**SUMMARY OF OUTCOMES FOR LOCAL GOVERNMENT**

**From the Australia and New Zealand**

**Implementation Subcommittee for Food Regulation**

**(ISFR)**

**ISFR15, 13-14 March 2019**

# 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, monitoring and enforcing food regulation. ISFR’s role applies equally to imported, exported and domestically produced food.

[ISFR members](http://www.health.gov.au/internet/main/publishing.nsf/Content/foodsecretariat-isc-membership-of-the-implementation-sub-committee) 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 ISFR15

ISFR15 was held in Canberra, Australia on 13 and 14 March 2019. A summary of key items of interest is provided.

### ISFR activities supporting Australia’s Foodborne Illness Reduction Strategy 2018-2021+

Implementation of Australia’s Foodborne Illness Reduction Strategy (2018-2021+) (the Strategy) is now well underway. ISFR discussed several projects that are supporting the Strategy.

Enhancing food safety culture is an overarching focus area of the Strategy with the potential to affect positive change on food safety behaviour and management of food safety risks. The program of work to enhance food safety culture is an important area of investment in 2019. This will involve a partnership across food regulators at all levels of government, industry and potentially food safety researchers.

#### *Food Safety Culture and raw or lightly-cooked egg foods - Pilot*

Some jurisdictions have developed tools to gauge food safety culture within a food business. Complementary tools are now being developed for specific sectors and will be trialled in 2019. A pilot to assess possible measures to enhance food safety culture in food service businesses will be conducted in 2019 using an assessment tool and suite of supporting material, involving local government Environmental Health Officers (EHOs) in several jurisdictions. The outcomes may provide an insight into what effectively impacts food safety behavior and help refine these tools for broader use.

### 25th Australian Total Diet Study

The 25th Australian Total Diet Study (ATDS) was undertaken as part of ISFR’s Coordinated Food Survey Plan. The study investigates concentrations of a range of substances in a broad range of Australian food and beverages. The findings are used to estimate the dietary exposure to these substances, for the general Australian population, and population sub-groups.

The 25th ATDS investigated levels of agricultural and veterinary chemicals, and metal contaminants arsenic, cadmium, lead and mercury in a broad range of foods. The 25th ATDS report will be published shortly on the Food Standards Australia New Zealand (FSANZ) website.

### Survey of mandatory folic acid fortification of wheat flour for bread making

A mandatory folic acid fortification of wheat flour for bread making survey was undertaken as part of ISFR’s Coordinated Food Survey Plan. The objective of this survey was to assess compliance of Australian flour mills with the folic acid fortification requirements specified in Standard 2.1.1 – Cereal and cereal products. The conduct of the survey was consistent with the ISFR *Mandatory Fortification Compliance and Enforcement Model* and was a follow-up to an earlier survey conducted in 2010-2011.

Wheat flour for bread-making was sampled from the mills during production and analysed for folic acid content. The quality assurance arrangements of each mill were also assessed via a questionnaire. There was a high level of compliance with Standard 2.1.1, providing evidence that Australian flour mills are successfully implementing in-process controls to achieve the prescribed concentration of folic acid in wheat flour for bread making.

The survey will be published shortly on the FSANZ website.

## Local Government activities and Jurisdiction Reports

Key matters which may be of interest to local government:

### Australian Capital Territory

Australian Capital Territory (ACT) Health launched the Mobile-Food Business Fit-Out Guide in November 2018 on the ACT Health website.

The continued growth of events in the ACT and staff turnover continues to impact on regulatory resources.

### New South Wales

Recent activity with local government includes:

* A performance audit on *Monitoring food safety in retail food businesses* was undertaken by the NSW Audit Office.
* Several projects are underway to address matters discussed in the review process. An update is below:
* Re-appointment of all enforcement agencies under the *Food Act 2003* through the development of new Instruments of Appointment, related protocols and advisory guidelines. These include guidance on inspection frequency and temporary and mobile food businesses. This work has been completed and the re-appointments were issued in December 2017, and have now taken effect (1 July 2018). No implementation concerns have been raised with the Food Authority by affected Councils.
* Establishing a single electronic platform for retail food inspections to be recorded. The system will allow a ‘real time’ assessment of the progress and quality of inspections and negates the need for the enforcement agency to separately submit data on enforcement activities each year. Consultation with all key stakeholders has been finalised and a proposed wireframe for the system has been produced as a result. Further engagement with councils is proposed for 2019. The Food Authority is developing policy surrounding the introduction and use of the system. Procurement for a service provider to build the platform is underway. It is anticipated that the platform will be in existence from 2019-20.
* The establishment of an improved training delivery program, including an online component: work has been progressed to enhance the current training provided to local government. NSW Department of Primary Industries (NSW DPI) colleagues are assisting in the development of online training capability as it relates to the *Food Act 2003* for authorised officers. We expect a roll out of the training through 2019.
* EHO training for 2018-19 is ongoing and is designed to help officers assess, enforce and secure improvements in retail and food service businesses. This is being delivered across more than 40 training events, and more recently in an online mode. Webinars of food safety training have been trialled and proved to be successful. EHOs have access to training material on demand, accessible via the Food Regulation Partnership (FRP) portal. The aim of flexible training delivery is to increase access and participation in EHO training.
* The Food Regulation Forum (the Forum) meets 3 times per year and comprises the NSW Food Authority and key local government stakeholders (Local Government NSW, Environmental Health Australia, Development and Environmental Professionals’ Association, Local Government Professionals’ Association). It oversees direction of the FRP. The current Forum was appointed in early 2018 and first met in Camden, NSW, in November 2018.
* NSW Food Authority will work with local councils in implementing a *Campylobacter* reduction program at food retail level. A program of information, training and implementation of key tasks is currently being developed. The work will continue throughout 2019. This work is linked to the Strategy. EHOs are being asked to identify high risk (for *Campylobacter*) foods at retail premises, and then ask a series of questions and assess skills and knowledge relating to cleaning and sanitizing, cross contamination and food storage.
* The new local council appointments for 2018 were implemented on 1 July 2018. One main aspect of the enhancements to the FRP is that home-based businesses selling direct to the end consumer are defined as retail businesses and fall under local council authority. The Food Authority has prepared a list of notified food businesses it holds for each individual council area. Relevant food businesses have been informed of the change. No concerns have been raised by councils.
* Retail & Food Service Information Sessions (Retail meetings) are held on the same day prior to Forum meetings where the Forum members meet with representatives of the retail food sector and EHOs to facilitate discussions on current regulatory issues. Since the last report, two sessions have been held: at Ballina in July 2018 and in Camden in November 2018. At the Ballina meeting, 31 local food businesses attended. At the Camden meeting, 55 local food businesses attended. Highlights of the sessions included:
* Great support from Councils – a collaborative effort to provide an engaging session to the community.
* Information provided to attendees on the FRP.
* Updates on foodborne illness and strategies in place to address it.
* Information on Scores on Doors in the local community (Ballina).
* Promotion of the work being undertaken by Camden Council to support businesses in a high growth area.
* An allergen presentation was delivered by Allergy and Anaphylaxis Australia (Camden). This focused on the importance of declaring allergens to consumers at retail level. The presentation was highly engaging, informative and very useful to attendees.
* The Food Authority collects data from food enforcement agencies throughout NSW each year. Key findings for 2017-18 were:
* Councils completed 62,571 inspections across the retail food service sector;
* A total of 93% of the high and medium risk food inspections were completed;
* Retail business compliance remains high at 95% and less than 2% are listed on the ‘name and shame’ register;
* 43% of retail businesses received 5 stars. Only 15% of businesses received no stars.
* 5,387 food complaints were investigated, primarily in the categories of hygiene and handling (30%), foodborne illness (18%) and food quality (10%). Councils issued just under 12,000 warning letters, 1836 improvement notices and 1839 penalty infringement notices. There were 18 food-related prosecutions.
* The data for 2018-19 has been requested with a deadline for submission of 28 July 2019.

### South Australia

* In August 2018, there was an increase in *Salmonella* Oranienberg notifications (18 cases) where epidemiological investigation and retail testing conducted by SA Health linked the cases to alfalfa sprouts. An emergency order under the *Food Act 2001* was issued to the seed sprouter directing them to cease selling and to recall product. SA Health released a media statement to inform the public of the outbreak.
* The seed sprouter is regulated by Primary Industries and Regions South Australia (PIRSA). Investigation at the seed sprouter has not identified the cause of contamination.
* SA Health and PIRSA worked with the business to improve processes and the order was lifted in September 2018 after four consecutive production runs tested as negative for Salmonella.
* PIRSA assisted with revision of decontaminated procedures and seed testing. A verification program was implemented, where spent irrigation water was tested.
* In September 2018, SA was involved in the national incident concerning the deliberate tampering of strawberries with needles. 25 reports of deliberate tampering were received overall in relation to strawberries, other fresh produce and even non-horticulture products. SA Health worked closely with SA Police and PIRSA.
* SA Health managed a voluntary consumer level food recall by a South Australian company to address undeclared tree nuts (pistachios) in two baklava products. This was a result of receiving a complaint about a consumer suffering a mild allergic reaction to pistachios after eating almond baklava with pistachios as a garnish, but with no declaration on the label.
* During December 2018, SA Health assisted in the management of a voluntary consumer level food recall of nine product lines from Charlesworth Nuts as a result of metal found in an ingredient (dried diced apricots). The ingredient was traced to a South Australian supplier and investigation verified the equipment used to dice the dried apricots was not fit for purpose. SA Health prohibited the use of the equipment before forwarding the matter to the local council to monitor.
* Allergens have been emerging for some years as a significant food safety concern. SA Health intends to commit resources to educate food businesses, regulators and consumers about managing allergens in packaged and unpackaged (e.g. restaurant meals) foods.

### Queensland

* The Department of Health continues to work with local government to administer and enforce the requirements of the *Food Act 2006 and the Australia New Zealand Food Standards Code*. The Department has completed the report regarding local government activities under the *Food Act 2006* for 2017-18. This report is publicly available on the Queensland Health website.

### ****Tasmania****

* Minor amendments to the *Food Act 2003* are being progressed by the Department of Health, with one of the outcomes being to enable statewide notification of mobile food businesses. This will harmonise with the existing provisions for statewide registration.
* A project officer has recently been appointed to develop an allergen management program for businesses in Tasmania. The officer will be engaging with EHOs as part of this project during the remainder of 2019.

### New Zealand

* As the end of the transition period for Food Act Implementation draws closer, NZ Ministry for Primary Industries (MPI) is currently undertaking a ‘health check’ audit of all Territorial Authorities (TAs) in NZ. The audit is designed to gauge how effectively TAs are delivering the required services under the Food Act. The audits are due to be completed in April 2019 and a report summarising the findings will be provided.
* The structure of the Local Government Liaison team has been changed to reflect the customer journey and to create areas of specialty. The roles are now titled Local Government Liaison – new businesses, Local Government Liaison – registration and compliance and Local Government Liaison – recognised agencies and persons.

### ****Victoria****

* Department of Health and Human Services continues to work with local government to administer and enforce the requirements of the *Victorian Food Act 1984* and the *Australia New Zealand Food Standards Code*. The department has conducted a number of meetings with local government managers to progress the Food Safety Assessment (Risk Inspection) Project.

### ****Food Standards Australia New Zealand****

* FSANZ reported it continues to progress Proposal P1024 to investigate the regulation of novel foods and nutritive substances in the *Australia New Zealand Food Standards Code*. A number of issues go beyond the primary reason for preparing the Proposal; therefore in order to consider these issues FSANZ has now adopted a two stage approach. Stage 1 (2019) will address what FSANZ can undertake and develop within the existing legislative framework. Stage 2 will seek broader policy reforms to enable endorsement of a set of reform principles.
* FSANZ also provided an update on work regarding P1049 – Carbohydrate and sugar claims on alcoholic beverages and P1050 – Pregnancy warning labels on alcoholic beverages. There was also an update of the modernization work that FSANZ is carrying out in conjunction with FRSC to complement the work occurring under food regulatory system priority 3, maintaining a strong, robust and agile food regulation system.