

**Submission
No 14**

FOOD PRODUCTION AND SUPPLY IN NSW

Organisation: The Charles Perkins Centre Food Governance Node
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Mr AH Greenwich
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RE: INQUIRY INTO FOOD PRODUCTION AND SUPPLY IN NSW

Dear Mr Greenwich,

Thank you for the opportunity to make a submission to the *Inquiry into Food Production and Supply in NSW*, undertaken by the Legislative Assembly Committee on Environment and Planning.

I am writing on behalf of the [Food Governance Node](#), a research network based at the University of Sydney's [Charles Perkins Centre](#). The Charles Perkins Centre is a major multi-disciplinary research institute that aims to ease the burden of diabetes, heart disease, and obesity. The Food Governance Node is one of over 50 project nodes at the Centre. It brings together researchers from across Australia (and from fields such as law, health policy, political science, and nutrition) to investigate how law, regulation, and policy can contribute to a healthy and sustainable food system. Given the Node's focus, we would like to make recommendations to the Committee on how the Inquiry should be framed. We also suggest law and policy reforms that would help to create a healthier, more sustainable, and more equitable food system in NSW.

EXECUTIVE SUMMARY

We recommend that the Committee:

- Situates the food supply and food security within a broader 'food systems' lens

- Adopts a broad definition of 'food security' that: encompasses both the nutritional quality of food and total number of calories consumed; recognises the connections between food insecurity and both under- and over-nutrition; and addresses the importance of agency and sustainability for achieving food security
- Examines both the quantity and **nutritional quality** of the food that is available, accessed, and consumed by NSW residents
- Assesses how the healthiness (and sustainability) of the food environment in NSW can be improved to ensure that all residents can access healthy, fresh, and sustainable food
- Considers interventions to address the social and economic determinants of food insecurity and poor diet-related health, including those relating to income, social welfare, and housing
- Considers the issue of water security, and the disproportionate impact of water insecurity on regional and remote communities, and particularly on First Nations Australians
- Map all NSW government laws, policies, and regulations that are directly concerned with the food system, as well as those that impact on food system functioning, e.g., laws and policies on urban planning, agriculture, and housing
- Puts forward to the NSW Government a comprehensive, integrated, state-wide Food System and Food Security Plan, informed by a rights-based approach
- Ensures this Plan is implemented and overseen by a new, whole-of-government Food Systems Committee, and is accompanied by dedicated, significant funding
- Considers a new Food Security Council with diverse representation to provide local, low cost, and nutritious food to residents
- Investigates amendments to NSW's food, public health, and urban planning legislation to enable action on healthy, sustainable, and equitable food systems
- Recommends the development of new laws, policies, and regulations using processes that minimise industry influence and which empowers/facilitates participation by groups such as First Nations Australians, civil society representatives, and people with lived experience of food insecurity

MAIN SUBMISSION

Framing the Inquiry

This inquiry focuses on the food supply and food security. However, we urge the Committee to situate these two concepts within a broader 'food systems' lens, and to adopt a broad definition of food security.

A Food systems lens

The **food system** can be defined as '[t]he web of actors, processes and interactions involved in growing, processing, distributing, consuming and disposing of foods, from the provision of inputs and farmer training, to product packaging and manufacturing, to waste recycling' (IPENS 2015, 3). The food system is shaped by a series of underlying drivers, including: (i) biophysical and environmental factors such as natural resource and ecosystem services, as well as climate change; (ii) innovation, technology and infrastructure; (iii) political and economic factors such as foreign investment, trade, and globalisation; (iv) sociocultural factors such as culture, traditions and women's empowerment; and (v) demographic factors such as population growth, urbanisation and migration (HLPE 2015, 24).

Three core elements of food systems are the food supply chain, food environments, and consumer behaviour.

The **food supply chain** consists of the activities and actors involved in food production, storage, distribution, processing, packaging, and selling. A range of public and private actors are involved in food supply chains, and their decision making affects the type, quantity, price and nutritional quality and safety of the food produced, processed, and made available for sale (HLPE 2015, 24).

The **food environment** is defined as 'the physical, economic, political, and socio-cultural context in which consumers engage with the food system to make their decisions about acquiring, preparing, and consuming food' (HLPE (2015), 25). It includes the physical spaces where food is purchased or obtained (e.g., grocery stores and supermarkets), features and structures of the built environment that allow consumers to access these spaces (e.g., public transport), and the personal determinants of consumer food choices (e.g., income, and education), as well as the political, social, and cultural norms that underpin these interactions.

Consumer behaviour involving the selection, purchase, preparation, cooking, and eating of food is influenced by individual and interpersonal factors such as taste preferences, values, convenience, and traditions. But it is also shaped by food environments and the accessibility of healthy, affordable, and sustainable food, as well as broader social, economic, and cultural factors, such as access to education, income, and housing (HLPE 2015, 31).

The adoption of a food systems lens is important because it highlights the multiple activities and actors within the food system that can be targeted for government (and civil society or business) intervention (e.g., food production, distribution, retail, and consumption). It points to

the need to tackle the full range of drivers of unsustainable, unhealthy, and inequitable food systems, including those that lie outside the food system itself (Hawkes, Parsons & Wells 2019, 7). It also draws attention to the need to consider the interconnections between the issues this inquiry is concerned with, including food security, managing the impact of climate change on the food system, and limiting the impact the food system has on the environment, and the need to address these issues in a synergistic way – rather than in departmental or policy “siloes” (Hawkes, Parsons & Wells 2019, 7).

Food security

We call on the Committee to adopt a **broad definition of food security** that recognises the complex, multiple drivers of food insecurity and its connections with a range of diet-related health risks. The United Nations Food and Agriculture Organisation (FAO) defines food security as ‘[a] situation that exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life’ (HLPE 2020, 7). It encompasses the dimensions of availability (the existence of foods), access (being able to obtain those foods), utilisation (the foods obtained providing adequate nutrition) and stability (referring to the constancy of the other three dimensions). Disruption to any of these dimensions could constitute food insecurity. It is important that the Inquiry recognises that food security entails access to **healthy, nutritious food** (rather than only an adequate number of calories), and that there are links between food insecurity and both under- and over-nutrition. For example, mild to moderate food insecurity is associated with higher rates of obesity among vulnerable populations (Swinburn et al 2019), due partly to the fact that those experiencing food insecurity are more likely to eat energy-dense, nutrient poor foods and beverages (which tend to be cheaper, easier to obtain, and more filling than healthier options).

Food security and improving the healthiness of the food environment

A broad definition of food security implies that all people have physical access to healthy and sustainable food. Therefore, the Inquiry should explicitly consider both the quantity and **nutritional quality** of food that is available, accessed, and consumed by NSW residents when examining matters related to improving food security and equitable access to food. In terms of access to **healthy food, this inquiry presents a critical opportunity to consider the healthiness (and sustainability) of the food environment in NSW, and how it can be improved to ensure that residents can access healthy, fresh food on an equitable basis.** This could include, for example (The Australian Prevention Partnership Centre, Deakin University and INFORMAS (2019):

- Extending policies on healthy food procurement that currently apply to NSW healthcare facilities to all NSW Government departments and settings
- Implementing policies to restrict unhealthy food and beverage advertising in all settings controlled or managed by the NSW Government, including public transport infrastructure and sports sponsorship
- Identifying policy mechanisms to assist local governments to limit access to unhealthy take-away foods (discussed further below), and to assist retail outlets (including restaurants, pubs and clubs) to improve the healthiness of the foods supplied

Addressing the social determinants of food insecurity and diet-related health

Food insecurity and poor dietary health is linked to a complex mix of individual-, community- and societal-level factors, including employment, access to income, and housing (Friel & Ford 2015). A comprehensive response to food insecurity must therefore consider policies on topics such as welfare and income support, housing, and employment, as well as initiatives aimed at immediately providing more (nutritious and sustainable) food to residents (see, e.g., Cohen & Ilieva 2021).

Water security

Access to safe water is another critical aspect of healthy, sustainable, and equitable food systems, and is important for the health of individuals, households, and communities, including the wellbeing of First Nations Australians, and for the future of food production. Water security can be defined as (UN Water 2013):

The capacity of a population to safeguard sustainable access to adequate quantities of acceptable quality water for sustaining livelihoods, human well-being, and socio-economic development, for ensuring protection against water-borne pollution and water-related disasters, and for preserving ecosystems in a climate of peace and political stability.

The issue of water security is particularly concerning considering evidence that many rural communities in NSW lack access to safe, cold drinking water, and that this issue disproportionately affects Aboriginal people (Perry et al 2022). Limited access to filtered, cold, and free drinking water increases the likelihood that people will drink sugar-sweetened beverages instead, the consumption of which is implicated in the development of diseases such as dental caries, obesity, type 2 diabetes and heart disease. There is very strong evidence of the links between sugar-sweetened beverage consumption and obesity

development in Australian children, as well as elsewhere in the world. Thus, the inextricably related issue of water security should be considered throughout this Inquiry, in addition to that of food security.

An equity lens

An equity lens should be applied to efforts to understand and improve food and water security to ensure the physical, social, and economic accessibility of healthy food for all. Food insecurity is particularly prevalent among people who are experiencing socioeconomic disadvantage and poor mental or physical health, as well as those living in rural and remote areas, recent migrants or asylum seekers, and people who are Aboriginal and/or Torres Strait Islanders (Booth & Smith 2001). Further, a broad definition of food security has added the dimensions of agency, i.e., the ability of individuals and groups to make their own decisions about the foods they consume, and how food is produced, processed, and distributed within the food system, as well as their ability to engage in broader food systems and food systems governance (HLPE 2020, 8). Therefore, the Committee should consider how the food system can meet the sociocultural needs of diverse groups, and how traditionally marginalised groups can be empowered to participate in the development of food law, policy, and regulation (discussed further below).

Relatedly, the Inquiry could also consider adopting the related concept of **food sovereignty**, which is more ambitious and holistic than food security, and can be defined as (Declaration of Nyéléni 2007):

...the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems. It puts the aspirations and needs of those who produce, distribute, and consume food at the heart of food systems and policies rather than the demands of markets and corporations.

Food security and sustainability

The contemporary definition of food security includes sustainability in addition to agency, i.e., 'the long-term ability of food systems to provide food security and nutrition today in such a way that does not compromise the environmental, economic, and social bases that generate food security and nutrition for future generations' (HLPE 2020, 9). As well as considering how our food system can meet the sociocultural needs of diverse groups, the inquiry should consider how food system practices can respect and protect ecosystems. This is because climate change and degradation of natural resources combine with growing economic and social

inequality to undermine the ability of economic, social, and environmental systems to support diverse and healthy food production and food system livelihoods (HLPE 2020, 9).

Recommendations on governance of the food system

Policy change

Following from the approach outlined above, a helpful starting point for the inquiry would be to map all NSW Government laws, regulations, and policies that address the food system, including those that are directly concerned with food (such as the *Food Act 1993 (NSW)*), as well as those that have an impact on the healthiness, sustainability, and equity of the food system, such as laws and policies on urban planning, agriculture, and housing. This would help to identify opportunities for new legislation and policies that address the issues raised by the inquiry, as well for harmonisation and amendment of existing relevant laws and policies.

NSW does not have dedicated, comprehensive policies on topics such as food security and food system sustainability. We recommend the creation of a **state-wide, Food System and Food Security Plan that addresses sustainability, health, equity, and economic development in an integrated way** (see Victorian Food Security and Food Systems Working Group 2022). The overarching objective of this plan should be to promote healthy and sustainable diets, defined as those with 'low environmental impacts which contribute to food and nutrition security and to health for present and future generations' (FAO 2010, 7). Three broad principles underpinning healthy and sustainable diets are: avoiding overconsumption, reducing discretionary food intake, and eating less animal and more plant-derived foods. Researchers have also identified whole-of-food system practices that are supportive of healthy and sustainable diets, including: maintaining biodiversity and ecosystem services in producing a diverse range of nutritious food; shortening distribution and supply chains and increasing direct sales between producers and consumers; and reducing food waste and losses across the food supply chain (Willet et al 2019). A food sovereignty-based approach also requires people to have access to fresh, ethical, and ecologically-sound, localised food production, distributed through short and decentralised food supply chains.

The proposed Food System and Food Security Plan should set (time-bound) objectives and targets at the state level and evaluate progress against them. It should also empower local governments and communities to set local objectives and targets on priority food system issues, and then work toward their achievement. This plan (and other state government programs and activities on the food system) should be implemented and overseen by a new, whole-of-government Food Systems Committee, and be accompanied by dedicated,

significant funding, including for local government food system policies and programs. This new policy framework should also support and align with relevant policies and initiatives at the federal level, such as the National Preventive Health Strategy.

The NSW Government could also invest in a **Food Security Council with diverse sector and cross-government representation to provide local, low cost and nutritious food to food insecure individuals**. At present there is no governmental organisation in NSW focused on food security. A NSW Food Security Council could determine the degree to which NSW policy, legislation, services and projects represent the needs of low-socioeconomic populations, with the outcome of reducing food insecurity (Adams et al 2016). Members of the Council could include, but are not limited to, representatives of the NSW Council of Social Services and NSW Health, as well as experts in public health, urban planning, and food relief. In order for the proposed NSW Food Security Council to decrease food insecurity by 10 percent by 2025 the Council should be given: a legislative mandate providing clear authority and capacity to affect change; clear transparent targets; performance indicators; and financial capacity to support services (Adams et al 2016). It is also recommended that they take a responsive and democratic approach that incorporates not only consultation with industry experts but also with individuals who have or are experiencing food insecurity, with clear lines of reporting into key government departments so that the Council's work is translated into government policy and action (Adams et al 2016). The NSW Food Security Council could also ensure NSW homeless services are provided with a quality evaluation framework, monitoring, and/or training to include food and nutrition in their service provisions (Crawford et al 2015). Successful coalitions that have supported social, economic and policy change for community food security include the Tasmanian state-wide Food and Nutrition Coalition (Adam et al 2016) and VicHealth's food policy coalition (VicHealth 2008).

New policies on the food system should be informed by a rights-based approach. Unlike many other countries, Australia lacks a constitutionally recognised right to food. However, it is a signatory to international human rights treaties that recognise a right to food (as well as a right to health), including article 11 of the *International Covenant on Economic, Cultural, and Social Rights* (ICESR). The right to food has been interpreted as a situation where 'every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement' (Committee on Economic, Social and Cultural Rights 1999, para. 6). Upholding the right to food means that governments should take necessary steps to ensure that people live in circumstances in which they can provide for themselves and their families and achieve food security with freedom and dignity (Victorian Food Security and Food Systems Working Group 2022, 16). New South Wales lacks a charter

of human rights like those found in Victoria and the ACT, and the right to food is not recognised in state legislation. However, there is scope for considering how a rights-based approach could be woven into relevant legislation, policies, and programs, including those on education, food procurement, and measures to limit the lobbying, marketing, and selling practices of large, transnational food companies, which have a detrimental impact on public health (see further below). This approach could be informed by international guidance from the World Health Organisation, human rights treaty monitoring bodies such as the Committee on Economic, Social, and Cultural Rights, and the UN Special Rapporteurs on the Right to Food, and on the Right to Health.

In addition to the creation of a new, comprehensive policy on food systems and food security, we recommend a **'food in all policies'** approach where food systems, food sovereignty, and food security are integrated into all relevant areas of government policy, ensuring the coordination of existing NSW government policies on food production, distribution, sale, marketing, and consumption. In other words, a 'whole-of-food system' approach to policy and program development is required, based on a holistic understanding of where our food comes from, who produces it, and how, as well as the interconnections between agricultural inputs, food production, processing, distribution, retail, marketing, and consumption. This requires better communication and collaboration between producers, processors, food and agri-businesses, consumers, planning, and policy makers at all levels of government.

Legislative changes

We have also identified key pieces of legislation that could be reformed to enable the creation of a healthier, more sustainable, and more equitable food system in NSW (see also Carrad et al 2021):

The NSW Government should follow the examples of Victoria, South Australia, and Western Australia in **establishing a public health legislative framework that sets goals and targets at the state level and requires all NSW councils to develop a local public health and wellbeing plan**. Local public health plans should explicitly set targets and require action on key food system priorities, including critical public health threats such as food security and diet-related health. The absence of supportive public health legislation currently limits the ability of NSW local governments to pursue policies and programs that address diet-related health issues.

The Government should also **legislate on climate change** (as Victoria has done), and in doing so, make clear the link between climate change and health. The recommended NSW

local government public health and wellbeing plans should require councils to act on both climate change and health, with an explicit focus on food systems.

NSW (along with other Australian states) needs to **urgently amend its planning framework**, including the *Environmental Planning and Assessment Act 1979* (NSW), to address councils' lack of powers to approve or refuse food outlet types based on the healthiness of the food sold, and thus stem the phenomenon of 'food swamps': geographical areas characterised by a high density of fast-food restaurants and a relatively low density of healthy food retail outlets (such as supermarkets), typically found in lower-income areas, on the outskirts of growing cities, and in more regional areas (Needham et al 2020). Historically, communities have been ignored in their objections to new fast-food outlets they believe will be detrimental to the welfare and public health of their communities. NSW local governments have limited powers to modify the mix of food retail outlets based on the nutritional quality of the products sold (see, e.g., Slade, Baldwin & Budge 2016), despite strong local government, public health, and community interest in acting on this issue.

Reforms to planning legislation and state planning instruments should also recognise and provide for urban agriculture, which could be supported by additional measures such as auditing and identifying suitable public land and creating pathways to facilitate access (e.g., rates discounts), developing dedicated grant streams for community and commercial operators, establishing a strategy and advisory group to build capacity across local and state government, and establishing new research institutes to conduct training and research.

There may be opportunities to **improve water security** under both the NSW *Environmental Planning and Assessment Act 1979* and the *Public Health Act 2010*, which have provisions regarding water safety and drinking water quality. The NSW Government should investigate the use of existing legislation to promote the availability and accessibility of drinking water.

Other existing legislative frameworks in NSW could be used to improve food and water security and the healthiness, resilience, and sustainability of food systems. The objectives of the *Food Act 2003* (NSW) (s 3) are to ensure food for sale is both safe and suitable for human consumption, to prevent misleading conduct in connection with the sale of food, and to provide for the application of the Australian and New Zealand Food Standards Code, which contains standards on issues such as food hygiene and safety, food labelling, and food composition. There is scope to **consider how the Food Act could be amended to address healthy, sustainable, and equitable food systems**, as demonstrated by the introduction of new provisions of the Act in 2011 that required fast-food restaurant chains to [display nutrition](#)

[information](#) at the point of sale. Through its role in the national food regulatory system, the NSW Government also has an opportunity to influence action by the Commonwealth Government that would have beneficial effects on the food environment in NSW.

There is also a need for governance measures to be underpinned by **new, comprehensive monitoring and surveillance systems** that collect data on issues such as food security and diet-related health, as well as on food system functioning more broadly.

Governance processes

There is a significant body of research demonstrating that the corporate practices of large, transnational food companies are detrimental to public health. These include the production, sale, and aggressive marketing of highly processed, energy dense, and nutrient poor products that are implicated in the global rise of obesity and other diet-related non-communicable diseases (Mialon 2020). As importantly, these companies use strategies such as lobbying, legal challenges, and introducing self-regulation to forestall or weaken public health policies and regulation that would impact on their profits, and to secure ineffective forms of governance more favourable to their interests (Mialon 2020). For this reason, we recommend that processes of legislative and policy development concerned with the food system are protected from inappropriate influence by the large, corporate actors found in the food system. This could include, for example, adopting recommendations for limiting industry influence and improving transparency in food policy making, such as (The Australian Prevention Partnership Centre, Deakin University and INFORMAS 2019):

- Introducing real-time declarations of political donations
- Modifying the government lobby register to require more detailed reporting, including details of specific lobbying activities; and
- Adding food manufacturers (and associated entities) to the list of prohibited political donors

Further, to management inappropriate industry influence, any new initiatives, policies, and regulations (including those that involve engagement with the business sector) should have the following characteristics (Reeve & Gostin 2019):

- Goals, objectives, and key terms are set by government
- Fair and transparent administration by an independent body, with equal representation of all stakeholders

- Comprehensive, independent monitoring and evaluation against time-bound process and outcome indicators, with the results of monitoring and evaluation made publicly available
- Depending on the initiative, a wide range of incentives and disincentives for compliance are made available, as well as a fast, independent, and effective complaints-handling mechanism
- Regular, independent review, using baseline data and performance indicators, with review reports made publicly available

A broad definition of food security (based on the concept of agency) also entails that food system governance processes are democratic, inclusive, and participatory, and ensure the empowerment and participation of vulnerable groups (HLPE 2020, 8). Historically, disadvantaged individuals and communities (including vulnerable/migrant workers, Indigenous people, and people of colour) often lack agency within food systems and within processes food system governance, in contrast to the disproportionate power exercised by large corporations (HLPE 2020, 8). The NSW Government should ensure that food law, policy, and governance processes minimise power differentials and empower traditionally marginalised groups to participate (HLPE 2020, 8), with a particular focus on facilitating meaningful participation and contribution by those with lived experience of food insecurity, non-government and civil society organisations, and First Nations Australians. New policy/legislative measures (especially those primarily concerned with Aboriginal and Torres Strait Islander people) should be developed using a collaborative, partnership-based approach with Aboriginal organisations and representatives, based on enhancing First Nations Australians' right to self-determination (Browne et al 2020).

We are grateful to the Committee for considering these recommendations. Please do not hesitate to me if there is any further information I can provide.

Yours sincerely,

A solid black rectangular box used to redact the signature of Dr Belinda Reeve.

Dr Belinda Reeve

On behalf of the Charles Perkins Centre Food Governance Node

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