and is subject to the same labelling requirements as imported products. This carries an unnecessary extra expense as producers must purchase expensive labelling scales to meet the requirement.

Recently the National Measurement Institute (NMI) undertook a program of purchasing packaged goods from small-scale farmers selling their goods online to the public to determine if the weights of the goods were within the prescribed tolerances. The purchasing of the goods was conducted under personal email addresses and at the time of the purchase it was not indicated as to the surveillance purpose of the exercise. Subsequent to this, NMI notified the failing producers and issued them all with infringement notices – mostly for inaccurate "packaging taring". The weighing regulations of the NMI are poorly communicated by the organisation and online published information is difficult to find. This example highlights the plethora of regulations that SMEs need to contend with and be aware of. The aggressive regulatory approach of issuing infringement notices in contrast to the option of working with industry to proactively notify SMEs of their obligations could not be more stark.

- *What aspect of food labelling should be mandatory rather than voluntary?*

Food labeling is about transparency, accountability, and provision of nutritional information to consumers. In the case of farm gate shops where all the food sold is produced and processed on the farm, there is scope for lesser and/or voluntary labeling requirements as transparency and accountability are profoundly evident.

Reform options

- *"the scope to enhance the benefits of regulation*
- *effective regulatory approaches used overseas, or in parts of Australia, that could be adopted more broadly*

- *areas of regulation that are the highest priority for reform, and which level of government should be responsible for the regulatory arrangements. "*

We propose working towards changing regulation to appropriately reflect the size of the business and production type. This could be a risk-based regulatory framework – higher risk to deal with large-scale industrial production with long, obscure supply chains and the potential for large impact where something does go wrong, and lower risk to deal with small- to medium-scale production with short, transparent supply chains where public impact is minimal.

Further education of regulators and auditors on the nature of the production they are monitoring is warranted. Regulators' knowledge needs to be kept up to date with the innovations in farming and food production changes in order to regulate appropriately using a solid evidence base.

The strictness of regulation should be based on sound scientific evidence of the actual risks not bureaucratic processes for ease of regulatory enforcement. Prohibition should not be applied to products such as raw milk, as history will show – this leads to greater community health risks as illegal production – that always continues – becomes completely unregulated. A disclaimer on associated risks is sufficient, as it is for honey and fermented meats, for example.

A proactive approach to regulation is needed rather than a punitive one – particularly for small operators that do not have the time or resources and in many cases the communication access to determine their regulatory obligations. There should be more proactive advice on how to comply. This could be an online tool.

We are willing to provide further information if required, and attend briefings and consultations.

Sincerely

Tammi Jonas

President, Australian Food Sovereignty Alliance