

SUMMARY OF OUTCOMES FOR LOCAL GOVERNMENT

From the Australia and New Zealand Implementation Subcommittee for Food Regulation (ISFR - formerly ISC) meeting held in March 2014

ISFR2 - March 2014

The Implementation Subcommittee for Food Regulation:

The Australia and New Zealand Implementation Sub Committee (ISC) was formed in 2003 to develop and oversee a consistent approach across jurisdictions to implementation and enforcement of food regulations and standards, regardless of whether food is sourced from domestic producers, export-registered establishments or from imports. The name was changed in 2013, to the Implementation Subcommittee for Food Regulation (ISFR), to better reflect the role of the Subcommittee.

ISFR will develop, or assist in the development of guidelines to facilitate consistent enforcement of food regulations by food regulators, which will also be aimed at minimising cost to industry and meeting the objective of minimum effective regulation.

ISFR has membership from the Commonwealth Department of Health, each State/Territory jurisdiction, Food Standards Australia New Zealand (FSANZ), New Zealand, the Department of Agriculture and a representative of local government. These members are either heads of their agencies or operational experts at a senior level with capacity to make and implement decisions about enforcement issues in their jurisdictions.

For further information on any of the items below, ISFR encourages local government representatives to liaise with their State or Territory government contact.

Summary of key matters of interest to Local Government discussed at ISFR2:

1. ISFR communications plan and stakeholder engagement
2. High level monitoring and enforcement strategy
3. Post incident review and formation of the Bi-national Food Safety Network
4. Local Government toolkit
5. Local Government activities reports
6. Jurisdiction reports

Summary text on these items is as follows:

1. ISFR communications plan and stakeholder engagement

ISFR has developed a stakeholder engagement strategy to increase its communication with key stakeholders. The objective is to ensure that all those involved in the food regulation system are informed and consulted on the activities of ISFR and are given the opportunity to be part of the process of developing food standards. A communication plan supports the engagement strategy.

2. High level monitoring and enforcement strategy

To implement the Legislative and Governance Forum on Food Regulation (FoFR) response to recommendations 3, 7, 57 and 58 of *Labelling Logic: Review of Food Labelling Law Policy* (2011), a Joint Working Group (comprising members from ISFR and the Food Regulation Standing Committee) has been established to develop a food labelling monitoring and enforcement framework. It will develop a bi-national, risk-based, transparent framework for the monitoring and enforcement of food labelling. The project is expected to be completed by the end of 2016 or early 2017.

3. Post incident review and formation of the Bi-national Food Safety Network

A Bi-national Food Safety Network (BFSN) has been established to extend the current coordination and information sharing/communication on food safety incidents. Currently, the opportunity for a national discussion is provided under the National Food Incident Response Protocol (NFIRP). The BFSN will allow discussions on food safety incidents where a national discussion would be beneficial and it is not appropriate to activate the NFIRP. Its establishment will allow the NFIRP to return to its original purpose, as a response tool for dealing with national food incidents with pre-defined actions, roles and responsibilities.

4. Local Government toolkit

Work has progressed on collecting and collating jurisdictional annual reporting data from local governments. Further work will occur on analysing the data for similarities and differences, in order to promote consistency of approach across the local government sector, although preliminary analysis shows that there is already significant consistency in enforcement reporting, despite some variations in the terminology used.

The goal is for guideline documents which are consistent, flexible and sensible in their application and which recognises the diversity of approaches to food regulation by the different jurisdictions.

5. Local Government activities reports

Key matters were:

- **Australian Capital Territory (ACT)** - Since September 2013, all registered food businesses have been required to appoint a Food Safety Supervisor (FSS) responsible for ensuring that hygiene and food safety standards are achieved and maintained in food businesses. However, the Chief Minister subsequently announced that food businesses which are non-profit community organisations, operating temporary food stalls (e.g. fundraising BBQ every weekend would qualify as temporary) and only selling lower risk foods and/or non-potentially hazardous foods will be exempt from the requirement to register and have a Food Safety Supervisor. The University of Canberra offered an undergraduate degree in Environmental Health in early 2014.
- **New South Wales (NSW)** - The first Food Regulation Partnership conference was held in November 2013 to engage Environmental Health Officers (EHOs). It attracted approximately 55% of EHOs in NSW, and delivered valuable learning and information sharing experience as well as good value for money.

The *Food Act 2003* has been amended to remove the requirement of businesses to notify the Authority or council of the appointment of a Food Safety Supervisor.

A new *Scores on Doors* pack was developed and circulated to all NSW councils and is available on the [NSW Food Authority website](#). A range of assistance materials was produced to guide local government authorised officers.

- **Queensland (QLD)** - The 2012-13 local government report was recently completed. There has been a 5.3% increase in the number of licensed food businesses across Queensland, a 20% in food complaints, and a doubling of the number of infringement notices issued. The Department of Health has also published a number of resource documents on egg safety and raw milk.
- **South Australia (SA)** - Adelaide City Council is proposing to amend its By-Laws to require food businesses to display the food business notification issued to them by Council. A SA Food Business Risk Classification System has been developed to consistently apply council resources in line with the level of food safety risk, and is available on the SA Health website. A toolkit for EHOs is being developed, as well as work on the design and implementation of a state wide *Scores on Doors* system.
- **Tasmania (TAS)** - Review of forms used under the *Food Act 2003* has commenced to make them simpler and user friendly. Amendments to the *Food Act 2003* have been delayed due to the State election. The Tasmanian Department of Health and Human Services website is being reviewed and updated, including the addition of a local government specific access portal. EHOs are being asked to participate in a state wide food survey program.
- **Victoria (VIC)** - The annual Local Government Forum for EHOs will be held this year on 10 September 2014, which attracts approximately 70% of local government EHOs. The Victorian Department of Health is undertaking a major project with local government on developing better consistency on compliance checks of food premises. The Department is finalising a working draft of a Compliance Guide and a training program for local government Food Act authorised officers. Victoria is the first Australian jurisdiction to receive applications for cat petting cafes.
- **Northern Territory (NT)** - Work on Food Regulations in the NT has been split into 2 stages - the first is registration fees and ability to issue infringement notices; the second, is the audit framework. NT is currently undertaking a review of all food related Standard Operating Procedures, and major updates on food safety fact sheets. (Note: Local Government does not have a role in the administration of the food act in the NT).
- **Western Australia (WA)** – A review of the *Food Regulations 2009* will commence shortly and will be followed by a review of the *Food Act 2008*. This review will include addressing roles and responsibilities of local government and the Department of Health in relation to recently developed Primary Production and Processing Standards. Guidance material and resources are being developed for enforcement agencies on robust allergen management and the application of Standard 1.2.3 of the Food Standard Code.
- **Australian Local Government Association (ALGA)** - ALGA provided a briefing on a food safety research report launched by the Australian Centre for Excellence in Local Government (ACELG) on 12 March 2014. The aim of the research was to provide an increased understanding of the local food industry.

Research was conducted using focus groups with young food handlers, to develop a detailed understanding of how food safety is thought about by business operators and food handlers, and how food safety could be improved. The research concluded that local governments need to adopt a holistic approach to food safety

that considers all factors that influence food safety outcomes. A customisable food safety strategy template has been developed to assist local government in implementing such an approach. The report is available on the [ACELG website](#).

- **New Zealand (NZ)** - Progress on the New Zealand's Food Bill has been slow since its introduction in 2010. A Primary Production Select Committee is again considering the Bill and is required to report back to Parliament by 4 May 2014. An information booklet for the Food Service and Catering Food Control Plan (FCP) was developed for council staff to use to introduce the concept of FCPs to food businesses.

6. Jurisdiction reports

Matters which may be of interest to local government:

- **Commonwealth** - Compliance checks by Department of Agriculture on imported foods for the first six months of 2013 showed compliance with the tests applied was 98.7 per cent overall. Of 8,240 imported food inspections, 239 holding orders were issued for foods which failed the inspection scheme, which meant that all subsequent imports of that food were inspected until 100 per cent compliance was achieved. Seven (7) multi-jurisdictional outbreak investigations were conducted in 2012 and five (5) in 2013. Lessons learnt have been documented. Six (6) jurisdictions are currently investigating foodborne disease outbreaks potentially associated with raw or minimally cooked eggs, reinforcing the need for continued effort to reduce foodborne illness due to eggs.
- **ACT** - received a complaint that "naked" (unpackaged) bread for sale at a Coles store did not have adequate protection or supervision. Coles was subsequently required to package all bread on display to ensure that it was protected from contamination.
- **NSW** - The NSW Food Authority will be reviewing and evaluating the *Scores on Doors* scheme. The Authority will be reviewing Asian-style fresh noodle storage requirements, and is currently conducting a survey of soft serve (ice cream) sold via mobile vans.

Free range egg labelling has been the subject of renewed media interest and the Authority agreed with NSW Fair Trading that there are issues with enforceability, and that there is the need for a national standard.

- **VIC** - Implementation of major changes to the *Victoria Food Act 1984* have required ongoing updates for local government and auditors to reinforce the changes until the new changes are bedded down/fully understood. A risk assessment of the Victorian seafood sector was completed in January 2014, with a final report to be released in March 2014. Council officers training for the online single registration system for temporary and mobile food premises *Stretrader* has completed. Further refresher training will be provided in 2014. It was initially estimated that 5,000 businesses would use the system, 17,000 businesses are currently using the system.
- **QLD** - Is reviewing its *Food Act 2006* to reduce regulatory burden. The Department of Health recently released the document *Audit verification system Food Act 2006* which provides information about the various ways auditor activities may be monitored and assessed.

- **WA** - Three (3) major priorities have been identified for the 2014-15 financial year:
 - refine and streamline assessment, auditing, compliance and reporting processes for Primary Production and Processing Standards;
 - review and update the Food Unit Communication Strategy; and
 - communicate the national food recall process to local government enforcement agencies.
- **SA** - An improved auditor register is available on the SA Health website. In consultation with the Local Government Association of SA, SA Health has developed a SA Food Business Risk Classification System, with training for EHOs on interpretation and application of the system. Following recommendations arising from a SA parliamentary inquiry, SA Health is developing a state wide Food Safety Rating Scheme (similar to *Scores on Doors*) to be piloted in the second half of 2014 and implemented on a voluntary basis in 2015.
- **TAS** - Primary Produce legislation and regulations commenced on 13 February 2013. Full implementation of the Auditor Guideline is underway. Draft regulations have been prepared for eggs, meat (including poultry) and pet food. A state-wide produce survey is currently underway (Tasmanian grown herbs, tomatoes, micro greens and sprouts). Impending egg stamping requirements triggered media interest and regulations were amended due to concerns by small backyard egg producers - a proposal that producers with less than 20 laying birds will be given a free handheld stamp to facilitate compliance will be considered by the incoming Government. Reports of increased raw milk sales will be taken into consideration in the development of dairy regulations later in 2014.
- **NZ** - Contamination in August 2013 of Whey Protein Concentrate (WPC80) affecting infant formula resulted in a Government inquiry of the recall and communications procedures.

Next ISFR meeting

August 2014, Canberra