Food safety programs

From 1 July 2008, the following food businesses are required under the Food Act 2006 to have a food safety program that is accredited with the local government that issued the food business licence:

- private hospitals
- food businesses that involve off-site catering
- food businesses for which the primary activity of the food business is on-site catering at the premises stated in the licence
- food businesses for which the primary activity of the food business is on-site catering at part of the premises stated in the licence.

The Food Regulation 2006 has been amended to ensure only large-scale catering operations are required to have a food safety program. That is, in the situation where on-site catering is the primary activity at part of the premises, only businesses using a section of their food business for catering to 200 or more people on 12 or more occasions per year are required to have a food safety program.

For example, food businesses that would be considered as having on-site catering at part of the premises and would require a food safety program may include:

- large hotels or clubs with a function room that cater to 200 or more persons on 12 or more occasions per year
- restaurants, cafes or similar that provide a predetermined type of food, at a predetermined time and cost for a predetermined number of persons to 200 or more people on 12 or more occasions per year.

The amendment to the Food Regulation 2006 is an interim measure until the gazettal of a National Standard on food safety programs for catering operations.
Standard 3.3.1 – Food Safety Programs for Food Service to Vulnerable Persons

The Food Act 2006 (the Act) is drafted so that any Standard gazetted under the Australia New Zealand Food Standards Code is automatically adopted within the Act (section 14(2)(a)) with the exception of those sections identified in section 14(2)(b), including Standard 3.2.1 – Food Safety Programs.

When the Act was drafted, Standard 3.2.1 was excluded as Chapter 4 of the Act covers the provisions of the Standard. At the time of drafting the Act, it was expected that the application of food safety program requirements in industry sectors would be achieved through amendments to Standard 3.2.1. However, Food Standards Australia New Zealand who is responsible for drafting standards, instead developed a new standard that requires compliance with Standard 3.2.1.

The result is that Standard 3.3.1 – Food Service to Vulnerable Persons is automatically adopted within the Act, however Standard 3.3.1 requires businesses to comply with Standard 3.2.1 which is not in force in Queensland. Queensland food businesses are also faced with the issue that Standard 3.3.1 binds all persons including non-profit organisations and the Crown, whereas the Act provides these businesses with exemption from licensing, leading to potentially conflicting enforcement requirements.

As an interim measure to manage this issue, an amendment will be made to the Food Regulation 2006, which will see the requirement for a food safety program for businesses under Standard 3.3.1 commence no later than October 2009. Please note that this does not affect the requirement for private hospitals to have an accredited food safety program as per section 99 of the Act.

Food businesses serving vulnerable populations are encouraged to progress the development of a food safety program. Food businesses are able to voluntarily apply for accreditation from their local government prior to October 2009.

Equivalent administrative arrangements for State food businesses

All food businesses regardless of type (fixed, temporary, mobile or a not-for-profit organisation), have a fundamental responsibility to ensure the sale of safe and suitable food. The Food Act 2006 does not apply to State food businesses. Instead, Cabinet determined that all parts of Government involved in the sale of food, would ensure their food safety arrangements meet similar standards to their private sector counterparts. This is referred to as Equivalent Administrative Arrangements (EAA).

EAA applies to all State food businesses involved in the handling and sale of food based on a three-tiered system according to food safety risks. Tier 1 premises are considered low risk and tier 3 premises are considered to be high risk premises. As a result, tier 3 premises require higher food regulatory obligations compared to tier 1 and tier 2 premises, to minimise the risk of food-borne illness.

The aim of EAA is to ensure that all food sold from State food businesses is safe and suitable and to display a level of rigour in protecting public health comparable to that required of private food businesses.

While licensing does not apply to State food businesses, other requirements for licensable food businesses are mirrored within the EAA for corresponding State food businesses. However, it should be noted that if the government contracts a third party to provide food, the food business in that instance is not considered a State food business and is therefore subject to the requirements of the Food Act 2006.

Queensland Health will be progressing the implementation of the EAA framework for State food businesses in 2008/2009. Further advice will be provided as to the requirements for State food businesses and the compliance dates in due course.
Hot topics

Registers of mobile food vendors and approved auditors

The Food Act 2006 (the Act), requires Queensland Health to keep a publicly available register of licensed mobile food businesses and approved auditors. The purpose of the mobile food vendors’ register is to enable the public and local government to check the licence details of mobile food businesses. The purpose of the register of approved auditors is to enable food businesses and local governments to locate approved auditors to undertake audits of accredited food safety programs or to check auditors’ approval details.

The registers are live and will be available shortly via www.health.qld.gov.au/foodsafety. Alternatively, you may contact the Food Safety Policy and Regulation section directly to obtain details of approved auditors or mobile food vendors.

Accuracy in fish names and seafood labelling to improve

Major seafood consumer surveys conducted in Australia over the past two decades have identified accuracy in fish names and labelling as a major factor for people when purchasing seafood.

Seafood Services Australia has launched a scheme that will increase consumer confidence that they are getting what they are paying for when buying fish. The voluntary scheme provides seafood businesses with the capacity to achieve and demonstrate their compliance with the Australian Fish Names Standard AS SSA 5300, which prescribes standard fish names approved for use in Australia.

Fish Names Brand Scheme Licensees will display a recognised logo that will promote their use of correct fish names, so that their customers purchasing seafood or choosing from the restaurant menu can be confident they are getting the species they pay for. To apply for a scheme licence, visit the Seafood Services Australia website: www.seafood.net.au.

Seafood Services Australia (2008) Fish Names Brand Scheme, Seafood Services Australia, www.seafood.net.au/page/?pid=347#About_the_Scheme

Odd spot

Kopi Luwak is the most expensive coffee in the world – it comes from the faeces of the Asian Palm Civet (a cat sized mammal). These animals only eat the finest ripe coffee berries, and excrete the beans undigested. The coffee is extracted from the faeces and harvested for sale. Kopi Luwak is the most expensive coffee in the world, selling for between $120 and $600 USD per pound, and is sold mainly in Japan and United States, but it is increasingly becoming available elsewhere.

A food-borne illness outbreak linked to fresh tomatoes and jalapeno peppers affected at least 43 American states as well as the District of Columbia and Canada, since mid-April this year. The latest estimated onset date for persons suffering the outbreak strain was in late July, but since the outbreak began, at least 1,401 persons linked to the outbreak have been identified as suffering a particular strain of salmonellosis. It caused at least 267 people to be hospitalised, with the deaths of two elderly men suffering the outbreak strain, which may have contributed to their death.

After the first case-control study was conducted, clusters of infection were detected that were associated with specific restaurants and some fast food restaurants in the United States of America (USA) and Canada. The restaurants stopped serving tomatoes as a precautionary measure while investigations continued into the cause of the outbreak.

The overall outbreak investigation was complex and difficult. As a number of food items are commonly consumed together and because people often have difficulty remembering what food they consumed, studies could not determine which item(s) were responsible for causing the illnesses.

The epidemiological studies indicate that more than one food vehicle was involved in the outbreak. No one food item can explain the entire outbreak. At present, information indicates that jalapeno peppers and serrano peppers grown, harvested, or packed in Mexico are the cause of some clusters and are major food vehicles for the outbreak.

Health officials worked continuously since May to investigate the outbreak and the USA Center for Disease Control was utilised with over 200 additional staff and 39 people sent to the field. During one study, approximately 1,700 samples were collected to try to determine the cause of the outbreak and not a single sample returned a positive result for the perpetrating bacterial strain.

Salmonella or other bacterial contamination can occasionally occur from a variety of environmental sources. Unless the USA Food and Drug Administration can determine the cause of the contamination, losses of $40-$100 million worth of tomatoes have been estimated.

The Australian Quarantine Inspection Service (AQIS) has confirmed that Australia does not import fresh tomatoes from any sources linked to the USA salmonella outbreak. Our fresh tomatoes are imported from the Netherlands and New Zealand.

## Australia New Zealand Food Standards Code

- Food Standards Code
- Food Safety Programs

**Comment**

Standard 3.2.1 has been incorporated into the Food Act 2006 for the food safety program requirements for high risk areas.


## Food Act 2006

- Food Act 2006
- Food Act 2006 commenced on 1 July 2006.

- Food Safety Supervisors
- Food Safety Programs
- Approval of Auditors commenced 1 July 2007

**Comment**

The Food Act 2006 replaces the Food Act 1981 as the food legislation in Queensland. Some offences have been included in State Penalties Enforcement Regulation 2000 allowing PINS to be issued for certain breaches.

All food businesses are required to have a food safety supervisor within 30 days after the licence for the food business is issued and continue to have a food safety supervisor for the food business under the licence.

Defined food businesses are required to have a food safety program.


## Food Regulation 2006

- Food Regulation 2006
- Commenced on 1 July 2006

**Comment**

Requires the display of licence details at mobile premises.
Lists prescribed contaminants and prescribed food.

## Primary Produce

- Food Production (Safety) Act 2000
- Major provisions became law in Queensland as of 25 October 2000

**Comment**

Legislation that governs primary produce, for which a food safety scheme applies, enforced by Safe Food Production Queensland (SFPQ).

- Food Production (Safety) Regulation 2002
- Food Safety Schemes - Meat; Dairy; Eggs
- Became law 1 Jan 2003
- Became law 1 Jan 2005

For more information on the Food Safety Schemes, contact SFPQ on 1800 300 815 or visit www.safefood.qld.gov.au.
### Food Safety Resource

<table>
<thead>
<tr>
<th>Description</th>
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<tbody>
<tr>
<td><strong>Food industry fact sheet 20 – Food safety programs</strong></td>
</tr>
<tr>
<td>This fact sheet provides general information on food safety programs for</td>
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<tr>
<td>food businesses licensed under the <em>Food Act 2006</em>.</td>
</tr>
<tr>
<td><strong>Queensland Health food safety fact sheets</strong></td>
</tr>
<tr>
<td>All Queensland Health fact sheets have recently been updated to reflect</td>
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<tr>
<td>changes to the Queensland food legislation including the Australia New</td>
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<tr>
<td>Zealand Food Standards Code. These fact sheets cover a variety of topics</td>
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<tr>
<td>relating to legislative requirements, to assist food industry and consumers</td>
</tr>
<tr>
<td>in interpreting and applying the food legislation.</td>
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<tr>
<td><strong>Suspected intentional contamination of food – industry protocol</strong></td>
</tr>
<tr>
<td>The purpose of this protocol is to help food businesses identify and</td>
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<tr>
<td>respond to incidents of suspected intentional contamination of food. It</td>
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<tr>
<td>details:</td>
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<tr>
<td>- what is reasonable suspicion and how to form the belief reasonable</td>
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<tr>
<td>suspicion exists</td>
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<tr>
<td>- notifications</td>
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<tr>
<td>- investigation processes</td>
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<tr>
<td>- how to prevent intentional contamination.</td>
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<tr>
<td><strong>Environmental Health Officer guide – Food safety supervisors</strong></td>
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<tr>
<td>A food safety supervisor guideline for local government to assist in the</td>
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<td>administration of the <em>Food Act 2006</em>.</td>
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<td><strong>Food Standards Australia New Zealand (FSANZ) Assessment of 2005 Labels</strong></td>
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<td>for Key Mandatory Labelling Elements for Consistency against Labelling</td>
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<tr>
<td>Provisions (Phase 2 Report).</td>
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<tr>
<td>A FSANZ report on how manufacturers present key information on their food</td>
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<tr>
<td>labels. The report assesses how food manufacturers manage key labelling</td>
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<tr>
<td>requirements such as date marking, directions for use and storage and</td>
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<tr>
<td>nutrition information requirements, as set out in the Australia New Zealand</td>
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<tr>
<td>Food Standards Code (the Code) and how they present nutrition, health and</td>
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<tr>
<td>related claims on packaged food labels.</td>
</tr>
<tr>
<td><strong>Becoming a food safety auditor (to be released shortly)</strong></td>
</tr>
<tr>
<td>This fact sheet aims to provide advice to persons considering applying</td>
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<tr>
<td>to be a food safety auditor under the <em>Food Act 2006</em>.</td>
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</tbody>
</table>

### Environmental Health Officers

The register of mobile food vendors will be soon be publicly available in accordance with s264 of the *Food Act 2006*. To enable the register to be populated with the required information for all mobile food businesses in Queensland, the specified particulars are required for all mobile food businesses licensed with each local government.

Local governments were recently provided with a username and password to a secure version of the mobile food vendors’ website to enable them to enter details for all their licensed mobile food businesses directly into the register.

There was a problem with the system’s firewall not allowing external access to the site. This problem is in the process of being rectified and access should be available to edit the details, via the local government website. Alternatively, email the Food Safety, Policy and Regulation Unit, Queensland Health at foodsafety@health.qld.gov.au for a copy of an electronic spreadsheet to complete, so Queensland Health can enter the data directly.
### Upcoming events...

<table>
<thead>
<tr>
<th>Event</th>
<th>Contact</th>
<th>When</th>
<th>Where</th>
</tr>
</thead>
<tbody>
<tr>
<td>4th biennial Innovative Foods Centre conference</td>
<td>Conference Secretariat PO Box 108 Kenmore Qld 4069 Email: <a href="mailto:sally.brown@uq.net.au">sally.brown@uq.net.au</a> <a href="http://www.innovativefoods.com">www.innovativefoods.com</a></td>
<td>17-18 September 2008</td>
<td>Royal Albert Park, Cnr Albert and Alice Sts, Brisbane, Qld.</td>
</tr>
<tr>
<td>Environmental Health Australia Contemporary Food Safety Training Course</td>
<td>Executive Officer Ph. 3000 2299 <a href="mailto:qld@eh.org.au">qld@eh.org.au</a> <a href="http://www.eh.org.au">www.eh.org.au</a></td>
<td>20-21 October 2008</td>
<td>Griffith University Southbank Brisbane Qld.</td>
</tr>
</tbody>
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### Mailing list

join for free or change your details

Fax or post this form to the Food Safety Policy & Regulation Section with the following details: (see contact details below)

- Please provide me with an electronic copy of future newsletters (provide details and email address).
- Please correct my contact details as shown below.
- I no longer wish to receive the newsletter, please remove my contact details, as shown below.

Name: ________________________________________________________________
Address: ______________________________________________________________________
Suburb: __________________________ Postcode: __________________________
Company: __________________________ Phone No.: __________________________
Email Address: __________________________

To contact the Food Safety Policy & Regulation Section:
Phone: (07) 3234 0938; Fax: (07) 3234 1480;
Mail: GPO Box 48, Brisbane Qld 4001; or email foodsafety@health.qld.gov.au
Visit the Queensland Health food safety website at: www.health.qld.gov.au/foodsafety