



## State & Territory enforcement of the Food Safety Standards

### Chapter 3 (Australia only) Australia New Zealand Food Standards Code

*NOTE: The Food Safety Standards do not apply in New Zealand. The provisions of the food standards treaty between Australia and New Zealand do not include food hygiene standards.*

#### **Dates for the national introduction of the Food Safety Standards**

24 February **2001** - All provisions in Standards 3.1.1, 3.2.2 and 3.2.3 except for;

24 February **2002** - Notification requirement in Standard 3.2.2

24 February **2002** - Skills & knowledge requirements in Standard 3.2.2

**However, the standards do not come fully into force until State and Territory food laws are amended to enact the standards in each jurisdiction.**

*NOTE:* The dates for the implementation of Standard 3.2.1 *Food Safety Programs* will be determined by the States and Territories that decide to adopt this model standard.

*The situation in each State and Territory is outlined below. The information that follows was correct when this fact sheet was published at the end of March 2001. States, and then the Territories, are listed in alphabetical order.*

#### **New South Wales**

The New South Wales Department of Health has drafted a regulation under the Food Act 1989 to replace the existing Food (General) Regulation, 1997 with the national Food Safety Standards. It is anticipated that this new regulation will be published in the NSW government gazette in the near future. It will come into force from the gazettal date. The regulation will mean that Standard 3.1.1 *Interpretation and Application*, Standard 3.2.2 *Food Safety Practices and General Requirements* and Standard 3.2.3 *Food Premises and Equipment* will be adopted by reference in NSW.

The NSW Government is committed to a process of consultation with the food industry and consumers on the implementation of these new food safety initiatives. The food safety program requirements contained in Standard 3.2.1 *Food Safety Programs* will only be introduced where they are justified by the assessed risk of the food business, and will be subject to a regulatory impact process. Initially, the Government intends to proceed with risk assessments in high risk sectors. Where mandatory food safety programs are required for industry sectors there will be sufficient time for the implementation of the requirements.

In the primary produce meat and dairy sectors, food safety programs have been introduced already through the regulatory industry food safety schemes administered by Safe Food Production NSW. Schemes yet to be implemented will include the seafood and plant products sectors, down to the retail level.

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## Queensland

Queensland Health undertook consultation on the implementation of the Food Safety Standards at the end of 2000. An amendment to the *Food Hygiene Regulation 1989* is being proposed in order for the three mandatory standards (Standards 3.1.1, 3.2.2 and 3.2.3) to become law in the state. This amendment would replace Parts 2 to 9 of the current regulation with the standards.

Queensland Health is expected to put this amendment forward for government consideration, and the standards are expected to commence on 1 July 2001. The notification and food handler skills and knowledge requirements will not become enforceable until 24 February 2002, at the earliest.

Standard 3.2.1 *Food Safety Programs* will not be introduced as a mandatory standard in Queensland at this stage. Before Queensland decides on any mandatory requirement for food safety programs, Queensland Health will conduct trials of food safety programs, in association with industry associations, to consider the costs and benefits of these programs and any implementation issues.

Queensland Health is running an extensive statewide education program on the Food Safety Standards. This includes 28 workshops, during March and April. These workshops are being run for the food industry and for the local government and environmental health officers responsible for regulating the standards.

## **South Australia**

South Australia undertook statewide consultation on a new Food Act and the Food Safety Standards towards the end of 2000. A new Act will be required to provide for proper administration of the standards, and the Government is now in the process of finalising legislation for presentation to Parliament. It is aiming to introduce the new Food Act as soon as possible, and hopes to have the Act in place by January 2002.

It is anticipated that Standard 3.2.2 *Food Safety Practices and General Requirements* and Standard 3.2.3 *Food Premises and Equipment* will become enforceable six months after the enactment of the new Food Act, and that the notification and skills and knowledge provisions of Standard 3.2.2 *Food Safety Practices and General Requirements* will come into force 18 months after the enactment date.

Industry and other stakeholders will receive advice on the timing for the commencement of the Food Safety Standards when this has been confirmed.

## Tasmania

Minor legislative amendments should allow Tasmania to apply Standard 3.1.1 *Interpretation and Application*, Standard 3.2.2 *Food Safety Practices and General Requirements* and Standard 3.2.3 *Food Premises and Equipment* by June 2001. These three Food Safety Standards will replace the current Public Health Food Hygiene Guidelines 1998.

Tasmania has decided to defer adoption of Standard 3.2.1 *Food Safety Programs* pending the results of the Commonwealth research into the incidence of food-borne illness and the cost-effectiveness of introducing food safety programs.

The Department of Health and Human Services has already distributed information about the adoption of the new standards. Further information will be sent out as the adoption date approaches and the department held seminars during March for local council Environmental Health Officers. The seminars included information on the phase-in of the new requirements relating to food handling skills and knowledge and the food business notification provisions.

While the skills and knowledge and notification requirements will be new to some businesses, compliance with these provisions will not be required until 2002. This should provide ample time for all Tasmanian food businesses to meet the new requirements. This is particularly so as the current provisions of the Tasmanian Food Hygiene Guidelines are quite similar to the provisions of the new standards.

## Victoria

Victoria proposes to amend the Victorian Food Act 1984 in the autumn 2001 session of Parliament to incorporate the core provisions of the Model Food Act and to facilitate the enforcement of Standard 3.1.1 *Interpretation and Application*, Standard 3.2.2 *Food Safety Practices and General Requirements* and Standard 3.2.3 *Food Premises and Equipment*.

Following consultation with the food industry and other stakeholders, planned new measures for food businesses include the introduction of a two-tier system for food safety programs. Third party auditing will be required for Class A businesses. All other businesses will have a choice between using the third party audit system or a registered template that will be subject to a compliance check by local government.

Registered food safety program templates will also help food businesses to comply with Standard 3.2.2 *Food Safety Practices and General Requirements*.

The Department of Human Services intends to convene a Food Safety Program Template Committee to provide a framework that will assist industry associations with the development of templates and provide an appropriate mechanism for template assessment, registration and review.

## Western Australia

Western Australia is adopting a cautious and consultative approach in relation to a range of food legislation reforms that include the new Food Safety Standards. To address these changes, the Health Department of Western Australia has convened a small working group. It includes representation from local government, the Australian Institute of Environmental Health and industry. This group is reviewing the new requirements through a series of meetings that will permit wide consultation with relevant stakeholders.

Also, the Health Department recognises that the Food Safety Standards rely on the adoption of the Model Food Act for their proper administration and that this Act will not be introduced until later in 2001. The Food Safety Standards should be fully operational in early 2002. A position will be established in this regard, and stakeholders will be advised prior to that date.

Western Australia is hoping to achieve a composite result that draws on the proposed new legislation and what is best in the existing requirements. The working group will also address strategies to implement the new requirements and provide some form of orientation or training to local government Environmental Health Officers and other interested groups.

## **ACT**

Major amendments to the ACT *Food Act 1992* will be needed to adopt the Food Safety Standards in the ACT. These amendments should be introduced into the Legislative Assembly in early August 2001. They are in line with the national Model Food Act approved by Australian Premiers and Chief Ministers in November 2000. The intention is to replace the current *Food Regulations 1994* with the three new mandatory Food Safety Standards.

An ACT Food Regulatory Group has been formed and tasked with ensuring that the implementation of the Food Safety Standards in the ACT is a smooth process.

The ACT Department of Health, Housing and Community Care has already sent information to food businesses on a number of changes associated with the national food regulatory reforms, including the adoption of the Food Safety Standards.

Environmental Health Officers will begin assisting businesses with the implementation process in early May, and the implementation of the standards should be completed by November 2001. Seminars on the Food Safety Standards are planned for May, July and September (depending on demand). The seminars will cover issues related to the introduction of the new standards, including the differences from the current requirements. The provisions of both are quite similar.

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The ACT has decided to defer adoption of Standard 3.2.1 *Food Safety Programs* pending the results of Commonwealth research into the incidence of food-borne illness and the cost-effectiveness of introducing food safety programs.

## Northern Territory

In the Northern Territory, work is currently underway to adopt the *Model Food Act* in accordance with the November 2000 agreement by the Council of Australian Government (COAG). The first stage of this work will include consultation with key stakeholders to ensure that the provisions and legislation meet the unique needs of the Northern Territory.

Meanwhile, Standard 3.1.1 *Interpretation and Application*, Standard 3.2.2 *Food Safety Practices and General Requirements* and Standard 3.2.3 *Food Premises and Equipment* are being promoted widely ahead of their implementation, which will coincide with the adoption of the Model Food Act. The adoption of the model food legislation should be complete by July 2001.

Standard 3.2.1 *Food Safety Programs* does not apply unless a State or Territory government requires food businesses or classes of food business to have food safety programs. Food Safety Programs are not required in the Northern Territory.

A communication strategy has been developed to support the introduction of the standards. A Territory Health Services Environmental Health Program Newsletter will keep stakeholders informed about the reform process. The first edition has been widely circulated. A series of Frequently Asked Questions will be prepared to address issues that are often raised with Environmental Health Officers. Local seminars, in each of the main regional centres, are planned for the second half of 2001.

## Need more information?

Copies of the standards, the guides to these and other fact sheets and supporting material can be found on the ANZFA website ([www.anzfa.gov.au](http://www.anzfa.gov.au)).

As the standards come into force in each State and Territory, food businesses will also be able to seek advice directly from the Environmental Health Officers at their local council, or from their State or Territory health or health services department and Public Health Units.

Contact details for State and Territory health departments and local councils are included in a separate fact sheet *Food Safety Standards — Sources of information & advice*

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