

Food Safety/Haumaru Kai Portfolio Briefing 2023

Purpose

This briefing provides an overview of:

- the role of the Minister for Food Safety
- the New Zealand Food Safety System
- the role of the Ministry for Primary Industries (MPI) and New Zealand Food Safety (NZFS)
- current context for the food safety portfolio
- strategic priorities and work programmes which will enhance the New Zealand Food Safety System, and
- linkages across related Ministerial portfolios.

Proactive Release

The role of the Minister for Food Safety

As Minister for Food Safety, you have responsibility for the stewardship and strategic direction for the management of New Zealand's food safety system.

Your specific responsibilities include:

- shaping the overall policy direction for food safety, in partnership with Ministerial colleagues, businesses and community groups
- ensuring the food safety system is appropriately resourced for investment in specific initiatives or priority areas to deliver the desired outcomes, via cost recovery mechanisms or from appropriations within the Agriculture, Biosecurity, Fisheries, and Food Safety Vote
- championing New Zealand's robust food safety system with international counterparts in support of New Zealand's market access objectives, including advocating for New Zealand's interests in international fora, and
- working with Ministerial colleagues and across portfolios to influence and align policy settings.

The Australia New Zealand Food Standards Treaty commits both countries to cooperation on food regulation. The Minister for Food Safety has portfolio responsibility for all engagement and decision-making on behalf of New Zealand within the joint system for food regulation with Australia. This requires representing New Zealand's position in relation to food safety, health and nutrition, and trade. In this capacity, the Minister for Food Safety is New Zealand's representative on the Australia and New Zealand Food Ministers' Meeting, a forum of Ministers which develops policy guidelines,

makes decisions on joint food standards, and has general oversight of implementation of standards.

The Minister for Food Safety nominates New Zealand members on the Food Standards Australia New Zealand (FSANZ) Board and is accountable for the funding New Zealand provides to the operation of FSANZ and the Joint Food Standard System as outlined in our Treaty with Australia.

Legislation

The Minister for Food Safety is responsible for the following legislation:

- Food Act 2014
- Animal Products Act 1999
- Wine Act 2003
- Agricultural Compounds and Veterinary Medicines Act 1997

Working with Ministerial colleagues

The Minister for Food Safety works alongside other Ministers and other portfolios and areas including health, biosecurity, consumer affairs, trade, agriculture, economic development, environment, Māori wellbeing and development, Pacific Peoples, and social development. Due to the interdependencies between Ministerial portfolios, Ministerial priorities can be most effectively progressed through working collaboratively to consider cross portfolio objectives.

The Ministry for Primary Industries and New Zealand Food Safety provide support for you to deliver this portfolio.

The New Zealand Food Safety System

Why the Food Safety System Matters

The overarching aim of the food safety system is for food to be safe and suitable for its intended use by consumers in New Zealand and overseas. The food safety regulatory system covers all foods and beverages for sale for human consumption, as well as pet food, animal feed, agricultural compounds, veterinary medicines and other animal products.¹

The food safety system operates to minimise health risks to consumers in New Zealand, and wherever New Zealand food is exported. Approximately 90 percent of the consumers of New Zealand food are overseas. The food safety system prevents numerous serious illnesses and deaths from foodborne illness each year. Food also needs to be suitable, which means it needs to be labelled and identified correctly, and not contain anything unexpected. Accurate and trusted information for New Zealand food enables consumers to make food choices that will better support their health and lifestyle preferences.

Food production makes up around 9 percent of New Zealand's gross domestic product. In the year to June 2023, exports of food from New Zealand were worth \$45.6 billion, while food production, processing, and supply chain services provide over 250,000 jobs. The successful operation of the food safety system also means that countries are willing to accept New Zealand exports. Maintaining an effective and trusted food safety system that is science risk-based, and consistent with international standards, is essential to food exports from New Zealand, our reputation and our economy.

How the system works

The food safety system includes rules about production, processing, importation and export, transport, storage and sale of food. The rules are designed to help food businesses to meet their overarching responsibility to produce and sell safe and suitable food. Rules are generally outcome-based. Additional requirements are prescribed for high-risk foods or export focused sectors.

The food safety system is aligned with international norms and expectations as outlined by the Food and Agriculture Organization of the United Nations.

The system puts the primary responsibility for achieving food safety and suitability on food businesses.

Food businesses must follow some form of plan or programme setting out how they will meet their food-safety responsibilities. Large-scale food businesses tend to develop their own tailored plan and have it approved. Small-scale businesses tend to adopt pre-approved template plans.

Food businesses need to demonstrate to independent verifiers that they are following their plan and meeting the regulatory standards. New Zealand's 67 local authorities, private and state-owned companies, as well as NZFS, provide independent verification. We provide approvals required by the rules for food plans submitted by businesses and maintain public registers of all regulated businesses. This high level of engagement helps to set effective, practical rules and provides high quality and practical guidance. Where necessary, there is enforcement for those that do not comply. For example, we can direct businesses to recall their product or prosecute businesses that fail their legal obligations.

¹ This includes hides, skins, wool, blood products, biologicals, rendered meals and tallow etc.

MPI, working alongside the Ministry for Foreign Affairs and Trade (MFAT), maintains close relations with counterparts in countries that import New Zealand's food and agricultural products. Through monitoring and influencing import requirements in these countries, and leveraging New Zealand's food safety and biosecurity systems, we maintain the favourable access we currently enjoy, and negotiate new or improved preferential access to these markets. The official assurances we provide to overseas authorities underpin these market access arrangements.

A simplified representation of the food safety system is illustrated in Appendix 1.

Food Treaty with Australia

New Zealand and Australia share a binational food system and have committed, via the Australia New Zealand Food Standards Treaty 1995, to cooperate on food regulation. This includes sharing the same standards for food composition and labelling, and mutual recognition of each other's food standards for primary production and processing and food safety. The cooperative model also strives for consistent implementation of food standards to minimise barriers to trade across the Australia and New Zealand jurisdictions. Goods legally able to be sold in one country can be legally sold in the other. Shared standards are set out in the Food Standards Code which is maintained by Food Standards Australia New Zealand (FSANZ). The Joint Food System is part of the Closer Economic Relations (CER) framework.² 2023 marks the 40th anniversary of CER.

The Joint Food System is successful. Two-way food trade with Australia to June 2023 was worth \$6.5 billion, which accounts for around 12 percent of New Zealand's global two-way trade in food.

² There are some Australia-only standards.

The role of the Ministry for Primary Industries and New Zealand Food Safety/Haumaru Kai Aotearoa

The Ministry for Primary Industries (MPI) and New Zealand Food Safety (NZFS) have the following responsibilities and capabilities, for which the Minister for Food Safety has strategic oversight:

- **Food Safety policy advice:** We provide evidence-based policy advice on food safety and related areas to support your decisions about food safety regulation. We also provide advice on food regulation more broadly to support your role in the Joint Food System. We work with other ministries including the Ministry of Health, Environment, Foreign Affairs and Trade, Business, Innovation and Employment and The Treasury to inform our advice.
- **Facilitate food exports and imports:** We facilitate access to international markets for New Zealand exporters and implement trade agreements for exports and imports, including food for humans, petfood and other materials/products produced from animal products. This relies on New Zealand's food safety system being robust, resilient, and capable of addressing importing country requirements. Approximately 90 percent of consumers of food produced in New Zealand are overseas. We provide official assurances on behalf of the New Zealand Government to overseas country governments. This extends beyond food safety into phytosanitary assurances (freedom from plant pests and diseases) and authenticity assurances such as halal or organic production.
- **International food standards:** There are three international standard setting organisations that are important for primary sector trade, and that have special status under the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement). The relevant international standard setting organisation which covers international food standards is

Codex Alimentarius. Codex has scientific and technically orientated policies, standards and procedures for primary sector trade.

The SPS Agreement requires that countries utilise these international frameworks unless there is a justified risk-based reason not to. These standards underpin our regulatory system. We lead New Zealand's engagement in Codex Alimentarius for food production and safety standards and work to ensure international standards take account of New Zealand circumstances without unnecessarily restricting trade. New Zealand has a strong interest in participating in international standard setting meetings to ensure our interests are being represented, and that Codex develops standards that are risk-based, founded on robust science, works to reduce technical barriers to trade, and facilitates market access.

- **Food Safety science and research:** To develop effective regulatory controls on food, we draw on international standards and science, and carry out scientific research. We also develop evidence-based advice on food safety hazards and risks. This enables assessment of risk management options such as setting microbiological limits and developing rules about good operating practices.
- **Food standard setting and guidance:** We develop, regulate and implement standards for food production, processing, importing and exporting, that food businesses must meet. This includes setting thresholds for contaminants and residues, including those left by agricultural compounds (e.g., pesticides, fertilisers) and veterinary medicines used in growing plants and animals for food. We also provide guidance to food businesses across New Zealand, from the smallest fish and chip shop to the largest meat and dairy exporters.

- **Verification:** The food safety system depends on food operators contracting independent third parties to check (verify) that the operators are following their food plans and are producing safe and suitable products. Some export markets require verification checks to be done by a government employee, for instance, they may require a veterinarian presence in meat processing establishments. There are approximately 120 officially recognised entities in New Zealand that carry out verification activities, including 67 territorial authorities and some large providers such as AsureQuality. We also provide verification services with around 270 verifiers.
- **Official assurance:** Verification enables New Zealand to provide official assurances for products requiring government documentation to enter foreign markets (like a visa in a passport for an exported consignment). We provide the certification system that provides official assurances. This facilitates the trade of \$33 billion of primary sector products and supports food safety and biosecurity in New Zealand.
- **Public Food Safety communication:** Under the Food Act 2014, we have a role to provide information to the public on matters relating to the safety and suitability of food. We deliver an annual public communication programme, aimed at providing food safety and suitability information to the general population, targeting at-risk groups.
- **Food Safety monitoring:** We undertake a wide range of monitoring and oversight activities to ensure that food products are safe and suitable for human consumption, to provide confidence the system is working as it should, and to provide early warnings if something is not working well. Monitoring activities also help to facilitate, maintain, and enhance trade. We oversee the performance and integrity of independent verification of food businesses, regulate imports, provide export certification and monitor the operation of this system.
- **Agricultural Compounds and Veterinary Medicines (ACVM) assessment and registration:** We manage risks to trade, biosecurity, and animal welfare through assessment and authorisation of agricultural compounds and veterinary medicines (including compounds used to kill or control vertebrate animals such as possums, as well as fertiliser and animal feeds), including the establishment and monitoring of maximum residue levels in food.
- **Food Safety compliance and enforcement:** We respond to reports of food-related incidents, including managing food or food businesses causing foodborne illness and breaches of food legislation using a graduated, risk-based, and proportionate approach. Each year, we investigate between 700-860 food complaints. The vast majority are managed through education and advice, but some require enforcement action such as directing a business to stop selling the non-complying product or prosecution. We also support food businesses to manage the removal of unsafe food from sale by coordinating around 170 food recalls each year. Investigating and managing foodborne illnesses is a collaborative venture together with the Ministry of Health (MoH), the National Public Health Service (NPHS) and territorial local authorities.
- **New Zealand Food Safety Advisory Board:** The New Zealand Food Safety Advisory Board (the Board) was established in February 2022. The Board is made up of seven external senior and experienced members with national and international standing and who are active in their professions. They bring the following knowledge and experience to the board: regulatory systems design, operation and monitoring, food safety science, public health, food industry (large and small-scale), and Te Ao Māori and the Māori – Crown partnership.

The Board's role is to provide assurance to the Director-General MPI, and advice to the Deputy Director-General New Zealand Food Safety, on the overall direction and performance of NZFS, and issues relevant to the food safety system generally.
- **Broader primary sector functions:** MPI provides a number of important cross-cutting functions and services to support the safe and suitable production and trade of food. This includes specific functions for fisheries, biosecurity and animal welfare.

Current context for the food safety portfolio

A range of external factors are presenting a mix of challenges and opportunities for New Zealand's food safety system and therefore our work in this space.

Adverse weather event response and recovery

The increasing regularity of severe weather events has a direct impact across all aspects of the Food Safety System. Following the adverse weather events over January and February 2023 in the North Island, including Cyclone Gabrielle, we supported consumers, retailers, growers, and producers with guidance and messaging for managing food safety risks from flood waters, harvesting flood affected produce and food safety in the home.

We facilitated changes to the Food Act 2014 and the Food Regulations 2015 to support the recovery of food businesses impacted by the adverse weather events. These amendments provided affected food businesses with an extended registration renewal period and a temporary exemption from complying with verification requirements.

We have specialised capabilities and resources available to support the food sector during a response. Key priorities include publishing a food safety response planning framework and increasing the capability of both government and industry to undertake food recalls and prepare for future responses in New Zealand – by leading food safety response simulation exercises.

Economic impacts

The food and beverage sector performed strongly during the COVID-19 pandemic, but there continues to be a challenging economic environment for food businesses.

At the global level, food businesses currently face challenges including a weaker global economy due to high levels of inflation, resulting in the cost of

living increasing in many countries. This is largely driven by the residual effects of COVID-19, the Russia – Ukraine conflict, and a tight labour market globally.

At the domestic level, the food production sector is navigating rising input costs, general slowdown in demand, supply chain issues and labour market constraints. Labour shortages exacerbated by COVID-19 remain widespread across the sector.

Food fraud where a food product is deliberately altered or misrepresented for financial gain is on the rise internationally and is becoming increasingly hard to detect as supply chains become more complex.

We work to manage the risks of food fraud to protect consumers, support New Zealand businesses to grow, and ensure our food safety system remains highly regarded. There are positive developments, through technology and innovation enabling food to be produced and processed in new and potentially safer ways, and with advances in hazard detection and risk prevention.

The international trade environment

The international Food Safety rules-based system

Fair and consistent implementation of rules for international trade benefit both New Zealand and our trading partners, by delivering cost savings through the removal of barriers and providing a platform to develop internationally agreed standards. Global geopolitical and economic tensions are causing some countries to impose non-tariff barriers on imported goods. New Zealand continues to be firmly committed to the rules-based system. Any requirements that are in addition to standards which have been internationally agreed, can reduce New Zealand's competitiveness in market through increased compliance costs and administrative burden on industry sectors, as well as impacting on our administrative processes required to enable industry to meet the requirements.

We continue to support multiple industries in the food and primary sectors to remove or meet additional requirements, and to successfully gain and maintain competitive market access to these key markets.

Increasing demand for food assurances

Changing consumer behaviour and preferences is increasing consumer demand for assurances about food attributes. Examples of this include organic status, sustainability and ethical production and packaging, provenance, and health-related claims. We do not provide consumer assurances, but do provide government-to-government assurances, which can include some of these attributes.

Sustainable food production is a growing issue for consumers, and for many overseas governments.

This environmental and sustainability focus is also reflected in trading partners' expectations, with recent trade agreements using rules to tackle climate change and other environmental issues.

Cost recovery

Around 70 percent of the NZFS business unit's approximately \$107 million appropriation is recovered directly from food businesses for services such as issuing export certification and developing and monitoring food standards.

Cost recovery settings are reviewed annually and updated as appropriate. Annual reviews align with industry's preference for frequent and moderate rate changes.

Proactive Release

Strategic priorities and work programmes to enhance the New Zealand Food Safety System

Our strategic priorities and work programmes contribute towards outcomes for the Joint Food System and the New Zealand Food Safety Strategy.

The New Zealand Food Safety Strategy 2022-2024 identifies two outcomes: *New Zealand Food is Safe and Suitable* and *New Zealand's food sector thrives*.

Modernising the joint Food System

This is an ambitious programme of reform to improve the agility and consistency of the joint Food Regulation System. This work offers an opportunity to increase our influence and progress New Zealand's priorities. The Australian market represents a relatively easy first step for growing New Zealand food businesses, so we have a strong interest in ensuring the joint Food Regulation System is easy to navigate.

The programme includes:

- A review of the operations of the joint Food Regulation System, including the Food Ministers' Meeting, and
- a review of the Food Standards Australia New Zealand Act 1991 and the FSANZ operating model, that New Zealand is contributing to.

In July 2023, Food Ministers agreed to four strategic outcomes – (1) Safe and suitable food, (2) Healthy food supply, (3) Informed, empowered consumers, and (4) Thriving food economies. These strategic outcomes provide a shared framework for work planning and prioritisations.

New Zealand's Food is Safe and Suitable

Poultry risk management

There are known risks of foodborne illness transmission via poultry. Campylobacteriosis is the most common foodborne illness in New Zealand. It can be caused by eating contaminated undercooked chicken and from cross-contamination to other foods. The reduction of human cases of foodborne campylobacteriosis is a strategic priority and we are focused on achieving a 20 percent reduction in rates of notified cases of foodborne campylobacteriosis during the period from 2020 to the end of 2024. The *Campylobacter* Action Plan 2020-2024 will identify and implement improvements in the food supply chain, from on-farm to the consumer, through a series of new or enhanced intervention steps to reduce contamination.

An outbreak of *Salmonella* Enteritidis in 2021 highlighted that breeding, hatching and rearing (growing) and meat chicken farming functions within commercial chicken flocks were not required to operate under a risk management plan under the Animal Products Act 1999. A regulatory framework for the entire commercial chicken supply chain was developed to reduce risks to public health and trade. As a result, chicken suppliers are required to have a registered risk management programme under the Animal Products Act by 1 November 2023. We continue to work closely with industry stakeholders to develop required documentation and train verifiers under the new framework.

Product recall procedures

A simulated recall (or mock recall) tests the effectiveness of a business's traceability and recall procedures. From 1 July 2023 any businesses operating under the Food Act, Wine Act, or Animal Products Act, as well as importers and exporters,

are required to carry out a simulated recall at least every 12 months. Frequent simulated recalls will enable businesses to test their ability to trace and recall their products and ensure they are prepared if a genuine food recall is required. Guidance and resources are available for businesses on our website, and we are continuing to work with verifiers, businesses and other groups to educate the industry about the new requirements and best practice for food recalls.

Changes to rules for New Zealand food importers

Changes to strengthen requirements for all New Zealand food importers came into effect in August 2023. The rule changes clarify the role and responsibilities of food importers and will make imported food safer for consumers. We will continue to work with industry to implement imported food safety and suitability rules.

The Office of the Auditor-General currently has a rapid audit underway on the system for monitoring food imports categorised as 'High Regulatory Interest' and 'Increased Regulatory Interest', which we are assisting with. Their final report will be tabled in February 2024.

Health Star Ratings to enable consumer choice

The Health Star Rating system (HSR) is a trans-Tasman voluntary front-of-pack nutrition labelling system which rates packaged food from 0.5 to 5 stars. Foods with more stars are healthier than similar foods with fewer stars. The health star ratings make it easier for consumers to identify healthier products. Food businesses may choose to reformulate products to achieve higher stars. We implement the HSR in New Zealand, which has been in place since late 2014.

In 2019, the Food Ministers' Meeting agreed to establish uptake targets for the HSR in response to a review of the HSR system. Seventy percent of intended products should be using the HSR system by November 2025. There are interim uptake targets in November 2023 (50 percent) and 2024 (60 percent) to track progress.

Antimicrobial Resistance (AMR)

Antimicrobial resistance (AMR) in humans, animals and plants is a worldwide concern. The World Health Organization rates AMR as one of the top 10 global health threats occurring when a

microorganism (bacteria, virus, fungus) develops resistance to a treatment that has previously worked. A 'One Health' approach acknowledges the joint effort required internationally across human, animal, and environmental health agencies.

We received \$11.3m in Budget 2022 to build capability and resilience in the food safety system to address primary industries related AMR risks in New Zealand. The programme that has been established focuses on educating different sectors including the public, monitoring and surveillance of AMR in animals and plants, auditing agricultural sectors that use antimicrobials, and ensuring antimicrobials used in animals and plants have good controls and regulations to make sure they are used sensibly.

Our planned work includes collaborating with the Ministry of Health (MoH) as part of the One Health approach, to update and implement the New Zealand Antimicrobial Resistance Action Plan. The first phase of the National Action Plan ran from August 2017-August 2022. The response to the Prime Minister's Chief Science Advisor's *Infectious disease and antimicrobial resistance* report is intended to inform the development of a refreshed Antimicrobial Resistance National Action Plan.

Regulation of Inhibitors/ACVM

The MPI Inspector General Regulatory Systems reviewed the Agricultural Compounds and Veterinary Medicines (ACVM) regulatory system between June 2021 and June 2022. While the system remains largely effective and fit-for-purpose, the review identified some social, economic, and environmental challenges, as well as opportunities to strengthen and modernise the regulatory system. We are currently scoping potential policy and legislative changes to address these challenges and opportunities.

Inhibitors are compounds that can be applied to or around animals or plants to inhibit the production of greenhouse gases or reduce nutrient leaching. The Government declared a number of inhibitors to be agricultural compounds by Order in Council under the ACVM Act 1997 in July 2022, enabling us to regulate these products. Businesses with inhibitor products already on the market in New Zealand prior to July 2022 have a transitional period of 2 years to register their products. An omnibus Regulatory Systems (Primary Industries)

Amendment Bill has been introduced to Parliament that includes amending the ACVM Act to fulfil the Cabinet agreement to include all products making inhibitor label claims under the scope of the Act.

We have developed guidance and are supporting manufacturers and stakeholders to understand the requirements of registering inhibitors under the Agricultural Compounds and Veterinary Medicines Act 1997.

New Zealand's Food Sector Thrives

Simplification of Food Safety Regulatory Requirements

We completed a five-year work programme to simplify the rules and regulations for wine and animal product businesses in 2022. The Food Safety Law Reform Act 2018 amended the Food, Wine, and Animal Products Acts and resulted in the redesigned Animal Products Regulations 2021 and Wine Regulations 2021 and a significant simplification of subordinate legislation, which came into force in 2022. Minor and technical amendments to these regulations may be required to support implementation of the redesign and the supporting Animal Product Notices and Wine Notices.

Export certification

Export certification is essential to facilitating the international trade of a wide range of New Zealand primary sector products. Future of Certification is a Budget 2022 investment, this is a programme of work that seeks to replace, consolidate, and modernise New Zealand's critical export and import certification systems covering dairy, meat, seafood, wine, and plants. This programme will support New Zealand to keep pace in the exchange of digital export and import certificates, improve the provision of information with trade partners, and harmonise international trade processes and systems. The delivery phase began earlier this year with the commencement of the Technology Delivery project. We will deliver the programme in a series of sequenced releases to progressively

build the new certification system and transition industry sectors fully in 2025.

Food export exemptions from domestic requirements

The Food Act 2014 requires exporters to meet domestic food standard requirements. Currently, exporters needing to meet overseas requirements that are different to New Zealand's must request an exemption specifying the product and intended market. Before granting an exemption, we must be satisfied that the necessary market access, food safety and suitability risks are managed and take importing market requirements into account. Requests for exemptions commonly relate to food composition and labelling, such as including health claims on the packaging of exported foods.

Exporters, primarily of dairy and infant formula, have expressed concerns that the current exemption process is limiting their ability to compete in overseas markets. We are exploring regulatory options to support food exporters seeking to comply with importing country compositional and labelling requirements.

Priorities for Māori in the food safety system

Māori have broad rights and interests in the food safety system, and the wider food system as both food producers and consumers.

We are working to ensure Te Ao Māori perspectives and Māori are supported in their aspirations for kai within the food regulatory system. This includes ensuring that aspects of the New Zealand food system and the joint food system are inclusive of Māori perspectives, support Māori aspirations and recognise mātauranga Māori.

Linkages with other portfolios

Some food policies and regulatory levers relating to the broader food system (for example the supply of sufficient, affordable food, and promulgation of National Dietary Guidelines) are outside of the scope of the Food Safety portfolio. Opportunities to influence such issues rely on collaboration and shared objectives with other Ministers, for example the Minister of Agriculture, Health, Consumer Affairs or Trade.

Modern exports legislation

Work is underway on proposed new export legislation to enable the Government to provide assurances about a broad range of product attributes for primary products. Its purpose is to ensure that New Zealand continues to have the settings it needs to access overseas markets, grow exports, provide flexibility for businesses, and adapt to changes in the global trading environment.

Organic Products and Production Act

The Organic Products and Production Act 2023 has recently received Royal Assent, and regulations to support its implementation are being developed. The Minister of Agriculture has responsibility for the organic sector. The work has included partnering with Te Waka Kai Ora, the Māori Organics Authority, to look at how indigenous practice and values could be recognised under the new regulatory regime. We will keep you informed on progress with this work following a Ministerial decision.

Working with the Health portfolio to improve the nutritional profile of the food supply

Access to a healthy diet providing a wide range of nutrients is essential for the physical and cultural wellbeing of New Zealanders. The Ministry of Health and Te Whatū Ora/Health NZ are responsible for producing dietary guidelines. We work with Health agencies to develop policy that enhances the food supply through applying this advice. This includes fortification where nutrients may be limited in the food supply such as for folic acid.

A strategic outcome for the Joint Food System is a healthy food supply. New Zealand's current priorities within this are improving the composition of the food supply in relation to both industrially produced trans fats and sugary drinks. A broader framework for improving the composition of the food supply will be considered as part of the Food Ministers' strategic planning process. This framework could support the joint actions taken to improve the food supply and food environments in conjunction with the Ministry of Health.

Therapeutic products and the interface with food

The recently passed Therapeutics Products Act 2023 has implications for the regulation of the food safety system, including New Zealand's obligations under the Australia New Zealand Food Treaty and ensuring a coherent interface with other legislation that we administer. This includes the Food Act 2014, the Animal Products Act 1999, and the Agricultural Compounds and Veterinary Medicines Act 1997.

The Minister of Health has responsibility for the Act and its implementation. We are working with the Ministry of Health to determine how the regulation of foods, supplemented foods and Natural Health Products will be managed, including ingredients used in both foods and Natural Health Products (including those also designated as animal products and subject to controls under the Animal Products Act). The Act will come into force by 1 September 2026.

Food loss and waste

Food that is produced for human consumption but not eaten due to loss or wastage throughout the food system can have negative environmental, social, and economic impacts (in 2019, waste was responsible for 4 percent of our national gross emissions, 94 percent of which are biogenic methane). No specific data exists for New Zealand, but an estimated 40 percent of food produced for human consumption is wasted globally. Food loss and waste is a systems problem requiring solutions throughout the food life cycle, from preventing food loss, to capturing the value of wasted food. We are contributing to work underway within

government to make changes through this food life cycle, for example, the Ministry for the Environment's Waste Reduction work programme and the Office of the Prime Minister's Chief Science Advisor project on food rescue, food loss and food waste. While sustainability and food waste sit outside the food safety regulatory system, waste prevention and reduction proposals have implications for food safety, as well as for the biosecurity, exports, animal welfare, primary production and horticulture sectors more broadly.

Cross agency food policy discussions

Recent events, such as the impact of inflation on food affordability, have highlighted the need to explore ways to improve outcomes from the food system for all New Zealanders. According to Ministry of Health data, one in five children live in moderate to severe food insecurity. Organisations working to address food insecurity have called for the development of national and local food strategies or roadmaps to guide the delivery of improved outcomes from the food system, including supporting food sovereignty (or peoples' right to healthy and culturally appropriate food produced through sustainable methods).

Addressing food insecurity and food equity is complex and require collaboration across government and non-government organisations, iwi, hapū and community groups.

Upcoming decisions

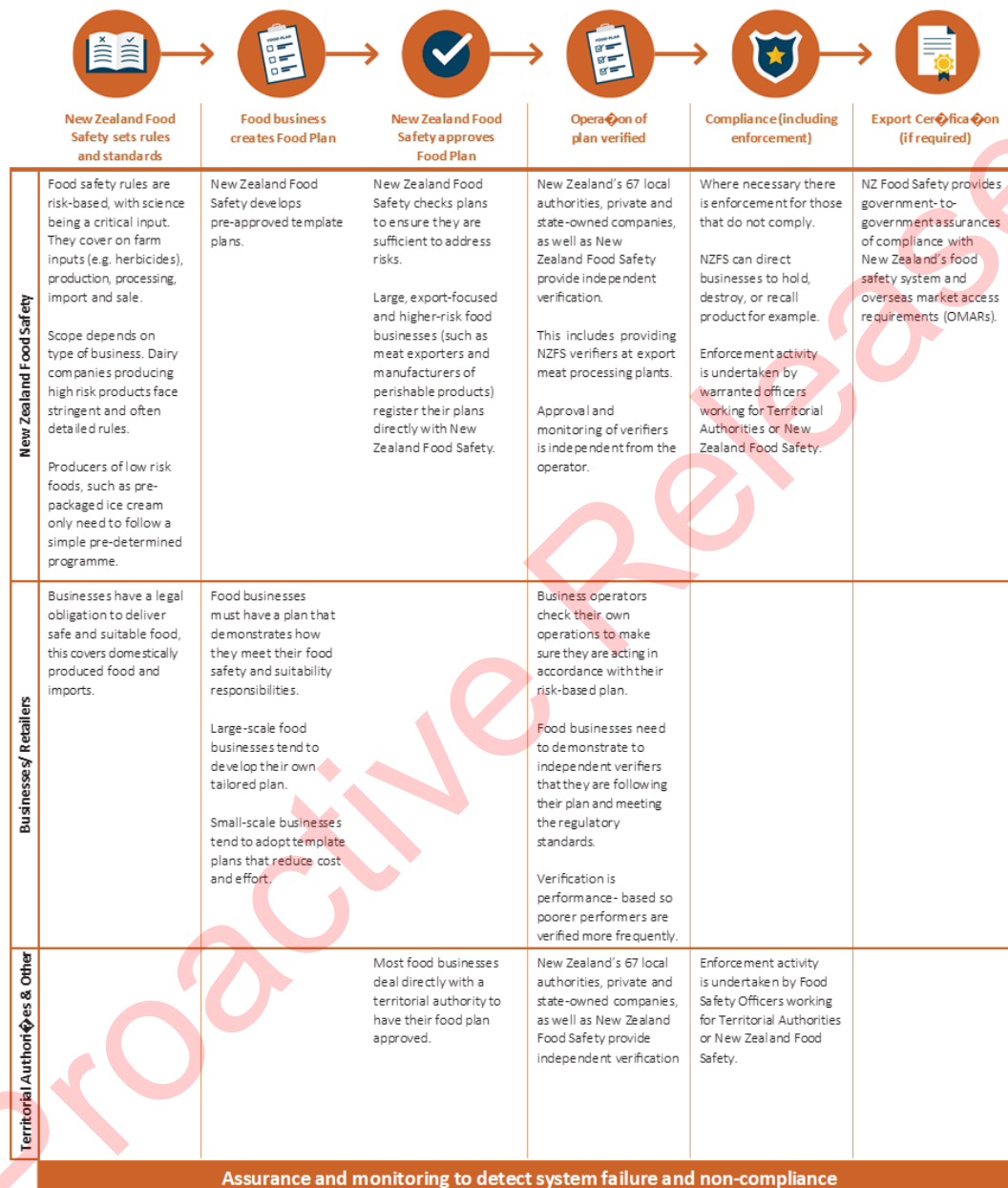
The following matters will require Ministerial consideration in the next three months. However, there are a number of work programmes underway that MPI officials will seek your direction on in due course.

Decision required on	When
Joint Food System - Food Ministers' Meeting You will be invited to attend the Food Ministers' meeting as part of the Joint Food System, on 1 December 2023. MPI will provide you a briefing in advance which will include the key decisions New Zealand will be required to make at that meeting. Minor amendments to the Joint Food Standards relating to the use of processing aids and novel foods will require your approval in November.	December 2023
Joint Food System You are responsible for nominating the New Zealand Board Members to the Food Standards Australia New Zealand (FSANZ) Board. New Zealand has three Board Members, two are due to be replaced by the end of June 2024. MPI will be required to nominate the new candidates no later than March 2024	February/March 2024
Cost recovery and future funding MPI will provide you with a briefing seeking your agreement to proposals for cost recovery in December 2023, to allow any rate changes to be put in place by mid-2024.	December 2023

Appendix 1: Food safety system diagram

Overview of the New Zealand Food Safety Regulatory System

Businesses have a legal obligation to deliver safe and suitable food



Four main laws form the legislative basis for New Zealand's food safety system (Table 1).

Table 1: Food Legislation Overview

Name of Act	What it does
Food Act 2014	Regulates horticultural production, processing of food, food retail (e.g. supermarkets), and food service (e.g. cafes and restaurants) as examples. Provides for the adoption of joint Australia and New Zealand Food Standards that form part of the Food Standards Code.
Animal Products Act 1999	Regulates production, processing, and export of animal products (e.g. dairy products, meat, and fish).
Wine Act 2003	Regulates production, processing, and export of wine.
Agricultural Compounds and Veterinary Medicines Act 1997	Regulates the importation, manufacture, sale, and use of agricultural compounds and veterinary medicines including pesticides, herbicides, antibiotics, and animal feeds.

Appendix 2: Responding to a significant food safety incident

While the vast majority of food produced and managed under the food safety system is safe and suitable, food incidents can arise with some events resulting in illness or injury to public health, and potential trade implications.

Most incidents are managed by New Zealand Food Safety (NZFS) through available regulatory and compliance powers under food safety legislation. On rare occasions, some incidents may have significant public health and trade implications, which require NZFS providing a dedicated response in coordination with public health authorities and government agencies (e.g., Ministry of Health).

NZFS is experienced in managing foodborne illness outbreaks and has a formal incident management structure to coordinate responses, including inter-agency liaison, intelligence gathering, operational activities, and public communications. The NZFS incident management structure is based on the all-of government Coordinated Incident Management System (CIMS) framework. NZFS leads public communications for major food safety events, with the NZFS Deputy Director-General as the lead media spokesperson.

As the Minister for Food Safety, you have certain emergency powers across food legislation that can be exercised with advice from officials:

- **Animal Products Act 1999:** you can institute an emergency control scheme (section 41) or emergency animal products standard (section 46) for an emergency or urgent situation involving risks to human or animal health and overseas market access for New Zealand animal product and material exports. You can also recommend the making of an Order in Council or regulations under urgency and without consultation requirements applying if it is necessary in the public interest (section 163(5)).
- **Food Act 2014:** you can issue an emergency notice to set Food Act requirements to address an urgent situation that has arisen with food that create a risk of serious harm to any person and when necessary to alleviate or minimise the risk (section 410).
- **Wine Act 2003:** You can recommend the making of an Order in Council or regulations for wine under urgency and without consultation requirements applying if it is necessary in the public interest (section 115(5)).

During a major food safety incident and response, NZFS will provide you with advice and regular information updates to support your role and engagement with other Ministers.