

SUMMARY OF OUTCOMES FOR LOCAL GOVERNMENT

From the Australia and New Zealand
Implementation Subcommittee for Food Regulation (ISFR)

ISFR12, 21-21 February 2018

The Implementation Subcommittee for Food Regulation

Food regulation authorities in Australia and New Zealand work together to ensure food regulations are implemented and enforced consistently. This work is done through the Implementation Subcommittee for Food Regulation (ISFR), through face-to-face meetings, out-of-session business and separate collaborations. ISFR was set up by the Food Regulation Standing Committee (FRSC) to foster a consistent approach across jurisdictions to implementing and enforcing food regulation. ISFR's role applies equally to imported, exported and domestically produced food.

ISFR members are either heads of agencies or senior operational experts who can make and implement decisions about compliance and enforcement issues in their jurisdictions.

ISFR is not an enforcement authority in its own right. It allows Australian and New Zealand food regulators to discuss common approaches to implementation and develop agreed strategies to achieve a consistent approach to the way food regulations are implemented, interpreted and enforced across jurisdictions.

While all jurisdictions involved in food regulation work together on implementing and enforcing food regulation, there are sometimes differences in the way jurisdictions administer food law. Due to ISFR's consultative nature, it helps jurisdictions to minimise the impact of these differences as much as possible.

Summary of key matters of interest to local government discussed at ISFR12

ISFR12 was held in Melbourne, Australia on 21 and 22 February 2018. A summary of key items of interest is provided.

Survey of Plasticisers

- Over the past ten years, there has been increased international scrutiny regarding food packaging chemicals and potential adverse effects on human health. Food Standards Australia New Zealand (FSANZ) has completed work investigating and managing risks to Australia and New Zealand consumers from chemical migration from packaging into foods. The [24th Australian Total Diet Study](#) (ATDS) also had a focus on packaging chemicals.
 - A coordinated food survey was conducted as a [follow up to the 24th ATDS](#) and investigated levels of certain phthalate plasticisers and a citrate plasticiser in a broad range of Australian foods. These substances may be used in plastic, paper and cardboard food packaging as well as food grade adhesives and sealants.
 - The results indicate that the levels of these substances in Australian foods are generally low. Estimated dietary exposure for Australian consumers was below internationally recognised health-based guidance values, and no appreciable health risks have been identified for the Australian population.
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Nutrition, Health and Related Claims

- ISFR has completed a survey of nutrition, health and related claims in the Australian market. The survey was one of several activities undertaken over the last 2.5 years to monitor the implementation of Standard 1.2.7 – Nutrition, Health and Related Claims of the *Australia New Zealand Food Standards Code* (the Food Standards Code).
- The survey was undertaken to gather information on how industry was using and applying Standard 1.2.7 following the standard taking full effect (January 2016).
- Over 400 product labels were assessed from 10 food categories. The food categories were identified from previous work as containing products commonly carrying claims.
- Product labels obtained for assessment were a random sample from an online database. Labels assessed were from products available on the Australian market in late 2016, within 12 months of the end of the transition period. The survey assessed only product labels, not associated online or advertising material.
- Key findings include:

- Just over half of all products carried at least one claim
- Almost all products in the cereal and cereal products category carried at least 1 claim (94%)
- 87% of all claims were Nutrition Content Claims (NCCs)
- The most common single NCC related to total fat (low fat or fat free claims)
- Of the total NCCs, 74% were considered compliant
- The main reason for non-compliance of NCCs was omitting to declare the nutrient / substance in the Nutrition Information Panel (NIP)
- General Level Health Claims (GLHCs) were found on only 41 products and just over half of these were in the health foods category
- Just over 47% of GLHCs were considered compliant
- The main reason for non-compliance of GLHCs was the food-health relationship that the claim was based on being neither pre-approved or notified as self-substantiated
- No high level health claims or therapeutic claims were identified

- A PowerPoint presentation including more detail about the survey findings has been made available to jurisdictions to share with local government and industry stakeholders as opportunities arise.

Food Safety Management in the General Food Service and Closely Related Retail Sectors

- Jurisdictional-based stakeholder engagement on options to improve food safety outcomes in the general food service and closely related retail sectors was conducted in the first half of 2017. Over 400 stakeholders attended meetings held across most jurisdictions, including local government, industry representatives (including small business operators), peak bodies and registered training organisations.
- The purpose of the engagement was to examine and refine a range of options identified as having the potential to improve food safety outcomes in the food service and related retail sectors. There was a consistent view from stakeholders that food safety remains a problem in these sectors and that further work is warranted at the national level to improve outcomes.
- The joint FRSC-ISFR working group has undertaken a detailed assessment of comments provided by stakeholders during meetings and from questionnaires. The preferred measures, both regulatory and non-regulatory, for implementing at a national level will be considered by FRSC in May 2018.

Food Importer Awareness Measures

- The presence of undeclared allergens continues to be the largest single category of food recalls in Australia. Imported foods make up a significant proportion of these recalls, often due to a lack of awareness by importing companies.
- The New South Wales Food Authority is continuing work commenced in 2016-17, by conducting over 100 inspections of small-medium food importers to assess awareness of allergen labelling requirements and the requirement for a food recall plan. The importers have been identified from Customs data with the assistance of the Department of Agriculture and Water Resources (DAWR). The outcomes of this work is now published [Allergen Management for Importers Project](#).
- The Food Authority has also published the outcome of a prosecution against an importer for undeclared dairy in a coconut milk drink product; [Sydney company fined for failing to declare dairy](#). The company was responsible for a young boy suffering an anaphylactic episode after consuming the product.
- The Food Authority is collaborating with DAWR to develop an education package to assist new food importers to comply with the labelling requirements of the Food Standards Code, including allergen declarations and food business notification requirements.

Local Government activities and Jurisdiction Reports

Key matters which may be of interest to local government:

Australian Government

- The Imported Food Control Amendment Bill 2017 is currently before the House of Representatives for debate. If passed by the House, the Bill will proceed to debate in the Senate. The Bill will give effect to a range of changes to strengthen the management of imported food safety risks. Key measures include supply chain assurance certification for foods where at-border testing alone will not assure safety, and a graduated enforcement scheme to enable non-compliance to be addressed earlier.

Food Standards Australia New Zealand

- The [Compendium for Microbiological Criteria for Food](#) was updated in January 2018 to include two additional categories for mesophilic aerobic bacteria in ready-to-eat foods (Table 3). This allows food handling / processing factors to be better described and appropriate limits applied, particularly taking into account products with extended refrigerated shelf-life.

Northern Territory

- Amendments to the Food Regulations are being progressed. These amendments cover four particular areas:
 1. Introduce the nationally approved four tier risk classification system in place of the current three tier risk classification system;
 2. To provide for parity for all food premises with respect to registration fees and numbers of premises operated;
 3. To allow the Chief Health Officer to appoint auditors, including appointing an authorised officer as an auditor; and
 4. To allow for a fee to be charged to vary the conditions of a food business registration.

New South Wales

- A performance audit on *Monitoring food safety in retail food businesses* was undertaken by the New South Wales Audit Office. The audit assessed how effectively the Food Regulation Partnership (FRP) with local government monitors compliance at the retail level. The report was tabled in the NSW Parliament and is available at: [Monitoring food safety practices in retail food businesses](#).
 - The FRP was also previously discussed in the Independent Pricing and Regulatory Tribunal's (IPART) review of Local Government Compliance and Enforcement.
 - Several projects are underway to address matters discussed in the review process:
 - Re-appointment of all enforcement agencies under the Food Act through the development of new Instruments of Appointment, related protocols and advisory guidelines. These include guidance on inspection frequency, temporary and mobile food businesses. This work has been completed and the re-appointments were issued in December 2017, taking effect on 1 July 2018.
 - Establishing a single electronic platform for retail food inspections to be recorded. This allows a 'real time' assessment of the progress of inspections and negates the need for the enforcement agency to separately submit data on enforcement activities each year.
 - Procurement for a service provider to facilitate the platform is underway. It is anticipated the platform will be in existence later in 2018.
 - The establishing of an improved training delivery program, including an online component. A provider is being engaged to assist in the development of online training capability.
 - Environmental Health Officer (EHO) training for 2017-18 is ongoing and is designed to help officers assess, enforce and secure improvements in the retail and food service businesses. This is being delivered across more than 40 training events and more recently in an online mode. An online course 'Raw Egg Safety' was developed and trialled across the state. Webinars were similarly trialled. This is designed to increase access and participation for EHO's training.
 - The FRP Workshop 2017 was a 1½ day conference held in partnership with Environmental Health Australia NSW's annual state conference in Penrith. The purpose of the biennial FRP Workshop is to provide ongoing professional education in food regulation and food safety as well as providing networking opportunities for council EHOs.
 - Food Regulation Forum (the Forum) meets 3 times per year and comprises of the Food Authority and key local government stakeholders (Local Government NSW, Environmental Health Australia, Development and Environmental Professionals' Association, Local Government Professionals' Association). It oversees the direction of the FRP. The Forum last met in September 2017 at Penrith.
 - Retail & Food Service Information Sessions (Retail meetings) are held on the same day prior to the Forum meetings where the Forum member meets with representatives of the retail food sector and EHOs to facilitate discussions on current regulatory issues. The last session was held at Parramatta on the 9 November 2017. The next meeting is scheduled for April 2018 at Kiama.
 - The Food Authority collects data from food enforcement agencies throughout NSW each year. Key findings for 2016-17 are:
 - councils completed 62,876 inspections of food retail outlets;
 - a total of 95% of the inspections for high and medium risk food businesses were completed;
 - retail business compliance remains high at 96%, and less than 2% are listed on Name and Shame; and
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- with respect to scores on doors, 48% of retail businesses received 5 stars. Only 10% of businesses received no stars. Consistency between officers/councils remains the greatest challenge. Around a third of councils (42/128) are reporting either very high or very low rates of business failure.

Queensland

- The Queensland Department of Health continues to work with local government to administer and enforce the requirements of the *Food Act 2006* and the Australia New Zealand Food Standards Code and is currently delivering a food safety regulators update statewide. The Department has completed the report regarding local government activities under the *Food Act 2006* for 2016-2017. This report will be publicly available shortly following relevant approval.
- The Department of Health has commenced state-wide webinars for environmental health officers employed by local government. The Department is also currently delivering a state-wide food safety regulators update on national work, foodborne illness outbreak guidelines and learnings from investigations, auditing frequently asked questions and local government accountabilities.

South Australia

- In December 2017 there was an increase in *Salmonella* notifications with two cases reported eating at a bakery known to have been associated with a previous outbreak in October 2016. The epidemiological investigation implicated the consumption of chicken or turkey rolls/sandwiches/wraps/salads purchased from the bakery or one of its distribution points.
- Investigations identified significant issues with skills and knowledge, temperature control and lack of provision for adequate cleaning and sanitisation. Two improvement notices were issued. One required the bakery to cease making sandwiches/rolls/wraps until a cooked chicken supplier was sourced and for the bakery to implement procedures for sanitising food contact surface, temperature checks of food in storage and on display, which has since been signed off. The second improvement notice continues to be in place until structural improvements are finalised.
- For Food Safety Week, South Australia Health coordinated a cooking demonstration by chef Adam Liaw, Food Safety Ambassador at the Adelaide Central Market. The media opportunity was used to reiterate the importance of safe food handling to the community. SA Health also launched its [Food Safety Ambassador webpage](#) which contains short video clips featuring Adam Liaw during this time. Topics include cooking with chicken, hand hygiene, holiday food safety, holiday food hygiene and school lunchboxes. These clips are designed such that they can be shared on our social media channels and local Councils are encouraged to further promote through their channels.
- The Food and Controlled Drugs Branch (FCDG) has developed a system for the SA Government's commitment to decrease the regulatory burden placed on food trucks during administration of the SA Food Act 2001. FCDB has been working with local government to reduce red tape via a Food Safety Passport for inspections and a guideline for food trucks. The Food Safety Passport System is a voluntary system being trialed for 12 months.

Western Australia

- The Foodborne Illness Reduction Strategy 2017-2021 has been released. Part of the strategy involves research and the development of a risk assessment for Salmonella in egg layer farms. WA Health delivered a seminar for Food Safety Week 2017 – Reducing Foodborne Illness across the Food Chain, which outlines the roles and responsibilities of the different agencies in the management of foodborne illness across the food chain and provided an introduction to the WA strategy.

Tasmania

- Two pieces of work of particular interest to EHOs are commencing in earnest in August 2018. These being the introduction of a standardised risk classification system for food businesses in Tasmania, and an associated review of the s.86 notice requirements for the registration of food businesses in Tasmania. Officers from the Department of Health and Human Services (TAS DHHS) are responsible for both projects and EHOs will be directly consulted as part of the process.
- The 2017-18 Tasmanian Food Safety Surveillance Program is led by TAS DHHS in partnership with local government and the Department of Primary Industries, Parks, Water and Environment. Surveillance activities as part of the program have now commenced and each topic examines a specific safety or compliance issue relevant to Tasmania. The topics covered so far include:
 - Surveying use of bain-maries in food service establishments; and
 - Survey of local government to determine what systems they use for managing food business registration requirements and to determine in detail how local government currently risk-rank businesses.

Victoria

- VIC Department of Health and Human Services is undertaking an evaluation of a major project with local government on developing better consistency in compliance assessments of food premises.

Australian Capital Territory

- Australian Capital Territory Health launched a [fit-out guide for food businesses](#) in November 2017 on the ACT Health website. The aim of the fit-out guide is to assist new food businesses to comply with Standard 3.2.3.
- A draft Egg Guide for food business has been developed and a public launch is anticipated for March 2018.
- The continued growth of events in the ACT is impacting on regulatory resources.

New Zealand

- The New Zealand Ministry for Primary Industries (MPI) released an easy-to-follow National Programme guidance in late 2017. Following the format of the *Simply Safe & Suitable* template food control plan, the document has been received with much enthusiasm from food businesses operating under National Programs. The unique feature about this guidance is that businesses are not required to follow the document meticulously. Food businesses and verifiers are only to use it as a guide on how to meet the requirements of the Food Act (FA).
- The total number of Food Safety Officers as at February 2018 is 147. This number is still low compared to the amount of work that needs to be done. Territorial Authorities have undertaken to train more staff, but are facing competing demands between operational activities and the required professional development. To improve enforcement and awareness activities, territorial authorities need to set up supporting systems especially for the transitional phase for the implementation of the FA.
- MPI has established an online Food Verifiers Academy to facilitate professional development, collaboration and sharing of expertise among verifiers. It features practical tools such as podcasts, videos, case studies and webinars. For individual verifiers it gives on-demand access to these learning tools, alongside a guide for performance targets. The Capability Framework will be useful for managers looking to recruit, assess or plan learning and development for verifiers. It is intended to evolve in response to requests and contributions from the verifier community. All food verifiers and auditors, not just those in New Zealand, are invited to use and contribute resources. Please email VerifierAcademy@mpi.govt.nz to get set-up, take a closer look, or get involved.