



Food for Thought

A publication prepared by the Food Unit Department of Health WA

Issue 19, autumn 2015

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Review of Food Act 2008 (WA) and Food Regulations 2009 (WA)

The Food Unit has commenced work on a project to review the *Food Act 2008 (WA)* (the Food Act) and the *Food Regulations 2009 (WA)* (the Food Regulations).

Section 146 of the Food Act requires that, “the Minister must carry out a review of the operation and effectiveness of this Act as soon as practicable after the fifth anniversary of the commencement of this section” (the Food Act came into operation on 23 October 2009) and “the Minister must prepare a report based on the review and, as soon as practicable after the report is prepared, must cause it to be laid before each House of Parliament.” This review is intended to fulfil the requirements of S146.

The review will:

- Examine and report on the operation and effectiveness of the Food Act;
- Examine and report on the operation and effectiveness of the Regulations made under Section 144 of the Food Act;
- Make recommendations on amendments to the Food Act and the Regulations, if necessary, based on best practice in other states and territories in Australia and on the results of stakeholder consultation;
- Consider measures that will strengthen existing legislation in order to ensure the objects of the Food Act, as set out in Section 3, are met.

The Project will use the following methodology:

- The WA Food Alliance Working Group will be reconvened in order to assist in the preparation of the discussion paper;

- Research implementation issues and relevant comments collected to date;
- Liaise with relevant State Government departments;
- Preparation of a Food Act review discussion paper;
- Release of the discussion paper, to be publicised by the Department of Health, with details of how stakeholders can participate in the review;
- Circulation and distribution of the discussion paper by the Department of Health with an invitation to key stakeholders to provide comments;
- Targeted State wide presentations, based on reasonable requests, to explain and generate interest in the discussion paper;
- Collection and analysis of submissions received by the Department of Health and report on the outcomes of the consultation;
- Preparation of a review report incorporating information on the effectiveness of the current Food Act and Food Regulations, a summary of the consultation process and themes arising from the submissions, analysis of current Australian best practice and recommendations on action that could be taken to improve the operation and effectiveness of the Food Act and the Food Regulations; and
- Submission of the review report to Parliament by the Minister for Health.

It is anticipated that the discussion paper will be released by late April 2015 with presentations starting soon thereafter.

The project is being managed by John Hardy who can be contacted on 9388 4909 or john.hardy@health.wa.gov.au

Hemp

The Food Unit recently received advice that Hemp seeds were available for sale from various metropolitan food and health food shops. In addition, a food business has added hemp to their smoothies, not aware that this was not permitted.

An application for approval to use low THC (tetrahydrocannabinol – the chemical responsible for most of the psychological effects of cannabis) hemp as food was received by Food Standards Australia New Zealand. However, this application was ultimately rejected by the Australia New Zealand Forum on Food Regulation at its meeting on 30 January this year.

Therefore, the current prohibition of hemp being added to food or offered for sale as food still applies. Clause 1 (1) of Standard 1.4.4 of the Australia New Zealand Food Standards Code (the Code) regulates prohibited and restricted plants and fungi added to food or offered for sale as food, and hemp is listed under Schedule 1 as a prohibited plant or fungi. See the following link for a copy of Standard 1.4.4 - <http://www.comlaw.gov.au/Details/F2015C00053>

An invitation to nominate for membership of the WA Food Alliance Working Group

Interested Local Government Officers working in the area of food safety are invited to nominate for membership of the Western Australian Food Alliance Working Group (FAWG).

What is the WA Food Alliance Working Group?

The FAWG is composed of representatives from the Food Unit, Western Australian Local Government Association (WALGA), Environmental Health Australia (EHA), regional Local Governments and metropolitan Local Governments.

Its primary purpose is to guide the consistent and practical administration of the *Food Act 2008* (WA) (the Food Act) and its subsidiary legislation. It also seeks to:

- Present the views, concerns and recommendations of local government enforcement officers in relation to food administration;
- Provide the first review of Department of Health Draft Policy and guidelines intended for local government use; and
- Act as a food legislation reference group for local government.

Why is FAWG being reconvened?

FAWG last met on 30 January 2012 and is being reconvened to provide input into the Department of Health Project to review the Food Act as required by section 146 of the Food Act. It is anticipated that FAWG will meet during the week commencing 13 April 2015. It is anticipated that FAWG will meet quarterly.

Why are nominations being sought?

Since FAWG last met and many of the members are no longer working for the same organisations or in Food Safety related functions. It was decided to take this opportunity to refresh the group by calling for nominations from regional and metropolitan local government officers.

How do I nominate for Membership of FAWG?

Send an email to john.hardy@health.wa.gov.au detailing your experience in food safety enforcement and management and interest in membership of this working group **by COB 20 March 2015**.

Officers from regional Local Governments are encouraged to nominate: We have access to video and teleconferencing facilities to facilitate regional participation.

We look forward to receiving your nominations

Review of the WA Food Safety Auditing Management Framework (Part 8 of the Food Act 2008)

The Food Unit has started work on a project to review the WA Food Safety Auditing Management Framework (the framework). This project will run beside the project to review the *Food Act 2008* (WA) (the Food Act) and report into it. However, it will go further by implementing much needed administrative changes to improve the framework by the end of September 2015.

Why do a detailed review of the WA Food Safety Audit Management Framework?

The Department of Health recognises that the overall aim of the framework is to ensure the integrity of the assessed food safety programs and conformance with the Food Safety Standards. More particularly the overall aim of approving Food Safety Auditors is the generation and maintenance of public confidence and trust that the food they eat is safe.

The framework has been in operation for almost four years now and it has become apparent that it has a number of shortcomings, which can be improved significantly by making some administrative changes. These changes will benefit and reassure all stakeholders including the general public, food businesses, food safety auditors, local governments and the Department of Health.

As these changes are largely administrative the Food Unit has determined that it would be better to implement any necessary changes in the short term, rather than waiting for the outcome of the Food Act review.

What is the WA Food Safety Audit Management Framework?

Under the provisions of the Food Act and adopted Food Safety Standards, food businesses that serve food to vulnerable persons (including private and public hospitals, child care centres and aged care facilities) and dairy primary production, transport and processing businesses are required to control their potential hazards by implementing a documented Food Safety Program (FSP) and by having the FSP audited by an approved regulatory food safety auditor. Part 8 of the Food Act provides the regulatory requirements for ensuring the proper administration of the auditing of FSPs.

The framework consists of Part 8 of the Food Act and all of the administrative policies, procedures and documents that are in place to ensure the effective administration of Part 8 of the Food Act.

The framework deals with the management of the regulatory food safety audit process, including how the Department of Health manages consistency in and the integrity of, regulatory food safety auditing performed by approved regulatory food safety auditors in accordance with part 8 of the Food Act. More specifically it covers:

- approval of food safety auditors,
- requirements for food safety auditors to declare interests,
- the duty of proprietors of captured food businesses to prepare, implement, maintain and monitor a FSP and to have it audited by an approved food safety auditor,
- duties of food safety auditors,
- food safety auditor reporting requirements,
- determination and redetermination of frequency of auditing,
- issue of certificates of authority to approved food safety auditors, and
- maintenance of a publically available list of approved regulatory food safety auditors.

The documents that make up the framework are available on the [Public Health website](#).

What will the Review Project do?

The review will:

- Review the existing framework including administrative and regulatory arrangements to ensure system optimum efficacy and efficiency;
- Report on review findings and recommend improvements to the framework to ensure its integrity, efficiency and efficacy;
- Examine whether the Food Act's definition of 'food safety program' should be expanded to include food safety statements and approved arrangements or narrowed: including the development of a policy position for managing food businesses subject to these new arrangements;
- Develop an implementation plan for improvements to the framework;
- Implement the planned improvements; and
- Review the newly implemented framework 6 months after implementation.

The Project will use the following methodology:

- Research how other states have implemented their audit management systems;
- Recall the Western Australian Regulatory Food Safety Auditing Framework Consultative Committee;
- Integrate a survey of key stakeholders regarding the framework into the Project: Food Act Review 2014;
- Utilise AS 17024:2013 requirements, in the form of a check list, to identify changes needed to ensure the integrity of the system;
- Prepare review report with recommendations;
- Prepare, implement and review an improvement implementation plan

It is anticipated that a survey of stakeholders on the operation of the framework will be circulated by the end of March 2015.

Principal Environmental Health Officers/ Local Government Authorities will be contacted shortly with a request to provide the contact details of affected Food businesses in their jurisdiction (Private Hospitals, Day Care Centres and Aged Care Centres). This will enable the circulation of the survey to all stakeholders. Your cooperation will be gratefully appreciated.

Need further information?

John Hardy is the Manager of this project, please direct any enquiries to him on (08) 9388 4909 or john.hardy@health.wa.gov.au

If you have any comments or suggestions, or would like to make a contribution to the next edition of the Food for Thought newsletter, please contact the Food Unit at foodunit@health.wa.gov.au or phone (08) 9388 4999.