

# **SUMMARY OF OUTCOMES FOR LOCAL GOVERNMENT**

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

**ISFR3, August 2014**

### **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 these differences as much as possible.

### **Summary of key matters of interest to local government discussed at ISFR3:**

1. Communication activities
2. Nutrition, health and related claims implementation
3. Food recall process and coordination of food incidents
4. Coordinated Food Survey Plan
5. Food Safety Management
6. Local Government toolkit
7. Items of interest from Local Government Activities Reports
8. Items of interest from Jurisdiction Reports

A summary of outcomes and discussion for each of these items is provided.

## **1. ISFR communications plan and stakeholder engagement**

ISFR recently undertook a survey of food stakeholders to gain insight into how stakeholders would like to be engaged and what information they would like ISFR to provide. Approximately 12% of responses were received from local government stakeholders. Government and industry stakeholders and some consumer advocacy organisations were found to have the greatest awareness of ISFR and its work. Email was noted as the preferred method of engagement, followed by newsletters.

Stakeholders also indicated a desire for increased opportunities for engagement and consultation on food regulation issues.

## **2. Nutrition, health and related claims standard implementation**

ISFR has completed an industry guidance document, *Getting your claims right: A guide to complying with the Nutrition, Health and Related Claims Standard of the Australia New Zealand Food Standards Code (Food Standards Code)* and four associated checklists for nutrition content claims, general level health claims (pre-approved), general level health claims (systematic review) and high level health claims. The guidance document and associated checklists will be published shortly on the food regulation secretariat website.

The working group is now focussing on the development of implementation and compliance guidance material.

## **3. Food recall process and coordination of food incidents**

A new edition of the Food Industry Recall Protocol was released in May 2014 and is available online from the [FSANZ website](#).

A revised *Government Food Authorities Food Recall Protocol* is being finalised and will be considered by ISFR in due course. A template style guide to assist food businesses to develop a food recall plan is being developed. ISFR also discussed whether current reporting systems for serious allergen associated reactions to food in Australia were adequate.

A debrief on the 2013 incident involving contaminated whey powder concentrate was conducted in May 2014. ISFR noted the issues discussed including the importance of strong bi-national cooperation and coordination during trans-Tasman incidents, risk communication and the timeliness of national debriefs.

## **4. Coordinated Food Survey Plan**

National and bi-national surveys on various food safety issues are conducted in accordance with the three year rolling ISFR Coordinated Food Survey Plan. The findings of these surveys are used to inform, and provide an evidence base for, other ISFR priority projects.

ISFR endorsed the 2014-2017 Coordinated Food Survey Plan at its August 2014 meeting. ISFR also agreed to the establishment of a new working group to support the development, implementation and review of the Coordinated Food Survey Plan, known as the Surveillance and Monitoring Working Group.

ISFR endorsed the final report of the 2013 survey of trans fatty acid content of Australian and New Zealand foods.

## **5. Food Safety Management**

The ISFR working group on food safety management has made good progress in the development of a food safety management framework for the retail/service sectors within the scope of the Ministerial Policy Guideline on Food Safety Management for General Food Service and Closely Related Retail Sectors in Australia. It has considered the adequacy of current food safety standards, Standard 3.2.2 – Food Safety Practices and General Requirements, and Standard 3.2.3 – Food Premises and Equipment, of the Food Standards Code, mapped current requirements in all jurisdictions and created a list of potential food safety risk management tools. The working group is now developing an agreed approach for utilising the outputs of this work as well as a stakeholder engagement plan.

## **6. Local Government toolkit**

An allergen Incident and Investigation Protocol is being developed for Australia and New Zealand to give guidance to food regulators investigating allergen incidents at retail/food service, manufacturing and food import businesses. This Protocol will be considered by ISFR once completed.

A set of indicators/parameters for Local Government annual reporting have been agreed, which will enable greater consistency in data collection and annual reporting of local government activities. Jurisdictions will commence reporting against these parameters for the next ISFR meeting in 2015 as part of their Local Government Activities Reports, acknowledging differences in jurisdictional reporting periods.

## **7. Local Government Activities Reports**

Key matters which may be of interest to local government:

### **Australian Capital Territory**

ACT Health has revised its Food Safety Regulation webpage. The new webpage was made available on 25 June 2014.

The ACT National Multicultural Festival food stall fact sheets and checklist have been translated into 11 languages in preparation for the 2015 festival.

Adequate staffing of appropriately qualified Environmental Health Officers remains a challenge. The University of Canberra cancelled the Bachelor of Environmental Health course which was due to start this year, as there were not sufficient enrolments.

### **New South Wales**

In May 2014, the Independent Pricing and Regulatory Tribunal released a draft report into licensing and local government regulation. The NSW Department of Premier and Cabinet made recommendations affecting the regulation of small food business. The NSW Food Authority (NSWFA) will be undertaking projects to implement these recommendations.

The NSWFA released a guidance document on safe preparation of raw egg sauces on 1 August 2014.

A new *Scores on Doors* promotional video was launched on 31 July 2014.

The NSWFA has commenced a Salmonella Strategy to address Salmonella outbreaks in retail premises. Part of the Strategy, a *Salmonella in Retail* campaign, assists councils identify and prioritise the inspection of businesses that serve raw egg products.

A range of supporting material has been produced including a guidance document on safe preparation of raw egg sauces, a factsheet and a checklist for businesses and inspectors.

## **Queensland**

Queensland Health is continuing a review of the *Food Act 2006* and providing support to local governments administering the provisions of the *Food Act 2006*. The Department of Health recently provided advice to local government regarding the release of the Food Industry Recall Protocol released in May 2014.

## **South Australia**

SA Health provided a copy of *SA Health Information and Resources* to all Environmental Health Officers in the form of a business card that functions as a USB thumb drive. Information consists of policy bulletins, directives, food safety promotional material and guidance tools.

The 2014-2016 work plan established under the Memorandum of Understanding between the Minister for Health and the SA Local Government Association, contains six projects. One of these projects is the development of a state-wide Food Safety Rating Scheme and a Toolkit for Environmental Health Officers (EHOs) to assist with consistent interpretation, monitoring & enforcement of the Food Act and Food Safety Standards.

Consultation was undertaken in April and May 2014 with local government regarding their enforcement practices and use of enforcement policies to inform the development of a state-wide enforcement policy.

A SA Food Safety Rating Scheme has been developed in consultation with local government. A 12-month pilot will commence with volunteer councils in September 2014.

## **Tasmania**

The food safety component of the Department of Health and Human Services website has been updated. A restricted access site for EHOs is being developed. Local Government EHOs have been asked what information they would like contained on this site.

## **Victoria**

The Victorian Government has established requirements under the Local Government Act for councils to report, in their own annual reports, about their performance across a range of areas. The *Local Government Performance Reporting Framework* was developed in consultation with councils over the last year and reporting is required to 2014-15. More information is available on the [Victorian Government website](#).

The Department of Health is undertaking a major project with local government on developing better consistency on compliance checks (assessment and inspections) of food premises. EHOs in all regions of Victoria have been consulted and a draft report is currently being developed.

The Department of Health, in association with Municipal Association of Victoria (MAV) and the Local Government Information and Communications Technology group have developed an app for use by Victorian EHOs when taking food samples for analysis. The app transmits the information directly to the receiving laboratory, and it is anticipated that this will improve council sampling processes and reduce transcription errors by both councils and laboratories. The app goes live in September 2014.

## **Western Australia**

The Compliance and Enforcement Policy has been reviewed and outcomes of this review will be communicated to Local Government. The Department of Health is finalising guidance material and resources for enforcement agencies on allergen management and the application of Standard 1.2.3 of the Code.

## **8. Jurisdiction reports**

Key matters which may be of interest to local government:

### **Commonwealth**

OzFoodNet continues to investigate foodborne disease outbreaks associated with the consumption of foods containing raw or minimally cooked eggs. OzFoodNet's most recent report, the [\*OzFoodNet Enhanced Foodborne Disease Surveillance, 1 January to 31 March 2013\*](#) was published in Communicable Diseases Intelligence. OzFoodNet is currently analysing data on egg-associated outbreaks for the period 2001 to 2011 with a view to publishing the findings.

Several honey products in the market place were misrepresented as products of Australia, which on review were identified as product of Turkey. The matter is being addressed under consumer law.

### **FSANZ**

The second round of public consultation on the revision of Chapters 1 and 2 of the Australia New Zealand Food Standards Code (the Code) is underway.

The Code Revision project is primarily to address legal issues. Issues of regulatory intent will be addressed through specific applications and proposals rather than in the Code Revision project.

### **Australian Capital Territory**

Food Safety Supervisor requirements commenced in the ACT on 1 September 2013. On 21 November 2013, the Minister announced that non-profit community organisations operating temporary food stalls, serving lower risk and non-potentially hazardous foods, would be exempt from the requirement to register under the Food Act 2001 and appoint a Food Safety Supervisor.

A Newspoll Canberra Omnibus Survey of 1,000 adults, released in July 2014, demonstrated public support for a 'Scores on Doors' style ranking for food businesses in the ACT. The survey has been provided to the ACT Government.

### **New South Wales**

In 2014 the NSWFA has investigated 14 Salmonella outbreaks to date, seven of these linked to the use of raw egg foods, representing a significant increase on 2012 and 2013 figures. The NSWFA has developed guidelines for control of salmonella in raw egg foods which specify minimum requirements. Local councils will also take note of businesses in their respective area that use raw egg foods.

NSW delayed implementation of egg stamping requirements until 26 November 2014; with a survey of licensed businesses revealing that 98% of industry will be compliant by the deadline (does not include non-licensed businesses producing less than 20 dozen eggs per week).

In December 2013 the NSWFA launched the improved Scores on Doors publicity materials for business and councils. In the period January to July 2014, 13 additional councils have joined the program and the number of participating businesses had

significantly increased in those local government areas already participating. One in five councils are now participating across NSW and a number of additional councils are interested in joining.

A survey of the microbiological quality of soft serve and frozen yoghurt sold in NSW was conducted. Information on handling practices was collected in order to assist local council officers provide food safety education advice to retailers. A report of the survey is currently being drafted.

### **New Zealand**

The NZ Food Bill received the Royal Assent on Friday 6 June 2014 and is now the *Food Act 2014*. Provisions for recalling food will be implemented immediately, and other parts of the Act will come into effect no later than 1 March 2016. When the new Act comes fully into force, food businesses will transition in groups into the new rules over a staggered three year period.

Regulatory changes as a result of the Fonterra Whey Protein Concentrate incident are likely to be implemented through an omnibus Bill, the Food Safety Law Reform Bill. Scoping and policy work for the Bill is underway.

### **Queensland**

Safe Food Production Queensland's red tape reduction initiatives have led to organisational reforms, including centralisation of all tasks/operational matters of the agency to Brisbane.

Queensland Health continues to implement and deliver on a rolling compliance plan which covers local, state and nationally agreed activities to determine compliance with the *Food Act 2006*. The Department of Health has commenced undertaking check audits under the *Audit verification system, Food Act 2006*.

### **South Australia**

In consultation with the Local Government Association, SA Health has developed a South Australian Food Business Risk Classification System, consistent with the national risk profiling framework. Training sessions are aimed at achieving consistent interpretation and application of the system.

### **Tasmania**

The *Primary Produce Safety (Seafood) Regulations 2014* and *Primary Produce Safety (Seed Sprouts) Regulations 2014* commenced on 1 April 2014.

*Primary Produce Safety (Egg) Regulations 2014* do not apply to producers with less than 20 egg-laying birds however such producers will still need to notify Biosecurity Tasmania of their activity and stamp all eggs with a unique code by November 2014.

### **Victoria**

The *Food Safety Program Template for Class 2 retail and food service businesses Version 3* was published on 30 June 2014. The template is only designed for class 2 premises such as cafes or restaurants that prepare ready to eat unpackaged potentially hazardous food. It is designed to improve food safety and reduce unnecessary regulatory burden on businesses.

An amendment to the Food Act was introduced into Parliament in June 2014 to remove the requirement for the name of the proprietor of a food business to be prominently displayed on a food premises. Councils rely instead on their own dealings with proprietors

and company searches. Implementation of egg stamping requirements was delayed until November 2014, consistent with some other jurisdictions. The unique identifier is being linked to the existing database to identify producers and improve industry coverage for biosecurity.

### **Western Australia**

The review of the *Food Regulations 2009* will shortly commence followed by a review of the *Food Act 2008*. The review of the WA regulatory food safety auditing system will also commence shortly.

Additional priorities for 2014-2015 include:

- refining and streamlining assessment, auditing and reporting processes for the administration of the Primary Production and Processing Standards of the Code;
- review *Foodborne illness in Australia annual incidence CIRCA document 2010* when released to determine any impacts and identify opportunities for intervention in WA;
- review the Food Unit sampling program data and make recommendations on sampling plan priorities; and
- draft and implement an incident response framework relating to biotoxins in WA seafood.