

SUMMARY OF OUTCOMES FOR LOCAL GOVERNMENT

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

ISFR4, March 2015

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 ISFR4

1. Food Safety Management
2. Nutrition, health and related claims implementation
3. Undeclared allergen incident and investigation protocol
4. Country of origin labelling – single sign for raw meat
5. Communication and stakeholder engagement
6. Items of interest from Local Government Activities and Jurisdiction Reports

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

1. Food Safety Management

The ISFR working group on food safety management has prepared a *Report on Consideration of Food Safety Standards and Food Safety Management Tools* that applies to the food business sectors within the scope of the Ministerial Policy Guideline on Food Safety Management in General Food Service and Closely Related Retail Sectors (the Policy Guideline).

In this Report ISFR has examined:

- the suitability of existing food safety standards, Standard 3.2.2 – Food Safety Practices and General Requirements and Standard 3.2.3 – Food Premises and Equipment of the Australia New Zealand Food Standards Code, to manage food safety risks in the food business sectors identified in the Policy Guideline;

- existing tools to manage food safety risks, regulatory and non-regulatory, being used for food business sectors covered by the Policy Guideline;
- potential additional food safety management tools; and
- the justification for additional food safety management tools based on risk, appropriateness and cost-benefit.

ISFR will consult with stakeholders on options for additional food safety management tools to complement the existing food safety standards.

2. Nutrition, health and related claims standard implementation

ISFR has prepared a document '*Health claims and enforcement – how regulators will enforce the nutrition and health claims standard*'. This document will be published on the food regulation website alongside existing industry guidance material *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)*.

The new document outlines how food regulators will prioritise implementation activities and respond in a consistent manner to non-compliance with Standard 1.2.7 – Nutrition, Health and Related Claims of the Food Standards Code. The document also provides links to all relevant publically available information that may be used by food industry in complying with Standard 1.2.7

The role of ISFR in relation to nutrition, health and related claims is now changing to monitoring the implementation of Standard 1.2.7 through activities such as surveys to assess compliance against Standard 1.2.7, sharing information about complaints received by jurisdictions about nutrition, health and related claims and reviewing the industry guidance material (as necessary).

3. Undeclared Allergen incident and investigation protocol

ISFR has a Local Government Working Group that is developing local government material. Most recently the Working Group has developed an Undeclared Allergen Incident and Investigation Protocol that was endorsed by ISFR and will be published on the food regulation website. The purpose of the document is to provide procedures for investigating and reporting of complaints of undeclared food allergens supplementary to standard food investigation protocols. The document contains guidelines and checklists for allergen investigations at retail/food service, manufacturing and food import businesses.

The focus for local government material will now turn to the development of high-level principles for the consistent inspection of food premises.

4. Country of origin labelling single sign – raw meat

ISFR has endorsed a statement to be used in a single sign for raw unpackaged Australian meat. The statement will read as follows:

CONSUMER INFORMATION: Country of origin of raw meat

All raw <beef><veal><lamb><hogget><mutton><chicken><pork> on display has been produced in Australia.

Guidance will be developed to assist meat retailers to correctly use the single sign.

5. Communication and stakeholder engagement

ISFR members discussed their role in communicating, engaging with stakeholders and in promoting the food regulatory system and agreed to be proactive. ISFR has taken important steps towards implementing the ISFR Communications Plan and Stakeholder Engagement Protocol. It was agreed that specialist resources be engaged to review, update and rebadge existing documents to produce versions that reflect the current food regulatory environment and meet accessibility requirements. It was also agreed to form a new ISFR working group tasked with developing an ISFR communication strategy.

6. Local Government activities and Jurisdiction Reports

Key matters which may be of interest to local government:

Australian Capital Territory

The ACT Government has amended the *Food Act 2001* so that, from 20 April 2015:

- Eligible food businesses will no longer be required to notify their details to ACT Health.
- Non-profit community organisations will be removed from the operation of the Act when fundraising, except at regulated events, regardless of the type of food sold.
- The Health Minister may declare an event to be a 'regulated event'. The sorts of events that are likely to be declared as 'regulated events' are those large public events that pose a higher risk in terms of foodborne illness.

ACT Health has a new recruitment framework for Environmental Health Officers (EHOs). In recent years the ACT has had difficulty recruiting EHOs with Environmental Health Australia accredited qualifications. A person is now eligible to apply for an EHO role provided they have completed tertiary studies in applied science in the areas of Public Health, Food Science, Environmental Science or equivalent (an Applied Science Environmental Health degree was formerly required).

New South Wales

The NSW Food Authority has conducted the following key activities for local government in recent times:

- A seafood retailer specific country of origin labelling project has been undertaken and initial results indicate 67% compliance.
- Guidelines for the control of *Salmonella spp* in raw egg products have been prepared for implementation in retail food businesses in response to an increase in Salmonella outbreaks associated with the preparation of raw egg foods in retail environments. Guidelines are available on the Authority's website.
- It is anticipated that 50 of the 152 Local Government Councils will incorporate Scores on Doors by the end of June 2015. These councils inspect nearly half of the total retail and food service businesses in NSW.
- A survey of cut melons is currently underway.
- NSW Fair Trading will lead work to develop nationally consistent information standards to free range egg definitions and labelling.
- The revised NSW Food Safety Strategy is now available online.

Northern Territory

New Food Regulations were enacted on 1 January 2015 which introduce registration fees for food businesses and penalty infringement notices.

All Department of Health Environmental Health staff completed a Certificate IV in Government Investigations during October 2014.

New Zealand

The New Zealand Ministry for Primary Industries is currently consulting on proposals for Regulations under the Food Act 2001. Submissions close on 31 March 2015 for responses to proposals about:

- the content of food control plans and national programs;
- recognised agencies, persons, and classes of persons;
- approved documents, materials, facilities, or persons or classes of persons;
- food standards;
- imported food;
- exemptions;
- infringement offences; and
- transitional matters.

A cabinet decision with respect to the policy direction for regulation of raw milk sales in New Zealand is expected soon. Implementation of the policy decision is likely to result in further public consultation this year on specific requirements.

Queensland

The report on local government activities under the *Food Act 2006* identifies an 8% increase in the number of licensed food businesses giving a total of 27,461, a 13% decrease in the number of full time equivalent employees committed to food regulation and a 30% increase in the number of scheduled inspections of licenced food businesses undertaken compared to 2012-13.

During 2014 the Department of Health commenced undertaking check audits under the Audit verification system, Food Act 2006 and has undertaken verification processes on more than 50% of eligible auditors.

South Australia

South Australia (SA) Health has investigated foodborne illness reports including *Salmonella*, Shiga Toxin producing *Escherichia Coli* (STEC) and *Vibrio parahaemolyticus*. Cases have involved the use of raw or lightly cooked eggs, green leafy vegetables and herbs, baby spinach and baby spinach/rocket mix, and raw oysters. Further investigations are now considering the potential implication of imported prawn meat.

Adoption of the Risk Classification System is continuing, following commencement on 1 July 2014. One regional training session has been delivered with another planned for mid-2015. SA Health has assisted with the consistent implementation of the new system by risk classifying specific large fast food chains with consistent processes. A bulletin has been prepared for local government.

Staff from the Food Safety and Nutrition Bureau completed a Certificate 4 in Government Investigation provided by Adelaide TAFE. With the assistance of SA Health and Biosecurity SA, the University of Adelaide conducted a pilot *Salmonella* in the Egg Industry workshop in February 2015. The workshop was conducted to provide up to date information relating to research findings and provided an opportunity for regulators and industry to discuss issues relating to the management of *Salmonella* in the food supply.

SA Health is working with local government to establish a response strategy to manage coordinated responses during adverse events.

SA Health's state wide Food Safety Rating Scheme is currently being piloted with 10 local councils. A final scheme will be developed and implemented on a wider scale on a voluntary basis in 2016.

Tasmania

The Department of Health and Human Services is actively pursuing amendments to the *Food Act 2003* that will enable the single state-wide registration of mobile food businesses. This process will also involve a review and update of the '*Tasmania Guidelines for Temporary Food Stalls*'.

Victoria

The Department of Health and Human Services has been restructured with the Food Safety & Regulation Unit being renamed the Food Safety Unit. The unit is still within the Health Protection branch but in the newly created Regulation, Health Protection & Emergency Management (RHPEM) Division.

The dairy food regulator, Dairy Food Safety Victoria has imposed a licence condition on all licence holders under the Dairy Act 2000 to address the health and safety risks associated with consumption of raw milk. The new licence condition requires that any milk they produce that is not for human consumption, be treated so as to deter consumption or so that it could not reasonably be mistaken as for human consumption.

The Department of Health and Human Services is undertaking a major project with local government on developing better consistency on compliance assessments of food premises. EHOs in all regions of Victoria were consulted on the content of a Compliance Assessment Guide which was completed in December 2014. The Guide will now be trialled for 6-7 months with 7-10 councils (rural, regional and metro) before releasing to all councils.

Western Australia

The review of the *Food Act 2008* and *Food Regulations 2009* has commenced. Consultation with stakeholders will commence shortly.

The review of the WA Regulatory Food Safety Auditing Framework has commenced.

Following Food Safety Week workshops, local governments have requested further Department of Health assistance with enforcing food labelling requirements, monitoring home-based manufacturing businesses and temporary/mobile food businesses.

Commonwealth and FSANZ

A national recall of frozen mixed berries was coordinated by FSANZ in February 2015 following the notification of cases of locally acquired hepatitis A with a common exposure link to the berries. A multi-jurisdictional outbreak investigation was commenced by OzFoodNet and the Department of Health activated its National Incident Room on 17 February to coordinate a national response. Imports of berries from two implicated manufacturing factories will be subject to a 100% inspection rate.

The incidence of salmonellosis continues to increase, and there have been record monthly notifications to the National Notifiable Diseases Surveillance System every month from September 2013 to January 2015 (except for January 2014). OzFoodNet is investigating.