

ACTIONS FOR FOOD REGULATORS FOR GENERATING COMPLIANCE

Regulated parties have an obligation to understand and comply with all regulatory requirements. Food regulators carry out many activities to assist and encourage regulated parties to understand and comply with regulatory requirements. The actions that may be used by food regulators to generate compliance are described below.

Being transparent

A co-ordinated, transparent and accountable system provides a foundation to support compliance. A transparent system with clear communication establishes the expectations for regulated parties about the broader consequences of non-compliance (e.g. people getting sick or closure of a business) and how non-compliance will be addressed by food regulators.

When regulated parties feel genuinely involved in the system there is an increased likelihood of voluntary compliance with requirements.

Food regulators at all levels of government will establish networks and different methods for regulated parties and other key stakeholders to share information and provide input on key developments that will impact on them.

Building relationships

Building relationships between food regulators and regulated parties at a bi-national, national, jurisdictional and local level and involving regulated parties during policy and regulatory development facilitates the engagement of regulated parties in the system. Strong engagement increases the likelihood that regulated parties will understand and comply with requirements, be familiar with proposed new requirements and contact food regulators with questions or issues.

Local government Environmental Health Officers (EHOs) play an important role in informing and educating regulated parties of their requirements, the reasons for the requirements, the range of consequences of not complying with the requirements and supporting regulated parties to strengthen their capacity. Food regulators, including EHOs, provide a key role in educating regulated parties about the importance of food safety culture and good business culture and supporting improvements in culture over time.

Provide information and education tools

Food regulators provide information to regulated parties and other stakeholders to explain new requirements or arrangements such as legislation, initiatives, policies or procedures. Food regulators may also provide information to clarify existing requirements or arrangements. Where information and education initiatives are focussed on clarifying existing requirements, the topics covered will focus on known or potential areas of non-compliance. These known or potential areas of non-compliance may be identified from monitoring activities (see Appendix 3 – Actions for Food Regulators for Monitoring and Assessing Compliance) or responding to non-compliance (see Appendix 4 – Actions for Food Regulators for Responding to Non-Compliance).

Information and education tools will be chosen based on the information to be shared, the nature of regulated parties or other stakeholders that are impacted, previous or existing initiatives to share information on the topic, the level of awareness of the topic and other factors. Some commonly employed information and educational tools include:

- Provision of legislation.
- Guidelines.
- Fact sheets.
- Posters, pamphlets, stickers, magnets with simple key messages.
- Videos or animations.
- Online training material.
- Information on website.
- Newsletters.
- Holding workshops, webinars, discussion forums or other meetings.
- Food regulators (e.g. Local Government EHOs) working closely with regulated parties to educate them about requirements, the reasons for those requirements and the broader consequences of not meeting those requirements.
- Awareness campaigns (e.g. via social media).
- Promoting the benefits of complying with legislation and highlighting the potential consequences of not complying with legislation.

All of these education and information tools should be readily accessible to regulated parties. Regulated parties should be able to readily locate the information on the relevant website, or know how to contact a food regulator to obtain information. Food regulators should look for opportunities to promote or distribute information to regulated parties and third parties (e.g. market organisers). Information and education tools should be easy to understand, meet publication accessibility requirements to assist people with disabilities and be appropriate for those of culturally and linguistically diverse backgrounds.

Provide incentives to encourage compliance

Compliance incentives can be an effective tool to encourage voluntary compliance and a range of initiatives may be put in place by food regulators. Tools that enable regulated parties to undertake a self-assessment of their compliance status are developed by some food regulators and can support a positive culture of regulated parties regularly assessing their knowledge or requirements and revisiting their compliance.

Some examples of compliance incentives include:

- Reduction in frequency of audits for food businesses achieving good compliance and increasing the frequency for poor compliance.
- Lower fees for food businesses achieving good compliance.
- Scores on doors or other similar rating systems showing the inspection record of a food business.
- Public register of prosecutions that notify the public of non-compliance issues.

The Integrated Model for Standards Development

The Integrated Model was developed by the Implementation Subcommittee for Food Regulation (ISFR) (originally for Primary Production and Processing Standards) to assist in facilitating a nationally consistent approach to the implementation and enforcement of Standards, provide the tools to assist business to achieve compliance with Standards and provide constructive implementation and enforcement advice to Food Standards Australia New Zealand (FSANZ).

The Integrated Model describes a holistic approach to compliance that promotes greater collaboration between FSANZ and ISFR during Standards development, engages jurisdictions and industry earlier in the Standards development process; and ensures that consideration is given to the implementation of proposed Standards prior to the Australia and New Zealand Ministerial Forum on Food Regulation's approval.

This approach focuses on investing resources 'up-front' to ensure that industry is well briefed on regulator expectations and to ensure that regulators have a shared understanding of how the Standard should be implemented. The expectation is that this reduces the risk of non-compliance (because industry is clear about regulator expectations).