

# SUMMARY OF OUTCOMES FOR LOCAL GOVERNMENT

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

ISFR7, August 2016

## 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 ISFR7

ISFR7 was held in Sydney on 24-25 August 2016. A summary of key items of interest is provided.

### ***Review of the Enforcement Guideline***

ISFR has recently commenced work to update its guidance on compliance and enforcement. A working group led by South Australia Health has been established to progress this work. The project has two components:

- The working group will review and revise the existing Australia and New Zealand Food Regulation Enforcement Guideline (Enforcement Guideline), first published in 2009. Appendix 1 of the Enforcement Guideline was amended in 2015.
- The working group will also develop new material to describe the consistent approaches used by food regulators to facilitate compliance with the requirements of food regulation in Australia and New Zealand.

Stakeholders were informed in June 2016 of the commencement of this review. In order to further elicit the views of stakeholders and seek input to the work, a brief consultation document will shortly be distributed, including to local government contacts. The document sets out the background to the work, identifies relevant existing material that the working group will refer to during the project, describes the general direction for the work and asks several questions to prompt input.

### ***Food Standards Code Guidance Material Project***

The revised Chapters 1 and 2 of the Food Standards Code, which came into effect on 1 March 2016, resulted in the deletion of editorial notes, examples and purpose statements from individual standards. Some stakeholders have indicated that the deletion of these notes, statements and examples is a loss of plain language explanations of requirements.

ISFR has now agreed to commence a project to develop user-friendly implementation guidance material for identified topics covered in Chapters 1 and 2 of the Food Standards Code, for which notes, examples or statements have been deleted and plain English explanations are not elsewhere in existing guidance. The project will also cover information currently captured in FSANZ labelling user guides.

### ***2016-19 Coordinated Food Survey Plan***

ISFR members endorsed the 2016-19 Coordinated Food Survey Plan (CFSP), including the addition of two new surveys: a compliance survey of folic acid used in bread making flour following the 2015 supply shortage of folic acid; and a survey of trans fatty acids in imported oils. The 2016-19 CFSP will be published on the FSANZ website.

Since the last ISFR meeting held in February 2016, a report on the *On-farm food safety practices survey of strawberry grown in Victoria* has been finalised and published on the FSANZ website.

### ***Review of the Food Medicine Interface Protocol***

There is an existing process for regulators to respond to products that present at the interface between food and medicine. ISFR has reviewed and updated the Food Medicine Interface Protocol which sets out the roles and responsibilities for Australian government agencies (national and state) in responding to products that present at the food medicine interface and implementing the relevant legislation. The review did not consider the FMI tool, which is used to consider whether a product is a food or therapeutic good as this is a document of the Therapeutic Goods Administration and was out of scope for the review.

## **Local Government activities and Jurisdiction Reports**

Key matters which may be of interest to local government:

### ***Australian Capital Territory***

The ACT is currently undertaking a compliance review of kilojoule display information at the point of sale in standard food outlets. This review is a requirement under the *Food Act 2001* and must be completed as soon as practical after the end of three years of operation. The report will be published on the ACT Health website in 2017.

### ***New South Wales***

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

- Completion of a review of the Food Regulation Forum: a statutory board that helps advise and guide the Food Authority and councils to achieve their strategic goals in food safety of the retail sector.
- EHO training for 2016 is designed to help officers assess, enforce and secure improvements in skills and knowledge in retail and food service businesses. This is being delivered across more than 40 training events in 2016.

A new factsheet on “pink” burgers has been produced, to highlight the risks of serving undercooked mince meat products.

The Food Authority has finalised re-drafting of the Guidelines for the Safe Use of Raw Egg Products. This will be a mandatory document to assess retail business compliance with processing requirements for raw egg products – including mayonnaise and other raw egg desserts. The revised Guideline will be uploaded to the Food Authority website shortly.

### **Northern Territory**

Introduction of SmartForms for food business registration has had some teething issues which have led to improvements with the system.

Policy and procedures relating to the implementation and enforcement of the Food Act continue to be reviewed and updated.

### **Queensland**

The Department of Health continues to work with local government to administer and enforce the requirements of the *Food Act 2006* and Food Standards Code. The Department has released the report relating to local government activities under the *Food Act 2006* for 2014/2015. The report is available at [Home | Queensland Health](#)

### **South Australia**

SA Health supported a Cabinet Submission from the Department of Premier and Cabinet to decrease the regulatory burden placed on food trucks by local government. There will be amendments to the Local Government Act to improve licensing. Food and Controlled Drugs Branch (FCDB) has 12 months to work with local government to reduce red tape in the application of the Food Act by developing an inspection passport and guideline about regulating food trucks efficiently.

State-wide Food Safety Rating Scheme:

- Extensive work has been undertaken to develop and roll out training for those Environment Health Officers from the 18 Councils who are participating in the Food Safety Rating Scheme.
- The Branch is working closely with the SA Health Media and Communication team to ensure that a positive message is delivered to introduce the system to food businesses and consumers and to increase awareness of the program.

Food safety inspections by councils are identifying an increasing trend where food service businesses are using more complex processes and producing high risk products without recognising the increased risks. This is requiring specific additional technical advice from FCDB as EHOs would not be expected to have this specialised knowledge.

### **Tasmania**

The *Food Regulations 2012* are being amended (by way of the Food Amendment Regulations 2016) to better reflect the requirements for traceability of eggs as contained in Standard 2.2.2 of the Food Standards Code. This was prompted following the Code review. Local Government enforce the provisions of the Food Regulations and will be informed as to the likely implementation date of the amended regulations. Surveys on thermometer use in food businesses and a microbiological survey of raw eggs were completed and preliminary report sent to councils in May 2016.

## **Victoria**

The Department of Health and Human Services (DHHS) conducted a survey with Victorian councils on meal sharing applications and home based food businesses. The outcomes of that survey will be discussed by jurisdictions in early 2017.

The DHHS is undertaking a major project with local government on developing better consistency in compliance assessments of food premises.

DHHS would like to thank South Australia Health for presenting at a forum on risk based food safety inspections for 120 Victorian Environmental Health Officers on the South Australia learnings of implementing risk based inspections. The presentation was very well received.

## **Western Australia**

The Environmental Health Directorate at DOH-WA has recently been restructured. Surveillance functions, including food related, have been grouped together in a new Cross-Directorate team.

Department of Health WA, local government and the WA Mobile Food Vendors Association are working towards some solutions to improving consistency in the administration and monitoring of temporary and mobile food businesses.

## **FSANZ**

FSANZ reported the commencement of changes to the Food Standards Code arising from Proposal P1025 – Code Revision and subsequent work to investigate a range of issues that were outside the scope of the proposal. FSANZ was asked by the Commonwealth Department of Health to develop health-based guidance values for Perflourinated compounds. FSANZ's 1<sup>st</sup> Call for Submissions for P1024 – Review of the Regulation of Nutritive Substances and Novel Food was released on 4 December 2015 with the public period closing on 24 March 2016. FSANZ also gave an update on food safety activities including a review of Standard 1.6.1 – Microbiological Limits, the development of a single document titled *Compendium of Microbiological Criteria for Food* (the Compendium).

## **Australian Government**

Local government should be aware that some Republic of Korea government representatives have approached some food businesses directly to conduct inspections in accordance with new Korean imported food legislation. These businesses may not be export registered due to the nature of their products but are exporting food to Korea. These businesses should contact the Department of Agriculture and Water Resources on [exports@agriculture.gov.au](mailto:exports@agriculture.gov.au) regarding these inspections.

On 9 May 2016, the department advised trading partners, importers and state and territory authorities that Australia will allow raw milk cheese into Australia if it complies with specific requirements. Further information is available [Home Raw milk cheese - Department of Agriculture and Water Resources](#)

On 18 July 2016 OzFoodNet commenced a multi-jurisdictional outbreak investigation of Salmonella Hvittingfoss (MJOI 2016-0004) in rockmelons. Updated information will be provided to the public via the FSANZ website [Food Standards Australia New Zealand](#).

## **New Zealand**

The new Food Act 2016 commenced on 1 March 2016. Work is occurring on the second tranche of regulations. An on-line co-regulators toolkit has been developed to provide information and guidance to the Ministry and co-regulators.