

# SUMMARY OF OUTCOMES FOR LOCAL GOVERNMENT

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

ISFR6, February 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 ISFR6

ISFR6 was held in Hobart on 24-25 February 2016. ISFR members discussed a number of items on the 2015-16 ISFR work program that are progressing, new work that is planned to commence in 2016-17 and other issues consistent with its Terms of Reference.

The draft 2016 – 17 ISFR work program was developed during the meeting. Once the work program has been endorsed by FRSC and the activities published as part of the food regulation system work program, further information will be provided.

#### **Survey of nutrition, health and related claims**

A survey of nutrition and health claims made on products available in the Australian market will commence in 2016. The survey will identify and categorise any nutrition content claims, health claims or related claims made on products selected randomly from pre-determined food product categories available for retail sale in mainstream supermarkets in Australia.

#### **Meat implementation package**

Members noted that the meat implementation working group finalised the implementation package for the Meat Primary Production and Processing standard and has now concluded all of its work as outlined in its Terms of Reference. The working group will now be disbanded.

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

ISFR is planning new work to review the Australia and New Zealand Food Regulation Enforcement Guideline (the enforcement guideline), commencing in 2016. The enforcement guideline was finalised and published in 2009, while Appendix 1 (the enforcement toolbox) was reviewed and updated during the work to develop a Food Labelling Compliance and Monitoring Framework.

A review of the enforcement guideline would take into account the elements of best practice guidelines developed since finalising the existing document. It is intended that the scope of the revised documentation will be broadened to capture both compliance and enforcement elements to reflect current approaches to the effective implementation of food regulation.

### **Salmonella and foodborne illness**

ISFR members discussed activities and initiatives of jurisdictions to manage the risks associated with Salmonella and indicated a commitment to continuing to communicate with local government on this work.

### **On-line home-based food businesses (Uber-style meal app)**

ISFR members discussed sale of food from home based businesses and confirmed that food, regardless of where it is sold, is subject to the Food Standards Code and relevant state or territory legislation. Members noted that there is some misinformation being circulated and will continue to share advice on how each jurisdiction monitors home based businesses. Local government is encouraged to contact their state jurisdiction prior to responding to any enquiries or issues.

### **Simplified Food Recall Action Plan**

At the Jurisdictional Meeting, held prior to ISFR6, the NSW Food Authority presented a simplified food recall action plan. This document was prepared to assist food businesses to understand and comply with the requirements for a documented food recall program. The plan outlines the steps and information required as part of the recall plan process. It is in template form and allows staff within a business to identify and document particular areas they will be responsible for in the event of a recall. The template has been trialled with several businesses and the feedback received has been positive. The template will soon be made available for download on the Authority's website in multiple languages.

## **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* such that:

- Non-profit community organisations have been removed from the operation of the Act when fundraising, except at regulated events, regardless of the type of food sold.
- The Health Minister has declared four public events to be 'regulated events' from 2016. These events are large public events that pose a higher risk in terms of foodborne illness.

An inspection manual has been completed to demonstrate consistency and transparency in the implementation of Standards 3.2.2 – Food Safety Practices and General

Requirements and 3.2.3 – Food Premises and Equipment, of the Australia New Zealand Food Standards Code (Food Standards Code) by Public Health Officers and is available on the ACT Health website.

### **New South Wales**

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

- EHOs have been trained in the regulation of allergen management in retail and food service businesses. The training matches new content inserted into the Food Safety Supervisor qualification.
- 53 local government areas are participating in Scores on Doors, as of 19 January 2016, representing half of retail businesses (18,761).
- Under Food Regulation 2015, the Food Authority has recognised councils as appropriate enforcement authorities for the purposes of notification for retail and food service businesses. This has eliminated the need for retail and food service businesses to notify the Food Authority.
- NSW is continuing to implement initiatives aimed at reducing foodborne illness outbreaks, including development of resources for EHOs and businesses, training for local council EHOs and new material for the Food Safety Supervisor certificate qualification.

### **Northern Territory**

The NT Department of Health has recently reviewed all its communication materials as part of the nt.gov.au project, coordinated by the Department of the Chief Minister, which should ensure that materials for businesses and the public are easily accessible.

### **New Zealand**

Regulations, tertiary legislation and guidance material to support implementation of the Food Act 2014 were issued in December 2015. This includes Regulations to implement new policy to allow the sale of raw drinking milk in New Zealand. Regulations under the Animal Products Act 1999 are also being drafted to impose strict primary production requirements on farmers wishing to sell raw drinking milk.

Additional regulations, notices and guidance material targeted at businesses transitioning to the Food Act 2014 later in the transition phase are being developed (tranche 2). Consultation on these is expected to occur mid-late 2016.

### **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 is finalising data from local government regarding their activities under the *Food Act 2006* for 2014/2015 and has commenced informal consultation regarding legislative amendments.

A guide for local government on general food safety and hygiene requirements for water carriers was released, as well as a design and fit-out guide for food businesses.

### **South Australia**

- In January, a council has investigated 19 cases of gastroenteritis (3 of these positive for *Salmonella* Typhimurium phage type 135a, 4 of these positive for *Salmonella*) implicating in house ice cream made with raw egg.
- Due to the transient nature of temporary premises and mobile food vendors, policies for compliance surveillance have been a significant issue for local government and food businesses. A working group is being established to develop guidelines to deal with notification, inspection and compliance issues.

- After a 12 month pilot with 9 councils, SA Health is currently rolling out a state wide Food Safety Rating Scheme. This scheme uses a star rating based on the results of the routine food safety inspection for a food service business. It is anticipated that the scheme will help drive consistency and improve food safety outcomes.
- The Dairy Authority of South Australia (DASA) has worked with a number of Local Government (LG) Health officers on issues related to dairy. There have been two incidents relating to neighbours complaining about sewerage treatment smells and one related to flies. LG Health officers have notified DASA of two food establishments within their area that have moved from retail to wholesale dairy products.
- A working group has been established to review the 2006 South Australian Guidelines for investigation of foodborne diseases for EHOs to clarify roles, responsibilities and communication and investigation procedures.

### **Tasmania**

Revised Guidelines for Mobile Food Businesses were released in January 2016 and are available on the Department of Health and Human Services website. Guidelines for Notifying Disease and Food Contaminates were reviewed and re-issued in January 2016 together with fact sheets on the Guidelines. The Tasmanian Food Act 2003 was amended in December 2013 to allow mobile food businesses to operate in Tasmania under a single Certificate of Registration.

### **Victoria**

The Department of Health and Human Services has engaged James C Smith & Associates to trial the Compliance Assessment Guide and supporting material (Enforcement framework and an on-line food risk tool) to seven councils for six months (April – September). The outcome sought from the trial is recommendations on the best way forward of implementing a fully risk based food premises assessment system in Victoria.

### **Western Australia**

Guidance materials will be released shortly on implementing Chapter 4 Standards of the Food Standards Code. The Department of Health WA, local government and the WA Mobile Food Vendors Association are working on solutions to improve consistency in the administration and monitoring of temporary and mobile food businesses in WA.

### **Commonwealth and FSANZ**

OzFoodNet continues to investigate outbreaks of salmonellosis associated with the consumption of raw or minimally cooked eggs. 2015 saw the highest number of salmonellosis notifications on record. OzFoodNet's epidemiological investigations of two multi-jurisdictional outbreaks continue. The Salmonella Anatum outbreak, associated with the consumption of pre-packaged mixed salad products that were subject to a consumer and trade recall, currently has 266 cases (comprised of 167 cases confirmed by genetic sequencing and 99 probable cases pending sequencing). The number of confirmed cases associated with the S. Saintpaul outbreak is 127 cases. OzFoodNet is conducting an analytical study to determine the possible source of the S. Saintpaul outbreak.

The revised version of the Food Standards Code commenced on 1 March 2016. The revised Chapters 1 and 2 of the Code make substantial improvements to the clarity of requirements. The review of *Safe Food Australia* is continuing.