

Terms of Reference – Health Star Rating Advisory Committee

(endorsed by the then Australia and New Zealand Ministerial Forum on Food Regulation (now the Food Ministers' Meeting) at its 14th meeting held 17 July 2020, minor editorial amendments September 2020 and October 2021)

Background

The then Australia and New Zealand Ministerial Forum on Food Regulation, now the Food Ministers' Meeting (FMM) originally established the Health Star Rating (HSR) Advisory Committee (Advisory Committee) for a term of five years from 30 June 2014 to progress the implementation of the HSR system.

In October 2019 the Food Regulation Standing Committee (FRSC) agreed to suspend the Advisory Committee pending consideration of the FMM's response to the HSR Five Year Review Report (the Review).

These revised Terms of Reference (TORs) reflect agreed changes to the Advisory Committee following the Review and will apply until the implementation of changes resulting from the Review is complete.

Role and Purpose

The role of the Advisory Committee is to provide governance support to the continued implementation of the HSR system.

The Advisory Committee will be responsible for:

- overseeing the implementation of changes to the HSR Calculator and guidance materials (including outstanding changes resulting from Review recommendations);
- addressing queries or complaints unable to be resolved by the HSR Secretariat;
- considering anomalies (informed by technical advice from Food Standards Australia New Zealand (FSANZ) and policy advice from FRSC);
- managing non-compliance with the HSR system;
- driving the content and scope of marketing campaigns and other communications, informed by monitoring information; and
- communicating with stakeholders and providing updates to the FRSC.

Advisory Committee Members may also be asked to provide assistance on a range of other activities that support implementation of the HSR system.

The Advisory Committee is to make all decisions on a consensus basis. Where consensus cannot be reached on a decision, the Chair of the Advisory Committee is to refer issues to FRSC for advice and referral to the FMM for consideration where required.

FRSC will be responsible for all policy advice relating to the HSR and will report to the FMM.

The Advisory Committee will provide regular reports to FRSC on:

- the implementation of HSR Review Recommendations;
- minutes of meetings held;
- issues that have been raised and resolved, with clear rationale provided;

- finance updates; and
- other changes or significant matters related to the operation of the HSR system, including its administration¹.

The content and timing of reports are to be agreed between the Advisory Committee and FRSC.

Advisory Committee Members should participate in the provision of governance support and advice about the HSR system in good faith, and with open exchange of information and dialogue to support the efficacy and transparency of the HSR system.

Advisory Committee Members are expected to:

- act as a conduit for information to their stakeholders;
- provide input and feedback that reflects the interests of their stakeholders; and
- not publicly criticise the system without first raising the issue and attempting to resolve within the Advisory Committee and/or FRSC processes.

Jurisdictional Advisory Committee Members are expected to be transparent in providing information to other jurisdictions and should reflect the majority view of jurisdictions, together with any concerns, during Advisory Committee discussions.

Sub-committees

The Advisory Committee may establish sub-committees, in addition to the existing Social Marketing Advisory Group (SMAG), to assist it in overseeing the continued implementation of the HSR system during its term.

Those sub-committees will report directly to the Advisory Committee and decisions relating to appointments to any sub-committees, including the period of appointment, will be made by the Advisory Committee by consensus. The Advisory Committee will determine the Terms of Reference for any sub-committee that it establishes.

In the event that a member of a sub-committee resigns, the Chair of the sub-committee will immediately advise the Chair of the Advisory Committee. The Chair of the Advisory Committee will approach relevant industry or consumer/public health groups for nominations or, in the case of a government member, the Chair of FRSC seeking nominations from jurisdictions.

Members of sub-committees are appointed as representatives of their appointed organisation.

The SMAG will consist of members with specific expertise in communications and social marketing from relevant industry and consumer/public health groups, and must have jurisdictional representation. The SMAG will be chaired by a representative of the Australian Government Department of Health. Campaigns should be referred to FRSC for advice on content prior to release.

¹ *Where those matters extend to technical issues, the Advisory Committee must ensure that its decisions do not introduce conflict with the operation of the Australia New Zealand Food Standards Code. Where such conflict arises or where consensus on a technical matter is not achieved, the matter must be referred to FRSC for advice and input into the decision. Where an issue cannot be resolved by consensus between the Advisory Committee and FRSC, FRSC will table the matter for the FMM's consideration and decision*

Transparency and Confidentiality

In line with recommendations of the Review and FMM expectations, discussions of the Advisory Committee are expected to be transparent, with all decisions and their rationale published on the HSR website.

Issues are expected to be able to be openly discussed between Advisory Committee Members and their stakeholders or jurisdictions they represent.

Any request for Advisory Committee to limit discussion of commercial-in-confidence or other confidential information to Advisory Committee Members only must be directed to FRSC for decision, to ensure the transparency of the HSR system is not compromised.

Membership

The Advisory Committee will consist of nine (9) members. Members will nominate for each position, with final agreement by the FMM, via FRSC. The Advisory Committee will have the following cross sector membership:

- Australian Government Department of Health (Chair)
- New Zealand government
- Australian state and territory government (to be determined by FRSC)
- FSANZ
- New Zealand industry*
- Australian industry*
- Australian Public health
- New Zealand Public health
- Consumer Representative Body

**Industry representatives should represent broad industry interests rather than a single sector.*

The calling and holding of meetings of the Advisory Committee will be determined by the chair on an as-needed basis. Advisory Committee Members may request that a meeting be called by contacting the chair of the Advisory Committee.

In the event that Advisory Committee Members are unable to attend a meeting, he/she can nominate a proxy to attend, to be approved by the chair of the Advisory Committee.

In the event that a member resigns, the chair of the Advisory Committee will approach the relevant industry or consumer/public health group, in writing, for nominations. If the relevant industry or consumer/public health group is unable to provide a nominee, then the chair of the Advisory Committee will approach, in writing, a similar group or groups seeking nominations.

Any nominations from industry or consumer/public health groups (and the recommendations of the Advisory Committee) will be referred to the FMM FRSC, for decision and appointment. This can be considered by the FMM either in session or out-of-session.

In the event that a government member resigns, the chair of the Advisory Committee will write to the chair of FRSC seeking nominations from jurisdictions. FRSC will decide upon the preferred nominee, either in or out-of-session, and then seek the FMM's agreement to the appointment. This can be considered by the FMM either in session or out-of-session.

Term

Advisory Committee Members will have tenure from the period following the FMM's approval of final changes to the HSR system, and until the FMM is satisfied that the Implementation Period for making changes to the HSR system has concluded.